

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 third day of January in the year of Our Lord two thousand and seventeen.

Volume 144, No.04

Wednesday, January 11, 2017

Fourth 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 4:33 o'clock P.M.

The roll is called and a quorum is declared present with 33 Senators present and 5 Senators absent as follows:

PRESENT – 33: The Honorable President Paiva Weed and Senators Algieri, Archambault, Calkin, Ciccone, Conley, Cote, Coyne, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch Prata, McCaffrey, Metts, Miller, Morgan, Paolino, Pearson, Picard, Quezada, Raptakis, Ruggerio, Seveney, Sheehan, Sosnowski.

ABSENT – 5: Senators Crowley, Doyle, Goldin, Nesselbush and Satchell.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Third Legislative Day of the 2017 proceedings is read in part.

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

COMMUNICATIONS

The Honorable President presents the following communications:

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

January 11, 2017

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

Dear Madam President:

Please be advised and let the record reflect that I will be absent from the Chamber Wednesday, January 11, 2017 as I will be out of town.

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

Thank you for your attention to this matter.

Warmest personal regards, I remain,

Sincerely,

Donna M. Nesselbush
Senator – District 15

Read and placed on file.

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

January 11, 2017

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

Dear Madam President:

Please be advised and let the record reflect that I will be absent from the Chamber Wednesday, January 11, 2017. Out of town on Tuesday and had flight delays today.

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

Thank you for your attention to this matter.

Warmest personal regards, I remain,

Sincerely,

Gayle Goldin
Senator, District 03

Read and placed on file.

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

January 11, 2017

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 Senate session on Wednesday January 11, 2017, I am out of state on business.

Sincerely,

James E. Doyle, II
Senator, District- 8
Pawtucket

Read and placed on file.

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

January 11, 2017

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

Dear Madam President:

Please be advised and let the record reflect that due to illness, I will be absent from the chamber on Wednesday January 11, 2017.

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

Sincerely,

Elizabeth A. Crowley
Senator, District - 16
Central Falls and Pawtucket

Read and placed on file.

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

January 11, 2017

Rhode Island State Senate
State House
Providence, RI 02903

To the Honorable Senate:

Pursuant to Section 5.1 of the Interim Senate Rules, I am making the following appointments to the Senate Standing Committees:

Senate Committee on Judiciary

Michael J. McCaffrey, Chairperson
Paul V. Jabour, Vice Chairperson
Erin Lynch Prata, Secretary
Stephen R. Archambault
William J. Conley, Jr.
Cynthia A. Coyne
Mark W. Gee
Frank S. Lombardi
Harold M. Metts
Donna M. Nesselbush
Leonidas P. Raptakis

Senate Committee on Finance

Daniel DaPonte, Chairperson
Louis P. DiPalma, 1st Vice Chairperson
Walter S. Felag, Jr., 2nd Vice Chairperson
Ryan W. Pearson, Secretary
James E. Doyle
Maryellen Goodwin
Nicholas D. Kettle
James A. Seveney
V. Susan Sosnowski

Senate Committee on Commerce

Roger A. Picard, Chairperson
Marc A. Cote, Vice Chairperson
Hanna M. Gallo, Secretary
Frank A. Ciccone, III
Paul W. Fogarty
Frank Lombardo, III
Elaine J. Morgan
Ana B. Quezada

Senate Committee on Health and Human Services

Joshua B. Miller, Chairperson
Gayle L. Goldin, Vice Chairperson
James C. Sheehan, Secretary
Jeanine Calkin
Elizabeth A. Crowley
Thomas Paolino
Adam J. Satchell
V. Susan Sosnowski

Senate Committee on Special Legislation and Veterans Affairs

Walter S. Felag, Jr., Chairperson
Erin Lynch Prata, Vice Chairperson
Leonidas P. Raptakis, Secretary
Marc A. Cote
Paul V. Jabour
Elaine J. Morgan
James A. Seveney

Senate Committee on Housing and Municipal Government

Frank A. Ciccone, Chairperson
Elizabeth A. Crowley, Vice Chairperson
Donna M. Nesselbush, Secretary
Maryellen Goodwin
Michael J. McCaffrey
Thomas Paolino
Roger A. Picard

Senate Committee on Environment and Agriculture

V. Susan Sosnowski, Chairperson
William J. Conley, Jr., Vice Chairperson
Cynthia A. Coyne, Secretary
Stephen R. Archambault
Jeanine Calkin
Nicholas D. Kettle
Joshua Miller

Senate Committee on Education

Hanna M. Gallo, Chairperson
Harold M. Metts, Vice Chairperson
Adam J. Satchell, Secretary
Louis P. DiPalma
Thomas Paolino
Ryan Pearson
Ana B. Quezada
James A. Seveney
James C. Sheehan

Senate Committee on Labor

Paul W. Fogarty, Chairperson
Frank Lombardo, III, Vice Chairperson
Frank S. Lombardi, Secretary
Frank A. Ciccone, III
James E. Doyle, II
Mark W. Gee
Gayle L. Goldin
Maryellen Goodwin
Michael J. McCaffrey

Senate Committee on Rules

Erin Lynch Prata, Chairperson
Stephen R. Archambault, Vice Chairperson
Frank S. Lombardi, Secretary
Daniel DaPonte
Maryellen Goodwin
Paul V. Jabour
Nicholas D. Kettle
Frank Lombardo, III
Michael J. McCaffrey

Sincerely,

M. Teresa Paiva Weed
President of the Senate

Read and placed on file.

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

January 11, 2017

Rhode Island State Senate
State House
Providence, RI 02903

To the Honorable Senate:

Pursuant to Rule 12 of the Rules of the Senate Democratic Caucus, I am making the following appointments for the years 2017 and 2018:

Senator James E. Doyle
Senior Deputy Majority Leader

Senator Frank S. Lombardi
Deputy Majority Leader

Senator Donna M. Nesselbush
Deputy Majority Leader

Sincerely,

M. Teresa Paiva Weed
President of the Senate

Read and placed on file.

NEW BUSINESS**Senate Resolution No. 1****BY** Ruggerio, Goodwin, Paiva Weed, Ciccone, Metts**ENTITLED**, SENATE RESOLUTION THANKING AND HONORING PROVIDENCE FIREFIGHTERS, FIRE LIEUTENANT THOMAS GEREMIA, COREY CHOUINARD, SONNY GLORIA AND JOHN WHEELER, JR., RESCUE CAPTAIN DAVID PALUMBO, AND RESCUE TECHNICIANS JOHN TIERNEY, BRIAN MELLO AND EDWARD SILVESTRE FOR SAVING THE LIFE OF AN INFANT

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senators Algieri, Archambault, Calkin, Ciccone, Conley, Cote, Coyne, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch Prata, McCaffrey, Metts, Miller, Morgan, Paolino, Pearson, Picard, Quezada, Raptakis, Seveney, Sheehan, Sosnowski.

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

GUESTS

Upon suggestion of Senator Ruggerio and by unanimous consent, the Honorable President welcomes to the Chamber Fire Lieutenant Thomas Geremia, Firefighter Corey Chouinard, Firefighter Sonny Gloria, Firefighter John Wheeler, Jr., Rescue Captain David Palumbo, Rescue Technician John Tierney, Rescue Technician Brian Mello, Rescue Technician Edward Silvestre.

NEW BUSINESS**Senate Resolution No.2****BY** Goodwin, Ruggerio, Paiva Weed, Ciccone, Metts**ENTITLED**, SENATE RESOLUTION HONORING PROVIDENCE FIRE LIEUTENANT ROBERT MCCOLLOUGH FOR HIS SELFLESS AND HEROIC ATTEMPT TO SAVE A PERSON FROM A BURNING BUILDING

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senators Algieri, Archambault, Calkin, Ciccone, Conley, Cote, Coyne, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Jabour, Kettle, Lombardi, Lombardo, Lynch Prata, McCaffrey, Metts, Miller, Morgan, Pearson, Picard, Quezada, Raptakis, Ruggerio, Seveney, Sheehan, and Sosnowski.

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

GUESTS

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President welcomes to the Chamber Fire Lieutenant Robert McCollough and Derek Silva, Vice President of Providence Fire Fighters Local 799.

Senate Bill No. 3

BY Miller, Ruggerio, Goodwin, Gallo, DaPonte

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Devin Driscoll to join Kayleigh Pratt and William Fischer in marriage on or about February 11, 2017, within the City of Providence, Rhode Island.)

Senator Miller requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Miller moves passage, seconded by Senators McCaffrey, Jabour and Goodwin.

The act is read and passed, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators in the negative as follows:

YEAS: 32 The Honorable President Paiva Weed and Senators Algieri, Archambault, Calkin, Ciccone, Conley, Coyne, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch Prata, McCaffrey, Metts, Miller, Morgan, Paolino, Pearson, Picard, Quezada, Raptakis, Ruggerio, Seveney, Sheehan, Sosnowski.

NAYS: 0

Senate Resolution No. 4

BY Sheehan, Gee, Ruggerio, McCaffrey, Paiva Weed

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF THE HONORABLE KENNETH CARTER

Senator Sheehan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sheehan moves passage, seconded by Senators Algieri, Archambault, Calkin, Ciccone, Conley, Cote, Coyne, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch Prata, McCaffrey, Metts, Miller, Morgan, Paolino, Pearson, Picard, Quezada, Raptakis, Ruggerio, Seveney, Sosnowski.

Senator Felag speaks on the resolution.

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

Senate Resolution No. 5**BY** McCaffrey, Coyne, Lynch Prata, Jabour, Metts**ENTITLED**, JOINT RESOLUTION RESPECTFULLY REQUESTING THAT ALL BRANCHES OF STATE GOVERNMENT CONTINUE TO COLLABORATE ON POLICY ACTIONS AND INVESTMENTS TO IMPLEMENT THE FINDINGS AND RECOMMENDATIONS OF THE JUSTICE REINVESTMENT INITIATIVE FACILITATED BY THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER

{LC231/1}

Introduced, referred to the committee on Judiciary.

Senate Bill No. 6**BY** McCaffrey, Goodwin, Nesselbush, Coyne, Metts**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - CORRECTIONS - BATTERERS INTERVENTION PROGRAMS AND PROBATION SUPERVISION

{LC237/1}

Introduced, referred to the committee on Judiciary.

Senate Bill No. 7**BY** McCaffrey, Lombardi, Conley, Lynch Prata, Metts**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - CRIMINAL INJURIES COMPENSATION (Changes the eligibility requirements and increases the amount of damages crime victims may recover under the criminal injuries compensation act.)

{LC238/1}

Introduced, referred to the committee on Judiciary.

Senate Bill No. 8**BY** McCaffrey, Conley, Lombardi, Lynch Prata, Metts**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION (Makes various changes to the sentencing and execution guidelines for purposes of criminal procedure and would add new conditions of criminal probation.)

{LC232/1}

Introduced, referred to the committee on Judiciary.

Senate Bill No. 9**BY** McCaffrey, Lynch Prata, Lombardi, Conley, Metts**ENTITLED**, AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - PAROLE, MEDICAL PAROLE, COMMUNITY CONFINEMENT, AND CORRECTIONAL IMPACTS (Reforms parole, medical parole, community confinement, and correctional impact statements.)

{LC233/1}

Introduced, referred to the committee on Judiciary.

Senate Bill No. 10**BY** McCaffrey, Lynch Prata, Jabour, Coyne, Metts**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- SUPERIOR COURT DIVERSION (Creates superior court diversion program, imposing certain service and screening conditions on defendants in return for exoneration of charges.)
{LC236/1}

Introduced, referred to the committee on Judiciary.

Senate Bill No. 11**BY** McCaffrey, Conley, Lombardi, Lynch Prata, Coyne**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- GENERAL PROVISIONS (Clarifies what constitutes a felony, misdemeanor, and petty misdemeanor and also amends the penalties for certain criminal offenses involving assault and larceny, based on the value of property stolen.)
{LC234/1}

Introduced, referred to the committee on Judiciary.

ANNOUNCEMENTS

Senator Jabour announces that the Committee on Judiciary will meet Tuesday at 5PM in Room 313 of the State House.

Senator Metts announces that the Martin Luther King, Jr, Celebration will be held on Monday at the Ebenezer Baptist Church in Providence 4:00 O'clock PM.

Senator Ruggerio wishes Senator Paul Fogarty a Happy Belated Birthday.

Senator Goodwin reminds the members of the senate that there is no session tomorrow Thursday, January 12th, 2017.

Senator Goodwin also announces that Tuesday, January 17th Senate Session will start at 6:00 PM, followed by the Governors' State of the State Address at 7:00PM.

GUESTS

Upon suggestion of Senator Ruggerio and by unanimous consent, the Honorable President welcomes to the Chamber Darrin Anderson, from the Rhode Island Division of Sheriffs.

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.

ADJOURNMENT

Upon motion of Senator Goodwin, seconded by Senator Felag, and upon suggestion of Senator Sheehan, the Senate adjourns at 5:03 o'clock P.M. in memory of *The Honorable Kenneth Carter*.

Appendix**INVOCATION****SENATOR HANNA M. GALLO**

Almighty God, bless those who serve in this Senate. Inspire us with your truth, surround us with your love, and fill us with your grace. Amen.