

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Journal of the Senate

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the sixth day of January in the year of Our Lord two thousand and fifteen.

Volume 142, No.28

Tuesday, March 24, 2015

Twenty-eighth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, at 4:15 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 4 Senators absent as follows:

PRESENT – 34: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

ABSENT – 4: Senators Doyle, Picard, Pichardo, Sheehan.

INVOCATION

The Honorable President, by unanimous consent, presents Senator Satchell to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable President, by unanimous consent, presents Senator Satchell to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of the Twenty-seventh Legislative Day of the 2015 proceedings is read in part.

Upon suggestion of Senator Satchell and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

APPOINTMENTS BY THE GOVERNOR

The Honorable President presents the following communication from Her Excellency, the Governor, transmitting the following appointments and requesting the advice and consent of the Senate thereto:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

March 24, 2015

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 37-6-1 of the Rhode Island General Laws, I have made the following appointment to the State Properties Committee:

Terrence J. Murray, Esq.

VICE
Mary Louise Kennedy

for a term expiring March 1, 2018.

To this appointment, I respectfully request your advice and consent.

Sincerely,

Gina M. Raimondo
Governor

Read and referred to the Committee on Finance.

COMMUNICATIONS

The Honorable President presents the following communications:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

March 24, 2015

The Honorable M. Teresa Paiva Weed
President of the Senate
State House, Room 318
Providence, RI 02903

Dear Madam President:

Please be advised that I will be unable to attend Senate session on Tuesday, March 24, 2015, due to illness.

Sincerely,

James E. Doyle, II
Senator, District- 8
Pawtucket

Read and ordered to be placed on file.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

March 24, 2015

The Honorable M. Teresa Paiva Weed
President of the Senate
State House, Room 318
Providence, RI 02903

Dear Madam President:

Please be advised that I will be unable to attend Senate session on Tuesday, March 24, 2015, due to illness.

Sincerely,

James E. Doyle, II
Senator, District- 8
Pawtucket

Read and ordered to be placed on file.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

March 23, 2015

The Honorable M. Teresa Paiva Weed
President of the Senate
State House, Room 318
Providence, RI 02903

Dear Madam President:

Please be advised and let the record reflect that I will be absent from the Chamber on Tuesday, March 24, Wednesday, March 25 and Thursday, March 26, 2015.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Warmest personal regards, I remain,

Sincerely,

Dominick J. Ruggerio
Senate Majority Leader

Read and ordered to be placed on file.

NEW BUSINESS**Senate Resolution No. 747****BY** Satchell, Gallo, Paiva Weed, Raptakis, Kettle**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES TO THE WILLIAMSON FAMILY ON THE PASSING OF JAMES A. WILLIAMSON, JR.

{LC2253/1}

Senator Satchell requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Satchell moves passage, seconded by Senators Archambault, Raptakis, Algiere, Gallo, Lynch, McCaffrey, Sosnowski, Pearson, Metts, Miller, Gee, Lombardo, Coyne, Ciccone, Cote and Sheehan.

The resolution is read and passed, upon a rising vote.

Also:

Senate Resolution No. 748**BY** McCaffrey**ENTITLED**, SENATE RESOLUTION RECOGNIZING CATHERINE PAQUETTE FOR HER MANY YEARS OF SERVICE TO THE STATE OF RHODE ISLAND AND CONGRATULATING HER ON THE OCCASION OF HER RETIREMENT

{LC2254/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 749

(Human Services)

BY Goodwin**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- TUITION FOR COVERED INDIVIDUALS UNDER A POST 9/11 GI BILL AND MONTGOMERY GI BILL (Allows qualifying veterans/spouses/children under 25 years old to pay resident tuition/fees at state colleges upon filing a letter of intent to reside in the state while so enrolled.)

{LC1778/1}

Read and ordered to the Committee on Education.

Also:

Senate Bill No. 750

(Environmental Management)

BY Archambault, Sosnowski**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - HANDLING OF LIVE POULTRY (Repeals the provisions which provided that the director of DEM would issue vehicle license registration plates to those individuals or companies in the business of buying, selling and/or transporting live poultry.)

{LC1744/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 751

(Environmental Management)

BY Sheehan, Sosnowski**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE (Student shellfish licenses are to be submitted by June 30 of each year.)

{LC1733/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 752

(Environmental Management)

BY Sosnowski, Kettle**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - TUBERCULOSIS CONTROL (Repeals many statutes dealing with tuberculosis in animals.)

{LC1734/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 753

(SHHO)

BY Miller, Sheehan, Ottiano, Sosnowski, Nesselbush**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - CONFIDENTIALITY OF HEALTH CARE COMMUNICATIONS AND INFORMATION ACT (Allows DBHDDH to receive medical/mental health records in abuse, neglect, mistreatment, exploitation cases of elderly, disabled residents without a release.)

{LC1756/1}

Read and ordered to the Committee on Health and Human Services.

Also:

Senate Bill No. 754**BY** McCaffrey, Lynch, Walaska**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES (Increases from 300 ft to 1,000 ft the distance within which a registered sex offender may not reside near a school.)
{LC2265/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 755

(Attorney General)

BY Miller, McCaffrey, Metts, Goodwin**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - WEAPONS (Prohibits the acquisition or delivery of a firearm by straw purchaser or straw seller.)
{LC1539/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 756

(Attorney General)

BY McCaffrey**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS – CONTRACTORS' REGISTRATION AND LICENSING BOARD (Imposes graduated penalties for violation of contractors board rules and regulations.)
{LC1019/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 757**BY** Lombardi, McCaffrey, Conley, Archambault, DiPalma**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- EQUAL ACCESS TO JUSTICE FOR SMALL BUSINESSES AND INDIVIDUALS (Increases awardable attorneys' fees from \$125 to \$150 per hour with an annual increase thereafter based on the Consumer Price Index.)
{LC2249/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 758**BY** Ottiano**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
{LC2268/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 759

(Labor & Training)

BY Lombardi, Jabour, Conley, Lombardo, Archambault

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --

EMPLOYMENT SECURITY BENEFITS (Makes minor changes to the unemployment laws concerning direct deposit of benefit checks, self-employed individuals, full-time work and workers suspended without pay.)

{LC1782/1}

Read and ordered to the Committee on Labor.

Also:

Senate Bill No. 760

BY Lombardi, McCaffrey, Conley, Archambault, DiPalma

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - PAYMENT OF WAGES (Creates additional private rights of action for workers concerning employment applications, employment files, employer transportation service charges, temporary disability benefits and payment of wages.)

{LC2250/1}

Read and ordered to the Committee on Labor.

Also:

Senate Bill No. 761

(Labor & Training)

BY Lombardo, Conley, Lombardi, Archambault

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY - BENEFITS (Authorizes the department of labor and training to recover overpayments made due to fraud committed by a claimant to certain individuals.)

{LC1800/1}

Read and ordered to the Committee on Labor.

Also:

Senate Bill No. 762

(National Guard)

BY Goodwin

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE (Authorizes the governor to call the National Guard into service for public safety on memorial service purposes.)

{LC1787/1}

Read and ordered to the Committee on Special Legislation and Veterans Affairs.

Also:

Senate Bill No. 763

(PUC)

BY Gallo, Fogarty

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - REGULATORY POWERS OF ADMINISTRATION (Expands the division of public utilities and carriers' authority to adopt safety standards related to pipeline facilities including, storage, transportation and distribution of natural gas and flammable gas.)

{LC1788/1}

Read and ordered to the Committee on Commerce.

Also:

Senate Bill No. 764

(Attorney General)

BY Ruggerio, Sosnowski, Lombardi, Lynch, Conley

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS (Increases the imprisonment penalty for a malicious injury or killing of an animal from 2 to 5 years. Also, imposes an additional assessment if it can be proven that the convicted person is found to have committed said offense in the presence of a child.)

{LC1042/1}

Read and ordered to the Committee on Judiciary.

CONSENT CALENDAR

Senator Goodwin requests that item 4 on today's Consent Calendar be moved to tomorrow's Consent Calendar.

In order for the day is taken up as follows:

1. **Appointment of Catharine (Cara) Cromwell VICE Michael P. Lynch, Esq. to the Personnel Appeal Board for a term expiring April 1, 2021.**
2. **Appointment of Christopher H. Little, Esq. VICE Bradford S. Dimeo to the Rhode Island Airport Corporation for a term expiring June 1, 2019.**
3. **Appointment of Heather P. Tow-Yick VICE John Justo to the Rhode Island Airport Corporation for a term expiring June 1, 2019.**
5. **2015-H 5785**
BY Marshall
ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF OCEAN STATE PLAZA, INC.

Upon motion of Senator Algiere, seconded by Senator Goodwin, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Paiva Weed and Senators Algiere, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

CALENDAR

IN ORDER FOR TUESDAY, MARCH 24, 2015:

1. Appointment of Barbara Cottam (Chairperson) of Providence VICE Eva Marie Mancuso, Esq. Rhode Island Board of Education

Committee on Education recommends that the Senate give its Advice and Consent to this nomination.

Senator Gallo seconded by Senators Lynch, McCaffrey, Fogarty, Nesselbush, Morgan, Goodwin, DaPonte, Jabour, Lombardi, Raptakis, Satchell and Felag moves that advice and consent of the Senate be given this appointment.

Senator Jabour discusses the appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algiere, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Pearson.

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President welcomes to the Chamber newly appointed member of the Rhode Island Board of Education Barbara Cottam, along with her husband John and daughters Catherine and Elizabeth.

TRANSMITTAL

By unanimous consent, all matters on the Secretary's desk are ordered to be transmitted to Her Excellency, the Governor, the Honorable Secretary of State or to the Honorable House of Representatives forthwith.

(See Appendix for List)

ANNOUNCEMENTS

Senator Cote announces that the Committee on Commerce will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Conley announces that the Committee on Environment and Agriculture will meet tomorrow, at the rise of the Senate, in Room 211 of the State House.

Senator Conley announces that the Joint Committee on Environment and Agriculture and Committee on Finance will meet tomorrow, at 3:00 o'clock P.M. in Room 313 of the State House.

Senator Crowley announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in Room 310 of the State House.

Senator Felag announces that the Committee on Finance will meet on Thursday, March 26, at 3:00 o'clock P.M. in Room 211 of the State House.

Senator Jabour announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Nesselbush announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Gallo announces that the Committee on Education will meet tomorrow, at the rise of the Senate, in Room 313 of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Kettle and upon suggestion of Senator Satchell the Senate adjourns at 4:31 o'clock P.M. in memory of James A. Williamson, Jr.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR ADAM J. SATCHELL**

Dear Lord, Please remind us daily to use the time you have given us to add something of value to each day. Please help us to remember that our decisions are made without obligation or expectation of any benefit to ourselves, but only to benefit our citizens and most importantly, for the benefit of our children. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 25, 2015:

1. **2015-S 748**
 BY McCaffrey
 ENTITLED, SENATE RESOLUTION RECOGNIZING CATHERINE PAQUETTE
 FOR HER MANY YEARS OF SERVICE TO THE STATE OF RHODE ISLAND AND
 CONGRATULATING HER ON THE OCCASION OF HER RETIREMENT

Ordered on the Consent Calendar.

2. **2015-H 5752**
 BY Edwards
 ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO
 TAXATION --TIVERTON ELDERLY EXEMPTION

Ordered to be placed on the Consent Calendar for passage in concurrence.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, MARCH 25, 2015:****1. 2015-S 393****BY** Sosnowski**ENTITLED**, AN ACT RELATING TO THE GENERAL ASSEMBLY - JOINT COMMITTEE ON NAMING NEW BUILDINGS

Committee on Special Legislation and Veterans Affairs recommends passage.

2. 2015-S 394**BY** Sosnowski**ENTITLED**, AN ACT RELATING TO THE GENERAL ASSEMBLY - RENAMING THE INTERNATIONAL ENGINEERING PROGRAM HOUSE AT THE UNIVERSITY OF RHODE ISLAND

Committee on Special Legislation and Veterans Affairs recommends passage.

3. 2015-S 675**BY** Raptakis**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS

Committee on Special Legislation and Veterans Affairs recommends passage.

4. 2015-S 676**BY** Pichardo**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS

Committee on Special Legislation and Veterans Affairs recommends passage.

Appendix

BILLS TRANSMITTED TO THE GOVERNOR

House Bill No. 5785

BY Marshall, Malik

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
CHARTER OF OCEAN STATE PLAZA, INC.

{LC2022/1}