

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 twelve.

Volume 139, No.57

Tuesday, June 5, 2012

Fifty-seventh 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 38 Senators present and 0 Senators absent as follows:

PRESENT – 38: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Fifty-sixth Legislative Day of the 2012 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Lanzi and by unanimous consent, the Honorable President, welcomes to the Chamber David DiMaio, Chairman of the Senate Democrat District 26 Committee and Frank Sinapi, member of the Senate Democrat District 26 Committee.

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Paul E. Moran, Chairman of the College Crusade, Bill Formicola, Senior Vice President/RI GEAR UP Director, Marylissa Barbosa, a Senior at Central Falls High School and Jessica Rivera, High School Advisor.

RECESS

Upon motion of Senator Paiva Weed, seconded by Senator Algieri, the Senate stands at recess at 4:31 o'clock P.M. for an open caucus for a budget briefing in the Senate Lounge.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Tuesday, June 5, 2012, at 5:52 o'clock P.M.

APPOINTMENTS BY THE GOVERNOR

The Honorable President presents the following communication from His 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**

June 4, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64-8 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Economic Development Corporation:

William Holmes
(Representing Organized Labor)

VICE
George Nee

for a term expiring February 1, 2016.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Judiciary.

Also:

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

June 1, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64-8 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Economic Development Corporation:

Stephen F. Hardy

VICE
Dan Sullivan

for a term expiring February 1, 2016.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Judiciary.

Also:

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

June 4, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64-8 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Economic Development Corporation:

Roland Fiore

VICE
Timothy Babineau

for a term expiring February 1, 2016.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Judiciary.

Also:

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

June 2, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following appointment to the State Housing Appeals Board:

Joseph Caffey
(Affordable Housing Developer)

VICE
Stephen Ostiguy

for a term expiring January 1, 2014

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

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

June 2, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following appointment to the State Housing Appeals Board:

Robert Cuttle, CPM
(Representing Zoning Official - under 25,000 in population)

VICE
Donald Goodrich

for a term expiring January 1, 2014

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

Sincerely,
Lincoln D. Chafee
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

June 2, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following appointment to the State Housing Appeals Board:

Brenda Clement
(Representing affordable housing advocates)

VICE
Charles Maynard

for a term expiring January 1, 2014

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

Sincerely,
Lincoln D. Chafee
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

June 2, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following appointment to the State Housing Appeals Board:

James Grundy
(Representing Planning Board Member – over 25,000 in population)

VICE
Cynthia Fagan

for a term expiring January 1, 2014

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

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

June 2, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following appointment to the State Housing Appeals Board:

The Honorable June Sager Speakman, Ph.D.
(Representing Town Council - under 25,000 in population)

VICE
M. Theresa Santos

for a term expiring January 1, 2014

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

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

June 2, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following appointment to the State Housing Appeals Board:

Kelley Nickson Morris, Esquire
(Attorney knowledgeable in land use regulation)

VICE
Mary Shekarchi

for a term expiring January 1, 2014

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

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

June 2, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following appointment to the State Housing Appeals Board:

Steven Stycos
(Municipal Alternate)

VICE
Isadore Ramos

for a term expiring January 1, 2014

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

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

June 1, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-99-4 of the Rhode Island General Laws, I have made the following appointment to the Convention Center Authority:

Joseph A. DeLorenzo, Jr.

VICE
William Daugherty
(resigned)

for a term expiring June 30, 2016.

To this appointment, I respectfully request your Advice & Consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Corporations.

Also:

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

June 4, 2012

TO THE HONORABLE, THE SENATE:

Pursuant to Pursuant to 8-2-39.2 of the General Laws, as amended by Article 3, Substitute A of 2007 H 5300, I hereby appoint John J. Flynn of Coventry to the position of Drug Court Magistrate for a ten (10) year term and for this appointment I seek the advice and consent of the Senate.

If there are any questions, I am available at your convenience.

Very truly yours,

Alice Bridget Gibney
Presiding Justice

Read and ordered to the4 Committee on Judiciary.

Also:

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

Honorable M. Teresa Paiva Weed
President Rhode Island Senate
State House-Room 318
Providence, RI 02903

Re: Nomination of Charles J. Levesque

Dear Madam President:

I am pleased to nominate Attorney Charles J. Levesque for the position of Magistrate of the Family Court. He had appeared at several hearing before me during the two terms when I had been assigned to the Newport County Calendars. At those hearings it was clear that he was an excellent student of the applicable law which he argued with energy and zeal on behalf of his clients. Along with his compassionate nature for those whose pressing legal problems need to be addressed by a dedicated Magistrate, he will also bring consideration and fairness to all parties. His commitment to justice ensures that all parties will be heard and cases decided on the facts presented pursuant to the time honored rules and procedures of this Court.

Attorney Levesque posses the qualities necessary to be a Magistrate in the Family Court. He has an even temperament and calm disposition. Additionally, Mr. Levesque's experiences both as a legislator and as an attorney have given him the insight, capability and practical experience to assist litigants and lawyers by offering suggestions for resolving and settling disputes.

Therefore, I am confident that he will bring all that energy and superior knowledge to the Truancy Calendars and other matters assigned to him; he will be an asset to the Court as he dispenses justice to the people of the State of Rhode Island.

Respectfully,

Haiganush R. Bedrosian
Chief Judge

Read and ordered to the Committee on Judiciary.

FROM THE HOUSE OF REPRESENTATIVES

A message from the House of Representatives transmits with announcement of passage, of the following measures:

House Bill No. 8155

BY Fox

ENTITLED, AN ACT RELATING TO THE GENERAL ASSEMBLY - RENAMING THE ART CENTER AT RHODE ISLAND COLLEGE

{LC2595/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 7872 SUB A as amended**BY** Keable, Blazejewski, Kennedy**ENTITLED**, AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS (would make certain amendments to the uniform commercial code to conform to the model act)

{LC1808/A/2}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 7961 SUB A**BY** Tanzi, Walsh**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION - COASTAL RESOURCES MANAGEMENT COUNCIL (would provide that agricultural wetlands in the state's coastal regions that are used by a farmer for normal farming activities would be subject to the exclusive jurisdiction and enforcement of the department of environmental management.)

{LC2240/A/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 7479 SUB A**BY** Kennedy, San Bento**ENTITLED**, AN ACT RELATING TO INSURANCE - UNFAIR COMPETITION AND PRACTICES (would provide that loss reserve information for claims subject to a documented coverage dispute between an insurer & an insured need not be provided to the first named insured or such insured's authorized agent or broker.)

{LC1339/A/2}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 7500 SUB A**BY** Tarro, Serpa, Ucci, Silva, Hull**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS - DIVORCE AND SEPARATION (would eliminate the waiting requirement for a grandparent to file a miscellaneous petition for visitation.)

{LC727/A/3}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 8165**BY** Valencia, Walsh**ENTITLED**, AN ACT RELATING TO LAND TRUST FOR THE TOWN OF RICHMOND

{LC2619/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 8104 SUB A**BY** Guthrie, Tomasso, Nunes, Chippendale, Serpa**ENTITLED**, AN ACT RELATING TO THE CENTRAL COVENTRY FIRE DISTRICT (would make a number of changes to the charter of the Central Coventry Fire District.)

{LC2282/A/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Resolution No. 8194**BY** Walsh, Tanzi, Ruggiero, Ferri, Naughton**ENTITLED**, JOINT RESOLUTION PROCLAIMING AUGUST 10TH THROUGH SEPTEMBER 30TH OF 2012 TO BE "RHODE ISLAND LAND TRUST DAYS"

{LC2529/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 7139 SUB A**BY** Petrarca, Winfield, Keable, Azzinaro**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - ANIMAL ADVOCATE (Would allow state DEM veterinarians and/or representatives of the Rhode Island SPCA to act as advocates for animals which are the subject of court actions.)

{LC546/A/2}

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 7793 SUB A as amended**BY** Keable**ENTITLED**, AN ACT RELATING TO INSURANCE - PRODUCER LICENSING ACT (would amend the procedures for modifying or revoking an insurance producer's contract)

{LC1919/A/1}

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 7126 SUB A

BY McNamara, Ferri, Azzinaro, Diaz, Ruggiero

ENTITLED, AN ACT RELATING TO EDUCATION - STATEWIDE VIRTUAL EDUCATION

(would establish the Rhode Island statewide virtual education act, to promote the use of and quality of virtual courses as part of public education in Rhode Island.)

{LC410/A/3}

Read and ordered to be placed on the Calendar.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

Senator Miller from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2606 SUB A

BY Algieri, Bates, Tassoni

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY

PROVISIONS - UNFAIR SALES PRACTICES (would prohibit individuals and retailers of essential commodities from engaging in price gouging during a market emergency, an economic emergency, or upon a declaration of a state of emergency by the governor or federal disaster declaration)

{LC1889/A/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2435 SUB A as amended

BY McCaffrey

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS - CREDIT UNIONS

(would allow credit unions to purchase participation interest loans.)

{LC1748/A/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON HOUSING AND MUNICIPAL GOVERNMENT

Senator Tassoni from the Committee on Housing and Municipal Government, reports back, with recommendation of passage of the following measure:

House Bill No. 8031**BY** Valencia

ENTITLED, AN ACT RELATING TO ALTON VILLAGE WATER DISTRICT (would update the public law which created the Alton Village Water District in order to prepare it for voter ratification)

{LC2354/1}

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON FINANCE

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

Reappointment of Robert A. Mancini to the Public Finance Management Board.

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 3003**BY** Nesselbush

ENTITLED, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION (would authorize the city of Pawtucket to exempt from valuation for taxation any property owned by the Sandra Feinstein - Gamm Theatre.)

{LC2700/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 3004**BY** Nesselbush

ENTITLED, AN ACT INCREASING THE MAXIMUM TAX EXEMPTION OF THE BOYS AND GIRLS CLUB OF PAWTUCKET (would grant an increase in tax exemptions from ten million dollars to twenty-five million dollars from the city of Pawtucket taxes on all personal and real property owned by the Pawtucket Boys Club.)

{LC2699/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 3013

BY Doyle, Nesselbush

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR HEALTH, SAFETY AND FIRE CODE-RELATED EMERGENCY REPAIRS, RENOVATIONS AND EQUIPPING OF PUBLIC SCHOOL BUILDINGS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING, THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$5,000,000 BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS THEREFOR, INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2013 AND 2014

{LC2685/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

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

House Bill No. 7503

(DMV/State Police)

BY Johnston, Hull, DaSilva, Dickinson, O'Neill

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - FORGERY AND COUNTERFEITING (would make it a crime to forge, counterfeit, cause to be forged or counterfeited, or knowingly possess any forged or counterfeited, registration plate or special use identification tag.)

{LC1415/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 7111

BY Ajello, Handy, Blazejewski, Cimini, Walsh

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE (would make the definitions of disability, sexual orientation, gender identity and expression the same as set forth in RI general laws section 11-24-2.1.)

{LC151/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2339**BY** Perry, Miller, Sosnowski, Nesselbush, Metts**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES

{LC1130/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2370**SUB A**

(Secretary of State)

BY DiPalma, Lanzi, Lombardo, Lynch, Tassoni**ENTITLED**, AN ACT RELATING TO ELECTIONS - MAIL BALLOTS (would change the time period in which a person could request an absentee ballot to the time period through the general election for federal office or the time period specified by federal law, provided he/she is a member of the armed forces providing servi)

{LC1172/A/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2499**BY** McCaffrey**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - REAL ESTATE SALES DISCLOSURES

{LC1275/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2522**BY** Pichardo, Metts, Felag, Jabour**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN (would require the dept of behavioral healthcare, developmental disabilities, hospitals to issue new smoking warning signs which would include language that smoking can contribute to lung and heart disease)

{LC1831/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2576

(Dept. of BHDDH)

BY Jabour, Pinga, Metts, Miller

ENTITLED, AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS -- MENTAL HEALTH--COMPETENCY TO STAND TRIAL

{LC1292/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2660 SUB A

(Attorney General)

BY McCaffrey

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF ATTORNEY GENERAL

{LC212/A/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Bill No. 3039

BY Nesselbush

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF LABOR AND TRAINING

{LC2786/1}

Read and ordered to the Committee on Labor.

Also:

Senate Bill No. 3040

BY McCaffrey

ENTITLED, AN ACT RELATING TO PUBLIC RECORDS - ACCESS TO PUBLIC RECORDS

{LC2787/1}

Read and ordered to the Committee on Labor.

Also:

Senate Resolution No. 3041

BY Tassoni

ENTITLED, SENATE RESOLUTION CONGRATULATING MICHAEL BLACKBURN ON RECEIVING A 2012 GOLDEN APPLE AWARD

{LC2785/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 3042

BY Sosnowski

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER M C BUCKLEY, INC.

{LC2777/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 3043

(By Request)

BY Ottiano

ENTITLED, AN ACT RELATING TO TAXATION -- PORTSMOUTH PROPERTY TAX BILL

{LC2759/1}

Read and ordered to the Committee on Finance.

Also:

Senate Resolution No. 3044

BY Felag, Bates, Tassoni

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY CERTAIN CLAIMS

{LC2748/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 3045**BY** Felag, McCaffrey, Ruggerio, Gallo, Walaska**ENTITLED**, AN ACT RELATING TO INSURANCE -- PRESCRIPTION DRUGS -- NON
FORMULARY MEDICATIONS

{LC2780/1}

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

Also:

Senate Bill No. 3046**BY** Doyle**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
ADJUDICATION OF TRAFFIC OFFENSES

{LC2783/1}

Read and ordered to the Committee on Judiciary.

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **2012-S 3017**
BY Cote
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
2. **2012-S 3027**
BY Felag
ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
CHARTER OF SPORTSMEN'S HAPPY HOUR CLUB
3. **2012-S 3028**
BY Sosnowski
ENTITLED, SENATE RESOLUTION SENATE RESOLUTION SUPPORTING THE
RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT IN
DEVELOPING A STATEWIDE SHELLFISH MANAGEMENT PLAN
4. **2012-H 7225 SUB A**
BY Gallison
ENTITLED, AN ACT RELATING TO PROPERTY - FORM AND EFFECT OF
CONVEYANCES
5. **2012-H 7412**
BY Slater
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - ENVIRONMENTAL
CLEAN UP OBJECTIVES FOR SCHOOLS

6. **2012-H 7613**
BY Williams
ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS
7. **2012-H 7614**
BY Williams
ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - RHODE ISLAND UNINSURED EMPLOYERS FUND
8. **2012-H 8145**
BY Hearn
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
9. **2012-H 8166 as amended**
BY Chippendale
ENTITLED, AN ACT AUTHORIZING THE ESTABLISHMENT OF THE ABBEY LANE COMMUNITY WATER DISTRICT
10. **2012-H 8167**
BY Tarro
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
11. **2012-H 8168**
BY Mattiello
ENTITLED, AN ACT SOLEMNIZATION OF MARRIAGES
12. **2012-H 8176**
BY DeSimone
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Upon motion of Senator Ruggiero, 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, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggiero, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR

IN ORDER FOR TUESDAY, JUNE 05, 2012:

1. **2012-S 2391****BY** Goodwin**ENTITLED**, AN ACT IN AMENDMENT OF AN ACT RELATING TO JOHNSON & WALES UNIVERSITY

Ordered on the Calendar

Senator Goodwin moves passage, seconded by Senators Ruggerio, Miller, Nesselbush and Lynch.

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, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2. **2012-S 2433 SUB A****BY** Picard**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - UNFAIR SALES PRACTICES - GIFT CARDS

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

Senator Picard moves passage, seconded by Senator Jabour.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3. 2012-S 2748**BY** Miller**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW - OTHER REGULATORY PROVISIONS - UNFAIR SALES PRACTICES

Committee on Corporations recommends passage.

Senator Miller moves passage, seconded by Senators Ruggerio, Doyle and Nesselbush.

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, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4. 2012-S 2036**BY** DiPalma**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- OTHER POST-EMPLOYMENT BENEFITS TRUSTS

Committee on Finance recommends passage.

Senator DiPalma moves passage, seconded by Senators Ruggerio, Doyle and Hodgson.

Senator DiPalma seconded by Senators Ruggerio and Pichardo, offers the following written motion to amend.

FLOOR AMENDMENTTO
2012 -- S 2036

AN ACT RELATING TO TOWNS AND CITIES -- OTHER POST- EMPLOYMENT BENEFITS TRUSTS

Madam President:

I hereby move to amend 2012 -- S 2036, entitled "AN ACT RELATING TO TOWNS AND CITIES -- OTHER POST- EMPLOYMENT BENEFITS TRUSTS", as follows:

1. On page 2, line 23, by deleting the word "for", and inserting in place thereof the word "from".

Respectfully submitted,
SENATOR DIPALMA

The motion to amend prevails 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, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator DiPalma moves passage of the act, as amended, seconded by Senator Ruggerio.

The act is read and passed, by unanimous consent, as amended, 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, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5. 2012-S 2038

BY DiPalma

ENTITLED, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

Committee on Finance recommends passage.

Senator DiPalma moves passage, seconded by Senator Hodgson.

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, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

NOW PRESIDING

The Honorable President yields the rostrum to the Honorable Juan M. Pichardo, President Pro Tempore of the Senate at 6:03 o'clock P.M.

6. 2012-S 2089

BY Maher

ENTITLED, AN ACT RELATING TO TAXATION - WEST GREENWICH

Committee on Finance recommends passage.

Senator Maher moves passage, seconded by Senator Kettle.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: Senators Algieri, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

7. 2012-S 2460

BY Doyle

ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION - PERSONAL INCOME TAX

Committee on Finance recommends passage.

Senator Doyle moves passage, seconded by Senators Crowley and Nesselbush.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: Senators Algieri, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

8. 2012-S 2835**BY** DiPalma**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
DISTRESSED AREAS ECONOMIC REVITALIZATION ACT

Committee on Finance recommends passage.

Senator DiPalma moves passage, seconded by Senators Lynch and Ruggerio.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: Senators Algieri, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

9. 2012-S 3018**BY** Tassoni**ENTITLED**, AN ACT ESTABLISHING THE SMITHFIELD LAND TRUST

Committee on Housing & Municipal Government recommends passage.

Senator Tassoni moves passage, seconded by Senators Doyle and O'Neill.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

10. 2012-S 2792 SUB A**BY** Walaska**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - LEAST-COST PROCUREMENT

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

Senator Walaska moves passage, seconded by Senators Ruggerio, Miller and Sosnowski.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely

postponed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: Senators Algieri, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

11. 2012-S 2963 SUB A

BY Fogarty

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - PASCOAG UTILITY DISTRICT

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

Senator Fogarty moves passage, seconded by Senators Kettle, Goodwin and Nesselbush.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: Senators Algieri, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

12. 2012-S 2253 SUB A

BY Miller

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT

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

Upon suggestion of Senator Goodwin and without objection, ordered to be placed at the bottom of the Calendar.

NOW PRESIDING

The Honorable President Pro Tempore yields the rostrum to the Honorable M. Teresa Paiva Weed, President of the Senate at 6:10 o'clock P.M.

13. 2012-S 2335**BY** Pichardo**ENTITLED**, AN ACT RELATING TO ELECTIONS - MAIL BALLOTS

Committee on Judiciary recommends passage.

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the Calendar for Wednesday, June 6, 2012.

14. 2012-S 2336 SUB A**BY** DiPalma**ENTITLED**, AN ACT RELATING TO ELECTIONS

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

Senator DiPalma moves passage, seconded by Senator McCaffrey.

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, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

15. 2012-S 2490 SUB A**BY** Metts**ENTITLED**, AN ACT RELATING TO CRIMINALS--CORRECTIONAL INSTITUTIONS -- PAROLE

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

Senator Metts moves passage, seconded by Senators McCaffrey, Miller, Pichardo and Hodgson.

Senator Metts seconded by Senators Ruggerio, Hodgson, Nesselbush and Pichardo, offers the following written motion to amend.

FLOOR AMENDMENT

TO
2012 -- S 2490 SUBSTITUTE A

AN ACT RELATING TO CRIMINALS--CORRECTIONAL INSTITUTIONS -- PAROLE

Madam President:

I hereby move to amend 2012 -- S 2490 SUBSTITUTE A, entitled "AN ACT RELATING TO CRIMINALS--CORRECTIONAL INSTITUTIONS -- PAROLE", as follows:

1. On page 4, between lines 20 and 21, by inserting the following language:

"(j) An individual or entity that denies employment, professional licensing, housing or other benefits or opportunities to a holder of a certificate of good conduct on the basis of a criminal records check shall not be liable for civil damages or subject to any claim, demand, cause of action, or proceeding of any nature as a result of such denial."

Respectfully submitted,
SENATOR METTS

The motion to amend prevails upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Metts moves passage of the act, as amended, seconded by Senators McCaffrey, Ruggerio and Jabour.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

16. 2012-S 2521 SUB A**BY** Picard**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS - UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT

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

Senator Picard moves passage, seconded by Senators McCaffrey, Lynch, Moura, Shibley, Felag, Ruggerio, Goodwin, Fogarty, Nesselbush, Crowley and Pichardo.

Senator Picard seconded by Senator McCaffrey, offers the following written motion to amend.

F L O O R A M E N D M E N T
TO
2012 -- S 2521 SUBSTITUTE A

AN ACT RELATING TO DOMESTIC RELATIONS - UNIFORM CHILD CUSTODY JURISDICTION
AND ENFORCEMENT

Madam President:

I hereby move to amend 2012 -- S 2521 SUBSTITUTE A, entitled "AN ACT RELATING TO DOMESTIC RELATIONS - UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT", as follows:

1. By deleting all of the language following the enactment clause and inserting in place thereof the following:

"SECTION 1. Section 15-5-16 of the General Laws in Chapter 15-5 entitled "Divorce and Separation" is hereby amended to read as follows:

15-5-16. Alimony and counsel fees -- Custody of children. -- (a) In granting any petition for divorce, divorce from bed and board, or relief without the commencement of divorce proceedings, the family court may order either of the parties to pay alimony or counsel fees, or both, to the other.

(b) (1) In determining the amount of alimony or counsel fees, if any, to be paid, the court, after hearing the witnesses, if any, of each party, shall consider:

- (i) The length of the marriage;
- (ii) The conduct of the parties during the marriage;

(iii) The health, age, station, occupation, amount and source of income, vocational skills, and employability of the parties; and

(iv) The state and the liabilities and needs of each of the parties.

(2) In addition, the court shall consider:

(i) The extent to which either party is unable to support herself or himself adequately because that party is the primary physical custodian of a child whose age, condition, or circumstances make it appropriate that the parent not seek employment outside the home, or seek only part-time or flexible-hour employment outside the home;

(ii) The extent to which either party is unable to support herself or himself adequately with consideration given to:

(A) The extent to which a party was absent from employment while fulfilling homemaking responsibilities, and the extent to which any education, skills, or experience of that party have become outmoded and his or her earning capacity diminished;

(B) The time and expense required for the supported spouse to acquire the appropriate education or training to develop marketable skills and find appropriate employment;

(C) The probability, given a party's age and skills, of completing education or training and becoming self-supporting;

(D) The standard of living during the marriage;

(E) The opportunity of either party for future acquisition of capital assets and income;

(F) The ability to pay of the supporting spouse, taking into account the supporting spouse's earning capacity, earned and unearned income, assets, debts, and standard of living;

(G) Any other factor which the court expressly finds to be just and proper.

(c) (1) For the purposes of this section, "alimony" is construed as payments for the support or maintenance of either the husband or the wife.

(2) Alimony is designed to provide support for a spouse for a reasonable length of time to enable the recipient to become financially independent and self-sufficient. However, the court may award alimony for an indefinite period of time when it is appropriate in the discretion of the court based upon the factors set forth in subdivision (b)(2)(ii)(B). After a decree for alimony has been entered, the court may from time to time upon the

petition of either party review and alter its decree relative to the amount and payment of the alimony, and may make any decree relative to it which it might have made in the original suit. The decree may be made retroactive in the court's discretion to the date that the court finds that a substantial change in circumstances has occurred; provided, the court shall set forth in its decision the specific findings of fact which show a substantial change in circumstances and upon which findings of facts the court has decided to make the decree retroactive. Nothing provided in this section shall affect the power of the court as subsequently provided by law to alter, amend, or annul any order of alimony previously entered. Upon the remarriage of the spouse who is receiving alimony, the obligation to pay alimony shall automatically terminate at once.

(d) (1) In regulating the custody of the children, the court shall provide for the reasonable right of visitation by the natural parent not having custody of the children, except upon the showing of cause why the right should not be granted. The court shall mandate compliance with its order by both the custodial parent and the children. In the event of noncompliance, the noncustodial parent may file a motion for contempt in family court. Upon a finding by the court that its order for visitation has not been complied with, the court shall exercise its discretion in providing a remedy, and define the noncustodial parent's visitation in detail. However, if a second finding of noncompliance by the court is made, the court shall consider this to be grounds for a change of custody to the noncustodial parent.

(2) In regulating the custody and determining the best interests of children, the fact that a parent is receiving public assistance shall not be a factor in awarding custody.

(3) A judicial determination that the child has been physically or sexually abused by the natural parent shall constitute sufficient cause to deny the right of visitation. However, when the court enters an order denying visitation under this section, it shall review the case at least annually to determine what, if any, action the parent has taken to rehabilitate himself or herself and whether the denial of visitation continues to be in the child's best interests.

(4) The court may order a natural parent who has been denied the right of visitation due to physical or sexual abuse of his or her child to engage in counseling. The failure of the parent to engage in counseling, ordered by the court pursuant to this section, shall constitute sufficient cause to deny visitation.

(e) In all hearings regarding denial of visitation, the court shall make findings of fact.

(f) This chapter does not affect the right of the family court to award alimony or support pendente lite.

(g) (1) Notwithstanding the provisions of this section and section 15-5-19, the court, when making decisions regarding child custody and visitation, shall consider evidence of past or present domestic violence. Where domestic violence is proven, any grant of visitation shall be arranged so as to best protect the child and the abused parent from further harm.

(2) In addition to other factors that a court must consider in a proceeding in which the court has made a finding of domestic or family violence, the court shall consider as primary the safety and well-being of the child and of the parent who is the victim of domestic or family violence. The court shall also consider the perpetrator's history of causing physical harm, bodily injury or assault to another person.

(3) In a visitation or custody order, as a condition of the order, the court may:

(i) Order the perpetrator of domestic violence to attend and successfully complete, to the satisfaction of the court, a certified batterer's intervention program;

(ii) Order the perpetrator to attend a substance abuse program whenever deemed appropriate;

(iii) Require that a bond be filed with the court in order to ensure the return and safety of the child;

(iv) Order that the address and telephone number of the child be kept confidential;

(v) Order an exchange of the child to occur in a protected setting, or supervised by another person or agency; provided that, if the court allows a family or household member to supervise visitation, the court shall establish conditions to be followed during visitation;

(vi) Order the perpetrator of domestic violence to abstain from possession or consumption of alcohol or controlled substances during the visitation; and

(vii) Impose any other condition that is deemed necessary to provide for the safety of the child, the victim of domestic violence, or other family or household member.

(4) "Domestic violence" means the occurrence of one or more of the following acts between spouses or people who have a child in common:

(i) Attempting to cause or causing physical harm;

(ii) Placing another in fear of imminent serious physical harm;

(iii) Causing another to engage involuntarily in sexual relations by force, threat of force, or duress.

(5) In every proceeding in which there is at issue the modification of an order for custody or visitation of a child, the finding that domestic or family violence has occurred since the last custody determination

constitutes a prima facie finding of a change of circumstances.

(6) The fact that a parent is absent or relocates because of an act of domestic or family violence by the other parent shall not weigh against the relocating or absent parent in determining custody and visitation.

(7) A party's absence, relocation, or failure to comply with custody and visitation orders shall not, by itself, be sufficient to justify a modification of a custody or visitation order if the reason for the absence, relocation, or failure to comply is the party's activation to military service or deployment out of state.

If there is no existing order establishing the terms of parental rights and responsibilities or parent-child contact and it appears that deployment or mobilization is imminent, upon motion by either parent, the court shall expedite a hearing to establish temporary parental rights and responsibilities and parent-child contact to ensure the deploying parent has access to the child, to ensure disclosure of information, to grant other rights and duties set forth herein, and to provide other appropriate relief. Any initial pleading filed to establish parental rights and responsibilities for or parent-child contact with a child of a deploying parent shall be so identified at the time of filing by stating in the text of the pleading the specific facts related to deployment.

SECTION 2. This act shall take effect upon passage."

Respectfully submitted,
SENATOR PICARD

The motion to amend prevails upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Picard moves passage of the act, as amended, seconded by Senators Ruggerio and McCaffrey.

The act is read and passed, by unanimous consent, as amended, 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, Bates, Ciccone, Cote, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano,

Perry, Picard, Pichardo, Pinga, Ruggiero, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

17. 2012-S 2680

BY Goodwin

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - JUDICIAL SELECTION

Committee on Judiciary recommends passage.

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

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggiero, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

18. 2012-S 2773

BY Jabour

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - WEAPONS

Committee on Judiciary recommends passage.

Senator Jabour moves passage, seconded by Senators McCaffrey, Pinga and Pichardo.

The act is read and passed, upon a roll call vote with 33 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggiero, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senators Hodgson, Shibley.

19. 2012-S 2842**BY** Walaska**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PARTICULAR ACTIONS - SMALL CLAIMS AND CONSUMER CLAIMS

Committee on Judiciary recommends passage.

Senator Walaska moves passage, seconded by Senators Lynch, McCaffrey, Jabour, Nesselbush, O'Neill, Hodgson and Moura.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

20. 2012-S 2943**BY** Ciccone**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF NORTH PROVIDENCE TO REDISTRIBUTE THE TOWN COUNCIL AND SCHOOL COMMITTEE DISTRICTS

Committee on Judiciary recommends passage.

Senator Ciccone moves passage, seconded by Senators McCaffrey, Ruggerio, O'Neill and Walaska.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

21. 2012-S 2983**BY** Maher**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - WEAPONS

Committee on Judiciary recommends passage.

Senator Maher moves passage, seconded by Senators Hodgson, Moura, Kettle, McCaffrey and Ruggerio.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

22. 2012-S 3015**BY** McCaffrey**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES

Committee on Special Legislation and Veterans Affairs recommends passage.

Senator McCaffrey moves passage, seconded by Senators Lynch, Nesselbush and Jabour.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

23. 2012-S 3016**BY** Paiva Weed**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY PRODUCE RESPONSIBILITY MODELS FOR PAPER AND PACKAGING

Committee on Special Legislation and Veterans Affairs recommends passage.

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the Calendar for Wednesday, June 6, 2012.

24. 2012-S 2130 SUB A as amended**BY** Tassoni**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- PUBLIC BUILDINGS

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

Senator Tassoni moves passage, seconded by Senators Doyle, Fogarty, DiPalma and Ciccone.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, upon a roll call vote with 32 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 32: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Hodgson.

25. 2012-S 2153 SUB A**BY** Gallo**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS - DIVORCE AND SEPARATION

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

Senator Gallo moves passage, seconded by Senators Ruggerio, Goodwin, Crowley, Lynch and McCaffrey.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, 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, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

26. 2012-H 7702 SUB A**BY Handy****ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- INSPECTION OF DAMS**

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

Senator Sosnowski moves passage, seconded by Senators Fogarty and Kettle.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Hodgson.

27. 2012-H 7361**BY Keable****ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS**

Committee on Judiciary recommends passage in concurrence.

Senator McCaffrey moves passage, seconded by Senator McCaffrey.

The act is read and passed, in concurrence, upon a roll call vote with 24 Senators voting in the affirmative and 10 Senators voting in the negative as follows:

YEAS- 24: The Honorable President Paiva Weed and Senators Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lombardo, Lynch, McCaffrey, Miller, Perry, Picard, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 10: Senators Algieri, Hodgson, Kettle, Maher, Moura, O'Neill, Ottiano, Pichardo, Pinga, Shibley.

28. 2012-H 7176 SUB A**BY** Slater**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- COMMUNITY OBLIGATIONS AND BANKING OFFENSES --THEFT, EMBEZZLEMENT, FALSE PRETENSES, AND MISAPPROPRIATIONS

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

Senator Lynch moves passage, seconded by Senator McCaffrey.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 26 Senators voting in the affirmative and 9 Senators voting in the negative as follows:

YEAS- 26: The Honorable President Paiva Weed and Senators Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lombardo, Lynch, McCaffrey, Miller, Nesselbush, Ottiano, Perry, Picard, Pichardo, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 9: Senators Algieri, Bates, Hodgson, Kettle, Maher, Moura, O'Neill, Pinga, Shibley.

29. 2012-H 7478 as amended**BY** Kennedy**ENTITLED**, AN ACT RELATING TO INSURANCE -- PORTABLE ELECTRONICS INSURANCE

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

Senator Miller moves passage, seconded by Senator Ruggerio.

Senator Miller seconded by Senators Ruggerio, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2012 -- H 7478, AS AMENDED

AN ACT RELATING TO INSURANCE -- PORTABLE ELECTRONICS INSURANCE

Madam President:

I hereby move to amend 2012 -- H 7478, As Amended entitled "AN ACT RELATING TO INSURANCE -- PORTABLE ELECTRONICS INSURANCE", as follows:

1. On page 2, line 34, by deleting the word "Requirement" and inserting in place thereof the word "Requirements".

Respectfully submitted,
SENATOR MILLER

The motion to amend prevails 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, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Miller moves passage of the act, as amended, seconded by Senator Ruggerio.

The act is read and passed, by unanimous consent, as amended, 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, Bates, Ciccone, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

30. 2012-H 7730 SUB A

BY Melo

ENTITLED, JOINT RESOLUTION APPROVING THE ISSUANCE OF HARBOR, PIER, AND PORT REVENUE BONDS BY THE RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION FOR PURPOSES OF FINANCING IMPROVEMENTS IN AND AROUND THE PORT OF DAVISVILLE

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

Senator Walaska moves passage, seconded by Senators Hodgson and Bates.

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 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill,

Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

31. 2012-H 7187 SUB A

BY Petrarca

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- PUBLIC BUILDINGS

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

Senator Tassoni moves passage, seconded by Senators Doyle and DiPalma.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, upon a roll call vote with 34 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 34: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Hodgson.

32. 2012-H 7534 SUB A as amended

BY Silva

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - AIR POLLUTION

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

Senator Ruggerio moves passage, seconded by Senators Walaska, Sosnowski and Goodwin.

Senator Ruggerio seconded by Senators Tassoni and Walaska, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2012 -- H 7534 SUBSTITUTE A

AN ACT RELATING TO HEALTH AND SAFETY - AIR POLLUTION

Madam President:

I hereby move to amend 2012 -- H 7534 SUBSTITUTE A, entitled "AN ACT RELATING TO

HEALTH AND SAFETY - AIR POLLUTION", as follows:

1. On page 1, line 11, by deleting the comma "," immediately after the word "if".

Respectfully submitted,
SENATOR RUGGERIO

The motion to amend prevails upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Ruggerio moves passage of the act, as amended, seconded by Senator Walaska.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

12. 2012-S 2253 SUB A

BY Miller

**ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM
CONTROLLED SUBSTANCES ACT**

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

Senator Miller moves passage, seconded by Senators Kettle, Lynch and Jabour.

Senator McCaffrey seconded by Senators Miller, Perry and Nesselbush, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2012 -- S 2253 SUBSTITUTE A

AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT

Madam President:

I hereby move to amend 2012 -- S 2253 SUBSTITUTE A, entitled "AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT", as follows:

1. By deleting all language after the enactment clause and by inserting in place thereof the following:

"SECTION 1. Sections 21-28-4.01, 21-28-4.11 and 21-28-4.14 of the General Laws in Chapter 21-28 entitled "Uniform Controlled Substances Act" are hereby amended to read as follows:

21-28-4.01. Prohibited acts A -- Penalties. -- (a) (1) Except as authorized by this chapter, it shall be unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.

(2) Any person who is not a drug addicted person, as defined in section 21-28-1.02(18), who violates this subsection with respect to a controlled substance classified in schedule I or II, except the substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned to a term up to life, or fined not more than five hundred thousand dollars (\$500,000) nor less than ten thousand dollars (\$10,000), or both.

(3) Where the deliverance as prohibited in this subsection shall be the proximate cause of death to the person to whom the controlled substance is delivered, it shall not be a defense that the person delivering the substance was at the time of delivery, a drug addicted person as defined in section 21-28-1.02(18).

(4) Any person, except as provided for in subdivision (2) of this subsection, who violates this subsection with respect to:

(i) A controlled substance classified in schedule I or II, is guilty of a crime and upon conviction may be imprisoned for not more than thirty (30) years, or fined not more than one hundred thousand dollars (\$100,000) nor less than three thousand dollars (\$3,000), or both;

(ii) A controlled substance classified in schedule III or IV, is guilty of a crime and upon conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not more than twenty thousand dollars

(\$20,000), or both.

(iii) A controlled substance classified in schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, or fined not more than ten thousand dollars (\$10,000), or both.

(b) (1) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

(2) Any person who violates this subsection with respect to:

(i) A counterfeit substance classified in schedule I or II, is guilty of a crime and upon conviction may be imprisoned for not more than thirty (30) years, or fined not more than one hundred thousand dollars (\$100,000), or both;

(ii) A counterfeit substance classified in schedule III or IV, is guilty of a crime and upon conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not more than twenty thousand dollars (\$20,000) or both.

(iii) A counterfeit substance classified in schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, or fined not more than ten thousand dollars (\$10,000), or both.

(c) (1) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance, unless the substance was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Any person who violates this subsection with respect to:

(i) A controlled substance classified in schedules I, II and III, IV, and V, except the substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned for not more than three (3) years or fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or both;

(ii) ~~A More than one ounce (1 oz.) of a~~ controlled substance classified in schedule I as marijuana is guilty of a misdemeanor except for those persons subject to subdivision 21-28-4.01(a)(1) and upon conviction may be imprisoned for not more than one year or fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both.

(iii) Notwithstanding any public, special or general law to the contrary, the possession of one ounce (1 oz.) or less of marijuana by a person who is eighteen (18) years of age or older and who is not exempted from penalties pursuant to chapter 21-28.6 shall constitute a civil offense, rendering the offender liable to a civil penalty in the amount of one hundred fifty dollars (\$150) and forfeiture of the marijuana, but not to any other form of criminal or civil punishment or disqualification. Notwithstanding any public, special or general law to the contrary, this civil penalty of one hundred fifty dollars (\$150) and forfeiture of the marijuana shall apply if the offense is the first (1st) or second (2nd) violation within the previous eighteen (18) months.

(iv) Notwithstanding any public, special or general law to the contrary, possession of one ounce (1 oz.) or less of marijuana by a person who is under the age of eighteen (18) years and who is not exempted from penalties pursuant to chapter 21-28.6 shall constitute a civil offense, rendering the offender liable to a civil penalty in the amount of one hundred fifty dollars (\$150) and forfeiture of the marijuana; provided the minor offender completes an approved drug awareness program and community service as determined by the court. If the person under the age of eighteen (18) years fails to complete an approved drug awareness program and community service within one year of the offense, the penalty shall be a three hundred dollar (\$300) civil fine and forfeiture of the marijuana, except that if no drug awareness program or community service is available, the penalty shall be a fine of one hundred fifty dollars (\$150) and forfeiture of the marijuana. The parents or legal guardian of any offender under the age of eighteen (18) shall be notified of the offense and the availability of a drug awareness and community service program. The drug awareness program must be approved by the court, but shall, at a minimum, provide four (4) hours of instruction or group discussion, and ten (10) hours of community service. Notwithstanding any other public, special or general law to the contrary, this civil penalty shall apply if the offense is the first (1st) or second (2nd) violation within the previous eighteen (18) months.

(v) Notwithstanding any public, special, or general law to the contrary, a person not exempted from penalties pursuant to chapter 21-28.6 found in possession of one ounce (1 oz.) or less of marijuana is guilty of a misdemeanor and upon conviction may be imprisoned for not more than thirty (30) days or fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both, if that person has been previously adjudicated on a violation for possession of less than one ounce (1 oz.) of marijuana under subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) two (2) times in the eighteen (18) months prior to

the third (3rd) offense.

(vi) Any unpaid civil fine issued under subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) shall double to three hundred dollars (\$300) if not paid within thirty (30) days of the offense. The civil fine shall double again to six hundred dollars (\$600) if it has not been paid within ninety (90) days.

(vii) No person may be arrested for a violation of subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) except as provided in this subparagraph. Any person in possession of an identification card, license, or other form of identification issued by the state or any state, city or town, or any college or university, who fails to produce the same upon request of a police officer who informs the person that he or she has been found in possession of what appears to the officer to be one ounce (1 oz.) or less of marijuana, or any person without any such forms of identification that fails or refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed such person that the officer intends to provide such individual with a citation for possession of one ounce (1 oz.) or less of marijuana, may be arrested.

(viii) No violation of subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) shall be considered a violation of parole or probation.

(ix) Any records collected by any state agency or tribunal that include personally identifiable information about violations of subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) shall be sealed eighteen (18) months after the payment of said civil fine.

(3) Jurisdiction. – Any and all violations of subparagraphs 21-28-4.01(c)(2)(iii) and 21-28-4.01(c)(2)(iv) shall be the exclusive jurisdiction of the Rhode Island traffic tribunal. All money associated with the civil fine issued under subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) shall be payable to the Rhode Island traffic tribunal. Fifty percent (50%) of all fines collected by the Rhode Island traffic tribunal from civil penalties issued pursuant to subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) shall be expended on drug awareness and treatment programs for youth.

~~(3)~~ (4) Additionally every person convicted or who pleads nolo contendere under paragraph (2)(i) of this subsection or convicted or who pleads nolo contendere a second or subsequent time under paragraph (2)(ii) of this subsection, who is not sentenced to a term of imprisonment to serve for the offense, shall be required to:

(i) Perform, up to one hundred (100) hours of community service;

(ii) Attend and complete a drug counseling and education program as prescribed by the director of the department of mental health, retardation and hospitals and pay the sum of four hundred dollars (\$400) to help defray the costs of this program which shall be deposited as general revenues. Failure to attend may result after hearing by the court in jail sentence up to one year;

(iii) The court shall not suspend any part or all of the imposition of the fee required by this subsection, unless the court finds an inability to pay;

(iv) If the offense involves the use of any automobile to transport the substance or the substance is found within an automobile, then a person convicted or who pleads nolo contendere under paragraphs (2)(i) and (ii) of this subsection shall be subject to a loss of license for a period of six (6) months for a first offense and one year for each offense after this.

~~(4)~~ (5) All fees assessed and collected pursuant to paragraph (3)(ii) of this subsection shall be deposited as general revenues and shall be collected from the person convicted or who pleads nolo contendere before any other fines authorized by this chapter.

(d) It shall be unlawful for any person to manufacture, distribute, or possess with intent to manufacture or distribute, an imitation controlled substance. Any person who violates this subsection is guilty of a crime, and upon conviction shall be subject to the same term of imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the controlled substance which the particular imitation controlled substance forming the basis of the prosecution was designed to resemble and/or represented to be; but in no case shall the imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars (\$20,000).

(e) It shall be unlawful for a practitioner to prescribe, order, distribute, supply, or sell an anabolic steroid or human growth hormone for: (1) enhancing performance in an exercise, sport, or game, or (2) hormonal manipulation intended to increase muscle mass, strength, or weight without a medical necessity. Any person who violates this subsection is guilty of a misdemeanor and upon conviction may be imprisoned for not more than six (6) months or a fine of not more than one thousand dollars (\$1,000), or both.

21-28-4.11. Second offenses. -- ~~(A)~~ (a) Any person convicted of a second offense under this chapter, except for violations of subparagraphs 21-28-4.01(c)(2)(iii), 21-28-4.01(c)(2)(iv) or 21-28-4.01(c)(2)(v), may be imprisoned for a term up to twice the term authorized, fined an amount up to twice that authorized, or both.

~~(B)~~ (b) For purposes of this section, an offense is considered a second offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this chapter, except for violations of subparagraphs 21-28-4.01(c)(2)(iii), 21-28-4.01(c)(2)(iv) or 21-28-4.01(c)(2)(v), or under any statute of the United States or of any state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs.

21-28-4.14. Third or subsequent offenses. -- (a) Any person convicted of a third or subsequent offense under this chapter, except for violations of subparagraphs 21-28-4.01(c)(2)(iii), 21-28-4.01(c)(2)(iv) or 21-28-4.01(c)(2)(v), may be imprisoned for a term up to three (3) times the term authorized, and fined an amount up to three (3) times that authorized by section 21-28-4.11, or both.

(b) For purposes of this section, an offense is considered a third or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted twice under this chapter, except for violations of subparagraphs 21-28-4.01(c)(2)(iii), 21-28-4.01(c)(2)(iv) or 21-28-4.01(c)(2)(v), or twice under any statute of the United States or of any state, or any combination of them, relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drug.

SECTION 2. Chapter 21-28 of the General Laws entitled "Uniform Controlled Substances Act" is hereby amended by adding thereto the following section:

21-28-4.22. Preparation of summons and related records -- Consent and form. -- The laws related to summonses, subpoenas and related records for violations of subparagraphs 21-28-4.01(c)(2)(iii) and 21-28-4.01(c)(2)(iv), shall be served and heard in the same manner and in a similar form as ordinary civil actions in the traffic tribunal, as provided for in sections 31-27-12, 31-27-12.1, 31-41.1-1, and as may be prescribed by rules and regulations promulgated by the chief magistrate of the traffic tribunal pursuant to section 8-6-2.

SECTION 3. Sections 31-27-2.4 and 31-27-12 of the General Laws in Chapter 31-27 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

31-27-2.4. Driving while in possession of controlled substances. -- (a) In addition to any other penalty prescribed by law, whoever operates any motor vehicle while knowingly having in the motor vehicle or in his or her possession, a controlled substance, as defined in section 21-28-1.02, except for possession of up to one ounce (1 oz.) of marijuana, shall have his or her license suspended for a period of six (6) months.

(b) This section shall not apply to any person who lawfully possesses a controlled substance, as

defined in section 21-28-1.02, as a direct result and pursuant to a valid prescription from a licensed medical practitioner, or as otherwise authorized by chapter 28 of title 21.

31-27-12. Service of notice -- Summons. -- (a) Any police officer observing the violation of any statute or ordinance relating to the operation, control, or maintenance of a motor vehicle or a violation of subparagraphs 21-28-4.01(c)(2)(iii) and 21-28-4.01(c)(2)(iv), shall at the time or place of the violation or, if it is not possible to halt the alleged offender, as soon as possible after observing the violation, issue a written notice, of a form and content provided for in section 31-27-12.1, signed by the police officer and constituting a summons to appear before the court having jurisdiction at a time and place designated in the notice.

(b) Nothing in this chapter shall preclude a police officer from exercising in the alternative his or her statutory powers of arrest, nor shall anything contained in this chapter preclude the making of additional complaints against the alleged offender arising out of the violation of any statute or ordinance relating to the operation, control, or maintenance of a motor vehicle observed by the police officer. Nothing in this chapter shall prevent a person other than a police officer from applying for a criminal complaint for the violation of any statute or ordinance relating to the operation, control, or maintenance of a motor vehicle, and the person need not show that the alleged offender has been issued a summons in connection with the alleged violation.

SECTION 4. Section 8-8.2-2 of the General Laws in Chapter 8-8.2 entitled "Traffic tribunal" is hereby amended to read as follows:

8-8.2-2. Jurisdiction. -- (a) Notwithstanding any inconsistent provision of law, all probationary license hearings as provided in section 31-10-26, all violations of the department of transportation, department of environmental management or board of governors for higher education regulations regarding parking, standing, or stopping in areas under the jurisdiction of said agencies, all violations of state statutes relating to motor vehicles, littering and traffic offenses, except those traffic offenses committed in places within the exclusive jurisdiction of the United States, and except driving so as to endanger resulting in death, driving so as to endanger resulting in personal injury, driving while under the influence of liquor or drugs, driving while under the influence of liquor or drugs resulting in death, driving while under the influence of liquor or drugs resulting in serious bodily injury, reckless driving and other offenses against public safety as provided in section 31-27-4, eluding a law enforcement officer with a motor vehicle in a high speed pursuit, driving after denial, suspension or revocation of license, and leaving the scene of an accident in violation of section 31-26-1

and section 31-26-2, and driving without the consent of the owner and possession of a stolen motor vehicle in violation of section 31-9-1 and section 31-9-2, shall be heard and determined by the traffic tribunal pursuant to the regulations promulgated by the chief magistrate of the traffic tribunal; provided, however, the traffic tribunal shall not hear any parking, standing or stopping violations which occur in any city or town which has established its own municipal court and has jurisdiction over such violations. Nothing contained herein shall abrogate the powers of the Rhode Island family court under the provisions of chapter 1 of title 14.

(b) Notwithstanding any inconsistent provision of law, the traffic tribunal shall have concurrent jurisdiction to hear and determine, pursuant to rules and regulations promulgated by the chief magistrate of the traffic tribunal, all violations of any ordinances, rules and regulations governing the public waters and the speed, management and control of all vessels and the size, type and location and use of all anchorages and moorings within the jurisdiction of the towns of North Kingstown, South Kingstown, Portsmouth, Middletown, Narragansett and Tiverton enforced and supervised by the harbormaster and referred to the traffic tribunal, and the terms "traffic violations" and "traffic infraction" when used in this chapter shall include the aforesaid violations and such violations shall be adjudicated in accordance with the provisions of this chapter. Nothing contained herein shall abrogate the powers of the Rhode Island coastal management council under the provisions of chapter 23 of title 46.

(c) Notwithstanding any inconsistent provision of law, the traffic tribunal shall have jurisdiction to hear and determine, pursuant to rules and regulations promulgated by the chief magistrate of the Rhode Island traffic tribunal, all civil violations for sections 20-1-12, 20-11-20, 20-16-17, 23-22.5-9, 32-2-4, subparagraphs 21-28-4.01(c)(2)(iii) and 21-28-4.01(c)(2)(iv) and subsection 46-22-19(1) as set forth in section 42-17.10-1.

(d) A party aggrieved by a final order of the traffic tribunal appeals panel shall be entitled to a review of the order by a judge of the district court. Unless otherwise provided in the rules of procedure of the district court, such review shall be on the record and appellate in nature. The district court shall by rules of procedure establish procedures for review of an order entered by the appeals panel of the traffic tribunal.

(e) Violations of any statute, rule, ordinance or regulation referenced in this section are subject to fines enumerated in section 31-41.1-4, except for violations of subparagraphs 21-28-4.01(c)(2)(iii) and 21-28-4.01(c)(2)(iv).

SECTION 5. Chapter 8-8.2 of the General Laws entitled "Traffic tribunal" is hereby amended by

adding thereto the following section:

8-8.2-21. Abstracts of court records -- Traffic tribunal. – A full record shall be kept by the Rhode Island traffic tribunal in this state of every case in which a person is charged with violating subparagraphs 21-28-4.01(c)(2)(iii) and 21-28-4.01(c)(2)(iv). An abstract of the record shall be retained by the court. The abstract shall be made upon forms prepared by the chief magistrate of the Rhode Island traffic tribunal and shall include all necessary information as to the parties to the cause, the nature of the offense, the date of the hearing, the plea, the decision, the judgment, and the result, and every abstract shall be certified by the clerk of the court. The Rhode Island traffic tribunal shall keep the records and they shall not be open to public inspection. The chief magistrate of the traffic tribunal shall make the records available to Rhode Island state and local police departments for their inspection of the details of cases which have been heard before the tribunal.

SECTION 6. This act shall take effect on April 1, 2013."

Respectfully submitted,
SENATOR MILLER

Senators Shibley, Perry and Jabour discuss the amendment.

The motion to amend prevails 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, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator McCaffrey moves passage of the act, as amended, seconded by Senators Miller and Perry.

Senator Shibley discusses the act.

The act is read and passed, as amended, upon a roll call vote with 28 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Paiva Weed and Senators Algieri, Ciccone, Crowley, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Moura, Nesselbush, Ottiano, Perry, Pichardo, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 6: Senators Bates, Cote, O'Neill, Picard, Pinga, Shibley.

TRANSMITTAL

By unanimous consent, all matters on the Secretary's desk are ordered to be transmitted to His Excellency, the Governor, the Honorable Secretary of State or to the Honorable House of Representatives forthwith.

(See Appendix for List)

ANNOUNCEMENTS

Senator Picard announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Gallo announces that the Committee on Education will meet tomorrow, at the rise of the Senate, in Room 310 of the State House.

Senator DeVall announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in Room 310 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 Lombardo announces that the Committee on Labor will meet tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Lynch 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.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri the Senate adjourns at 6:47 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR LOUIS P. DIPALMA

Gracious God, we gather today with people everywhere to observe World Environment Day. We recognize that Earth will only be our home as long as we learn to respect and care for the whole community of life and learn humility about our place in it. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, JUNE 06, 2012:****1. Reappointment of Robert A. Mancini to the Public Finance Management Board.**

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

2. 2012-S 3041

BY Tassoni

ENTITLED, SENATE RESOLUTION CONGRATULATING MICHAEL BLACKBURN ON RECEIVING A 2012 GOLDEN APPLE AWARD

Ordered on the Consent Calendar.

3. 2012-S 3042

BY Sosnowski

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER M C BUCKLEY, INC.

Ordered on the Consent Calendar.

4. 2012-H 7479 SUB A

BY Kennedy

ENTITLED, AN ACT RELATING TO INSURANCE - UNFAIR COMPETITION AND PRACTICES

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

5. 2012-H 7500 SUB A

BY Tarro

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS - DIVORCE AND SEPARATION

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

6. 2012-H 7503

BY Johnston

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - FORGERY AND COUNTERFEITING

Committee on Judiciary recommends passage in concurrence.

7. 2012-H 7872 SUB A as amended

BY Keable

ENTITLED, AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS

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

8. 2012-H 7961 SUB A

BY Tanzi

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION - COASTAL RESOURCES MANAGEMENT COUNCIL

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

9. 2012-H 8031

BY Valencia

ENTITLED, AN ACT RELATING TO ALTON VILLAGE WATER DISTRICT

Committee on Housing & Municipal Government recommends passage in concurrence.

10. 2012-H 8104 SUB A

BY Guthrie

ENTITLED, AN ACT RELATING TO THE CENTRAL COVENTRY FIRE DISTRICT

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

11. 2012-H 8155

BY Fox

ENTITLED, AN ACT RELATING TO THE GENERAL ASSEMBLY - RENAMING THE ART CENTER AT RHODE ISLAND COLLEGE

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

12. 2012-H 8165

BY Valencia

ENTITLED, AN ACT RELATING TO LAND TRUST FOR THE TOWN OF RICHMOND

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

13. 2012-H 8194

BY Walsh

ENTITLED, JOINT RESOLUTION PROCLAIMING AUGUST 10TH THROUGH SEPTEMBER 30TH OF 2012 TO BE "RHODE ISLAND LAND TRUST DAYS"

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

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, JUNE 06, 2012:**

- 1. 2012-S 2335**
BY Pichardo
ENTITLED, AN ACT RELATING TO ELECTIONS - MAIL BALLOTS

Committee on Judiciary recommends passage.
- 2. 2012-S 3016**
BY Paiva Weed
ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY PRODUCE RESPONSIBILITY MODELS FOR PAPER AND PACKAGING

Committee on Special Legislation and Veterans Affairs recommends passage.
- 3. 2012-S 2083 SUB A**
BY Ruggerio
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- PROPER MANAGEMENT OF UNUSED PAINT

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.
- 4. 2012-S 2435 SUB A as amended**
BY McCaffrey
ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS - CREDIT UNIONS

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute A as amended.
- 5. 2012-S 2606 SUB A**
BY Algieri
ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - UNFAIR SALES PRACTICES

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

6. **2012-S 3003**
BY Nesselbush
ENTITLED, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION

Committee on Finance recommends passage.

7. **2012-S 3004**
BY Nesselbush
ENTITLED, AN ACT INCREASING THE MAXIMUM TAX EXEMPTION OF THE BOYS AND GIRLS CLUB OF PAWTUCKET

Committee on Finance recommends passage.

8. **2012-S 3013**
BY Doyle
ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR HEALTH, SAFETY AND FIRE CODE-RELATED EMERGENCY REPAIRS, RENOVATIONS AND EQUIPPING OF PUBLIC SCHOOL BUILDINGS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING, THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$5,000,000 BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS THEREFOR, INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2013 AND 2014

Committee on Finance recommends passage.

9. **2012-S 2339**
BY Perry
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES

Committee on Judiciary recommends passage.

10. **2012-S 2370 SUB A**
BY DiPalma
ENTITLED, AN ACT RELATING TO ELECTIONS - MAIL BALLOTS

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

- 11. 2012-S 2499**
BY McCaffrey
ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - REAL ESTATE SALES DISCLOSURES

Committee on Judiciary recommends passage.
- 12. 2012-S 2522**
BY Pichardo
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN

Committee on Judiciary recommends passage.
- 13. 2012-S 2576**
BY Jabour
ENTITLED, AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS -- MENTAL HEALTH--COMPETENCY TO STAND TRIAL

Committee on Judiciary recommends passage.
- 14. 2012-S 2660 SUB A**
BY McCaffrey
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF ATTORNEY GENERAL

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.
- 15. 2012-S 2662**
BY Goodwin
ENTITLED, AN ACT RELATING TO INSURANCE -- MOTOR VEHICLE DAMAGE APPRAISERS

Committee on Judiciary recommends passage.
- 16. 2012-S 2687**
BY Fogarty
ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - BACKGROUND CHECKS

Committee on Judiciary recommends passage.

- 17. 2012-S 2838 SUB A**
BY Goodwin
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES

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

- 18. 2012-S 2976**
BY DiPalma
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ADMINISTRATIVE PROCEDURES

Committee on Judiciary recommends passage.

- 19. 2012-S 2982**
BY McCaffrey
ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - UNIFORM COMMERCIAL DRIVER'S LICENSE ACT

Committee on Judiciary recommends passage.

- 20. 2012-S 2985**
BY McCaffrey
ENTITLED, AN ACT RELATING TO PROPERTY - COMMERCIAL TENANCY

Committee on Judiciary recommends passage.

- 21. 2012-H 7111**
BY Ajello
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE

Committee on Judiciary recommends passage in concurrence.

- 22. 2012-H 7126 SUB A**
BY McNamara
ENTITLED, AN ACT RELATING TO EDUCATION - STATEWIDE VIRTUAL EDUCATION

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

- 23. 2012-H 7139 SUB A**
BY Petrarca
ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - ANIMAL ADVOCATE

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

24. 2012-H 7793 SUB A as amended

BY Keable

ENTITLED, AN ACT RELATING TO INSURANCE - PRODUCER LICENSING ACT

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

Appendix**BILLS TRANSMITTED TO THE GOVERNOR****Senate Bill No. 2130 SUB A as amended****BY** Tassoni, DiPalma, Cote, DeVall, Doyle**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- PUBLIC BUILDINGS (would require public buildings, with certain exemptions, to provide designated parking spaces for motorcycles at the rate of one space per total of thirty (30) spaces between April 1 and November 30 of each year.)

{LC379/A/2}

Senate Bill No. 2153 SUB A**BY** Gallo, Goodwin**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS - DIVORCE AND SEPARATION (would eliminate the waiting requirement for a grandparent to file a miscellaneous petition for visitation)

{LC475/A/2}

House Bill No. 7176 SUB A

(By Request)

BY Slater, Diaz**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- COMMUNITY OBLIGATIONS AND BANKING OFFENSES --THEFT, EMBEZZLEMENT, FALSE PRETENSES, AND MISAPPROPRIATIONS (would amend the larceny and unlawful conversion provisions of the general laws pertaining to when a crime is to be treated as a felony, by increasing the threshold amount from \$500 to \$1,500)

{LC145/A/1}

House Bill No. 7187 SUB A**BY** Petrarca, Winfield, Silva, O'Neill**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- PUBLIC BUILDINGS (would require public buildings to provide designated parking spaces for motorcycles at the rate of one space per total of thirty spaces)

{LC633/A/2}

House Bill No. 7225 SUB A**BY** Gallison, Silva, O'Neill, Keable, Jackson**ENTITLED**, AN ACT RELATING TO PROPERTY - FORM AND EFFECT OF CONVEYANCES (would stay or prohibit the foreclosure on property owned by persons in the military under certain circumstances.)

{LC746/A/1}

House Bill No. 7361

(DPUC)

BY Keable, Lally, Petrarca, Hull, Johnston**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS (would clarify the powers of the division of public utilities and carrier's personnel relative to enforcement of all provisions of the motor carrier pursuant to chapter 39-1)

{LC1158/1}

House Bill No. 7412

BY Slater, Blazejewski, Diaz

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - ENVIRONMENTAL CLEAN UP OBJECTIVES FOR SCHOOLS (would provide further regulation of the use of former hazardous waste sites for new construction.)

{LC1243/1}

House Bill No. 7613

BY Williams, Nunes, Marcello, Hull, Slater

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS

{LC1101/1}

House Bill No. 7614

BY Williams, Edwards, Hull, McCauley, Slater

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - RHODE ISLAND UNINSURED EMPLOYERS FUND

{LC1274/1}

House Resolution No. 7730 SUB A

BY Melo, Silva, Ruggiero, Ehrhardt, Valencia

ENTITLED, JOINT RESOLUTION APPROVING THE ISSUANCE OF HARBOR, PIER, AND PORT REVENUE BONDS BY THE RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION FOR PURPOSES OF FINANCING IMPROVEMENTS IN AND AROUND THE PORT OF DAVISVILLE

{LC1784/A/1}

House Bill No. 8145

BY Hearn

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Martha Grace to join Erica Kreuter and Jonathan Schechter in marriage on or about August 11, 2012, within the Town of Barrington, Rhode Island)

{LC2596/1}

House Bill No. 8166 as amended

BY Chippendale

ENTITLED, AN ACT AUTHORIZING THE ESTABLISHMENT OF THE ABBEY LANE COMMUNITY WATER DISTRICT (would authorize the establishment of the Abbey Lane Community Water District)

{LC2609/1}

House Bill No. 8167

BY Tarro

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Matthew Gotham to join Jessica Burch and Michael Blouin in marriage within the City of Providence, Rhode Island, on or about June 22, 2012)

{LC2606/1}

House Bill No. 8168

BY Mattiello

ENTITLED, AN ACT SOLEMNIZATION OF MARRIAGES (would allow Joanne H. Lehrer to join Jia Yu Leung and Andrew Harris Lehrer in marriage within the Town of South Kingstown, Rhode Island, on or about September 2, 2012)

{LC2635/1}

House Bill No. 8176

BY DeSimone

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow The Honorable Lance J. Garth to join Susan Kim Stauch and Jason Toby Green in marriage within the City of Newport, Rhode Island, on or about August 2, 2012.)

{LC2515/1}