

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 fifth day of January in the year of Our Lord two thousand and sixteen.

Volume 143, No.20

Tuesday, March 01, 2016

Twentieth 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 4:32 o'clock P.M.

The roll is called and a quorum is declared present with 32 Senators present and 6 Senators absent as follows:

PRESENT – 32: The Honorable President Paiva Weed and Senators Algiere, Archambault, Ciccone, Conley, Cote, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch Prata, McCaffrey, Metts, Miller, Morgan, Nesselbush, Pagliarini, Picard, Pichardo, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

ABSENT – 6: Senators Coyne, Crowley, Doyle, O'Neill, Pearson, Raptakis.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPOINTMENT BY THE GOVERNOR

The Honorable President presents the following communication from Her Excellency, the Governor, transmitting the following appointment and requesting the advice and consent of the Senate thereto:

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

February 23, 2016

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section § 42-142-1 of the Rhode Island General Laws, I have made the following appointment as Director of the Department of Revenue:

Robert Stuart Hull

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

Sincerely,

Gina M. Raimondo
Governor

Read and referred to the Committee on Finance.

COMMUNICATIONS

The Honorable President presents the following communications:

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

March 22, 2016

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 on Tuesday, March 1, 2016 due to illness.

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

Thank you for your attention to this matter.

Sincerely,

Cynthia A. Coyne
Senator, District 32

Read and ordered to be placed on file.

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

March 1, 2016

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 Tuesday, March 1, 2016.

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.

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

March 1, 2016

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 Tuesday March 1, 2016, I am out of state on business.

Sincerely,

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

Read and ordered to be placed on file.

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

March 1, 2016

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

Dear President Paiva Weed:

Please be advised and let the record reflect that due to personal business, I will be absent from the chamber on Tuesday, Wednesday and Thursday, March 1, 2 and 3, 2016.

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

Thank you for your attention to this matter.

Sincerely,

Senator Edward J. O'Neill
Senate District 17

Read and ordered to be placed on file.

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

March 1, 2016

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 on Tuesday, March 1, 2016 due to a business commitment.

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,

Ryan W. Pearson
Senator – District 19

Read and ordered to be placed on file.

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

March 22, 2016

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 Tuesday, Wednesday or Thursday, March 1st to the 3rd, 2016.

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

Sincerely,

Leonidas P. Raptakis
Senator – District 33

Read and ordered to be placed on file.

COMMITTEE ON COMMERCE

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

Senate Resolution No. 2176

BY Pearson, Sosnowski, Metts, Algieri, Kettle

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND COMMERCE CORPORATION TO WORK JOINTLY WITH THE RHODE ISLAND DEPARTMENTS OF ENVIRONMENTAL MANAGEMENT AND LABOR AND TRAINING TO ESTABLISH JOB DEVELOPMENT INCENTIVES THAT ENCOURAGE COMPANIES THAT PRODUCE, PROCESS, DISTRIBUTE, AND ADD VALUE TO RHODE ISLAND AGRICULTURAL AND SEAFOOD PRODUCTS TO EITHER EXPAND OR LOCATE IN THE STATE
{LC4178/1}

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:

Senate Resolution No. 2169 SUB A

BY Gallo, Satchell, Pearson, DiPalma, Picard

ENTITLED, SENATE RESOLUTION SUPPORTING AND ENCOURAGING STEM/STEAM DEGREES AND PROGRAMS IN RHODE ISLAND ELEMENTARY, SECONDARY, AND INSTITUTIONS OF HIGHER EDUCATION
{LC4176/A/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 measure:

Senate Resolution No. 2326

BY Fogarty, Metts, Nesselbush, Jabour, Picard

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF LABOR AND TRAINING TO INCLUDE GREEN INDUSTRIES IN THE REAL JOBS RI PROGRAM
{LC4372/1}

Read and ordered to be placed on the Calendar.

CONSENT CALENDAR

In order for the day is taken up as follows:

1. 2016-S 2553

BY Pichardo

ENTITLED, SENATE RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF "THE OCEAN STATE WORLD LANGUAGE LEARNING COMMISSION" TO STUDY THE IMPACT OF THE STATE'S SCHOOL FUNDING FORMULA ON LANGUAGE LEARNERS

Ordered on the Consent Calendar.

2. 2016-S 2590

BY Algieri

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF STEPHEN P. OSELLA PLUMBING, LTD.

Ordered on the Consent Calendar.

3. 2016-H 7165

BY McEntee

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF THE RIVERSIDE IMPROVEMENT ASSOCIATION OF SOUTH KINGSTON

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

4. 2016-H 7044

BY Nardolillo

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF MICELI CONSTRUCTION & ROOFING, INC

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

5. **2016-H 7043**
 BY Newberry
 ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
 CHARTER OF THE EXECUTIVES ASSOCIATION OF RHODE ISLAND, INC.

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

6. **2016-H 7323**
 BY Regunberg
 ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
 CHARTER OF MIRDESI AND COMPANY CORPORATION

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

7. **2016-H 7223**
 BY Melo
 ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
 CHARTER OF EAST PROVIDENCE TOWING INC.

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

8. **2016-H 7222**
 BY Melo
 ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
 CHARTER OF HOT RIDES INC.

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

9. **2016-H 7042**
 BY Winfield
 ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
 CHARTER OF IMPRINT, INC.

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

Upon motion of Senator Ruggerio, seconded by Senator Algiere, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Paiva Weed and Senators Algiere, Archambault, Ciccone, Conley, Cote, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch Prata, McCaffrey, Metts, Miller, Morgan, Nesselbush, Pagliarini, Picard, Pichardo, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

CALENDAR

In order for the day is taken up as follows:

1. **2016-S 2056**
 BY Crowley
 ENTITLED, AN ACT RELATING TO FOOD AND DRUGS-REGULATION OF
 POWDERED CAFFEINE

Committee on Judiciary recommends passage.

Senator Goodwin moves item #1 to the Calendar for Wednesday, March 02nd.

2. **2016-S 2102**
 BY Lombardi
 ENTITLED, AN ACT RELATING TO PROPERTY - ESTATES IN REAL
 PROPERTY

Committee on Judiciary recommends passage.

Senator Lombardi moves passage, seconded by Senators McCaffrey, Ruggerio, Gee, Pagliarini, Conley, Archambault, Lombardo, and Sheehan.

The act is read and passed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Paiva Weed and Senators Algiere, Archambault, Ciccone, Conley, Cote, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch Prata, McCaffrey, Metts, Miller, Nesselbush, Pagliarini, Picard, Pichardo, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

3. **2016-S 2103**
 BY Ciccone
 ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- TRESPASS AND
 VANDALISM

Committee on Judiciary recommends passage.

Senator Ciccone moves passage, seconded by Senators Metts, Lombardi, and Gee.

The act is read and passed, upon a roll call vote with 26 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS- 26: The Honorable President Paiva Weed and Senators Archambault, Ciccone, Conley, DaPonte, DiPalma, Felag, Gallo, Gee, Goldin, Goodwin, Jabour, Lombardi, Lombardo, Lynch Prata, McCaffrey, Metts, Miller, Nesselbush, Picard, Pichardo, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 6: Senators Algiere, Cote, Fogarty, Kettle, Morgan, Pagliarini.

4. 2016-S 2105

BY Ciccone

ENTITLED, AN ACT RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Committee on Judiciary recommends passage.

Senator Ciccone moves passage, seconded by Senators McCaffrey, Ruggerio, Pagliarini, Conley, Archambault, Lombardo.

The act is read and passed upon a roll call vote with 31 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 31: The Honorable President Paiva Weed and Senators Algiere, Archambault, Ciccone, Conley, DaPonte, DiPalma, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch Prata, McCaffrey, Metts, Miller, Nesselbush, Pagliarini, Picard, Pichardo, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 1: Senator Cote.

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.

ANNOUNCEMENTS

Senator Metts announces that the Committee on Education will meet tomorrow, at the rise of the Senate in Room 313 of the State House.

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 Nesselbush announces that next Tuesday, March 08th is International Women's Day.

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

Senator Lynch Prata announces that the Committee on Special Legislation and Veterans' Affairs will meet tomorrow, at 3:45pm in Room 310 of the State House.

Senator Lynch Prata announces that the Committee on Special Legislation and Veterans' Affairs will meet tomorrow, at the rise of the Senate in Room 310 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 Felag announces that the Committee on Finance will meet Thursday, March 03rd at 2:00pm in Room 211 of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Kettle the Senate adjourns at 4:40 o'clock P.M.

Appendix**INVOCATION****SENATOR FRANK S. LOMBARDO, III**

Almighty God, may we pursue our tasks with a sense of Your presence. Give us the wisdom not to squander energy on things that do not matter nor put off until tomorrow that which can be done today. Amen.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, MARCH 2, 2016:**

1. **2016-S 2056**
 BY Crowley
 ENTITLED, AN ACT RELATING TO FOOD AND DRUGS-REGULATION OF
 POWDERED CAFFEINE

 Committee on Judiciary recommends passage.
2. **2016-S 2109**
 BY Archambault
 ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY --
 CRUELTY TO ANIMALS

 Committee on Judiciary recommends passage.
3. **2016-S 2233**
 BY DiPalma
 ENTITLED, AN ACT RELATING TO PROPERTY -- CONSERVATION AND
 PRESERVATION RESTRICTIONS ON REAL PROPERTY

 Committee on Judiciary recommends passage.
4. **2016-S 2224**
 BY Lynch Prata
 ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY - JOINT
 COMMITTEE OF THE REPEALER

 Committee on Judiciary recommends passage.

IN ORDER FOR THURSDAY, MARCH 3, 2016:

1. **2016-S 2176**
 BY Pearson
 ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE
 RHODE ISLAND COMMERCE CORPORATION TO WORK JOINTLY WITH THE
 RHODE ISLAND DEPARTMENTS OF ENVIRONMENTAL MANAGEMENT AND
 LABOR AND TRAINING TO ESTABLISH JOB DEVELOPMENT INCENTIVES
 THAT ENCOURAGE COMPANIES THAT PRODUCE, PROCESS, DISTRIBUTE,
 AND ADD VALUE TO RHODE ISLAND AGRICULTURAL AND SEAFOOD
 PRODUCTS TO EITHER EXPAND OR LOCATE IN THE STATE

 Committee on Commerce recommends passage.

2. 2016-S 2169 SUB A**BY** Gallo**ENTITLED**, SENATE RESOLUTION SUPPORTING AND ENCOURAGING STEM/STEAM DEGREES AND PROGRAMS IN RHODE ISLAND ELEMENTARY, SECONDARY, AND INSTITUTIONS OF HIGHER EDUCATION

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

3. 2016-S 2326**BY** Fogarty**ENTITLED**, SENATE RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF LABOR AND TRAINING TO INCLUDE GREEN INDUSTRIES IN THE REAL JOBS RI PROGRAM

Committee on Labor recommends passage.

Joseph Brady

Secretary of the Senate

Appendix**TRANSMITTED TO THE GOVERNOR****House Bill No. 7042****BY** Winfield**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF IMPRINT, INC.

{LC3029/1}

House Bill No. 7043**BY** Newberry**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF THE EXECUTIVES ASSOCIATION OF RHODE ISLAND, INC.

{LC3269/1}

House Bill No. 7044**BY** Nardolillo**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF MICELI CONSTRUCTION & ROOFING, INC

{LC3270/1}

House Bill No. 7165**BY** McEntee, Fogarty, Craven, Tanzi**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF THE RIVERSIDE IMPROVEMENT ASSOCIATION OF SOUTH KINGSTON

{LC3818/1}

House Bill No. 7222

(by request)

BY Melo**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF HOT RIDES INC.

{LC3779/1}

House Bill No. 7223

(by request)

BY Melo**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF EAST PROVIDENCE TOWING INC.

{LC3780/1}

House Bill No. 7323

BY Regunberg

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
CHARTER OF MIRDESI AND COMPANY CORPORATION

{LC4184/1}