

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.33

Tuesday, April 7, 2015

Thirty-third 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 37 Senators present and 1 Senator absent as follows:

PRESENT – 37: The Honorable President Paiva Weed and Senators Algiere, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

ABSENT – 1: Senator Ruggerio.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Thirty-second Legislative Day of the 2015 proceedings is read in part.

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

NEW BUSINESS**Senate Resolution No. 802****BY** Coyne, Goodwin, Algiere, Lynch, Conley**ENTITLED**, SENATE RESOLUTION CELEBRATING THE 90TH ANNIVERSARY OF THE ESTABLISHMENT OF THE RHODE ISLAND DEPARTMENT OF STATE POLICE
{LC2340/1}

Senator Coyne requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Coyne moves passage, seconded by Senators Algiere, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski and Walaska.

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

GUESTS

Upon suggestion of Senator Coyne and by unanimous consent, the Honorable President welcomes to the Chamber members of the Rhode Island State Police Command Staff, Colonel Steven O'Donnell, Lt. Colonel Todd Catlow, Major David Tikoian, Major Kevin O'Brien, Captain Robert Wall, Captain William Jamieson, Captain Joseph Philbin, Captain Christopher DiComitis and Retired Lt. Ray Hilton.

COMMITTEE ON EDUCATION

Senator Gallo from the Committee on Education, reports back, with recommendation of passage of the following measure:

Appointment of Marta Martinez VICE Patrick Guida, Esq. Rhode Island Board of Education for a term expiring January 31, 2018.

Read and ordered to be placed on the Calendar.

COMMITTEE ON SPECIAL LEGISLATION AND VETERANS' AFFAIRS

Senator Felag from the Committee on Special Legislation and Veterans' Affairs, reports back, with recommendation of passage of the following measure:

Senate Bill No. 189

(by request)

BY Coyne, Cote, Conley**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- LICENSES GENERALLY (Removes the prohibition of the town of Barrington from issuing Class A licenses.)
{LC573/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 801**BY** DiPalma, Paiva Weed, Goodwin**ENTITLED**, SENATE RESOLUTION CONGRATULATING ARTHUR PAIVA ON BEING SELECTED "CITIZEN OF THE YEAR" BY THE NEWPORT ELKS LODGE #104
{LC2270/1}

Senator DiPalma requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DiPalma moves passage, seconded by Senators Archambault, Coyne, Satchell, Algieri, Lombardo, Kettle, Morgan, Goodwin, Walaska, Lynch, DaPonte, Nesselbush, Fogarty, Jabour and Gallo.

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

Also:

Senate Bill No. 803**BY** Metts, McCaffrey**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- WILLFUL TRESPASS (Amends the penalty provision for willful trespass and provide for a fine not exceeding five hundred dollars (\$500) for a first offense and a fine not exceeding one thousand dollars (\$1,000) for a third or subsequent offense.)
{LC767/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 804**BY** Metts, McCaffrey**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - SHOPLIFTING (Reclassifies the offense of shoplifting from a crime to a violation for a first offense, punishable by a fine, and would punish a second offense as a misdemeanor, punishable by a fine only without the imposition of a prison sentence.)
{LC766/1}

Read and ordered to the Committee on Judiciary.

CONSENT CALENDAR

In order for the day is taken up as follows:

1. 2015-S 586**BY** McCaffrey**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

2. 2015-S 623**BY** Walaska**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Upon motion of Senator Goodwin, seconded by Senator Algieri, 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 Algieri, Archambault, Ciccone, Conley, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardo, Lynch, McCaffrey, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

CALENDAR**IN ORDER FOR TUESDAY, APRIL 07, 2015:****1. Appointment of Elizabeth Huidekoper VICE Barbara A. Hunger (Resigned) to the I-195 Redevelopment District Commission for a term expiring October 3, 2017.**

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

Senator Picard seconded by Senators Fogarty, Nesselbush, Gallo, Felag, Walaska, Lombardo, Archambault and Algieri moves that advice and consent of the Senate be given this appointment.

Senators Sheehan and Goldin discuss the appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Conley.

GUESTS

Upon suggestion of Senator Goldin and by unanimous consent, the Honorable President welcomes to the Chamber newly appointed member of the I-195 Redevelopment District Commission, Elizabeth Huidekoper.

2. Appointment of Bernard Buonanno VICE James Bennett (Resigned) to the Convention Center Authority for a term expiring June 30, 2019.

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

Senator DaPonte seconded by Senators Goodwin, Gallo, Lynch, Miller, Archambault, O'Neill, Ottiano, Sosnowski, Pearson, Walaska and Pichardo moves that advice and consent of the Senate be given this appointment.

Senators Nesselbush and Goldin discuss the appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator DaPonte and by unanimous consent, the Honorable President welcomes to the Chamber newly appointed member of the Convention Center Authority, Bernard Buonanno.

**3. 2015-S 567
BY Lombardi
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - COMPUTER CRIME**

Committee on Judiciary recommends passage.

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the Calendar for Thursday, April 9, 2015.

**4. 2015-S 630
BY Lynch
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ELECTRONIC IMAGING DEVICES**

Committee on Judiciary recommends passage.

Senator Lynch moves passage, seconded by Senators McCaffrey, Walaska, Felag, Algieri and Sheehan.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

5. 2015-S 718

BY Goodwin

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- COMPREHENSIVE FIRE SAFETY ACT

Committee on Judiciary recommends passage.

Senator Goodwin moves passage, seconded by Senators McCaffrey, Nesselbush, Metts and Ciccone.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

6. 2015-S 466 SUB A

BY Goodwin

ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Goodwin moves passage, seconded by Senators Ottiano, Archambault, Felag and Picard.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

7. 2015-S 652**BY** Miller**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
OFFICE OF HEALTH AND HUMAN SERVICES

Committee on Health & Human Services recommends passage.

Senator Miller moves passage, seconded by Senators Nesselbush, Metts, Pichardo, Walaska, Gallo, Doyle, Sosnowski and Jabour.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

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 Metts announces that the Committee on Education will meet tomorrow, at the rise of the Senate, in Room 313 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 Conley announces that the Committee on Environment and Agriculture will meet tomorrow, at the rise of the Senate, in Room 212 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 Sheehan announces that the Committee on Government Oversight will meet tomorrow, at 3:00 o'clock P.M. in Room 313 of the State House.

Senator Lynch announces that the Committee on Special Legislation and Veterans' Affairs will meet tomorrow, at the rise of the Senate, in Room 310 of the State House.

Senator Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Felag announces that the Committee on Finance will meet tomorrow, at 2:00 o'clock P.M., in Room 211 of the State House.

Senator Crowley announces that the Committee on Housing and Municipal Government will meet tomorrow, at the rise of the Senate, in Room 211 of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Kettle the Senate adjourns at 5:10 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR CYNTHIA A. COYNE**

Dear Lord, We thank you for giving us the opportunity to serve as public servants for this great state. As the days get longer, and the pressures of our legislative duties compete with our own personal lives, grant us the wisdom and patience to work together for the benefit of all our citizens. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, APRIL 08, 2015:**

- 1. 2015-S 798**
BY Ruggerio
ENTITLED, SENATE RESOLUTION RESPECTFULLY URGING THE UNITED STATES SENATE TO SUPPORT PASSAGE OF THE MARKETPLACE FAIRNESS ACT OF 2015

Ordered on the Consent Calendar.
- 2. 2015-S 799**
BY Pichardo
ENTITLED, SENATE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL SENATE TASK FORCE TO STUDY THE EVALUATION AND CERTIFICATION OF FOREIGN-TRAINED PROFESSIONALS

Ordered on the Consent Calendar.
- 3. 2015-S 800**
BY Lombardi
ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WINCOR NIXDORF, INC.

Ordered on the Consent Calendar.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, APRIL 09, 2015:**

1. **Appointment of Marta Martinez VICE Patrick Guida, Esq. Rhode Island Board of Education for a term expiring January 31, 2018.**

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

2. **2015-S 567**
BY Lombardi
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - COMPUTER CRIME

Committee on Judiciary recommends passage.

3. **2015-S 189**
BY Coyne
ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- LICENSES
GENERALLY

Committee on Special Legislation and Veterans Affairs recommends passage.