

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.43

Thursday, May 7, 2015

Forty-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 4:25 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, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Walaska.

ABSENT – 4: Senators Coyne, Crowley, Doyle, Sosnowski.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

Upon suggestion of Senator Lombardi 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**

May 6, 2015

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 36-3-6 of the Rhode Island General Laws, I have made the following appointment to the Personnel Appeal Board:

Kenneth F. McGunagle Jr., Esq.

VICE
Stephen E. Johnston
(Resigned)

for a term expiring April 1, 2016.

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

Sincerely,

Gina M. Raimondo
Governor

Read and referred to the Committee on Judiciary.

COMMUNICATIONS

The Honorable President presents the following communications:

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

May 7, 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 the Senate Session today, Thursday, May 7, 2015 as I will be out of State.

I would appreciate recording this letter in the appropriate journal.

Sincerely,

Cynthia A. Coyne
Senator-District 32

Read and ordered to be placed on file.

Also:

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

May 7, 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 the Senate Session on Thursday, May 7, 2015, I am out of town on business.

Sincerely,

Cynthia A. Coyne
Senator-District 32

Read and ordered to be placed on file.

**REPORTS OF COMMITTEES
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. 448

BY Sosnowski

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE EMBLEMS (Designates the American burying beetle to be the official state insect.)
{LC1804/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON LABOR

Senator Fogarty, from the Committee on Labor, reports back, with recommendation of passage of the following measures:

**Appointment of Suzanna Alba (Representative of Public Institution of Higher Education)
VICE James Purcell to the Governor's Workforce Board for a term expiring January 1,
2018.**

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Nina K. Pande (Employer Representative) VICE Robert Nangle to the Governor's Workforce Board for a term expiring January 1, 2018.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Susan Rittscher (Employer Representative) VICE Sharon Moylan to the Governor's Workforce Board for a term expiring January 1, 2018.

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 271 SUB A

BY Fogarty, Ciccone, Ruggerio, Goodwin, McCaffrey

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- HOISTING ENGINEERS (Increases the fines for violations of chapters regulating hoisting engineers.)

{LC947/A/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON EDUCATION

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

Appointment of William Foulkes VICE Antonio Barajas, MD to the Rhode Island Board of Education for a term expiring January 31, 2018.

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Bill No. 885

BY Ruggerio, Sosnowski, Lombardi, Miller, Walaska

ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE - GENERAL PROVISIONS (Prohibits and/or regulates the possession or sale of shark fins.)

{LC1600/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Resolution No. 890**BY** Goodwin

ENTITLED, SENATE RESOLUTION PROCLAIMING THE MONTH OF MAY, 2015, TO BE "BRAIN TUMOR AWARENESS MONTH" IN THE STATE OF RHODE ISLAND
{LC2559/1}

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

The act is read and passed, by unanimous consent, 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, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President, welcomes to the Chamber from the Rhode Island Brain, Spine and Tumor Foundation, Eric Hartley, Michael Isaacs, Esq., Suriya Jeyapalan, MD, Tina Medeiros, LPN, Philip Morin and Prakash Sampath, MD.

NEW BUSINESS**Senate Resolution No. 889****BY** Lombardi, Metts, Picard, Jabour, Felag

ENTITLED, SENATE RESOLUTION PROCLAIMING AND RECOGNIZING MAY 7, 2015, AS "NATIONAL DAY OF PRAYER" IN THE STATE OF RHODE ISLAND
{LC1618/1}

Senator Lombardi requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lombardi moves passage, seconded by Senators Archambault, Metts, Ruggerio, McCaffrey, Walaska, Gallo, DaPonte, Lynch, Goodwin, DiPalma, O'Neill and Kettle.

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

Also:

Senate Resolution No. 891

BY DiPalma

ENTITLED, SENATE RESOLUTION PROCLAIMING MAY 7, 2015, AS "RHODE ISLAND HOME CARE AND HOSPICE DAY"

{LC2558/1}

Senator DiPalma requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DiPalma moves passage, seconded by Senators Archambault, Algiere, Lombardi, Satchell, Ottiano, Lynch, Fogarty and Metts.

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

GUESTS

Upon suggestion of Senator DiPalma and by unanimous consent, the Honorable President, welcomes to the Chamber Laurie Ellison, President of the Board of Directors for the Rhode Island Partnership for Home Care and Administrator of the Cowesett Home Care Facility, Nicholas Oliver, Executive Director of the Rhode Island Partnership for Home Care and Mary Benway, Immediate Past Present of the Rhode Island Partnership for Home Care and CEO for Community Care Nurses.

NEW BUSINESS

Senate Resolution No. 892

BY Ottiano

ENTITLED, SENATE RESOLUTION RECOGNIZING "NATIONAL NURSES WEEK" ON MAY 6, 2015, THROUGH MAY 12, 2015, IN THE STATE OF RHODE ISLAND

{LC2664/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 893

BY Fogarty, Nesselbush

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS (Provides that the Pascoag utility district not be required to provide retail access from nonregulated power producers, and not operate as a nonregulated power producer when selling electricity at retail outside of its service area.)

{LC2592/1}

Read and ordered to the Committee on Commerce.

Also:

Senate Bill No. 894

(by request)

BY Algieri, Morgan

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- TOURISM AND DEVELOPMENT (Increases the town of Charlestown's share of the hotel tax revenue generated by hotels located in the town of Charlestown from twenty-five percent (25%) to thirty-two percent (32%).)

{LC2640/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 895

BY Coyne, Conley, Nesselbush, Morgan, Goldin

ENTITLED, AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES (Requires health care insurance policies/benefit plans to include a step therapy protocol for policies/plans delivered, issued and renewed effective January 1, 2016.)

{LC2579/1}

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

Also:

Senate Bill No. 896

(by request)

BY Miller

ENTITLED, AN ACT RELATING TO INSURANCE - DURABLE MEDICAL EQUIPMENT FREEDOM OF CHOICE (Creates regulatory procedures to ensure fair and competitive bidding among providers of durable medical equipment.)

{LC2601/1}

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

Also:

Senate Bill No. 897

(Department of Human Services)

BY Lombardi, McCaffrey, Ottiano, Jabour, Lynch

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS - UNIFORM INTERSTATE FAMILY SUPPORT ACT (Makes a few minor changes to the uniform interstate family support act necessitated by a 2014 federal law amendment.)

{LC2651/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 898

BY McCaffrey

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Andrew Neil to join James Reynolds and Talia Carnevale in marriage on or about October 9, 2015, within the Town of Narragansett, Rhode Island.)

{LC2638/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 899

BY Nesselbush, Lynch

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Sarah Greeley to join Erin Alexander Broderick and Gara Brooke Field in marriage on or about August 1, 2015, within the Town of Tiverton, Rhode Island.)

{LC2647/1}

Read and ordered to the Committee on Judiciary.

CONSENT CALENDAR

In order for the day is taken up as follows:

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
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
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

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 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

RECOMMITTED

Senator Fogarty requests that item 271 be removed from the Calendar and be recommitted to the Committee on Labor.

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.

Senator Felag moves passage, seconded by Senators Ottiano and DiPalma.

The act is read and passed, by unanimous consent, 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, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, 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 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 Felag announces that the Committee on Finance will meet today, at the rise of the Senate,) in Room 211 of the State House.

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

Senator Ruggerio would like to congratulate Senator DiPalma as Rhode Island Home Care and Hospice Champion.

GUESTS

Upon suggestion of Senator Gee and by unanimous consent, the Honorable President, welcomes to the Chamber Michael Isaacs, East Greenwich, Town Council President.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri the Senate adjourns at 4:52o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR FRANK S. LOMBARDI**

Lord, as we observe Mother's Day this weekend, we ask you to bless our mothers for the endless hours of time they spent and the boundless energy they invested in us. Bless our mothers for their sacrifices on our behalf as they often gave up or deferred their own dreams so that we could have ours. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR TUESDAY, MAY 12, 2015:**

1. **Appointment of Suzanna Alba (Representative of Public Institution of Higher Education) VICE James Purcell to the Governor's Workforce Board for a term expiring January 1, 2018.**

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

2. **Appointment of Nina K. Pande (Employer Representative) VICE Robert Nangle to the Governor's Workforce Board for a term expiring January 1, 2018.**

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

3. **Appointment of Susan Rittscher (Employer Representative) VICE Sharon Moylan to the Governor's Workforce Board for a term expiring January 1, 2018.**

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

4. **2015-S 892**
BY Ottiano

ENTITLED, SENATE RESOLUTION RECOGNIZING "NATIONAL NURSES WEEK" ON MAY 6, 2015, THROUGH MAY 12, 2015, IN THE STATE OF RHODE ISLAND

Ordered on the Consent Calendar.

Appendix**CALENDAR****IN ORDER FOR TUESDAY, MAY 12, 2015:**

- 1. 2015-S 81**
BY Sosnowski
ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -
RENEWABLE ENERGY

Committee on Commerce recommends passage.
- 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 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.

IN ORDER FOR WEDNESDAY, MAY 13, 2015:

1. **Appointment of William Foulkes VICE Antonio Barajas, MD to the 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 448**
 BY Sosnowski
 ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
 STATE EMBLEMS

Committee on Special Legislation and Veterans Affairs recommends passage.

Appendix

BILLS TRANSMITTED TO THE GOVERNOR

House Bill No. 5998

BY Edwards, Canario

ENTITLED, AN ACT VALIDATING AND RATIFYING AN AMENDMENT TO THE HOME RULE CHARTER OF THE TOWN OF TIVERTON (Validates and ratifies amendments to the Home Rule Charter of the town of Tiverton, which amendments were adopted and approved by the electors of the town of Tiverton on November 4, 2014.)

{LC2306/1}