

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.51

Wednesday, May 27, 2015

Fifty-First 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 4:34 o'clock P.M.

The roll is called and a quorum is declared present with 38 Senators present and 0 Senators absent as follows:

PRESENT – 38: 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, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Fiftieth Legislative Day of the 2015 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Sosnowski and by unanimous consent, the Honorable President, welcomes to the Chamber Barbara Baldwin, from the **BBCH Island Health Center**.

Upon suggestion of Senator Ottiano and by unanimous consent, the Honorable President, welcomes to the Chamber Christian Egglin, **Senate Intern Program**.

Upon suggestion of Senators Sosnowski and Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber **Students from the William D'Abate School, who are here representing the American Lung Association**, Natalie Lozada, Desiree Vega, Christian Marin, Jesus Contreras, Jasani Patrick Brown, Christarie Sylvia, Montrell Hill, Luis Martin, Issys Rodriguez, Yvemine Althenor, Alike Morgan, Wilder Rosales, Vincent Gbaye, Samantha Obispo, Andrea Cruz and Davanna Jackley

**REPORTS OF COMMITTEES
COMMITTEE ON EDUCATION**

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

Senate Bill No. 367

BY Sosnowski, Goldin, Ottiano, Nesselbush, Satchell

ENTITLED, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS (Prohibits unhealthy food and beverage school advertising in schools and certain corporate incentive/promotional programs.)
{LC1287/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON FINANCE

Senator DaPonte from the Committee on Finance, reports back, with recommendation of passage of the following measures:

Senate Bill No. 99

BY Goldin, Pearson, Ottiano, DiPalma, Pichardo

ENTITLED, AN ACT RELATING TO HUMAN SERVICES (Extends low income childcare benefits indefinitely by repealing the June 30, 2015 sunset provision from the law.)
{LC667/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 114**BY** Kettle, Fogarty, Pearson, DaPonte, Felag**ENTITLED**, AN ACT RELATING TO TAXATION - INCOME TAX REFUNDS - STATE TAX OFFICIALS (Gives all state income tax return filers the option to have their tax refund directly deposited into their bank account.)

{LC571/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 303**BY** Goldin, Conley, Miller, Sosnowski**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- PUBLIC HEALTH AND WORKPLACE SAFETY ACT (Requires smoking bar owners to demonstrate on a quarterly rather than annual basis that revenues generated from tobacco products exceeds revenue generated from food and beverage sales.)

{LC1261/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 950****BY** Metts, Miller, Ruggerio, Fogarty, Walaska**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF JOHN H. ROLLINS

{LC2736/1}

Senator Metts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Metts moves passage, seconded by Senators Lynch, Lombardi, Archambault, Kettle, Gee, Algiere, Ruggerio, Goodwin, Gallo, Doyle, Fogarty, Miller, Walaska and Felag.

Senators Lombardi discusses the resolution.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **Appointment of Aronda R. Kirby (Public Member) VICE Bruce A. Wolpert, Esq. to the Rhode Island State Labor Relations Board for a term expiring August 1, 2021.**

2. **Appointment of Kenneth F. McGunagle Jr., Esq. VICE Stephen E. Johnston (Resigned) to the Personnel Appeal Board for a term expiring April 1, 2016.**
3. **2015-S 941**
BY Satchell
ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF MICHAEL F. KELLEY
4. **2015-H 5942**
BY Fellela
ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- EMERGENCY MANAGEMENT

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 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, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

RECOMMITTAL

Senator Goodwin requests that Senate Bill 367 be recommitted to Education.

CALENDAR

IN ORDER FOR WEDNESDAY, MAY 27, 2015:

1. **2015-S 369 SUB A**
BY Sosnowski
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- THE RHODE ISLAND CESSPOOL ACT OF 2007

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Sosnowski moves passage, seconded by Senators McCaffrey, Goldin, Lynch and Conley.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 35: 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, Nesselbush, O'Neill, Ottiano, Picard, Pichardo, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 1: Senator Morgan.

2. 2015-S 740

BY DiPalma

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE

Committee on Finance recommends passage.

Senator DiPalma moves passage, seconded by Senators Lombardi, Algieri, Gee and DaPonte.

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, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

3. 2015-S 815

BY Ciccone

ENTITLED, AN ACT RELATING TO TAXATION

Committee on Finance recommends passage.

Senator Ciccone moves passage, seconded by Senators Lombardi, DaPonte, Goodwin, Gee, Morgan, Gallo, Sosnowski, Jabour, Pearson, Walaska and McCaffrey.

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, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

4. 2015-S 285 SUB A**BY** Felag**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
VETERAN DESIGNATION ON OPERATOR LICENSE

Committee on Special Legislation and Veterans Affairs recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Felag moves passage, seconded by Senators Morgan, Algieri, Lynch, Walaska, DaPonte, Sosnowski, Metts, Nesselbush, Lombardi, O'Neill and Gee.

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, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

5. 2015-S 929**BY** Jabour**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL
LICENSES IN THE CITY OF PROVIDENCE

Committee on Special Legislation and Veterans Affairs recommends passage.

Senator Jabour moves passage, seconded by Senator Felag.

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, 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 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 Room 211 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 the Senate Lounge 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.

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 Ruggerio would like to wish the Chief of Staff, Tom Papa, a Happy Birthday.

Senator Felag announces that the Committee on Finance will meet tomorrow, at 3:00 o'clock P.M. in Room 211 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 Kettle and upon suggestion of Senator Metts the Senate adjourns at 5:00 o'clock P.M. in memory of John H. Rollins.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR WILLIAM J. CONLEY, JR.

We ask, you, Lord, to show us in this chamber our place, define our duties, direct our energies, and guide us as we work. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR THURSDAY, MAY 28, 2015:

1. **2015-S 948**
 BY DiPalma
 ENTITLED, SENATE RESOLUTION HONORING RABBI MARC S. JAGOLINZER
 FOR FORTY YEARS OF DEDICATED SERVICE TO HIS FAITH AND THE
 COMMUNITY

Ordered on the Consent Calendar.

2. **2015-S 949**
 BY Lombardo
 ENTITLED, SENATE RESOLUTION EXPRESSING SINCERE CONDOLENCES ON
 THE PASSING OF WILLIAM P. LONARDO

Ordered on the Consent Calendar.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, MAY 28, 2015:**

1. **Appointment of Bernard V. Buonanno III VICE Maeve Donohue to the Rhode Island Commerce Corporation for a term expiring February 1, 2019.**

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

2. **Appointment of Donna M. Sams (Representing Minority Business and Small Business) VICE Roland Fiore (Resigned) to the Rhode Island Commerce Corporation for a term expiring February 1, 2017.**

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

3. **Appointment of Mary F. Lovejoy VICE Shannon E. Brawley (Resigned) to the Rhode Island Commerce Corporation for a term expiring February 1, 2016.**

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

4. **Appointment of Mary Jo Kaplan (Representing Small Business) VICE Jerauld C. Adams to the Rhode Island Commerce Corporation for a term expiring February 1, 2019.**

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

5. **Appointment of Michael F. McNally (Representing Small Business) VICE Stanley Weiss to the Rhode Island Commerce Corporation for a term expiring February 1, 2019.**

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

6. **Appointment of Vanessa Toledo-Vickers VICE Elizabeth Francis (Resigned) to the Rhode Island Commerce Corporation for a term expiring February 1, 2018.**

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

7. **Appointment of Nicole Everline Alexander-Scott, M.D. (Director of the Department of Health) VICE Michael Fine, M.D. (Resigned) Director of the Department of Health**

Committee on Health & Human Services recommends that the Senate give its Advice and Consent to this nomination.

IN ORDER FOR TUESDAY, JUNE 02, 2015:

1. **2015-S 99**
 BY Goldin
 ENTITLED, AN ACT RELATING TO HUMAN SERVICES

Committee on Finance recommends passage.

2. **2015-S 114**
 BY Kettle
 ENTITLED, AN ACT RELATING TO TAXATION - INCOME TAX REFUNDS -
 STATE TAX OFFICIALS

Committee on Finance recommends passage.

3. **2015-S 303**
 BY Goldin
 ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- PUBLIC HEALTH
 AND WORKPLACE SAFETY ACT

Committee on Finance recommends passage.

IN ORDER FOR WEDNESDAY, JUNE 03, 2015:

1. **2015-S 54**
 BY Pearson
 ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
 OPEN MEETINGS

Committee on Judiciary recommends passage.

Appendix**BILLS TRANSMITTED TO THE GOVERNOR****House Bill No. 5942**

(Emergency Management Agency)

BY Fellela, Ucci, Winfield, Carnevale, Serpa

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE --

EMERGENCY MANAGEMENT (Makes technical amendment to the general laws to reflect changes to the structure of the emergency management agency and would change the title of the executive director to "director.")

{LC1757/1}