

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 fourth day of January in the year of Our Lord two thousand and eleven.

Volume 138, No.54

Wednesday, June 8, 2011

Fifty-fourth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, at 4:23 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

PRESENT – 37: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, 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 – 1: Senator Goodwin.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Fifty-third Legislative Day of the 2011 proceedings is read in part.

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

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**

May 24, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island State Council on the Arts:

Alison Vareika of Newport

VICE
Carrie Zaslow

for a term expiring March 1, 2014.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

May 24, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island State Council on the Arts:

Ray Rickman of Providence

VICE
William Brackett

for a term expiring March 1, 2014.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

May 24, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island State Council on the Arts:

Katherine Quinn of Bristol

VICE
Mary K. Talbot

for a term expiring March 1, 2014.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

May 24, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island State Council on the Arts:

Deming Sherman of Providence

VICE
Andrea Valentini

for a term expiring March 1, 2012.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

May 24, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island State Council on the Arts:

James Riley of Warren

VICE
Doug Bennett
(resigned)

for a term expiring March 1, 2012.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

May 24, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island State Council on the Arts:

Francis Parra of Providence

VICE
Ann Clanton

for a term expiring March 1, 2012.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

May 24, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island State Council on the Arts:

Beverly A. Blais of Coventry

for a term expiring March 1, 2013.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

May 24, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island State Council on the Arts:

Dana Neugent of Ashaway

for a term expiring March 1, 2013.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

May 24, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island State Council on the Arts:

Carolyn R. Peck of Providence

for a term expiring March 1, 2013.

To this reappointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

May 24, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island State Council on the Arts:

David M. Wax of Providence

for a term expiring March 1, 2014.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

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

June 6, 2011

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:

Scott Gunn of Providence

VICE
Jason Fowler

for a term expiring June 30, 2014.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Finance.

Also:

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

June 6, 2011

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 reappointment to the Convention Center Authority:

George Nee of Cranston

for a term expiring June 30, 2013.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Finance.

Also:

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

June 6, 2011

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 reappointment to the Convention Center Authority:

Dale Venturini of Cranston

for a term expiring June 30, 2014.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Finance.

Also:

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

June 6, 2011

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 reappointment to the Convention Center Authority:

Letitia Carter of Providence

for a term expiring June 30, 2014.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Finance.

Also:

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

June 6, 2011

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:

James Bennett of Narragansett

VICE
David Duffy

for a term expiring June 30, 2015.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Finance.

FROM THE HOUSE OF REPRESENTATIVES

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

Senate Bill No. 117 SUB A

BY Senators McCaffrey, Lynch

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - DISTRICT COURT (would reduce the number of divisions of the district court from six (6) to four (4) {LC437/1/A})

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 391 SUB A

BY Senators Doyle, Tassoni, Gallo

ENTITLED, AN ACT RELATING TO ELECTIONS (would provide that a person who has not registered to vote, or whose registration has been canceled may cast a vote for president/vice-president on election day at his or her city/town hall or alternate location designated by the board of canvassers) {LC1538/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 676 SUB A (Dept. of Corrections)

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - JAILS AND PRISONS (would make it unlawful for any prisoner to possess any portable electronic communication device) {LC1244/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 715 as amended

BY Senator Crowley

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS - RHODE ISLAND BUSINESS CORPORATION (would require that when a corporation converts to another entity pursuant to this chapter it pays all fees and franchise taxes as endured by an appropriate certificate of good standing prior to filing the certificate of conversion required by this section) {LC1485/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 817 SUB A

BY Senator Ciccone

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULT (would make an assault on a constable whose position is authorized by Rhode Island general law 45-16-4.4 a felony) {LC2386/1/A}

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. 265 SUB A

BY Senator Walaska

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS--REGULATORY POWERS OF ADMINISTRATION {LC1126/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 288 SUB A

BY Senator Metts

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS - SMALL LOAN LENDERS (would repeal sections of the general laws allowing deferred deposit providers, also known as "payday lenders.") {LC1345/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 520 SUB A

BY Senators Miller, Bates

ENTITLED, AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS (would update Article 9 (Secured Transactions) of the Rhode Island Uniform Commercial Code in accordance with suggestions of the National Conference of Commissioners on Uniform State Laws) {LC1546/4/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 844 as amended

BY Senator Walaska

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- BURGLAR AND HOLD-UP ALARM BUSINESSES (would provide for individual licensing of security system contractors. It would provide that for renewals the same investigative procedure would follow and would decrease the term of licensure from 3 to 2 years) {LC2486/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON FINANCE

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

Senate Bill No. 537

BY Senators Pichardo, Ciccone, Jabour, Metts, Perry

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES (would allow cities and towns by ordinance to assess users a reasonable charge for use of master alarm fire box systems of the fire departments of the cities and towns) {LC1521/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 858 (General Treasurer)**BY** Senator Felag**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE - ESTABLISHING LOCAL GOVERNMENT INVESTMENT POOLS (would create the Rhode Island local government investment pool which would allow eligible governmental agencies to participate with the state in providing maximum opportunities for the investment of public funds) {LC2007/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 859**BY** Senators DiPalma, Paiva Weed**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- INDUSTRIAL--RECREATIONAL BUILDING AUTHORITY {LC1993/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Bill No. 1024****BY** Senator Goodwin**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- RETIREMENT OF MUNICIPAL EMPLOYEES {LC2681/1}

Read and referred to the Committee on Finance.

Also:

Senate Resolution No. 1025**BY** Senator Crowley**ENTITLED**, SENATE RESOLUTION EXPRESSING OUR DEEPEST CONDOLENCES ON THE PASSING OF WILLIAM C. "BILL" LARAMEE, SR. {LC2826/1}

Senator Crowley requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Crowley moves passage, seconded by Senators Jabour, Ruggerio, Algieri and Sosnowski.

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

CALENDAR**IN ORDER FOR WEDNESDAY, JUNE 8, 2011:****1. 2011-S 436 SUB A****BY Gallo****ENTITLED, AN ACT RELATING TO EDUCATION**

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

Senator Gallo moves passage, seconded by Senators Doyle, DaPonte, Miller, Crowley, DiPalma and Lanzi.

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, 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.

NAYS- 0:

2. 2011-S 437**BY Ciccone****ENTITLED, AN ACT RELATING TO LIBRARIES-REFERENCE RESOURCE CENTERS**

Committee on Education recommends passage.

Senator Ciccone moves passage, seconded by Senators Perry, and Bates

Senator Ciccone seconded by Senators Perry, Gallo and Bates, offers the following written motion to amend.

FLOOR AMENDMENT**TO****2011 -- S 437****AN ACT RELATING TO LIBRARIES-REFERENCE RESOURCE CENTERS**

Madam President:

I hereby move to amend 2011 -- S 437, entitled "AN ACT RELATING TO LIBRARIES-REFERENCE RESOURCE CENTERS", as follows:

1. On page 2, line 3, by deleting the word "yearly" and by inserting in place thereof the word "biennially".
2. On page 2, lines 3-4, by deleting the language "requests for proposals submitted by library systems annually" and by inserting in place thereof the language "responses to a request for proposals issued by the office of library and informational services".

Respectfully submitted,
SENATOR CICCONE

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

NAYS- 0:

Senator Ciccone moves passage of the act, as amended, seconded by Senators Perry, Jabour and Gallo.

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

NAYS- 0:

3. 2011-S 720 SUB A

BY DeVall

**ENTITLED, AN ACT RELATING TO EDUCATION - FAMILY ENGAGEMENT
ADVISORY COUNCIL**

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

Senator DeVall moves passage, seconded by Senators Gallo, Metts 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 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, 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.

NAYS- 0:

4 2011-S 703 SUB A

BY Felag

ENTITLED, AN ACT RELATING TO PROPERTY - FORM AND EFFECT OF CONVEYANCES

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

Senator Felag moves passage, seconded by Senators Pichardo and Metts.

Senator Felag seconded by Senators Pichardo, Metts, Sosnowski, Miller, DaPonte, Ottiano, Lombardo and Sheehan, offers the following written motion to amend.

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

TO

2011 -- S 703 SUBSTITUTE A

AN ACT RELATING TO PROPERTY - FORM AND EFFECT OF CONVEYANCES

Madam President:

I hereby move to amend 2011 -- S 703 SUBSTITUTE A, entitled "AN ACT RELATING TO PROPERTY - FORM AND EFFECT OF CONVEYANCES", as follows:

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

"SECTION 1. Section 34-27-4 of the General Laws in Chapter 34-27 entitled "Mortgage Foreclosure and Sale" is hereby amended to read as follows:

34-27-4. ~~Publication of notice under power of sale~~ Publication of notice under power of sale and rights of active military servicemembers. -- (a) Whenever any real estate shall be sold under any power of sale mortgage executed subsequent to May 4, 1911, and the mortgage shall provide for the giving of notice of the sale by publication

in some public newspaper at least once a week for three (3) successive weeks before the sale, the first publication of the notice shall be at least twenty-one (21) days before the day of sale, including the day of the first publication in the computation, and the third publication of the notice shall be no fewer than seven (7) days before the original date of sale listed in the advertisement, including the day of the third publication in the computation, and no more than fourteen (14) days before the original date of sale listed in the advertisement. The sale may take place no more than fourteen (14) days from the date on which the third successive notice is published, excluding the day of the third publication in the computation. Provided, however, that if the sale is adjourned as provided in Rhode Island general laws section 34-11-22, and the adjourned sale is held during the same calendar week as the originally scheduled day of sale, no additional advertising is required. Otherwise, publication of the notice of the adjourned sale, together with a notice of the adjournment or adjournments, shall be continued at least once each week commencing with the calendar week following the originally scheduled day of sale; the sale, as so adjourned, shall take place during the same calendar week in which the last notice of the adjourned sale is published, at least one day after the date on which the last notice is published.

(b) Provided, however, that no notice shall be valid or effective unless the mortgagor has been mailed written notice of the time and place of sale by certified mail return receipt requested at the address of the real estate and, if different, at the mortgagor's address listed with the tax assessor's office of the city or town where the real estate is located or any other address mortgagor designates by written notice to mortgagee at his, her, or its last known address, at least twenty (20) days for mortgagors other than individual consumer mortgagors, and at least thirty (30) days for individual consumer mortgagors, days prior to the first publication, including the day of mailing in the computation. The mortgagee shall include in the foreclosure deed an affidavit of compliance with this provision.

(c) Provided further, that the notice mailed to the mortgagor in accordance with subsection (b) above shall also contain a copy of subsection (d) below (printed in not less than 12 point type) headed by the following notice (printed in not less than 14 point type): "A servicemember on active duty or deployment or who has recently ceased such duty or deployment has certain rights under subsection 34-27-4(d) of the Rhode Island general laws set out below. To protect your rights if you are such a servicemember, you should give written notice to the servicer of the obligation or the attorney conducting the foreclosure that you are a servicemember on active duty or deployment or who has recently ceased such duty or deployment. This notice may be given on your behalf by your authorized representative. If you have any questions about this notice, you should consult with an attorney." The mortgagee shall include in the foreclosure deed an affidavit of compliance with this provision.

(d) Foreclosure sales affecting servicemembers.-

(1) The following definitions shall apply to this subsection and to subsection (c):

(i) "Servicemember" means a member of the army, navy, air force, marine corps, or coast guard and members of the national guard or reserves called to active duty.

(ii) "Active duty" has the same meaning as the term is defined in 10 U.S.C. sections 12301 through 12304. In the case of a member of the national guard, or reserves "active duty" means and includes service under a call to active service authorized by the president or the secretary of defense for a period of time of more than thirty (30) consecutive days under 32 U.S.C. section 502(f), for the purposes of responding to a national emergency declared by the president and supported by federal funds.

(2) This subsection applies only to an obligation on real and related personal property owned by a service member that:

(i) Originated before the period of the servicemember's military service or in the case of a member of the national guard or reserves originated before being called into active duty and for which the servicemember is still obligated; and

(ii) Is secured by a mortgage or other security in the nature of a mortgage.

(3) Stay of right to foreclose by mortgagee. – Upon receipt of written notice from the mortgagor or mortgagor's authorized representative that the mortgagor is participating in active duty or deployment or that the notice as provided in subsection (c) was received within six (6) months of completion of active duty or deployment, the mortgagee shall be barred from proceeding with the execution of sale of the property as defined in the notice until such six (6) month period has lapsed or until the mortgagee obtains court approval in accordance with subdivision (d)(5) below.

(4) Stay of proceedings and adjustment of obligation. – In the event a mortgagee proceeds with foreclosure of the property during, or within six (6) months after a servicemember's period of active duty or deployment notwithstanding receipt of notice contemplated by subdivision (d)(3) above, the servicemember or his or her authorized representative may file a petition against the mortgagee seeking a stay of such foreclosure, and at the hearing on such petition, the court may:

(i) Stay the proceedings for a period of time as justice and equity require; or

(ii) Adjust the obligation to preserve the interests of all parties.

(5) Sale or foreclosure.- A sale, foreclosure or seizure of property for a breach of an obligation of a

servicemember who is entitled to the benefits under subsection (d) and who provided the mortgagee with written notice permitted under subdivision (d)(3) shall not be valid if made during, or within six (6) months after, the period of the servicemember's military service except:

(i) Upon a court order granted before such sale, foreclosure or seizure after hearing on a petition filed by the mortgagee against such servicemember; or

(ii) If made pursuant to an agreement of all parties.

(6) Penalties.- A mortgagee who knowingly makes or causes to be made a sale, foreclosure or seizure of property that is prohibited by subsection (d)(3) shall be fined the sum of one thousand dollars (\$1,000), or imprisoned for not more than one year, or both. The remedies and rights provided hereunder are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including consequential and punitive damages.

(7) Any petition hereunder shall be commenced by action filed in the superior court for the county in which the property subject to the mortgage or other security in the nature of a mortgage is situated. Any hearing on such petition shall be conducted on an expedited basis following such notice and/or discovery as the court deems proper.

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

Respectfully submitted,
SENATOR FELAG

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 Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, 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.

NAYS- 0:

Senator Felag moves passage of the act, as amended, seconded by Senators Ruggerio, Bates, Moura 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 and 1 Senator abstaining as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, 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.

NAYS- 0:

ABSTAINED- 1: Senator Algieri.

TRANSMITTAL

By unanimous consent, all senate 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.

ANNOUNCEMENTS

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

Senator Sheehan announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Lombardo announces that the Committee on Labor will meet today, at the rise of the Senate, in Room 310 of the State House.

Senator Lynch announces that the Committee on Special Legislation and Veterans' Affairs will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

ADJOURNMENT

Upon motion of Senator Walaska seconded by Senator Ruggerio, and upon suggestion of Senator Crowley the Senate adjourns at 4:39 o'clock P.M. in memory of William C. Laramie, Sr.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR FRANCIS T. MAHER, JR

Almighty God, help us through the stresses and strains of the day by granting us your serenity and peace. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR THURSDAY, JUNE 9, 2011:

1. 2011-S 1026

BY Paiva Weed

**ENTITLED, SENATE RESOLUTION CONGRATULATING THE SURFACE
WARFARE OFFICERS SCHOOL ON THE 50TH ANNIVERSARY OF
ITS FOUNDING**

Ordered to be placed on the Consent Calendar.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, JUNE 9, 2011:****1. 2011-S 17****BY Fogarty P****ENTITLED,** AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --
RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS

Committee on Finance recommends passage.

2. 2011-S 402 SUB A**BY Gallo****ENTITLED,** AN ACT RELATING TO EDUCATION -- TEACHERS'
RETIREMENTCommittee on Finance recommends indefinite postponement of the original bill and
passage of Substitute A.**3. 2011-S 768****BY DiPalma****ENTITLED,** AN ACT RELATING TO TAXATION - EXEMPTIONS FOR ARTISTS
- TIVERTON

Committee on Finance recommends passage.

4. 2011-S 155 SUB A**BY Ciccone****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
STATE PURCHASESCommittee on Government Oversight recommends indefinite postponement of the
original bill and passage of Substitute A.**5. 2011-S 864 SUB A****BY Ciccone****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKSCommittee on Government Oversight recommends indefinite postponement of the
original bill and passage of Substitute A.**6. 2011-S 865****BY Ciccone****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
STATE PURCHASES

Committee on Government Oversight recommends passage.

7. 2011-S 866 SUB A

BY Ciccone

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
STATE PURCHASES

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

8. 2011-S 114 SUB A as amended

BY Ruggerio

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

Committee on Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A as amended.

IN ORDER FOR TUESDAY, JUNE 14, 2011:

1. 2011-S 265 SUB A

BY Walaska

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --
DUTIES OF UTILITIES AND CARRIERS--REGULATORY
POWERS OF ADMINISTRATION

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

2. 2011-S 288 SUB A

BY Metts

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS - SMALL
LOAN LENDERS

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

3. 2011-S 520 SUB A

BY Miller

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

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

4. 2011-S 844 as amended

BY Walaska

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
BURGLAR AND HOLD-UP ALARM BUSINESSES

Committee on Corporations recommends passage as amended.

5. **2011-S 537**

BY Pichardo

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES

Committee on Finance recommends passage.

6. **2011-S 858**

BY Felag

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE - ESTABLISHING
LOCAL GOVERNMENT INVESTMENT POOLS

Committee on Finance recommends passage.

7. **2011-S 859**

BY DiPalma

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
INDUSTRIAL--RECREATIONAL BUILDING AUTHORITY

Committee on Finance recommends passage.

8. **2011-S 117 SUB A**

BY McCaffrey

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

Ordered on the Calendar.

9 **2011-S 391 SUB A**

BY Doyle

ENTITLED, AN ACT RELATING TO ELECTIONS

Ordered on the Calendar.

10. **2011-S 676 SUB A**

BY McCaffrey

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - JAILS AND
PRISONS

Ordered on the Calendar.

11. **2011-S 715 as amended**

BY Crowley

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND
PARTNERSHIPS - RHODE ISLAND BUSINESS CORPORATION

Ordered on the Calendar.

12. 2011-S 817 SUB A

BY Ciccone

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULT

Ordered on the Calendar.