

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.42

Wednesday, May 6, 2015

Forty-Second 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 4:27 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

PRESENT – 35: The Honorable President Paiva Weed and Senators Algiere, Archambault, Ciccone, Conley, Cote, Coyne, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

ABSENT – 3: Senators Crowley, Doyle, Pichardo.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journals of the Fortieth & Forty-First Legislative Days of the 2015 proceedings are read in part.

Upon suggestion of Senator Sosnowski and by unanimous consent, further reading of the Journals are dispensed with and the Journals approved as recorded.

COMMUNICATIONS

The Honorable President presents the following communications:

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

May 6, 2015

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

Dear President Paiva Weed:

Please be advised and let the record reflect that due to illness, I will be absent from the chamber on Wednesday, May 6, 2015.

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

Thank you for your attention to this matter.

Sincerely,

Senator Elizabeth A. Crowley
Senate District 16

Read and ordered to be placed on file.

Also:

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

May 6, 2015

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

Dear Madam President:

Please be advised and let the record reflect that I will be absent from the chamber on Wednesday, May 6, 2015.

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

Thank you for your attention to this matter.

Sincerely,

Juan M. Pichardo
Senate District 2

Read and ordered to be placed on file.

TRANSFER OF BILLS

Senator Walaska, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Commerce to the Committee on Judiciary:

Senate Bill No. 398

BY Archambault, Jabour, Lombardi, Conley, Raptakis

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE REPARATIONS ACT (Creates a rebuttable presumption of vehicle owner's knowledge that a vehicle did not comply with financial security requirements.)

{LC1031/1}

Read and referred to the Committee on Judiciary.

TRANSFER OF BILLS

Senator Fogarty, in accordance with Senate Rule 6.14, moves to transfer the following bills from the Committee on Labor to the Committee on Finance:

Senate Bill No. 392

BY Fogarty, Ottiano, Satchell, Doyle

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTIONS AND BENEFITS (Allows retired state employee nurses to work as professors in the nursing program at a state college. It would allow them to work seventy-five (75) days or one hundred fifty (150) half days before their pension payments would be suspended.)

{LC1790/1}

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 644

BY Nesselbush, Doyle, Lombardo, Miller, Fogarty

ENTITLED, AN ACT RELATING TO EDUCATION - TEACHING AFTER RETIREMENT (Permits retired members of ERSRI to substitute teach no more than 90 days per year.)

{LC2066/1}

Read and referred to the Committee on Finance.

**REPORTS OF COMMITTEES
COMMITTEE ON COMMERCE**

Senator Picard from the Committee on Commerce, reports back, with recommendation of passage of the following measures:

Senate Bill No. 81**BY** Sosnowski, Conley, Walaska, Goldin**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - RENEWABLE ENERGY (Changes the date the public utilities would issue an order in the docket as well as the effective date of any new rates.)

{LC480/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 397 SUB A**BY** Sosnowski**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND REGULATORY REFORM ACT (Sets forth specific responsibilities of the director of the office of regulatory reform and would mandate that every city and town designate, in writing, a regulatory liaison with the office.)

{LC1926/A/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 606**BY** Picard, Paiva Weed, Sheehan, Pearson, DaPonte**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (Establishes the governmental responsiveness, expediency and efficiency team program to utilize private sector expertise to assist state agencies in making government more responsive, streamlined and accessible to citizens and businesses.)

{LC1659/1}

Read and ordered to be placed on the Calendar.

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 be placed on the Calendar.

Also:

Senate Bill No. 810 SUB A

(Secretary of State)

BY Walaska**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS (Amends provisions relative to benefit corporations issuance of annual reports, and the recording of the first such annual report.)

{LC2347/A/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON SPECIAL LEGISLATION AND VETERANS' AFFAIRS

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

House Bill No. 5103**BY** Keable, Newberry**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- RENAMING BRIDGE #672 LOCATED ON ROUTE 102 AND BRANCH AVENUE IN THE TOWN OF BURRILLVILLE (Names bridge #672 in the town of Burrillville as "The PFC Allen B. McCutcheon and PFC James A. Blanchard Memorial Bridge.)

{LC465/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

Senator McCaffrey from the Committee on Judiciary, reports back, with recommendation of passage of the following measure:

Senate Bill No. 256**BY** Raptakis, Cote, O'Neill, Ottiano, McCaffrey**ENTITLED**, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS (Allows a voter to change their party affiliation on or before the twenty-ninth (29th) day preceding any primary election for which the voter is eligible.)

{LC333/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 878****BY** Raptakis**ENTITLED**, SENATE RESOLUTION HONORING EIGHT YEAR OLD JEANNETTE FINCH OF COVENTRY, RHODE ISLAND, ON BEING NAMED THE 2015 CHILDREN'S MIRACLE NETWORK HOSPITALS RHODE ISLAND CHAMPION

{LC2628/1}

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Raptakis moves passage, seconded by Senators Lombardi, Satchell, Goldin, Archambault, Ottiano, Ruggerio, Algieri, McCaffrey, Gallo, DaPonte, Fogarty, Metts, Jabour and Sosnowski.

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

GUESTS

Upon suggestion of Senator Raptakis and by unanimous consent, the Honorable President, welcomes to the Chamber John and Carol Finch, parents of Jeannette Finch and Jeannette Finch, Hasbro Children's Hospital Ambassador of the Year 2015.

Upon suggestion of Senator O'Neill and by unanimous consent, the Honorable President, welcomes to the Chamber Dr. Donna Raptakis, who is the 3rd grade teacher of our honored guest, Ms. Jeanette Finch, Dr. Raptakis is also the wife of Senator Raptakis.

NEW BUSINESS

Senate Resolution No. 877

BY Picard

ENTITLED, SENATE RESOLUTION PROCLAIMING MAY 6, 2015, TO BE
"MANUFACTURING DAY" IN THE STATE OF RHODE ISLAND
{LC2413/1}

Senator Picard requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Picard moves passage, seconded by Senators McCaffrey, Ruggerio, Walaska, Archambault, Gee, Felag, Gallo, Lynch, Pearson and Metts.

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

GUESTS

Upon suggestion of Senator Picard and by unanimous consent, the Honorable President, welcomes to the Chamber William McCort, Executive Director of the RI Manufacturers' Association and Dan Shedd, Member of the Board of the RI Manufacturers' Association.

NEW BUSINESS

Senate Bill No. 879

BY Felag, Goodwin, Lynch, Ruggerio, Lombardi

ENTITLED, AN ACT RELATING TO TAXATION (Eliminates the sales tax on alcoholic beverages other than beer and malt beverages and would eliminate the minimum markup on those beverages and also increases the excise tax on beer, spirits, and wine.)
{LC2571/1}

Read and ordered to the Committee on the Finance.

Also:

Senate Bill No. 880

BY Raptakis, Gee, Kettle

ENTITLED, AN ACT IN AMENDMENT OF CHAPTER 330 OF THE PUBLIC LAWS OF 1997 AS AMENDED BY CHAPTER 140 OF THE PUBLIC LAWS OF 2006, PERTAINING TO SEWERS IN THE TOWN OF COVENTRY (Makes a number of changes to the law governing sewer charges and assessments in the town of Coventry.)

{LC2572/1}

Read and ordered to the Committee on the Housing and Municipal Government.

Also:

Senate Bill No. 881

BY Sheehan, Satchell

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows John Raymond Picerne Pariseault, Esq., to join Steven Soderlund and Audrey DiRaimo in marriage on or about June 27, 2015, in the Town of West Warwick, Rhode Island.)

{LC2516/1}

Read and ordered to the Committee on the Judiciary.

Also:

Senate Bill No. 882

BY Nesselbush, Crowley, Sosnowski, Lynch, Goodwin

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - SEXUAL ASSAULT (Increases the minimum penalty for first degree sexual assault from ten (10) to twenty (20) years. The act would also create a category of cases wherein the first ten (10) years of any sentence be ineligible for the benefits of deferment or suspension.)

{LC2574/1}

Read and ordered to the Committee on the Judiciary.

Also:

Senate Bill No. 883

BY Crowley

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Andrew Crandall to join Alana Hallisey and Nicholas Augusto in marriage on or about September 12, 2105, within the Town of West Greenwich, Rhode Island.)

{LC2594/1}

Read and ordered to the Committee on the Judiciary.

Also:

Senate Bill No. 884**BY** Ciccone, Nesselbush, Pichardo, Walaska, Felag**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES - THE TIFFANY SICAL ACT (Makes driving under the influence of liquor or drugs, resulting in death a non-bailable offense subject to life imprisonment and a fine of ten thousand dollars (\$10,000) to twenty thousand dollars (\$20,000) for offenses committed on or after July 1, 2015.)

{LC2566/1}

Read and ordered to the Committee on the Judiciary.

Also:

Senate Resolution No. 886**BY** Goodwin**ENTITLED**, SENATE RESOLUTION PROCLAIMING THE WEEK OF MAY 3 THROUGH MAY 9, 2015, TO BE "NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK" IN THE STATE OF RHODE ISLAND

{LC2620/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Resolution No. 887**BY** Goldin, Miller, Coyne, Goodwin, DaPonte**ENTITLED**, SENATE RESOLUTION HONORING NAN LEVINE FOR HER MANY YEARS OF EXEMPLARY AND DEVOTED VOLUNTEER SERVICE ON BEHALF OF THE NATIONAL COUNCIL OF JEWISH WOMEN

{LC2522/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Resolution No. 888**BY** Goldin, Miller, Coyne, Goodwin, DaPonte**ENTITLED**, SENATE RESOLUTION HONORING ELLIE ELBAUM FOR HER MANY YEARS OF EXEMPLARY AND DEDICATED VOLUNTEER SERVICE ON BEHALF OF THE NATIONAL COUNCIL OF JEWISH WOMEN

{LC2521/1}

Read and ordered to be placed on the Consent Calendar.

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **2015-S 875**
 BY Doyle
 ENTITLED, SENATE RESOLUTION PROCLAIMING MAY 6, 2015, TO BE
 "CHARTER PUBLIC SCHOOL DAY" IN THE STATE OF RHODE ISLAND
2. **2015-H 5254**
 BY Malik
 ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO HOME
 RULE CHARTER OF THE TOWN OF BARRINGTON
3. **2015-H 5530**
 BY Chippendale
 ENTITLED, AN ACT VALIDATING AND RATIFYING AN AMENDMENT TO THE
 HOME RULE CHARTER OF THE TOWN OF GLOCESTER
4. **2015-H 5901**
 BY Winfield
 ENTITLED, AN ACT VALIDATING AND RATIFYING THE 2014 AMENDMENTS
 TO THE HOME RULE CHARTER OF THE TOWN OF SMITHFIELD

Upon motion of Senator Ruggerio, 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, Cote, Coyne, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Ruggerio, 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 Metts announces that the Committee on Education will meet today, at the rise of the Senate, in Room 313 of the State House.

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

Senator Conley announces that the Committee on Environment and Agriculture will meet today, at the rise of the Senate, in the Senate Lounge 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 Lombardo announces that the Committee on Labor will meet today, at the rise of the Senate, in Room 212 of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Kettle the Senate adjourns at 4:41 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR V. SUSAN SOSNOWSKI**

Gracious God, We thank you for the rich variety of our food from the many parts of our state. We pray for those who grow, prepare and distribute the food we eat. We thank you for the enjoyment and pleasure we find in sharing food. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR THURSDAY, MAY 07, 2015:****1. 2015-S 886****BY** Goodwin**ENTITLED**, SENATE RESOLUTION PROCLAIMING THE WEEK OF MAY 3 THROUGH MAY 9, 2015, TO BE "NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK" IN THE STATE OF RHODE ISLAND

Ordered on the Consent Calendar.

2. 2015-S 887**BY** Goldin**ENTITLED**, SENATE RESOLUTION HONORING NAN LEVINE FOR HER MANY YEARS OF EXEMPLARY AND DEVOTED VOLUNTEER SERVICE ON BEHALF OF THE NATIONAL COUNCIL OF JEWISH WOMEN

Ordered on the Consent Calendar.

3. 2015-S 888**BY** Goldin**ENTITLED**, SENATE RESOLUTION HONORING ELLIE ELBAUM FOR HER MANY YEARS OF EXEMPLARY AND DEDICATED VOLUNTEER SERVICE ON BEHALF OF THE NATIONAL COUNCIL OF JEWISH WOMEN

Ordered on the Consent Calendar.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, MAY 07, 2015:**

1. **2015-H 5998**
 BY Edwards
 ENTITLED, AN ACT VALIDATING AND RATIFYING AN AMENDMENT TO THE
 HOME RULE CHARTER OF THE TOWN OF TIVERTON

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

IN ORDER FOR TUESDAY, MAY 12, 2015:

1. **2015-S 81**
 BY Sosnowski
 ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -
 RENEWABLE ENERGY
2. **2015-S 397 SUB A**
 BY Sosnowski
 ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
 RHODE ISLAND REGULATORY REFORM ACT

Committee on Commerce recommends passage.

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

3. **2015-S 606**
 BY Picard
 ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Commerce recommends passage.

4. **2015-S 763**
 BY Gallo
 ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -
 REGULATORY POWERS OF ADMINISTRATION

Committee on Commerce recommends passage.

5. **2015-S 810 SUB A**
 BY Walaska
 ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND
 PARTNERSHIPS

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

6. **2015-S 256**
 BY Raptakis
 ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS

Committee on Judiciary recommends passage.

7. **2015-H 5103**
 BY Keable
 ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY -- RENAMING
 BRIDGE #672 LOCATED ON ROUTE 102 AND BRANCH AVENUE IN THE TOWN
 OF BURRILLVILLE

Committee on Special Legislation and Veterans Affairs recommends passage in
concurrence.

Appendix**BILLS TRANSMITTED TO THE GOVERNOR****House Bill No. 5254**

(by request)

BY Malik, Hearn**ENTITLED**, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO HOME RULE CHARTER OF THE TOWN OF BARRINGTON (Ratifies and confirms November 4, 2014, amendments to the Barrington Home Rule Charter approved by the electors.)

{LC306/1}

House Bill No. 5530**BY** Chippendale, Keable, Winfield**ENTITLED**, AN ACT VALIDATING AND RATIFYING AN AMENDMENT TO THE HOME RULE CHARTER OF THE TOWN OF GLOCESTER (Validates and ratifies amendments to the Home Rule Charter of the town of Gloucester, which amendments were adopted and approved by the electors of the town of Gloucester on November 4, 2014.)

{LC1854/1}

House Bill No. 5901**BY** Winfield, Costantino**ENTITLED**, AN ACT VALIDATING AND RATIFYING THE 2014 AMENDMENTS TO THE HOME RULE CHARTER OF THE TOWN OF SMITHFIELD

{LC2049/1}