

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.45

Wednesday, May 13, 2015

Forty-Fifth 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 4:18 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, 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, Sosnowski, Walaska.

ABSENT – 1: Senator Doyle.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

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

Senate Bill No. 789

(State Police)

BY Archambault, Coyne, Lombardi, Conley, McCaffrey

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - STOPPING, STANDING, AND PARKING RESTRICTIONS (Makes parking at any place where official signs prohibit parking subject to a fine of eighty-five dollars (\$85.00).)
{LC1795/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 906

BY Fogarty, Paiva Weed, Goodwin, Nesselbush

ENTITLED, SENATE RESOLUTION CONGRATULATING THE ELEANOR SLATER HOSPITAL/ZAMBARANO UNIT ON THE 25TH ANNIVERSARY OF THE RECOGNITION OF ZAMBARANO DAY IN THE STATE OF RHODE ISLAND
{LC2408/1}

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Fogarty moves passage, seconded by Senators Algieri, Ruggerio, DiPalma, Miller, Satchell, Archambault, Morgan, Sosnowski, Crowley, Gallo, Goodwin, Raptakis and Goldin.

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

GUESTS

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President, welcomes to the Chamber Maria Montanaro, Director of Bhddh, Paul Despres, Chief Executive Officer, Helene Martin, Acting Chief Operating Officer, Sharon Sousa, Administrator of Zambarano Hospital, Mary Ellen Benedict, Acting Performance Improvement Adm. Jennifer McCarthy, Acting Professional Coordinator, Nancy Houle, Nurse Manager at Zambarano Donna Dooris, Environment of Care, Stephen Westerman, Supervisor of Therapeutic Recreation Dpt., James Walters, Senior Group Worker, Kristin Raimond, Senior Group Worker, Irene Nichols, Volunteer, Shirley Pacheco, Mother of Patient Adam Pacheco, Deborah Bradshaw, Vice-President of Patients for Progress, Rene Demers, Rene Plante, Sharon Morin, David McPhail, Frederick Deslauriers, Stephen Zajchowski, Robert Shovelton.

NEW BUSINESS**Senate Resolution No. 907****BY** Goldin**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF JAY S. GOODMAN, PH.D., J.D.

{LC2645/1}

Unanimous consent for immediate consideration is granted.

Senator Goldin moves passage, seconded by Senators Algieri, Ruggerio, DaPonte, Goodwin, Gallo, Archambault, Metts, Lombardi, Crowley, Kettle, Miller and Jabour.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1. Reappointment of Susan T. Perkins, Esq. to the Personnel Appeal Board for a term expiring April 1, 2021.

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

2. Appointment of Jacquelyn Baginski VICE Jonathan J. Houston (Resigned) to the Personnel Appeal Board for a term expiring April 1, 2016.

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

3. **2015-S 905**

BY Kettle**ENTITLED**, SENATE RESOLUTION EXPRESSING SINCERE CONDOLENCES ON THE PASSING OF CHARLES HENRY GAVITT, JR.

Ordered on the Consent Calendar

4. **2015-H 5070**

BY Costa**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - TRAFFICKING OF PERSONS AND INVOLUNTARY SERVITUDE

Committee on Judiciary recommends passage in concurrence.

5. **2015-H 5419**

BY Keable**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - DISTRICT COURT

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

6. **2015-H 5649**
 BY Price
 ENTITLED, AN ACT RELATING TO ELECTIONS -- POLL OPENING TIMES

 Committee on Judiciary recommends passage in concurrence.
7. **2015-H 6003**
 BY Trillo
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

 Committee on Judiciary recommends passage in concurrence.
8. **2015-H 6018**
 BY Hearn
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

 Committee on Judiciary recommends passage in concurrence.
9. **2015-H 6019**
 BY Ruggiero
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

 Committee on Judiciary recommends passage in concurrence.
10. **2015-H 6020**
 BY Handy
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

 Committee on Judiciary recommends passage in concurrence.
11. **2015-H 6036**
 BY Shekarchi
 ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
 CHARTER OF THE WESCOM GROUP LLC

 Ordered to be placed on the Consent Calendar for passage in concurrence.
12. **2015-H 6038**
 BY Lima
 ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
 CHARTER OF WINCOR NIXDORF, INC.

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

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 36 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, 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, Sosnowski, Walaska.

NAYS- 0:

CALENDAR**IN ORDER FOR TUESDAY, MAY 12, 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.

Senator Gallo seconded by Senators Lynch, Goodwin, DaPonte, Jabour, Lombardi, Raptakis, Satchell, Kettle, Goldin, Pichardo and Felag moves that advice and consent of the Senate be given this appointment.

Senator Goldin discusses 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 and 0 Senators abstaining as follows:

YEAS- 37: 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, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

2. **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.

Ordered to be placed on the Calendar for passage.

Senator Walaska moves passage, seconded by Senators Lombardo, Picard and Pichardo.

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, 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, Sosnowski, Walaska.

NAYS- 0:

3. 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.

Ordered to be placed on the Calendar for passage.

Senator Sosnowski moves passage, seconded by Senators Felag, Lynch, Metts, DiPlama, Crowley and Goodwin.

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 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, Picard, Pichardo, Raptakis, 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 the Room 313 of the State House.

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

Senator Sheehan announces that the Committee on Commerce will meet tomorrow, at 3:30 pm in Room 212 of the State House.

Senator Felag announces that the Committee on Finance 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 Algiere and upon suggestion of Senator Goldin the Senate adjourns at 4:44 o'clock P.M. in memory of Jay S. Goodman, PH.D.,JD.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR PAUL W. FOGARTY**

Dear Lord, in the days ahead there will be many choices before us as we work to continue to make our State a great place to live. Help us all strive to work together to reach common ground and find positive solutions for the benefit of all our people. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR THURSDAY, MAY 14, 2015:

1. 2015-S 908

BY Cote

ENTITLED, SENATE RESOLUTION HONORING ROGER E. BOUCHARD ON HIS
INDUCTION INTO THE RHODE ISLAND RADIO HALL OF FAME

Ordered on the Consent Calendar.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, MAY 14, 2015:**

1. **2015-S 719**
 BY McCaffrey
 ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT –
 OPEN MEETINGS

Committee on Judiciary recommends passage.

2. **2015-S 828**
 BY Conley
 ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND
 PARTNERSHIPS - RHODE ISLAND BUSINESS CORPORATION ACT

Committee on Judiciary recommends passage.

3. **2015-H 5261**
 BY Ucci
 ENTITLED, AN ACT RELATING TO ELECTIONS -- CONDUCT OF ELECTION
 AND VOTING EQUIPMENT, AND SUPPLIES

Committee on Judiciary recommends passage in concurrence.

4. **2015-H 5370**
 BY Keable
 ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- THREATS AND
 EXTORTION

Committee on Judiciary recommends passage in concurrence.

Appendix

CALENDAR

IN ORDER FOR TUESDAY, MAY 19, 2015:

- 1. 2015-S 789**
BY Archambault
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
STOPPING, STANDING, AND PARKING RESTRICTIONS

Committee on Judiciary recommends passage.

Appendix**BILLS TRANSMITTED TO THE GOVERNOR****House Bill No. 5070****BY** Costa, Chippendale, Roberts, Casey, Morin**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - TRAFFICKING OF PERSONS AND INVOLUNTARY SERVITUDE (Increases the penalties for criminal offenses involving the sex trafficking of a minor.)

{LC44/1}

House Bill No. 5419

(RI Judiciary)

BY Keable, Lally**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - DISTRICT COURT (Eliminates the responsibility of the division of public buildings, and department of administration to acquire suitable courtrooms for the sessions of the district court.)

{LC1224/1}

House Bill No. 5649**BY** Price**ENTITLED**, AN ACT RELATING TO ELECTIONS -- POLL OPENING TIMES (Removes the exemption that the town of Richmond had received, which allowed its polls to open at 9 a.m., rather than 7 a.m., for special and primary elections.)

{LC1347/1}

House Bill No. 6003**BY** Trillo**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Marc S. Weinberg to join Jona Mici and Justin Andrew Weinberg in marriage on or about August 21, 2015, within the Town of Bristol, Rhode Island.)

{LC2286/1}

House Bill No. 6018**BY** Hearn**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows the Honorable Arthur M. Diamond to join Brian Benjamin McDevitt Goldberger and Kimberly Francis Morse in marriage on or about June 27, 2015, within the Town of Middletown, Rhode Island.)

{LC2342/1}

House Bill No. 6019**BY** Ruggiero, Reilly**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Joe Szafarowicz to join Katlynn Szafarowicz and Gian Vicuna in marriage on or about June 6, 2015, within the Town of Middletown, Rhode Island.)

{LC2341/1}

House Bill No. 6020**BY** Handy, Craven, McKiernan, Mattiello**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Michael J. Mulcahy, II, to join Jennifer L. Mulcahy and Daniel P. O'Brien in marriage on or about September 27, 2015, within the Town of West Greenwich, Rhode Island.)

{LC2343/1}

House Bill No. 6038**BY** Lima**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WINCOR NIXDORF, INC.

{LC2375/1}