

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Journal of the Senate

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the sixth day of January in the year of Our Lord two thousand and fifteen.

Volume 142, No.60

Wednesday, June 17, 2015

Sixtieth 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 4:45 o'clock P.M.

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

PRESENT – 38: The Honorable President Paiva Weed and Senators Algiere, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

**REPORTS OF COMMITTEES
COMMITTEE ON COMMERCE**

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

Senate Bill No. 456

BY McCaffrey

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- LICENSED ACTIVITIES (Amends the definition of a third-party loan servicer to include a person or entity that owns servicing rights whether or not that owner services the loan themselves or contracts with another person or entity for servicing.) {LC1579/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 535

BY Picard

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - FLAMMABLE AND COMBUSTIBLE LIQUIDS (Allows self service gas stations to use delivery nozzles with latch-open device when equipped with safeguards.)
{LC2012/1}

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. 6274

BY Newberry

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Andrea L. Truppa, Esq., to join David Michael Randall and Christine Rosati in marriage on or about September 5, 2015, within the Village of Mapleville, Rhode Island.)
{LC2815/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 6289

BY O'Brien, Corvese, DeSimone, Hull

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Mario Martone to join Cassandra Carolan Yates and Ryan Michael Simko in marriage on or about July 25, 2015, within the City of Providence, Rhode Island.)
{LC2822/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 6287

BY Melo

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows the Honorable John D. Casey to join Jane Casey and Adam Licurse in marriage on or about August 22, 2015, within the City of East Providence, Rhode Island.)
{LC2826/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 6263

BY Edwards, Canario

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Mark Martin Chouinard to join Keith Martin Chouinard and Keri Lynn Ewart in marriage on or about July 6, 2015, within the City of Newport, Rhode Island.)
{LC2789/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 6275

BY Azzinaro, Corvese

ENTITLED, AN ACT SOLEMNIZATION OF MARRIAGES (Allows Dale West to join Elizabeth Schilke and Conrad Dersteine in marriage on or about September 20, 2015, within the Town of Westerly, Rhode Island.)
{LC2806/1}

Read and ordered to be placed on the Consent Calendar.

CONSENT CALENDAR

In order for the day is taken up as follows:

1. Reappointment of Robert A. Mancini To the Rhode Island Public Finance Management Board for a term expiring July 1, 2018.
2. Appointment of Patricia M. Anderson of West Warwick VICE Stephen Woerner to the R.I. Public Finance Management Board for a term expiring January 1, 2018.
3. Appointment of B. Joe Reddish, III of Wyoming VICE Steven Filippi to the R.I. Public Finance Management Board for a term expiring July 1, 2018.

4. Appointment of Shawn J. Brown of Middletown to the R.I. Public Finance Management Board for a term expiring July 1, 2018.
5. Reappointment of Marianne F. Monte VICE Frank R. Benell, Jr. To the Rhode Island Retirement Board for a term expiring July 1, 2019.
6. Reappointment of Marcia B. Reback of Providence to the R.I. State Investment Commission for a term expiring July 1, 2018.
7. Appointment of Marie J. Langlois of Providence VICE Daniel Reilly to the R.I. State Investment Commission for a term expiring July 1, 2018.
8. Appointment of Robert K. Benson VICE Bob Guidici To the Rhode Island State Investment Commission for a term expiring July 1, 2018.
9. **2015-S 998**
BY Kettle
ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF FRANCIS KNIGHT SEARLE
10. **2015-H 5667**
BY Marshall
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
11. **2015-H 5755 SUB A**
BY Handy
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - RESPONSIBLE RECYCLING, REUSE, AND DISPOSAL OF MATTRESSES
12. **2015-H 5686 as amended**
BY Naughton
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - STROKE CARE CENTERS
13. **2015-H 6012**
BY Shekarchi
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
14. **2015-H 5635**
BY Jacquard
ENTITLED, AN ACT RELATING TO PROPERTY - RESIDENTIAL SECURITY DEPOSITS
15. **2015-H 5873 SUB A**
BY DeSimone
ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - EXPUNGEMENTS

16. **2015-H 5874 SUB A**
 BY Jacquard
 ENTITLED, AN ACT RELATING TO UNIFORM CONTROLLED SUBSTANCES
 ACT - OFFENSES AND PENALTIES
17. **2015-H 5937 SUB A**
 BY Canario
 ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -
 EMPLOYMENT SECURITY - BENEFITS
18. **2015-H 5957 SUB A as amended**
 BY Phillips
 ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
 EMPLOYMENT SECURITY BENEFITS
19. **2015-H 6152 SUB A**
 BY Shekarchi
 ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
 WORKERS' COMPENSATION
20. **2015-H 6185**
 BY Costa
 ENTITLED, AN ACT RELATING TO THE GENERAL ASSEMBLY - PERMANENT
 JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES,
 AND OTHER STATE CONSTRUCTIONS

Upon motion of Senator Ruggerio, seconded by Senator Algieri, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 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, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

CALENDAR

Senator Goodwin requests that items 2, 7 and 10 be removed from today's Calendar and placed on the Calendar for Thursday, June 18, and that item 6 be removed from today's Calendar and placed on the Calendar for Tuesday, June 23, 2015.

IN ORDER FOR WEDNESDAY, JUNE 17, 2015:**1. 2015-S 713 SUB A****BY Archambault****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.

Senator Archambault moves passage, seconded by Senators Jabour, Lombardi, Lynch, Gee, Ruggerio and Ciccone.

Senator Archambault seconded by Senators Lombardi, Ciccone, Gee, Lynch and Jabour, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2015 -- S 0713 SUBSTITUTE A

AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES

Madam President:

I hereby move to amend 2015 -- S 0713 SUBSTITUTE A, entitled "AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES", as follows:

1. On page 1, line 1, by deleting the language "31-27-2.8" and inserting in place thereof the following:

"Sections 31-27-2, 31-27-2.1, and 31-27-2.8".

2. On page 1, line 2, by deleting the word "is" and inserting in place thereof the word "are".

3. On page 1, between lines 2 and 3, by inserting the following language:

"31-27-2. Driving under influence of liquor or drugs. [Effective January 1, 2015.]. – (a) Whoever drives or otherwise operates any vehicle in the state while under the influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, shall be guilty of a misdemeanor except as provided in subdivision (d)(3) and shall be punished as provided in subsection (d) of this section.

(b)(1) Any person charged under subsection (a) of this section whose blood alcohol concentration is eight one-hundredths of one percent (.08%) or more by weight, as shown by a chemical analysis of a blood, breath, or urine sample, shall be guilty of violating subsection (a) of this section. This provision shall not preclude a conviction based

on other admissible evidence. Proof of guilt under this section may also be based on evidence that the person charged was under the influence of intoxicating liquor, drugs, toluene, or any controlled substance defined in chapter 28 of title 21, or any combination of these, to a degree that rendered the person incapable of safely operating a vehicle. The fact that any person charged with violating this section is, or has been, legally entitled to use alcohol or a drug shall not constitute a defense against any charge of violating this section.

(2) Whoever drives, or otherwise operates, any vehicle in the state with a blood presence of any scheduled controlled substance as defined within chapter 28 of title 21, as shown by analysis of a blood or urine sample, shall be guilty of a misdemeanor and shall be punished as provided in subsection (d) of this section.

(c) In any criminal prosecution for a violation of subsection (a) of this section, evidence as to the amount of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, in the defendant's blood at the time alleged as shown by a chemical analysis of the defendant's breath, blood, or urine or other bodily substance, shall be admissible and competent, provided that evidence is presented that the following conditions have been complied with:

(1) The defendant has consented to the taking of the test upon which the analysis is made. Evidence that the defendant had refused to submit to the test shall not be admissible unless the defendant elects to testify.

(2) A true copy of the report of the test result was mailed within ~~seventy-two (72) hours~~ five (5) business days of the taking of the test, or hand-delivered at the police station accompanied by a receipt by the arresting police department to the person submitting to a breath test.

(3) Any person submitting to a chemical test of blood, urine, or other body fluids shall have a true copy of the report of the test result mailed to him or her ~~within thirty (30) days~~ following the taking of the test and its receipt by the arresting police department.

(4) The test was performed according to methods and with equipment approved by the director of the department of health of the state of Rhode Island and by an authorized individual.

(5) Equipment used for the conduct of the tests by means of breath analysis had been tested for accuracy within thirty (30) days preceding the test by personnel qualified as hereinbefore provided, and breathalyzer operators shall be qualified and certified by the department of health within three hundred sixty-five (365) days of the test.

(6) The person arrested and charged with operating a motor vehicle while under the influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or, any combination of these in violation of subsection (a) of this section, was afforded the opportunity to have an additional chemical test. The officer

arresting or so charging the person shall have informed the person of this right and afforded him or her a reasonable opportunity to exercise this right, and a notation to this effect is made in the official records of the case in the police department. Refusal to permit an additional chemical test shall render incompetent and inadmissible in evidence the original report.

(d)(1)(i) Every person found to have violated subdivision (b)(1) of this section shall be sentenced as follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one percent (.08%), but less than one-tenth of one percent (.1%), by weight, or who has a blood presence of any scheduled controlled substance as defined in subdivision (b)(2), shall be subject to a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300); shall be required to perform ten (10) to sixty (60) hours of public community restitution, and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge and/or shall be required to attend a special course on driving while intoxicated or under the influence of a controlled substance; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration, and his or her driver's license shall be suspended for thirty (30) days up to one hundred eighty (180) days. The sentencing judge or magistrate may prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(ii) Every person convicted of a first violation whose blood alcohol concentration is one-tenth of one percent (.1%) by weight or above, but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, shall be subject to a fine of not less than one hundred (\$100) dollars, nor more than four hundred dollars (\$400), and shall be required to perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge. The person's driving license shall be suspended for a period of three (3) months to twelve (12) months. The sentencing judge shall require attendance at a special course on driving while intoxicated or under the influence of a controlled substance and/or alcoholic or drug treatment for the individual; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration. The sentencing judge or magistrate may prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(iii) Every person convicted of a first offense whose blood alcohol concentration is fifteen hundredths of one

percent (.15%) or above, or who is under the influence of a drug, toluene, or any controlled substance as defined in subdivision (b)(1), shall be subject to a fine of five hundred dollars (\$500) and shall be required to perform twenty (20) to sixty (60) hours of public community restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge. The person's driving license shall be suspended for a period of three (3) months to eighteen (18) months. The sentencing judge shall require attendance at a special course on driving while intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment for the individual; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration. The sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(2)(i) Every person convicted of a second violation within a five-year (5) period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or who has a blood presence of any controlled substance as defined in subdivision (b)(2), and every person convicted of a second violation within a five-year (5) period, regardless of whether the prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be subject to a mandatory fine of four hundred dollars (\$400). The person's driving license shall be suspended for a period of one year to two (2) years, and the individual shall be sentenced to not less than ten (10) days, nor more than one year, in jail. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug treatment for the individual; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration and shall prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(ii) Every person convicted of a second violation within a five-year (5) period whose blood alcohol concentration is fifteen hundredths of one percent (.15%) or above, by weight as shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of a drug, toluene, or any controlled substance as defined in subdivision (b)(1), shall be subject to mandatory imprisonment of not less than six (6) months, nor more than one year; a mandatory fine of not less than one thousand dollars (\$1,000); and a mandatory license suspension for a period

of two (2) years from the date of completion of the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug treatment for the individual; provided, however, that the court may permit a servicemember or veteran to complete any court approved counseling program administered or approved by the Veterans' Administration. The sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8

(3)(i) Every person convicted of a third or subsequent violation within a five-year (5) period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown or who has a blood presence of any scheduled controlled substance as defined in subdivision (b)(2), regardless of whether any prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory fine of four hundred (\$400) dollars. The person's driving license shall be suspended for a period of two (2) years to three (3) years, and the individual shall be sentenced to not less than one year and not more than three (3) years in jail. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug treatment for the individual; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration, and shall prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(ii) Every person convicted of a third or subsequent violation within a five-year (5) period whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of a drug, toluene, or any controlled substance as defined in subdivision (b)(1), shall be subject to mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a mandatory fine of not less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000); and a mandatory license suspension for a period of three (3) years from the date of completion of the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug treatment for the individual. The sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(iii) In addition to the foregoing penalties, every person convicted of a third or subsequent violation within a

five-year (5) period, regardless of whether any prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be subject, in the discretion of the sentencing judge, to having the vehicle owned and operated by the violator seized and sold by the state of Rhode Island, with all funds obtained by the sale to be transferred to the general fund.

(4) Whoever drives or otherwise operates any vehicle in the state while under the influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, when his or her license to operate is suspended, revoked, or cancelled for operating under the influence of a narcotic drug or intoxicating liquor, shall be guilty of a felony punishable by imprisonment for not more than three (3) years and by a fine or not more than three thousand dollars (\$3,000). The court shall require alcohol and/or drug treatment for the individual; provided, the penalties provided for in § 31-27-2(d)(4) shall not apply to an individual who has surrendered his or her license and served the court-ordered period of suspension, but who, for any reason, has not had his or her license reinstated after the period of suspension, revocation, or suspension has expired; provided, further, the individual shall be subject to the provisions of §§ 31-27-2(d)(2)(i) or (ii) or 31-27-22(d)(3)(i), (ii), or (iii) regarding subsequent offenses, and any other applicable provision of § 31-27-2.

(5)(i) For purposes of determining the period of license suspension, a prior violation shall constitute any charge brought and sustained under the provisions of this section or § 31-27-2.1.

(ii) Any person over the age of eighteen (18) who is convicted under this section for operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of these, while a child under the age of thirteen (13) years was present as a passenger in the motor vehicle when the offense was committed, may be sentenced to a term of imprisonment of not more than one year, and further, shall not be entitled to the benefit of suspension or deferment of this sentence. The sentence imposed under this section may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge.

(6)(i) Any person convicted of a violation under this section shall pay a highway assessment fine of five hundred dollars (\$500) that shall be deposited into the general fund. The assessment provided for by this subsection shall be collected from a violator before any other fines authorized by this section.

(ii) Any person convicted of a violation under this section shall be assessed a fee of eighty-six dollars (\$86).

(7)(i) If the person convicted of violating this section is under the age of eighteen (18) years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of public community restitution and the

juvenile's driving license shall be suspended for a period of six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing judge shall also require attendance at a special course on driving while intoxicated or under the influence of a controlled substance and alcohol or drug education and/or treatment for the juvenile. The juvenile may also be required to pay a highway assessment fine of no more than five hundred dollars (\$500) and the assessment imposed shall be deposited into the general fund.

(ii) If the person convicted of violating this section is under the age of eighteen (18) years, for a second or subsequent violation regardless of whether any prior violation and subsequent conviction was a violation and subsequent under this statute or under the driving under the influence of liquor or drugs statute of any other state, he or she shall be subject to a mandatory suspension of his or her driving license until such time as he or she is twenty-one (21) years of age and may, in the discretion of the sentencing judge, also be sentenced to the Rhode Island training school for a period of not more than one year and/or a fine of not more than five hundred dollars (\$500).

(8) Any person convicted of a violation under this section may undergo a clinical assessment at the community college of Rhode Island's center for workforce and community education. Should this clinical assessment determine problems of alcohol, drug abuse, or psychological problems associated with alcoholic or drug abuse, this person shall be referred to an appropriate facility, licensed or approved by the department of mental health, retardation and hospitals for treatment placement, case management, and monitoring. In the case of a servicemember or veteran, the court may order that the person be evaluated through the Veterans' Administration. Should the clinical assessment determine problems of alcohol, drug abuse, or psychological problems associated with alcohol or drug abuse, the person may have their treatment, case management, and monitoring administered or approved by the Veterans' Administration.

(e) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred (100) cubic centimeters of blood.

(f)(1) There is established an alcohol and drug safety unit within the division of motor vehicles to administer an alcohol safety action program. The program shall provide for placement and follow-up for persons who are required to pay the highway safety assessment. The alcohol and drug safety action program will be administered in conjunction with alcohol and drug programs licensed by the department of mental health retardation and hospitals.

(2) Persons convicted under the provisions of this chapter shall be required to attend a special course on driving while intoxicated or under the influence of a controlled substance, and/or participate in an alcohol or drug treatment program; provided, however, that the court may permit a servicemember or veteran to complete any court-

approved counseling program administered or approved by the Veterans' Administration. The course shall take into consideration any language barrier that may exist as to any person ordered to attend, and shall provide for instruction reasonably calculated to communicate the purposes of the course in accordance with the requirements of the subsection. Any costs reasonably incurred in connection with the provision of this accommodation shall be borne by the person being retrained. A copy of any violation under this section shall be forwarded by the court to the alcohol and drug safety unit. In the event that persons convicted under the provisions of this chapter fail to attend and complete the above course or treatment program, as ordered by the judge, then the person may be brought before the court, and after a hearing as to why the order of the court was not followed, may be sentenced to jail for a period not exceeding one year.

(3) The alcohol and drug safety action program within the division of motor vehicles shall be funded by general revenue appropriations.

(g) The director of the health department of the state of Rhode Island is empowered to make and file with the secretary of state regulations that prescribe the techniques and methods of chemical analysis of the person's body fluids or breath and the qualifications and certification of individuals authorized to administer this testing and analysis.

(h) Jurisdiction for misdemeanor violations of this section shall be with the district court for persons eighteen (18) years of age or older and to the family court for persons under the age of eighteen (18) years. The courts shall have full authority to impose any sentence authorized, and to order the suspension of any license, for violations of this section. All trials in the district court and family court of violations of the section shall be scheduled within thirty (30) days of the arraignment date. No continuance or postponement shall be granted except for good cause shown. Any continuances that are necessary shall be granted for the shortest practicable time. Trials in superior court are not required to be scheduled within thirty (30) days of the arraignment date.

(i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on driving while intoxicated or under the influence of a controlled substance, public community restitution, or jail provided for under this section can be suspended.

(j) An order to attend a special course on driving while intoxicated that shall be administered in cooperation with a college or university accredited by the state, shall include a provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into the general fund.

(k) For the purposes of this section, any test of a sample of blood, breath, or urine for the presence of alcohol

that relies in whole or in part upon the principle of infrared light absorption is considered a chemical test.

(l) If any provision of this section, or the application of any provision, shall for any reason be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of the section, but shall be confined in this effect to the provision or application directly involved in the controversy giving rise to the judgment.

(m) For the purposes of this section, "servicemember" means a person who is presently serving in the armed forces of the United States, including the Coast Guard, a reserve component thereof, or the National Guard. "Veteran" means a person who has served in the armed forces, including the Coast Guard of the United States, a reserve component thereof, or the National Guard, and has been discharged under other than dishonorable conditions.

31-27-2.1. Refusal to submit to chemical test. [Effective January 1, 2015]. -- (a) Any person who operates a motor vehicle within this state shall be deemed to have given his or her consent to chemical tests of his or her breath, blood, and/or urine for the purpose of determining the chemical content of his or her body fluids or breath. No more than two (2) complete tests, one for the presence of intoxicating liquor and one for the presence of toluene or any controlled substance, as defined in § 21-28-1.02(7), shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these. The director of the department of health is empowered to make and file, with the secretary of state, regulations that prescribe the techniques and methods of chemical analysis of the person's body fluids or breath and the qualifications and certification of individuals authorized to administer the testing and analysis.

(b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the person may file an affidavit with the division of motor vehicles stating the reasons why he or she cannot be required to take blood tests and a notation to this effect shall be made on his or her license. If that person is asked to submit to chemical tests as provided under this chapter, the person shall only be required to submit to chemical tests of his or her breath or urine. When a person is requested to submit to blood tests, only a physician or registered nurse, or a medical technician certified under regulations promulgated by the director of the department of health, may withdraw blood for the purpose of determining the alcoholic content in it. This limitation shall not apply to the taking of breath or urine specimens. The person tested shall be permitted to have a physician of his or her own choosing, and at his or her own expense, administer chemical tests of his or her breath, blood, and/or urine in addition to the tests administered at the direction of a law enforcement officer. If a person, having been placed under arrest, refuses upon the request of a law enforcement officer to submit to the tests, as provided in § 31-27-2, none shall be given, but a judge or magistrate of

the traffic tribunal or district court judge or magistrate, upon receipt of a report of a law enforcement officer: that he or she had reasonable grounds to believe the arrested person had been driving a motor vehicle within this state under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these; that the person had been informed of his or her rights in accordance with § 31-27-3; that the person had been informed of the penalties incurred as a result of noncompliance with this section; and that the person had refused to submit to the tests upon the request of a law enforcement officer; shall promptly order that the person's operator's license or privilege to operate a motor vehicle in this state be immediately suspended, however, said suspension shall be subject to the hardship provisions enumerated in 31-27-2.8. ~~and that the person's license be surrendered within five (5) days of notice of suspension.~~ A traffic tribunal judge or magistrate, or a district court judge or magistrate, pursuant to the terms of subsection (c) of this section, shall order as follows:

(1) Impose, for the first violation, a fine in the amount of two hundred dollars (\$200) to five hundred dollars (\$500) and shall order the person to perform ten (10) to sixty (60) hours of public community restitution. The person's driving license in this state shall be suspended for a period of six (6) months to one year. The traffic tribunal judge or magistrate shall require attendance at a special course on driving while intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment for the individual. The traffic tribunal judge or magistrate may prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(2) Every person convicted for a second violation within a five-year (5) period shall be guilty of a misdemeanor; shall be imprisoned for not more than six (6) months; and shall pay a fine in the amount of six hundred dollars (\$600) to one thousand dollars (\$1,000), order the person to perform sixty (60) to one hundred (100) hours of public community restitution; and the person's driving license in this state shall be suspended for a period of one year to two (2) years. The judge or magistrate shall require alcohol and/or drug treatment for the individual. The sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(3) Every person convicted for a third or subsequent violation within a five-year (5) period shall be guilty of a misdemeanor; and shall be imprisoned for not more than one year; fined eight hundred dollars (\$800) to one thousand dollars (\$1,000); shall perform not less than one hundred (100) hours of public community restitution; and the person's operator's license in this state shall be suspended for a period of two (2) years to five (5) years. The sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is not equipped with an

ignition interlock system as provided in § 31-27-2.8. The judge or magistrate shall require alcohol or drug treatment for the individual. Provided, that prior to the reinstatement of a license to a person charged with a third or subsequent violation within a three-year (3) period, a hearing shall be held before a judge or magistrate. At the hearing, the judge or magistrate shall review the person's driving record, his or her employment history, family background, and any other pertinent factors that would indicate that the person has demonstrated behavior that warrants the reinstatement of his or her license.

(4) For purposes of determining the period of license suspension, a prior violation shall constitute any charge brought and sustained under the provisions of this section or § 31-27-2.

(5) In addition to any other fines, a highway safety assessment of five hundred dollars (\$500) shall be paid by any person found in violation of this section, the assessment to be deposited into the general fund. The assessment provided for by this subsection shall be collected from a violator before any other fines authorized by this section.

(6) In addition to any other fines and highway safety assessments, a two hundred dollar (\$200) assessment shall be paid by any person found in violation of this section to support the department of health's chemical testing programs outlined in § 31-27-2(4), that shall be deposited as general revenues, not restricted receipts.

(7) No fines, suspensions, assessments, alcohol or drug treatment programs; course on driving while intoxicated or under the influence of a controlled substance; or public community restitution provided for under this section; can be suspended.

(c) Upon suspending or refusing to issue a license or permit as provided in subsection (a) of this section, the traffic tribunal or district court shall immediately notify the person involved in writing, and upon his or her request, within fifteen (15) days, shall afford the person an opportunity for a hearing as early as practical upon receipt of a request in writing. Upon a hearing, the judge may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers. If the judge finds after the hearing that: (1) The law enforcement officer making the sworn report had reasonable grounds to believe that the arrested person had been driving a motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these; (2) The person, while under arrest, refused to submit to the tests upon the request of a law enforcement officer; (3) The person had been informed of his or her rights in accordance with § 31-27-3; and (4) The person had been informed of the penalties incurred as a result of noncompliance with this section; the judge shall sustain the violation. The judge shall then impose the penalties set forth in subsection (b) of this section. Action by the judge must be taken within seven (7) days after the hearing or it

shall be presumed that the judge has refused to issue his or her order of suspension.

(d) For the purposes of this section, any test of a sample of blood, breath, or urine for the presence of alcohol that relies, in whole or in part, upon the principle of infrared light absorption is considered a chemical test.

(e) If any provision of this section, or the application of any provision, shall, for any reason, be judged invalid, the judgment shall not affect, impair, or invalidate the remainder of the section, but shall be confined in this effect to the provisions or application directly involved in the controversy giving rise to the judgment.

4. On page 2, line 14, after the period, by deleting the language "In any case where a person is convicted of a second offense under the provisions of § 31-27-2(d)(2), the sentencing judge or magistrate may grant the person a conditional hardship license immediately upon a plea or admission of guilt, and after a finding of need under this section." and inserting in place thereof the following language: "However, in any case where a motorist has a prior alcohol related offense within the prior ten (10) years of the instant case, or when the instant case involves a motor vehicle accident, the judge or magistrate may exercise his or her discretion in the granting of the hardship license by imposing up to a ninety (90) day loss of license prior to any imposition of the hardship license."

5. On page 3, line 8, by deleting the language "in addition" and substituting the word "subsequent" in place thereof.

6. On page 3, line 24, by deleting the word "motorist" and inserting the word "DMV" in place thereof.

7. On page 4, line 34, by deleting the word "The" and inserting in place thereof the language: "Upon the expiration of the interlock order by the court, the". 8. On page 5, line 6, by deleting all of the language after the word "passage".

Respectfully submitted,

Senator Archambault

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, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

Senator Archambault moves passage of the act, as amended, seconded by Senators Lombardi and Gee.

Senators Jabour discusses the act.

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 Algiere, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

2. 2015-S 754 SUB A
BY McCaffrey
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES

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 on the Calendar for Thursday, June 18, 2015.

3. 2015-S 84 SUB A
BY Felag
ENTITLED, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS

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

Senator Felag moves passage, seconded by Senators Ottiano, Kettle, Lombardi, Gallo, Lynch, Doyle and Metts.

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 Algiere, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

4. 2015-S 366 SUB A**BY** Picard**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

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

Senator Picard moves passage, seconded by Senators Pearson Gallo Morgan and DiPalma.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

5. 2015-S 409 SUB A**BY** Sosnowski**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - PUBLIC UTILITIES COMMISSION

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

Senator Sosnowski moves passage, seconded by Senators Fogarty, Nesselbush, Miller, Crowley, Lynch, Goodwin, Kettle, Raptakis, Sheehan, Goldin, Satchell and Ruggerio.

Senators Raptakis, Conley and Walaska discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

6. 2015-S 537 SUB A**BY** McCaffrey**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES-WASTEWATER MANAGEMENT DISTRICTS

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

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the Calendar for Tuesday, June 23, 2015.

7. 2015-S 864 SUB A**BY** Walaska**ENTITLED**, AN ACT RELATING TO THE CITY OF WARWICK -- SEWER AUTHORITY

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

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the Calendar for Thursday, June 18, 2015.

8. 2015-S 195 SUB A**BY** Goodwin**ENTITLED**, AN ACT RELATING TO HIGHWAYS - SIDEWALKS

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

Senator Goodwin moves passage, seconded by Senators Felag, Lynch, Pichardo, Miller, Nesselbush, Crowley, Archambault and Ciccone.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

9. 2015-S 238 SUB A**BY** Walaska**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES

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

Senator Walaska moves passage, seconded by Senators Felag, Goodwin, Ruggerio, Lynch, Nesselbush, Gee, Lombardi, Lombardo and DiPalma.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

10. 2015-S 559 SUB A

BY McCaffrey

ENTITLED, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES

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

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the Calendar for Thursday, June 18, 2015.

11. 2015-S 621 SUB A

BY Algieri

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

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

Senator Algieri moves passage, seconded by Senators Morgan, Ottiano, Ruggerio and 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 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

12. 2015-S 788**BY** Picard**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - ZONING ORDINANCES

Committee on Housing & Municipal Government recommends passage.

Senator Picard moves passage, seconded by Senator Ruggerio

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

FLOOR AMENDMENT

TO

2015 -- S 0788

AN ACT RELATING TO TOWNS AND CITIES - ZONING ORDINANCES

Madam President:

I hereby move to amend 2015 -- S 0788, entitled "AN ACT RELATING TO TOWNS AND CITIES - ZONING ORDINANCES", as follows:

1. On page 2, line 22, by restoring the stricken language "registered" and "certified".
2. On page 2, line 22, after the language "registered", by inserting a comma ", "
3. On page 2, line 22, after the language "certified", by inserting the language ", or".
4. On page 2, line 24, after the word "located", by inserting the following language:

"; provided, for any notice sent by first class mail, the sender of the notice shall utilize and obtain a United States Postal Service certificate of mailing, PS form 3817, or any applicable version thereof, to demonstrate proof of such mailing".

Respectfully submitted,

Senator Picard

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, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

Senator Picard moves passage of the act, as amended, seconded by Senators Lombardo.

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, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

13. 2015-S 880

BY Raptakis

ENTITLED, AN ACT IN AMENDMENT OF CHAPTER 330 OF THE PUBLIC LAWS OF 1997 AS AMENDED BY CHAPTER 140 OF THE PUBLIC LAWS OF 2006, PERTAINING TO SEWERS IN THE TOWN OF COVENTRY

Committee on Housing & Municipal Government recommends passage.

Senator Raptakis moves passage, seconded by Senator Kettle.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

14. 2015-S 923

BY Picard

ENTITLED, AN ACT AN ACT IN AMENDMENT OF CHAPTER 3235 OF THE 1953 PUBLIC LAWS ENTITLED "AN ACT PERTAINING TO MUNICIPAL PRIMARIES AND ELECTIONS IN THE CITY OF WOONSOCKET, STATE OF RHODE ISLAND, AND ALSO VALIDATING CERTAIN PROVISIONS IN CITY OF WOONSOCKET, RHODE ISLAND HOME RULE CHARTER," AS AMENDED

Committee on Housing & Municipal Government recommends passage.

Senator Picard moves passage, seconded by Senators Pearson and Cote.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

15. 2015-S 581 SUB A

BY McCaffrey

ENTITLED, AN ACT RELATING TO PROPERTY -- MORTGAGE FORECLOSURE AND SALE

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

Senator Lynch moves passage, seconded by Senators Gee, Lombardi, Jabour and Pichardo.

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 and 2 Senators abstaining as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

ABSTAINED- 2: Senators Algieri, Pearson.

16. 2015-S 968

BY Lombardi

ENTITLED, AN ACT RELATING TO PROPERTY - MECHANICS' LIENS

Committee on Judiciary recommends passage.

Senator Lombardi moves passage, seconded by Senators Ruggerio, Gee, Lynch, Lombardo, Jabour and Archambault.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

17. 2015-S 969**BY** Lombardi**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- COMMUNITY OBLIGATIONS AND BANKING OFFENSES

Committee on Judiciary recommends passage.

Senator Lombardi moves passage, seconded by Senators Archambault, Gee, Jabour, Metts, Goodwin and Lombardo.

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 and 2 Senators abstaining as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

ABSTAINED- 2: Senators Algiere, Pearson.

18. 2015-S 140**BY** Cote**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

Committee on Special Legislation and Veterans Affairs recommends passage.

Senator Cote moves passage, seconded by Senators Lynch, DiPalma, Lombardo, Morgan, Nesselbush, Fogarty, Picard, Sosnowski, Doyle, Ruggerio, Kettle, Raptakis, Goldin and Satchell.

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 Algiere, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

19. 2015-S 976**BY** Archambault**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES--RENEWAL OF CLASS B, CLASS C, CLASS D, CLASS J, CLASS N AND CLASS P LIQUOR LICENSES ISSUED BY THE TOWN OF SMITHFIELD

Committee on Special Legislation and Veterans Affairs recommends passage.

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

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 Algiere, Archambault, Ciccone, Conley, Cote, Coyne, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

TRANSMITTAL

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

(See Appendix for List)

ANNOUNCEMENTS

Senator Lynch announces that the Committee on Special Legislation and Veterans' Affairs will meet today, at the rise of the Senate, in Room 310 of the State House.

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

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

Senator Crowley announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

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

Senator Felag announces that the Committee on Finance will meet tomorrow, at the rise of the Senate, in the Senate Lounge 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 DaPonte announces that the Budget will be on the Calendar for Tuesday, June 23, 2015, and all amendments must be in by 4:00 P.M. Friday.

RECESS

Upon motion of Senator Goodwin, seconded by Senator Raptakis, and upon suggestion of Senator Ciccone, the Senate stands at recess at 5:14 o'clock P.M.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Thursday, June 18, 2015, at 4:41 o'clock P.M.

COMMITTEE ON ENVIRONMENT AND AGRICULTURE

Senator Sosnowski from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measure:

Senate Bill No. 702 SUB A

BY Sosnowski, Conley, Goldin

ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE - AMOUNT OF CATCH

(Makes changes to the process for setting marine species catch limits.)

{LC1737/A/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON LABOR

Senator Fogarty, from the Committee on Labor, reports back, with recommendation of passage of the following measure:

Senate Bill No. 721 SUB A

BY Goldin, Paiva Weed, Goodwin, Lynch, Sosnowski

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -FAIR

EMPLOYMENT PRACTICES (Provides protections against wage differentials based solely on sex.)

{LC109/A/1}

Read and ordered to be placed on the Calendar.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri the Senate adjourns at 4:42 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR MARK W. GEE

Almighty God, help those in need, give strength to the weak and comfort the sorrowful. May all who seek your help experience your unfailing protection. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR THURSDAY, JUNE 18, 2015:**

- 1. 2015-H 6150 SUB A**
BY Naughton
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - CAREGIVER
ADVISE, RECORD AND ENABLE ACT

Committee on Health & Human Services recommends indefinite postponement of the
original bill and passage of Substitute A in concurrence.
- 2. 2015-H 6263**
BY Edwards
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.
- 3. 2015-H 6274**
BY Newberry
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.
- 4. 2015-H 6275**
BY Azzinaro
ENTITLED, AN ACT SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.
- 5. 2015-H 6287**
BY Melo
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.
- 6. 2015-H 6289**
BY O'Brien
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

IN ORDER FOR TUESDAY, JUNE 23, 2015:**1. 2015-H 6049 SUB A****BY** Ruggiero**ENTITLED**, AN ACT RELATING TO EDUCATION - TEACHERS' TENURE

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

2. 2015-H 6016**BY** Azzinaro**ENTITLED**, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN FAMILY COURT

Committee on Judiciary recommends passage in concurrence.

3. 2015-H 5298**BY** Gallison**ENTITLED**, AN ACT RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE

Committee on Special Legislation and Veterans Affairs recommends passage in concurrence.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, JUNE 18, 2015:****1. 2015-S 754 SUB A****BY** McCaffrey**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES

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

2. 2015-S 864 SUB A**BY** Walaska**ENTITLED**, AN ACT RELATING TO THE CITY OF WARWICK -- SEWER AUTHORITY

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

3. 2015-S 559 SUB A**BY** McCaffrey**ENTITLED**, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES

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

4. 2015-S 541 SUB A**BY** DiPalma**ENTITLED**, JOINT RESOLUTION RELATING TO RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY -- DEBT MANAGEMENT

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

5. 2015-S 543 SUB A**BY** DiPalma**ENTITLED**, AN ACT RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY BONDS

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

6. 2015-S 525 SUB A**BY** Lombardi**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -
UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS
JURISDICTION ACT

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

7. 2015-S 199 SUB A**BY** Miller**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

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

8. 2015-S 737 SUB A**BY** Lynch**ENTITLED**, AN ACT RELATING TO AGRICULTURE AND FORESTRY -
AGRICULTURE FUNCTIONS OF DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT

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

9. 2015-S 708**BY** Sheehan**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
CORPORATIONS ACCOUNTABILITY AND TRANSPARENCY

Committee on Finance recommends passage.

10. 2015-S 709**BY** Pichardo**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- THE RHODE ISLAND
WORKS PROGRAM

Committee on Finance recommends passage.

11. 2015-S 988**BY** DaPonte**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY
CERTAIN CLAIMS

Committee on Finance recommends passage.

12. **2015-S 989**
 BY DaPonte
 ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
 PUBLIC FINANCE MANAGEMENT BOARD

 Committee on Finance recommends passage.
13. **2015-S 422 SUB A**
 BY Ottiano
 ENTITLED, AN ACT RELATING TO UTILIZATION REVIEW - TRANSPARENCY
 IN PROSPECTIVE ASSESSMENT CRITERIA

 Committee on Health & Human Services recommends indefinite postponement of the
 original bill and passage of Substitute A.
14. **2015-S 475 SUB A**
 BY Archambault
 ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - THE EDWARD O.
 HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT

 Committee on Health & Human Services recommends indefinite postponement of the
 original bill and passage of Substitute A.
15. **2015-S 975**
 BY Sosnowski
 ENTITLED, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF
 PUPILS

 Committee on Health & Human Services recommends passage.
16. **2015-S 786 SUB A as amended**
 BY Sosnowski
 ENTITLED, AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE
 COVERAGE

 Committee on Health & Human Services recommends indefinite postponement of the
 original bill and passage of Substitute A as amended.
17. **2015-S 348 SUB A**
 BY Miller
 ENTITLED, AN ACT RELATING TO PROPERTY - CONDOMINIUM OWNERSHIP

 Committee on Judiciary recommends indefinite postponement of the original bill and
 passage of Substitute A.
18. **2015-S 568 SUB A**
 BY McCaffrey
 ENTITLED, AN ACT RELATING TO TAXATION - TAX SALES

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

19. 2015-S 583 SUB A**BY** McCaffrey**ENTITLED**, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN-PROCEEDINGS IN FAMILY COURT

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

20. 2015-S 584 SUB A**BY** McCaffrey**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCES ACT--FAMILY COURT PROCEEDINGS

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

21. 2015-S 570 SUB A**BY** DiPalma**ENTITLED**, AN ACT RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

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

22. 2015-S 650**BY** Goodwin**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - DOMESTIC VIOLENCE PREVENTION ACT

Committee on Judiciary recommends passage.

23. 2015-H 5625 SUB A**BY** Ackerman**ENTITLED**, AN ACT RELATING TO PROPERTY - REDEMPTION, RELEASE, AND TRANSFER OF MORTGAGES

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

24. 2015-H 6157 SUB A**BY** MacBeth**ENTITLED**, AN ACT RELATING TO PROPERTY -- REVERSE MORTGAGES

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

IN ORDER FOR TUESDAY, JUNE 23, 2015:**1. 2015-H 5900 SUB A as amended****BY** Gallison**ENTITLED**, AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2016

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

2. 2015-S 537 SUB A**BY** McCaffrey**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES-WASTEWATER MANAGEMENT DISTRICTS

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

3. 2015-S 456**BY** McCaffrey**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- LICENSED ACTIVITIES

Committee on Commerce recommends passage.

4. 2015-S 535**BY** Picard**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - FLAMMABLE AND COMBUSTIBLE LIQUIDS

Committee on Commerce recommends passage.

5. 2015-S 702 SUB A**BY** Sosnowski**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE - AMOUNT OF CATCH

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

6. 2015-S 721 SUB A**BY** Goldin**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -FAIR EMPLOYMENT PRACTICES

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

Appendix**BILLS TRANSMITTED TO THE GOVERNOR****THURSDAY, JUNE 18, 2015****House Bill No. 5635****BY** Jacquard, Nunes**ENTITLED**, AN ACT RELATING TO PROPERTY - RESIDENTIAL SECURITY DEPOSITS

(Allows landlords to withhold from a security deposit paid by a vacating tenant, reasonable cleaning and trash disposal expenses they have incurred.)

{LC1469/1}

House Bill No. 5667**BY** Marshall, Winfield, Carnevale**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (Increases to 15 the membership of the Rhode Island Energy Efficiency and Resource Management Council.)

{LC1822/1}

House Bill No. 5686 as amended**BY** Naughton, McNamara, Tanzi, Ajello, Canario**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - STROKE CARE CENTERS (Sets standards for recognition of comprehensive stroke care centers.)

{LC1628/1}

House Bill No. 5873 SUB A

(Judiciary)

BY DeSimone, Palangio, Lombardi**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - EXPUNGEMENTS

(Creates a uniform procedure for expungement of criminal records and provides for transfer of unclaimed bail to the unclaimed property division.)

{LC1850/A/1}

House Bill No. 5874 SUB A

(Judiciary)

BY Jacquard, Johnston, Lima, Nunes**ENTITLED**, AN ACT RELATING TO UNIFORM CONTROLLED SUBSTANCES ACT -

OFFENSES AND PENALTIES (Provides that records pertaining to marijuana violations not be open to the public.)

{LC1842/A/1}

House Bill No. 5937 SUB A

(Labor & Training)

BY Canario, Edwards, Gallison, Ruggiero, Shekarchi**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT

SECURITY - BENEFITS (Authorizes the department of labor and training to recover

overpayments made due to fraud committed by a claimant to certain individuals.)

{LC1801/A/1}

House Bill No. 5957 SUB A as amended

(Labor & Training)

BY Phillips**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS --

EMPLOYMENT SECURITY BENEFITS (Makes minor changes to the unemployment laws concerning direct deposit of benefit checks, self-employed individuals, full-time work and workers suspended without pay.)

{LC1781/A/1}

House Bill No. 6012**BY** Shekarchi, Edwards, Marshall, Trillo, Lima**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (Extends the expiration dates

pertaining to approvals and permits and would apply to approvals and permits in effect on

November 9, 2009 and those issued between November 9, 2009 and June 30, 2016, but would not revive any expired approval or permit.)

{LC2288/1}

House Bill No. 6152 SUB A**BY** Shekarchi, Williams, Kennedy, Lima, Solomon**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS'

COMPENSATION (Amends workers' compensation act by authorizing the delivery of weekly benefits to injured workers through the use of electronic fund transfers.)

{LC2549/A/1}

House Bill No. 6185**BY** Costa, Craven**ENTITLED**, AN ACT RELATING TO THE GENERAL ASSEMBLY - PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES, AND OTHER

STATE CONSTRUCTIONS (Corrects the designation of a bridge in North Kingstown named the "Second Lieutenant Matthew Coutu Memorial Bridge.")

{LC2660/1}