

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 seventh day of January in the year of Our Lord two thousand and fourteen.

Volume 141, No.37

Wednesday, April 16, 2014

Thirty-seventh Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, at 4:22 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, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

ABSENT – 1: Senator Crowley.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Thirty-sixth Legislative Day of the 2014 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Raptakis and by unanimous consent, the Honorable President, welcomes to the Chamber the Honorable John Pandazopoulos, Parliament, Victoria Australia along with his wife Vickey Pandazopoulos.

Upon suggestion of Senator Conley and by unanimous consent, the Honorable President, welcomes to the Chamber Thomas Harrington of the Rumford Towers Residents Association.

Upon suggestion of Senator Cote and by unanimous consent, the Honorable President, welcomes to the Chamber Liam Sheehan, son of Senator Sheehan.

Upon suggestion of Senator Doyle and by unanimous consent, the Honorable President, welcomes to the Chamber Erin Merryn.

Upon suggestion of Senator Miller and by unanimous consent, the Honorable President, welcomes to the Chamber Rhode Island Youth of the Year Candidates, Raeqwong Roberts, Boys and Girls Club of Cumberland, Mitchell Lawson, Boys and Girls Club of East Providence, Richard Dalrymple, Boys and Girls Club of Newport County, Azzys Rodas, Boys and Girls Club of Pawtucket, Sarah Murray, Boys and Girls Club of Providence, Dashawn Howland, Boys and Girls Club of Warwick, Yvette Armstrong, Boys and Girls Club of Woonsocket.

NEW BUSINESS

Senate Resolution No. 2904

BY Miller, Paiva Weed, Picard, Pearson, Lombardi

ENTITLED, SENATE RESOLUTION HONORING AND COMMENDING THE BOYS & GIRLS CLUBS OF RHODE ISLAND YOUTH OF THE YEAR PROGRAM

{LC5452/1}

Senator Miller requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Miller moves passage, seconded by Senators Ruggerio, Algieri, DaPonte, Doyle, Jabour, Pearson, Metts, Pichardo, McCaffrey, Lombardi, Hodgson and Satchell.

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

COMMUNICATION

The Honorable President presents the following communication:

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

April 16, 2014

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

Dear Madam President,

Please be advised that I will be absent from the Senate session on April 16, 2014, due to a professional obligation.

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

Thank you for your assistance.

Sincerely,

Senator Louis P. DiPalma
District 12

Read and ordered to be placed on file.

**REPORTS OF COMMITTEES
COMMITTEE ON COMMERCE**

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

House Bill No. 7541

(Business Regulation/Revenue)

BY Finn, O`Grady, Kazarian, Kennedy, Keable

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SELF INSURANCE (This act would transfer the responsibility of determining whether an entity qualifies as a self-insurer from the division of motor vehicles to the department of business regulation.)

{LC4488/1}

Read and ordered to be placed on the Consent Calendar for Wednesday, April 30, 2014.

COMMITTEE ON FINANCE

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

House Bill No. 7281**BY** Fox, Ajello, Almeida, Williams, Slater**ENTITLED**, AN ACT RELATING TO TAXATION - COOPERATIVE HOUSING

CORPORATIONS (would change the formula for assessing owner-occupied units in cooperative housing corporations within the city of Providence)

{LC3476/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2488 SUB A**BY** DaPonte**ENTITLED**, AN ACT RELATING TO JUSTICES OF SUPREME, SUPERIOR, AND FAMILY COURTS (This act would repeal the section of the law concerning retirement of judges with general assembly or office service.)

{LC3625/A/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2298 SUB A**BY** Picard, DaPonte, Cote**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - STATE AID (Would grant cities and towns the right to tax or enter into a stabilization agreement with a for-profit hospital facility that had not been converted from a nonprofit hospital facility.)

{LC3954/A/2}

Read and ordered to be placed on the Calendar.

COMMITTEE ON HOUSING AND MUNICIPAL GOVERNMENT

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

Senate Bill No. 2151**BY** Kettle, Raptakis, Cool Rumsey**ENTITLED**, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE

CHARTER OF THE TOWN OF WEST GREENWICH (would ratify and validate the amendments to the West Greenwich town charter which were approved by the electors of the town of West Greenwich at the polls on October 22, 2013)

{LC3521/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2150**BY** Bates**ENTITLED**, AN ACT RELATING TO HIGHWAYS - ABANDONMENT BY TOWNS - BARRINGTON (would enable the town of Barrington to sell an abandoned highway or driftway to the abutting property owner at fair market value)

{LC3669/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 2903****BY** Sosnowski, Bates, Pichardo, Sheehan, Hodgson**ENTITLED**, SENATE RESOLUTION CONGRATULATING SCOTT N. MARSHALL, DVM, ON BEING NAMED VETERINARIAN OF THE YEAR

{LC4120/1}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senators Algieri, Ruggerio, Bates, Kettle, Cote, Jabour and Lombardi.

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

GUESTS

Upon suggestion of Senator Sosnowski and by unanimous consent, the Honorable President, welcomes to the Chamber Shannon Brawley, Maria Mach and John Rose from South Kingstown.

NEW BUSINESS**Senate Resolution No. 2905****BY** Paiva Weed, Ruggerio, Goodwin, Pichardo, Algieri**ENTITLED**, SENATE RESOLUTION EXPRESSING DEEPEST SYMPATHY ON THE PASSING OF NUALA PELL

{LC5457/1}

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan and Sosnowski.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **Reappointment of James B. Jackson (Labor Representative) of West Warwick to the Fire Safety Code Board of Appeals for a term expiring March 1, 2020.**
2. **Reappointment of John E. Chartier of Wakefield as State Fire Marshal for a term expiring July 1, 2018.**
3. **Reappointment of Brenda Clement (Representing affordable housing advocates) to the State Housing Appeals Board for a term expiring January 1, 2017.**
4. **Reappointment of James Grundy (Representing Planning Board Member – over 25,000 in population) to the State Housing Appeals Board for a term expiring January 1, 2017.**
5. **Reappointment of Joseph Caffey (Affordable Housing Developer) to the State Housing Appeals Board for a term expiring January 1, 2017.**
6. **Reappointment of Kelly Nickson Morris, Esquire (Attorney knowledgeable in land use regulation) to the State Housing Appeals Board for a term expiring January 31, 2016.**
7. **Reappointment of Luis A. Torrado (Representing Business Community) to the State Housing Appeals Board for a term expiring January 1, 2017.**
8. **Reappointment of Robert Cuttle, CPM (Representing Zoning Official - under 25,000 in population) to the State Housing Appeals Board for a term expiring January 1, 2017.**
9. **Reappointment of The Honorable June Sager Speakman, Ph.D. (Representing Town Council - under 25,000 in population) to the State Housing Appeals Board for a term expiring January 1, 2017.**
10. **2014-S 2811**
BY Satchell
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
11. **2014-H 7098**
BY Amore
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - VEHICLE INSURANCE

12. **2014-H 7283**
BY Keable
ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS
13. **2014-H 7591**
BY Fox
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

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 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

CALENDAR

IN ORDER FOR WEDNESDAY, APRIL 16, 2014:

1. **2014-S 2639**
BY Jabour
ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE

Committee on Judiciary recommends passage.

Senator Jabour moves passage, seconded by Senators McCaffrey, Hodgson and Archambault.

The act is read and passed, upon a roll call vote with 33 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 33: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS - 1: Senators Goldin.

2. **2014-S 2272 as amended**
BY Algieri
ENTITLED, AN ACT RELATING TO PROPERTY -- FORM AND EFFECT OF CONVEYANCES

Committee on Finance recommends passage as amended.

Senator Algieri moves passage, seconded by Senators Lynch, O'Neill and McCaffrey.

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

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

3. 2014-S 2778

BY Ruggerio

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - BUDGET COMMISSIONS

Committee on Finance recommends passage.

Senator Ruggerio moves passage, seconded by Senators Goodwin, Lombardo, Lombardi, Archambault, Jabour and Pearson.

Senator Ruggerio seconded by Senators Lombardi, Lombardo and Pearson, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2014 -- S 2778

AN ACT RELATING TO TOWNS AND CITIES - BUDGET COMMISSIONS

Madam President:

I hereby move to amend 2014 -- S 2778, entitled "AN ACT RELATING TO TOWNS AND CITIES - BUDGET COMMISSIONS", as follows:

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

"SECTION 1. Sections 45-9-1, 45-9-2, 45-9-3, 45-9-4, 45-9-5, 45-9-6, 45-9-7, 49-9-8, 45-9-9, 45-9-10, 45-9-10.1, 45-9-11, 45-9-12, 45-9-13, 45-9-14, 45-9-15, 45-9-18, 45-9-19, 45-9-20 and 45-9-22 of the General Laws in Chapter 45-9 entitled "Budget Commissions" are hereby amended to read as follows:

45-9-1. Declaration of policy and legal standard. -- It shall be the policy of the state to provide a mechanism for the state to work with cities, ~~and~~ towns ~~and fire districts~~ undergoing financial distress that threatens the fiscal well-being, public safety and welfare of such cities, ~~and~~ towns ~~and fire districts~~, or other cities, ~~and~~ towns, ~~fire districts~~ or the state, with the state providing varying levels of support and control depending on the circumstances.

The powers delegated by the General Assembly in this chapter shall be carried out having due regard for the needs of the citizens of the state and of the city, ~~or town,~~ or fire district, and in such a manner as will best preserve the safety and welfare of citizens of the state and their property, and the access of the state, ~~and its municipalities,~~ and fire districts to capital markets, all to the public benefit and good.

45-9-2. Definitions. -- As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:

(1) "Budget commission", means the budget and review commission established under sections 45-9-5 and 45-9-6.

(2) "Charter", means the home rule charter or the legislative charter of any city, ~~or town~~ or fire district.

(3) "Division of municipal finance", means the division of municipal finance in the department of revenue or any successor department or agency.

(4) "Director of revenue", means the director of the department of revenue.

(5) "Elected chief executive officer", means in cities and towns having a popularly elected chief executive officer, the popularly elected chief executive officer, and in cities and towns where there is no popularly elected chief executive officer, the president of the city or town council.

(6) "Fire district budget", means the fiscal year operating budget of the fire district.

~~(6)~~(7) "Fiscal overseer", means the financial overseer appointed under section 45-9-3.

~~(7)~~(8) "General Treasurer", means the general treasurer of the state.

~~(8)~~(9) "Municipal budget", means the fiscal year operating budget of the city, ~~or town,~~ or fire district, inclusive of the school department budget and all other departments.

~~(9)~~(10) "Officer", means the chief administrative and financial officer appointed under section 45-9-10 after abolition of a fiscal overseer or a budget commission or a receiver in a city, ~~or town,~~ or fire district.

~~(10)~~(11) "Receiver", means the receiver appointed pursuant to sections 45-9-7 or 45-9-8.

~~(11)~~(12) "School committee", means the school committee of the city or town, but shall not mean or include a regional school district committee.

~~(12)~~(13) "State Aid", means the funds made available to cities and towns:

(i) As state aid pursuant to chapter 45-13 of the general laws, but specifically excluding reimbursements to cities and towns for the cost of state mandates pursuant to section 45-13-9; (ii) As school operations aid provided for in sections 16-7-5 -- 16-7-34.3 of the general laws and as school housing aid pursuant to sections 16-7-35 -- 16-7-47

of the general laws, but subject to any pledge to bonds issued to finance school projects by the Rhode Island health and educational building corporation;

(iii) In replacement of motor vehicle and trailer excise taxes pursuant to chapter 44-34.1 of the general laws;

(iv) From the public service corporation tax pursuant to chapter 44-13 of the general laws;

(v) From the local meal and beverage tax pursuant to section 44-18-18.1 of the general laws and the hotel tax pursuant to section 44-18-36.1 of the general laws; and

(vi) Pursuant to all acts supplementing such chapters listed in subdivisions (i) through (v) above or pursuant to any other law hereafter enacted providing for funds to municipalities in lieu of, or in substitution for, or in addition to the funds provided pursuant to acts supplementing such chapters listed in subdivisions (i) through (v);

45-9-3. Appointment and duties of fiscal overseer. -- (a) Upon joint request by a city's or town's elected chief executive officer and city or town council, or for a fire district, the request of the governing body as established by charter, which request is approved by the division of municipal finance and the auditor general, or in absence of such a request, in the event that the director of revenue, in consultation with the auditor general, makes any two (2) or more of the findings set forth in subsection (b), the director of revenue may appoint a fiscal overseer for the city, ~~or town,~~ or fire district to assess the ability of the city or town government or fire district to manage ~~the city's or town's~~ fiscal challenges.

(b) The director of revenue may appoint a fiscal overseer if the director finds in his or her sole discretion that any two (2) of the following events have occurred which are of such a magnitude that they threaten the fiscal well-being of the city, ~~or town,~~ or fire district, diminishing the city or town's or fire district's ability to provide for the public safety or welfare of the citizens of the city, ~~or town,~~ or fire district:

(1) The city, ~~or town,~~ or fire district projects a deficit in the municipal budget or fire district budget in the current fiscal year and again in the upcoming fiscal year;

(2) The city, ~~or town,~~ or fire district has not filed its required audits with the auditor general by the deadlines required by law for two (2) successive fiscal years (not including extensions authorized by the auditor general);

(3) The city, ~~or town,~~ or fire district has been downgraded by one of the nationally recognized statistical rating organizations;

(4) The city, ~~or town,~~ or fire district is otherwise unable to obtain access to credit markets or obtain financing when necessary on reasonable terms in the sole judgment of the director of revenue. (5) The city, ~~or town,~~ or fire district does not promptly respond to requests made by the director of revenue, or the auditor general, or the

chairpersons of the house and/or senate finance committees for financial information and operating data necessary to assess the fiscal condition of the city, ~~or town,~~ or fire district in the sole judgment of the director of revenue.

(c) The director of revenue may also appoint a fiscal overseer if a city or town or fire district fails to comply with the requirements of sections 45-12-22.1 -- 45-12-22.5 of the general laws.

(d) The fiscal overseer shall without limitation:

(1) Recommend to the elected chief executive officer, fire district board of directors, city or town council and school committee sound fiscal policies for implementation;

(2) Supervise all financial services and activities;

(3) Advise the assessors, director of finance, city or town treasurer, fire district board of directors, purchasing agent and employees performing similar duties but with different titles;

(4) Provide assistance in all matters related to municipal or fire district financial affairs;

(5) Assist in development and preparation of the municipal or fire district budget, all department budgets and spending plans;

(6) Review all proposed contracts and obligations;

(7) Monitor the expenditures of all funds;

(8) Approve the annual or supplemental fire district budgets or municipal budgets of the city or town and all of its departments; and

(9) Report monthly to the director of revenue, the auditor general, the governor and the chairpersons of the house finance and senate finance committees on the progress made towards reducing the municipality's or fire district's deficit and otherwise attaining fiscal stability.

(e) All department budgets and requests for municipal or fire district budget transfers shall be submitted to the fiscal overseer for review and approval.

(f) The city, ~~or town,~~ or fire district shall annually appropriate amounts sufficient for the proper administration of the fiscal overseer and staff, as determined in writing by the division of municipal finance. If the city, ~~or town,~~ or fire district fails to appropriate such amounts, the division of municipal finance shall direct the general treasurer to deduct the necessary funds from the city's, ~~or town's,~~ or fire district's distribution of state aid and shall expend those funds directly for the benefit of the fiscal overseer and staff. (g) Within one hundred twenty (120) days of being appointed by the director of revenue, the fiscal overseer shall develop a three (3)-year operating and capital financial plan to achieve fiscal stability in the city, ~~or town,~~ or fire district. The plan shall include a preliminary

analysis of the city's, ~~or town's~~, or fire district's financial situation and the fiscal overseer's initial recommendations to immediately begin to address the ~~city's or town's~~ operating and structural deficits. The fiscal overseer shall have the power to compel operational, performance or forensic audits, or any other similar assessments. The fiscal overseer shall have the power, at the expense of the city, ~~or town,~~ or fire district to employ, retain, supervise such managerial, professional and clerical staff as are necessary to carry out the responsibility of fiscal overseer, subject to the approval of the division of municipal finance; provided, however, that the fiscal overseer shall not be subject to chapter 37-2 or chapter 45-55 of the general laws in employing such staff.

45-9-4. Approval of tax levy. -- A city, ~~or town,~~ or fire district which is subject to the jurisdiction of a fiscal overseer, or a budget commission may not levy property taxes or motor vehicle excise taxes without prior approval of the division of municipal finance. Before the city, ~~or town,~~ or fire district which is subject to the jurisdiction of a fiscal overseer, or a budget commission shall send out tax bills, the city, ~~or town,~~ or fire district shall submit to the division of municipal finance a copy of its adopted municipal or fire district budget and such supporting revenue and expenditure information as the division of municipal finance shall prescribe for the succeeding fiscal year. The adopted municipal or fire district budget and such supporting revenue and expenditure information as the division of municipal finance may prescribe, shall be submitted to the division of municipal finance no later than ten (10) days after the adoption of the budget. The division of municipal finance shall ascertain whether the budget for that fiscal year contains reasonable revenues from taxation and other sources to meet the appropriations and other amounts required by law to be raised, and the division of municipal finance shall report its conclusion to the director of revenue. If the director of revenue determines that the municipal or fire district budget as presented does not contain reasonable revenues from taxation and other sources to meet appropriations and other amounts required by law to be raised, the director of revenue shall certify this determination in writing and provide notice of the determination with a copy of the certificate to the auditor general, the governor and the chairpersons of the house and senate finance committees; and notify the city, ~~or town,~~ or fire district that its tax levy has not been approved and that the city, ~~or town,~~ or fire district is not authorized to mail or otherwise transmit tax bills to city or town taxpayers. If the director of revenue has made the foregoing determination, the city, ~~or town,~~ or fire district shall prepare a revised budget for review and approval by the director of revenue. The city, ~~or town,~~ or fire district shall submit the reports required by section 45-12-22.2 to the director of revenue, the division of municipal finance, the auditor general, the governor and the chairpersons of the house and senate finance committees.

The director of revenue may waive any reporting or filing requirements contained in this section. **45-9-5.**

Reports of fiscal overseer and appointment of budget and review commission. -- (a) The fiscal overseer shall report in writing to the division of municipal finance if the fiscal overseer concludes that the city, ~~or town,~~ or fire district: (1) Is unable to present a balanced municipal or fire district budget; (2) Faces a fiscal crisis that poses an imminent danger to the safety of the citizens of the city, ~~or town,~~ or fire district, or their property; (3) Will not achieve fiscal stability without the assistance of a budget commission; or (4) That the tax levy of the fiscal year should not be approved.

(b) If the fiscal overseer believes, at any time, that a budget commission should be appointed, the fiscal overseer may report that belief to the division of municipal finance.

(c) If the fiscal overseer reports to the division of municipal finance under subsections (a) or (b), the director of revenue may immediately abolish the fiscal overseer and appoint a budget commission.

(d) A budget commission shall have all of the powers and duties set forth in sections 45-9-3 and 45-9-6.

(e) If a budget commission has not been appointed and if the division of municipal finance determines that the city, ~~or town,~~ or fire district has taken steps necessary to achieve long-term fiscal sustainability and no longer requires active state oversight, the director of revenue may abolish the fiscal overseer.

(f) If the division of municipal finance notifies the director of revenue in writing that the city, ~~or town,~~ or fire district is unable to achieve a balanced municipal budget, then the director of revenue shall establish a budget commission.

(g) Upon joint request by a city's or town's elected chief executive officer and city or town council, or, for a fire district, the request of the governing body as established by charter, which request is approved by the division of municipal finance, the director of revenue, in consultation with the auditor general, may establish a budget commission for such city or town or fire district.

45-9-6. Composition of budget commission. -- (a) If a budget commission is established under section 45-9-5 or section 45-12-22.7, it shall consist of five (5) members: three (3) of whom shall be designees of the director of revenue, one of whom shall be the elected chief executive officer of the city and one of whom shall be the president of the city or town council. In cities or towns in which the elected chief executive officer for purposes of this chapter is the president of the city or town council, one member shall be the appointed city or town manager or town administrator (or, if none, the city or town chief financial officer) as the fifth (5th) member. For a fire district, it shall consist of five (5) members: Three (3) of the members of the budget commission shall be designees of the director of revenue; One shall be the chairperson of the district's governing body; and one shall be the fire chief of the district.

The budget commission shall act by a majority vote of all its members. The budget commission shall initiate and assure the implementation of appropriate measures to secure the financial stability of the city, ~~or town,~~ or fire district.

The budget commission shall continue in existence until the director of revenue abolishes it.

The budget commission shall be subject to chapter 36-2 of the general laws, "Access to Public Records," and chapter 36-14 of the general laws, "Code of Ethics". The budget commission shall be subject to chapter 42-46 of the general laws "Open Meetings" when meeting to take action on the following matters:

- (1) Levy and assessment of taxes;
- (2) Rulemaking or suspension of rules;
- (3) Adoption of a municipal or fire district budget;
- (4) Approval of collective bargaining agreements and amendments to collective bargaining agreements; and
- (5) Making a determination under section 45-9-7 that the powers of the budget commission are insufficient

to restore fiscal stability to the city, ~~or town,~~ or fire district.

(b) Action by the budget commission under this chapter shall constitute action by the city, ~~or town,~~ or fire district for all purposes under the general laws, under any special law and under the city, ~~or town,~~ or fire district charter.

(c) Until the budget commission ceases to exist, no appropriation, borrowing authorization, transfer, or other municipal or fire district spending authority shall take effect until approved by the budget commission. The budget commission shall approve all appropriations, borrowing authorizations, transfers and other municipal or fire district spending authorizations, in whole or part.

(d) In addition to the authority and powers conferred elsewhere in this chapter, and notwithstanding any city, ~~or town,~~ or fire district charter provision or local ordinance or rule or regulation to the contrary, the budget commission shall have the power to:

(1) Amend, formulate and execute the annual municipal or fire district budget and supplemental municipal or fire district budgets of the city, ~~or town,~~ or fire district, including the establishment, increase or decrease of any appropriations and spending authority for all departments, budget commissions, committees, agencies or other units of the city, ~~or town,~~ or fire district; provided, however, that notwithstanding sections 16-2-9 and 16-2-18 of the general laws, this clause shall fully apply to the school department and all school spending purposes;

(2) Implement and maintain uniform budget guidelines and procedures for all departments;

(3) Amend, formulate and execute capital budgets, including to amend any borrowing authorization, or

finance or refinance any debt in accordance with the law;

(4) Amortize operational deficits in an amount as the director of revenue approves and for a term not longer than five (5) years;

(5) Develop and maintain a uniform system for all financial planning and operations in all departments, offices, boards, commissions, committees, agencies or other units of the city's, ~~or town's,~~ or fire district's government;

(6) Review and approve or disapprove all proposed contracts for goods or services;

(7) Notwithstanding any general or special law to the contrary, establish, increase or decrease any fee, rate or charge, for any service, license, permit or other municipal or fire district activity, otherwise within the authority of the city, ~~or town,~~ city, or town, or fire district;

(8) Appoint, remove, supervise and control all city, ~~and town,~~ and fire district employees and have control over all personnel matters other than disciplinary matters; provided, that the budget commission shall hold all existing powers to hire and fire and set the terms and conditions of employment held by other employees or officers of the city, ~~or town,~~ or fire district; provided, further, that the budget commission shall have the authority to exercise all powers otherwise available to a municipality or fire district regarding contractual obligations during a fiscal emergency; provided, further, that no city, ~~or town,~~ or fire district employee or officer shall hire, fire, transfer or alter the compensation or benefits of a city, ~~or town,~~ or fire district employee except with the written approval of the budget commission; and provided, further, that the budget commission may delegate or otherwise assign these powers with the approval of the director of revenue;

(9) Alter or eliminate the compensation and/or benefits of elected officials of the city, ~~or town,~~ or fire district to reflect the fiscal emergency and changes in the responsibilities of the officials as provided by this chapter;

(10) Employ, retain and supervise such managerial, professional and clerical staff as are necessary to carry out its responsibilities; provided, however, that such employment, retention and supervisory decisions are subject to the approval of the director of revenue; provided, further, that the budget commission shall not be subject to chapter 37-2 or chapter 45-55 of the general laws in employing such staff; provided, further, that the budget commission, with the approval of the director of revenue, shall have authority to set the compensation, terms and conditions of employment of its own staff; provided, further, that the city, ~~or town,~~ or fire district shall annually appropriate amounts sufficient for the compensation of personnel hired under this clause as determined and fixed by the budget commission; provided, further, that if the city, ~~or town,~~ or fire district fails to appropriate such amounts, the director of revenue shall direct the general treasurer to deduct the necessary funds from the city's, ~~or town's,~~ or fire district's

distribution of state aid and shall expend those funds directly for the benefit of the budget commission; (11) Reorganize, consolidate or abolish departments, commissions, authorities, boards, offices or functions of the city, ~~or town, or fire district~~, in whole or in part, and to establish such new departments, commissions, authorities, boards, offices or functions as it deems necessary, and to transfer the duties, powers, functions and appropriations of one department, commission, board, office or other unit to another department, commission, authority, board or office and in connection therewith remove and appoint new members for any such commission, authority, board or department which appointees shall serve the remainder of any unexpired term of their predecessor;

(12) Appoint, in consultation with the director of revenue, persons to fill vacancies on any authority, board, committee, department or office;

(13) Sell, lease or otherwise transfer real property and other assets of the city, ~~or town, or fire district~~ with the approval of the director of revenue;

(14) Purchase, lease or otherwise acquire property or other assets on behalf of the city, ~~or town, or fire district~~ with the approval of the director of revenue;

(15) Enter into contracts, including, but not limited to, contracts with other governmental entities, and such other governmental entities are hereby authorized to enter into such contracts;

(16) Adopt rules and regulations governing the operation and administration of the city, ~~or town, or fire district~~ which permit the budget commission to effectively carry out this chapter under subsection 42-35-3(b) of the general laws;

(17) Alter or rescind any action or decision of any municipal or fire district officer, employee, board, authority or commission within fourteen (14) days after receipt of notice of such action or decision;

(18) Suspend, in consultation with the director of revenue any rules and regulations of the city, ~~or town, or fire district~~;

(19) Notwithstanding any other general law, special act, charter provision or ordinance, and in conformity with the reserved powers of the general assembly pursuant to Article XIII, section 5 of the Constitution of the state, a budget commission is authorized to issue bonds, notes or certificates of indebtedness to fund the deficit of a city, ~~or town, or fire district~~ without regard to section 45-12-22.4 of the general laws, to fund cash flow and to finance capital projects. Bonds, notes or certificates of indebtedness issued under authority of this chapter shall be general obligation bonds backed by the full faith and credit and taxing power of the city, ~~or town, or fire district~~; provided, however, that the budget commission may pledge future distributions of state aid for the purpose of retiring such bonds, notes or

certificates of indebtedness. If any state aid is so pledged, the budget commission shall execute on behalf of the city, ~~or town, or fire district~~ a trust agreement with a corporate trustee, which may be any bank or trust company having the powers of a trust company within the state, and any state aid so pledged shall be paid by the general treasurer directly to the trustee to be held in trust and applied to the payment of principal and interest on such bonds, notes or certificates of indebtedness; any earnings derived from the investment of such pledged aid shall be applied as needed to the payment of that principal and interest and for trustee's fees and related expenses, with any excess to be paid to the city, ~~or town, or fire district~~. Bonds, notes or certificates of indebtedness authorized under authority of this chapter shall be executed on behalf of the city, ~~or town, or fire district~~ by a member of the commission and, except as provided for in this chapter, may be subject to the provisions of chapter 45-12 of the general laws so far as apt, or may be subject to the provisions of any special bond act enacted authorizing the issuance of bonds of a city, ~~or town, or fire district~~ so far as apt, provided, however that any bonds or notes issued for school purposes must be approved by the general assembly in order to qualify for school housing aid as set forth in chapter 16-7 of the general laws; and

(20) Exercise all powers under the general laws and this chapter or any special act, any charter provision or ordinance that any elected official of the city, ~~or town, or fire district~~ may exercise, acting separately or jointly; provided, however, that with respect to any such exercise of powers by the budget commission, the elected officials shall not rescind or take any action contrary to such action by the budget commission so long as the budget commission continues to exist.

(21) Certify to the Rhode Island department of revenue the need to advance payments of the state's basic education program under chapter 7 of title 16 of the Rhode Island general laws in the amount determined by the budget commission. Said amount shall be advanced, subject to approval of the director of the department of revenue, notwithstanding any general or public law to the contrary. The director of the department of revenue shall provide notice of any advance payments to the fiscal advisors of the house and senate finance committees. The state general treasurer shall deduct the estimated cost to the state's general fund resulting from any advance payments.

45-9-7. Appointment of receiver. -- If the budget commission established by section 45-9-5 concludes that its powers are insufficient to restore fiscal stability to the city, ~~or town, or fire district~~, it shall so notify the director of revenue, and shall forward to the director of revenue a statement of the reasons why it has been unable to restore fiscal stability to the city, ~~or town, or fire district~~. Upon receipt of such statement, the director of revenue shall terminate the existence of the budget commission, notwithstanding section 45-9-5, and the director of revenue shall appoint a receiver for the city, ~~or town, or fire district~~ for a period as the director of revenue may determine. The director of

revenue may, at any time, and without cause, remove the receiver and appoint a successor, or terminate the receivership.

(b) The receiver shall have the following powers:

(1) All powers of the fiscal overseer and budget commission under sections 45-9-2 and 45-9-6. Such powers shall remain through the period of any receivership;

(2) The power to exercise any function or power of any municipal or fire district officer or employee, board, authority or commission, whether elected or otherwise relating to or impacting the fiscal stability of the city, ~~or town,~~ or fire district including, without limitation, school and zoning matters; and

(3) The power to file a petition in the name of the city, ~~or town,~~ or fire district under Chapter 9 of Title 11 of the United States Code, and to act on the city's, ~~town's,~~ or fire district's behalf in any such proceeding.

(c) Upon the appointment of a receiver, the receiver shall have the right to exercise the powers of the elected officials under the general laws, special laws and the city, ~~or town,~~ or fire district charter and ordinances and rules and regulations relating to or impacting the fiscal stability of the city, ~~or town,~~ or fire district including, without limitation, school and zoning matters; provided, further, that the powers of the receiver shall be superior to and supersede the powers of the elected officials of the city, ~~or town,~~ or fire district shall continue to be elected in accordance with the city or town or fire district charter, and shall serve in an advisory capacity to the receiver. The receiver shall allow the city's, ~~town's,~~ or fire district's elected officials to serve their constituents by providing advice to the receiver on the matters relating to the operation of the city, ~~or town,~~ or fire district. In the event a conflict arises between the chief elected official or city or town council or fire district governing body and the receiver, the receiver's decision shall prevail. The director of revenue shall determine the salary of the receiver, which salary shall be payable by the city, ~~or town,~~ or fire district.

45-9-8. Appointment of receiver in a fiscal emergency. -- In the event the director of revenue determines, in consultation with the auditor general, that a city, ~~or town,~~ or fire district is facing a fiscal emergency and that circumstances do not allow for appointment of a fiscal overseer or a budget commission prior to the appointment of a receiver, the director of revenue may appoint a receiver without having first appointed a fiscal overseer or a budget commission.

45-9-9. Collective bargaining agreements. -- Notwithstanding chapter 28-7 of the general laws or any other general or special law or any charter or local ordinance to the contrary, new collective bargaining agreements and any amendments to new or existing collective bargaining agreements (collectively, "collective bargaining agreements")

entered into by the city, ~~or town,~~ or fire district or the school department shall be subject to the approval of the fiscal overseer, budget commission or receiver if the fiscal overseer, budget commission or receiver is in effect at the time. No collective bargaining agreement shall be approved under this section unless the fiscal overseer, budget commission or receiver has participated in the negotiation of the collective bargaining agreement and provides written certification to the director of revenue that after an evaluation of all pertinent financial information reasonably available, the city's, ~~or town's,~~ or fire district's financial resources and revenues are, and will continue to be, adequate to support such collective bargaining agreement without a detrimental impact on the provision of municipal or fire district services. A decision, by the fiscal overseer, budget commission or receiver, to disapprove of a collective bargaining agreement under this section shall be made in a report to the parties; provided, however, that the report shall specify the disapproved portions of the agreement and the supporting reasons for the disapproval. This section shall not be construed to authorize a fiscal overseer, a budget commission or a receiver under this chapter to reject or alter any existing collective bargaining agreement, unless by agreement, during the term of such collective bargaining agreement.

45-9-10. Appointment of administration and finance officer upon abolition of receiver where petition filed under Chapter 9 of Title 11 of the United States Code. -- (a) Notwithstanding any general or special law or city or town ordinance to the contrary, this section shall apply upon abolition of a receiver established under this chapter, where petition was filed under Chapter 9 of Title 11 of the United States Code, upon a determination, in writing, by the director of revenue that the financial condition of the city or town has improved to a level such that a receiver is no longer needed.

(b) For a period of five (5) years after the abolition of a receiver in any such city, ~~or town,~~ or fire district, there shall be in the city, ~~or town,~~ or fire district a department of administration and finance which shall be responsible for the overall budgetary and financial administration of the city, ~~or town,~~ or fire district. The department shall be under the direction and control of the officer appointed pursuant to subsection (c) below. The officer shall report to and be under the charge and direction of the elected chief executive officer, or in the case of a municipality without an elected chief executive officer, then the city or town council, or in the case of a fire district, the governing body of the fire district. Nothing in this section shall abrogate the powers and duties of the school committee under any general or special law, except as specifically provided in this section.

Whenever the term "department of finance" or "finance department" appears in a general or special law or an ordinance, regulation, contract or other document with reference to the city, ~~or town,~~ or fire district, it shall mean the

department of administration and finance of the city, ~~or town,~~ or fire district. Whenever the term "chief financial officer", "director of finance", "financial director" or "treasurer" appears in a general or special law or an ordinance, regulation, contract or other document with reference to the city, ~~or town,~~ or fire district, it shall mean the officer of the city, ~~or town,~~ or fire district.

(c) The elected chief executive officer, or in the case of a municipality without an elected chief executive officer, then the city or town council, or in the case of a fire district, the governing body of the fire district shall appoint the officer from a list of three (3) names submitted by the division of municipal finance, for a term of not more than five (5) years, as provided in this subsection. The officer shall be an employee of the city, ~~or town,~~ or fire district who shall be appointed solely on the basis of administrative and executive qualifications and shall be a person especially fitted by education, training and experience to perform the duties of the office. The officer need not be a resident of the city, ~~or town,~~ or fire district, or the state. In the event of a vacancy in the office of officer the same process will be used.

(d) While the process of appointing an officer under subsection (c) is proceeding, the elected chief executive officer, or in the case of a municipality without an elected chief executive officer, then the city or town council may appoint an acting officer, or in the case of a fire district, then the governing body of the fire district may appoint an acting officer.

(e) The appointment, including an acting appointment, or removal of the officer shall not take effect until it has been approved in writing by the division of municipal finance.

(f) The powers and duties of the officer shall include the following:

- (1) Coordinating, administering and supervising all financial services and activities;
- (2) Assisting in all matters related to municipal or fire district financial affairs;
- (3) Implementing and maintaining uniform systems, controls and procedures for all financial activities in all departments, boards, commissions, agencies, offices or other units of city, ~~or town,~~ or fire district government the operations of which have a financial impact upon the general fund and enterprise funds of the city, ~~or town,~~ or fire district, and including, but not limited to, maintaining all financial and accounting data and records;
- (4) Implementing and maintaining uniform financial data processing capabilities for all departments, boards, commissions, agencies and offices;
- (5) Supervising all financial data processing activities;
- (6) Implementing and maintaining uniform budget guidelines and procedures within all departments, boards,

commissions, agencies, offices and other units of city, ~~or town,~~ or fire district government;

(7) Assisting in the development and preparation of all department, board, commission, agency and office budgets and spending plans;

(8) Reviewing all proposed contracts to which the city, ~~or town,~~ or fire district is party;

(9) Monitoring the expenditure of all city, ~~or town,~~ or fire district funds, including periodic reporting by and to appropriate agencies of the status of accounts;

(10) Reviewing the spending plan for each department, board, commission, agency and office; and

(11) Providing for the allotment of funds on a periodic basis as provided for in this chapter.

In all cases where the duty is not expressly charged to any other department, board, commission, agency or office, it shall be the duty of the officer to promote, secure and preserve the financial interests of the city, ~~or town,~~ or fire district.

(g) All department, board, commission, agency and office budgets and requests for budget transfers shall be submitted to the officer for review and recommendation before submission to the elected chief executive officer, city or town council, fire district governing body, or school committee, as appropriate. For each proposed appropriation order, lease or contract arrangement for a term, including more than one fiscal year, collective bargaining agreement and with respect to any proposed city or town council or fire district governing body vote necessary to effectuate a financial transfer, ordinance revision or special legislation which may require the expenditure of funds or otherwise financially obligate the city, ~~or town,~~ or fire district for a period in excess of one year, or with respect to a vote to authorize a borrowing under a law other than sections 45-12-4.1, 45-12-4.2 or 45-12-4.3 of the general laws, the officer shall, if it be the case, submit in writing to the elected chief executive officer, city or town council, fire district governing body or school committee, as appropriate, a certification that it is the officer's professional opinion, after an evaluation of all pertinent financial information reasonably available, that the city's, ~~or town's,~~ or fire district's financial resources and revenues are, and will continue to be, adequate to support such proposed expenditures or obligations without a detrimental impact on the provision of municipal or fire district services. If the officer fails to provide this certification within seven (7) days after a request for such certification from the elected chief executive officer, city or town council, fire district governing body or school committee, the appropriation order, financial transfer, ordinance revision, special legislation or borrowing authorization may nonetheless be approved, but the absence of the certification of the officer shall be expressly noted in that order or vote. (h) All departments, officers, boards, commissions, agencies and other units of the city, ~~or town,~~ or fire district, shall submit budget requests to the

elected chief executive officer, or appropriate authority under applicable charter and ordinance provisions, upon the schedule and in the form established by the officer.

(i) Annually, not later than ninety (90) days prior to the beginning of the municipality's or fire district's fiscal year, the officer shall submit a four (4)-year financial plan and a five (5)-year capital plan to the city or town council or fire district governing body that includes all capital needs of the city, ~~or town,~~ or fire district.

(j) The assessor, treasurer, finance director, controller, director of information technology, purchasing agent, director of human resources, labor relations director and employees performing similar duties but with different titles shall report to and be under the direction of the officer. The officer, with the approval of the elected chief executive officer or appropriate authority under applicable charter and ordinance provisions, shall appoint all such officers and employees. The elected chief executive officer, or in the case of a municipality without an elected chief executive officer, then the city or town council, or in the case of a fire district, the governing body of the fire district may also place other positions and departments under the direction of the officer.

(k) The officer shall not assume the duties or responsibilities of the treasurer or the finance director and shall not hold an elective office and shall devote the officer's full-time and attention to the officer's duties.

(l) The city, ~~or town,~~ or fire district shall annually appropriate amounts sufficient for the proper administration of the department. If the city, ~~or town,~~ or fire district fails to appropriate such amounts, the division of municipal finance shall direct the general treasurer to deduct the necessary funds from the city's, ~~or town's,~~ or fire district's distribution of the city's, ~~or town's,~~ or fire district's state aid and shall expend those funds directly for the benefit of the department. The city or town shall annually appropriate amounts sufficient to cover the costs of the administration and finance officer. The state shall annually reimburse the city, ~~or town,~~ or fire district for fifty percent (50%) share of such costs. The city, ~~or town,~~ or fire district at its expense shall provide office space and adequate resources needed by the administration and finance officer in the performance of his/her duties.

(m) The officer shall comply with all requests of the school department to provide any information relating to the operation of the school department held within the authority or control of the officer as the result of the consolidation of school and city or town business and financial functions under sections 45-9-3 or 45-9-6. If the officer, or any employee under the control of the officer, refuses to provide such information or engages in unreasonable delay, the school department shall notify the division of municipal finance. The division of municipal finance shall, within a reasonable time, make a determination whether any such information shall be provided to the school department which shall be binding upon the officer and the school department. The division of municipal

finance's determination shall not be an adjudicatory proceeding reviewable under chapter 42-35 of the general laws. Nothing in this subsection shall abrogate any of the other powers or duties of the school committee under the general laws.

45-9-10.1. Appointment of administration and finance officer upon abolition of a fiscal overseer, or a budget commission or a receiver where no chapter 9, title 11 petition filed. -- (a) Notwithstanding any general or special law or city or town ordinance or rule or regulation to the contrary, this section shall apply upon the abolition of the fiscal overseer, budget commission or receiver where the receiver has not filed a petition for Chapter 9, Title 11 of the United States Code, upon a determination, in writing, by the director of revenue that the financial condition of the city, ~~or town,~~ or fire district has improved to a level such that a fiscal overseer, budget commission or receiver is no longer needed.

(b) For a period of five (5) years after the abolition of a fiscal overseer, or a budget commission or a receiver where the receiver has not filed a petition for Chapter 9, Title 11 of the United States Code, a finance advisor shall be appointed for the city, ~~or town,~~ or fire district by the director of revenue. The finance advisor shall be an employee of the city, ~~or town,~~ or fire district. The finance advisor shall be responsible for monitoring the overall budgetary and financial administration and fiscal health of the city, ~~or town,~~ or fire district. The finance advisor shall report to the director of revenue.

(c) The finance advisor shall be appointed solely on the basis of his or her qualifications and shall be a person especially fitted by education, training or experience to perform the functions of the position.

(d) The finance advisor shall have complete access to the financial books and records of all offices, departments, and other agencies of the municipal or fire district government and, without limitations:

(1) Recommend to the elected chief executive officer, city or town council, or fire district governing body, and school committee sound fiscal policies for implementation and monitor implementation;

(2) Monitor and oversee all financial operations and activities including the city's, ~~or town's,~~ or fire district's operating and capital financial plans to maintain fiscal stability;

(3) Review operational results of various city, ~~or town,~~ or fire district funds and evaluate the structural soundness of each;

(4) Advise the assessor, director of finance, city or town treasurer, purchasing agent and employees performing similar duties but with different titles;

(5) Provide assistance in all matters related to municipal or fire district financial affairs;

(6) Review and approve the development and preparation of the annual municipal or fire district budget, all department operating and capital budgets and spending plans;

(7) Review and approve all proposed labor contracts and obligations to determine if consistent with a structurally balanced five (5) year plan;

(8) Monitor the receipt of revenues and expenditures of all funds with the assistance of city, town, own or fire district staff;

(9) Participate in rating agency calls pertaining to the city, ~~or town,~~ or fire district;

(10) Determine compliance with the various ordinances, laws (federal and state) and rules and regulations related to receipt and expenditure of city, town, or fire district funds;

(11) Provide comment to the local governing body on the annual or supplemental municipal or fire district budgets of the city, ~~or town,~~ or fire district and all of its departments;

(12) Report quarterly to the chief elected officer, city or town council, fire district governing body, director of revenue, the auditor general, the governor and the chairpersons of the house finance and senate finance committees on the progress made towards maintaining fiscal stability and all financial operations of the city, ~~or town,~~ or fire district;

(13) Make recommendations to the elected chief executive officer, city or town council, fire district governing body, school committee, and the director of revenue, as appropriate, to begin to address any operational and/or structural deficit;

(14) Make recommendations to the elected chief executive officer, city or town council, fire district governing body, and school committee, as appropriate, to have operational, performance, or forensic audits, or similar assessments conducted;

(15) Report any: (i) Inappropriate expenditure; (ii) Any improper accounting procedure; (iii) All failures to properly record financial transactions; and (iv) Other inaccuracies, irregularities, and shortages, as soon as practical to the elected chief executive officer, or in the case of a municipality without an elected chief executive officer, the city or town council, or in the case of a fire district, the fire district governing body; and (16) Notify in writing as soon as practical, the elected chief executive officer or the city or town council or the fire district governing body; if the finance advisor discovers any errors, unusual practices, or any other discrepancies in connection with his or her work.

(f) The city or town, including the school department or fire district, shall provide the finance advisor with any and all information requested in a timely fashion. (g) The city, ~~or town,~~ or fire district shall annually appropriate

amounts sufficient to cover the costs of the administration and finance officer. The state shall annually reimburse the city or town for fifty percent (50%) share of such costs.

(h) The city, ~~town,~~ or fire district at its expense shall provide office space and adequate resources needed by the administration and finance officer in the performance of his/her duties.

(i) Nothing contained herein removes duties from existing positions in the city, ~~town,~~ or fire district.

45-9-11. Expenditures in excess of appropriations prohibited. -- (a) No official of a city, ~~town,~~ or fire district which is subject to the jurisdiction of a fiscal overseer, budget commission or receiver, except in the case of an emergency involving the health and safety of the people or the people's property declared by the city or town council or fire district governing body, shall knowingly expend or cause to be expended in any fiscal year any sum in excess of that official's departmental or other governmental unit's appropriation duly made in accordance with the law, nor commit the city, ~~town,~~ or fire district, nor cause it to be committed, to any obligation for the future payment of money in excess of that appropriation, with the exception of court judgments.

(b) An official who intentionally violates this section shall be personally liable to the city, ~~town,~~ or fire district for any amounts expended in excess of an appropriation to the extent that the city, ~~town,~~ or fire district does not recover such amounts from the person or persons to whom such amounts were paid and shall not be indemnified by the city, ~~town,~~ or fire district for any such amounts. The superior court shall have jurisdiction to adjudicate claims brought by the city, ~~town,~~ or fire district, or on the city's, ~~town's,~~ or fire district's behalf by a budget commission established under this chapter, and to order relief that the court finds appropriate to prevent further violations of this section. A violation of this section shall be sufficient cause for removal.

(c) For the purposes of this section, the word "official" shall mean a city, ~~town,~~ or fire district department head, permanent, temporary or acting, including the superintendent of schools, and all members of municipal boards, committees, including the school committee, and commissions which recommend, authorize or approve the expenditure of funds, and the word "emergency" shall mean a major disaster, including, but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an unexpected and immediate threat to the health and safety of persons or property. **45-9-12. Conflicts with other laws.** -
- Notwithstanding any general or special law to the contrary, unless otherwise specified, the provisions of this chapter shall supersede any conflicting provisions of the city's, ~~town's~~ or fire district's charter ~~or~~ local ordinance or rule or regulation.

45-9-13. Other state receivership laws inapplicable. -- No city, ~~town~~ or fire district shall be placed into,

or made subject to, either voluntarily, or involuntarily, a state judicial receivership proceeding, and nothing in this act shall in any way pre-empt or restrict the powers and remedies available to a state-appointed receiver under Chapter 9 of Title 11 of the United States Code and the receiver's ability to exercise such powers and remedies on a city's, ~~or~~ town's, or fire district's behalf in a federal proceeding filed under Chapter 9 of Title 11 of the United States Code.

45-9-14. No state guarantee. -- Nothing in this chapter shall be construed to pledge the credit and assets of the state to pay the obligations or indebtedness, including, bonded indebtedness, of any municipality or fire district.

45-9-15. Inconsistent provisions. -- Insofar as the provisions of this chapter are inconsistent with the provisions of any charter or other laws or ordinances, general, special, or local, or of any rule or regulation of the state or any municipality or fire district, the provisions of this chapter are controlling.

45-9-18. Additional powers of receiver. -- The receiver shall be entitled to exercise all powers under the general laws, this chapter, the state constitution, any special act, any charter provision or ordinance that any elected official or any body of the city, ~~or~~ town or fire district may exercise, acting separately or jointly; provided, however, that with respect to any such exercise of powers by the receiver, the elected officials or the body shall not rescind or take any action contrary to such action by the receiver so long as the receivership continues to exist.

45-9-19. Expenditures by elected officials in excess of appropriations prohibited. -- (a) No elected official of a city, ~~or~~ town or fire district which is subject to the jurisdiction of a fiscal overseer, budget commission or receiver, except in the case of an emergency involving the health and safety of the people or the people's property declared by the city or town council or fire district governing body, shall knowingly expend or cause to be expended in any fiscal year any sum in excess of that official's departmental or other governmental unit's appropriation duly made in accordance with the law, nor commit the city, ~~or~~ town or fire district, nor cause it to be committed, to any obligation for the future payment of money in excess of that appropriation, with the exception of court judgments.

(b) An elected official who intentionally violates this section shall be personally liable to the city, ~~or~~ town or fire district for any amounts expended in excess of an appropriation to the extent that the city, ~~or~~ town or fire district does not recover such amounts from the person or persons to whom such amounts were paid and shall not be indemnified by the city, ~~or~~ town or fire district for any such amounts. The superior court shall have jurisdiction to adjudicate claims brought by the city, ~~or~~ town or fire district, or on the city's, ~~or~~ town's or fire district's behalf by a budget commission established under this chapter, and to order relief that the court finds appropriate to prevent further violations of this section.

45-9-20. Orders of the receiver. -- In the event a receiver is appointed pursuant to the provisions of this

chapter, powers of the fire district governing body or powers of the city or town council exercisable by resolution or ordinance shall be exercised by order of the receiver.

45-9-22. Indemnification. -- Notwithstanding any general or special law to the contrary, the state shall indemnify, exonerate, defend and hold harmless the director of the department of revenue and any fiscal overseer, budget commission member, receiver or administration and finance officer and any managerial, professional or clerical staff hired, retained or employed by the director of the department of revenue or any fiscal overseer, budget and review commission, receiver or administration and finance officer under chapter 45-9 of the general laws, from all loss, cost, expense, and damage, including legal fees and court costs, if any, arising out of any contract, claim, action, compromise, settlement, or judgment by reason of any intentional tort or by reason of any alleged error or misstatement or action or omission, or neglect or violation of the rights of any person under any federal or state law, arising out of or relating to actions taken or omitted by such person under this chapter 45-9, except in the case of intentional malfeasance, malicious conduct or gross negligence. The costs of such indemnity and defense shall be paid for solely from amounts available in the city's, ~~or~~ town's or fire district's general fund, from amounts appropriated by the general assembly for such purposes, or from other available funds to the extent permitted by law.

SECTION 2. Section 45-10-4 of the General Laws in Chapter 45-10 entitled "Audit of Accounts and Installation of Systems" is hereby amended to read as follows:

45-10-4. Annual post audit required. -- Each municipality and regional school district in the state, prior to the close of the fiscal year, shall retain the services of one or more independent certified public accountants holding a certificate from the state of Rhode Island, or from any other state with whom the state board of accountancy has a reciprocal relationship, to make a detailed post audit of the financial records of the municipality or regional school district for the preceding fiscal year in accordance with generally accepted auditing standards and government auditing standards. School districts which are part of the primary government of a municipality shall be included in the municipality's post audit and shall not be required to obtain a separate post audit. The selection of auditors pursuant to this section shall be subject to the final approval of the state auditor general. The municipality or school district shall not engage the auditors or enter into a contract for those services until the auditor general gives his or her written authorization. The term school district shall include regional school districts. At the request of the auditor general, the audit firm for each municipality or school district shall release any and all information obtained in the course of the engagement to the Rhode Island state auditor general (or his or her designee). This information includes, but is not limited to, financial data, analysis, work papers and memorandum. Audit work papers of the independent

auditors shall be made available to the auditor general (or his or her designee) upon request. The request for such information by the auditor general shall be responded to promptly. Failure to provide this information shall constitute a breach of contract by the audit firm. The auditor general shall have standing to bring an action in the superior court to compel the audit firm to provide the information listed in this section. In addition the auditor general shall prescribe requirements for audits of fire districts conducted pursuant to § 44-5-69.

SECTION 3. Section 45-12-22.2 of the General Laws in Chapter 45-12 entitled "Indebtedness of Towns and Cities" is hereby amended to read as follows:

45-12-22.2. Monitoring of financial operations -- Corrective action. – Subsections (a) through (e) below shall apply to cities and towns.

(a) The chief financial officer of each municipality and each school district within the state shall continuously monitor their financial operations by tracking actual versus budgeted revenue and expense.

(b) The chief financial officer of the municipality shall submit a report on a monthly basis to the municipality's chief executive officer, each member of the city or town council, and school district committee certifying the status of the municipal budget from all fund sources, including the school department budget from all fund sources, or regional school district budget from all fund sources. The chief financial officer of the municipality shall also submit a quarterly report on or before the 25th day of the month succeeding the end of each fiscal quarter to the division of municipal finance, the commissioner of education, and the auditor general certifying the status of the municipal budget, including the school budget that has been certified by the school department. Each quarterly report submitted must be signed by the chief executive officer, chief financial officer as well as the superintendent of the school district and chief financial officer for the school district. The report has to be submitted to the city own council president and the school committee chair. It is encouraged, but not required, to have the council president/school committee chair sign the report. The chief financial officer of the school department or school district shall certify the status of the school district's budget and shall assist in the preparation of these reports. The monthly and quarterly reports shall be in a format prescribed by the division of municipal finance, the commissioner of education, and the state auditor general. The reports shall contain a statement as to whether any actual or projected shortfalls in budget line items are expected to result in a year-end deficit, the projected impact on year-end financial results including all accruals and encumbrances, and how the municipality and school district plans to address any such shortfalls. In the event that the school reporting is not provided, then state education aid may be withheld pursuant to the provisions of section 16-2-9.4(d).

(c) If any of the quarterly reports required under subsection (b) above project a year-end deficit, the chief financial officer of the municipality shall submit to the state division of municipal finance, the commissioner of education, and the auditor general a corrective action plan signed by the chief executive officer and chief financial officer on or before the last day of the month succeeding the close of the fiscal quarter, which provides for the avoidance of a year-end deficit or structural deficit that could impact future years, and the school superintendent shall also comply with the provisions of section 16-2-11(c) to assist in this effort. The plan may include recommendations as to whether an increase in property taxes and/or spending cuts should be adopted to eliminate the deficit. The plan shall include a legal opinion by municipal counsel that the proposed actions under the plan are permissible under federal, state, and local law. The state division of municipal affairs may rely on the written representations made by the municipality in the plan and will not be required to perform an audit.

(d) If the division of municipal finance concludes the plan required hereunder is insufficient and/or fails to adequately address the financial condition of the municipality, the division of municipal finance can elect to pursue the remedies identified in section 45-12-22.7.

(e) The reports required shall include the financial operations of any departments or funds of municipal government including the school department or the regional school district, notwithstanding the status of the entity as a separate legal body. This provision does not eliminate the additional requirements placed on local and regional school districts by §§ 16-2-9(f) and 16-3-11(e)(3).

Subsections (f) through (j) below shall apply to fire districts.

(f) The treasurer/chief financial officer or other fiduciary, as applicable, of the fire district within the state shall continuously monitor the fire district's financial operations by tracking actual versus budgeted revenue and expense.

(g) The treasurer/chief financial officer or other fiduciary, as applicable, of the fire district shall submit a quarterly report on or before the 25th day of the month succeeding the end of each fiscal quarter to the division of municipal finance and the state auditor general certifying the status of the fire district's budget. Each quarterly report submitted must be signed by the chair of the governing body and the treasurer/chief financial officer. The report shall be submitted to the members of the governing body and the members of the town council. The quarterly reports shall be in a format prescribed by the division of municipal finance and the state auditor general. The reports shall contain a statement as to whether any actual or projected shortfalls in budget line items are expected to result in a year-end deficit, the projected impact on year-end financial results including all accruals and encumbrances, and how the fire

district plans to address any such shortfalls.

(h) If any of the quarterly reports required under subsection (g) above project a year-end deficit, the treasurer/chief financial officer or other fiduciary, as applicable, of the fire district shall submit to the division of municipal finance and the state auditor general a corrective action plan signed by the chair of the governing body and treasurer/chief financial officer or other fiduciary, as applicable, of the fire district on or before the last day of the month succeeding the close of the fiscal quarter, which provides for the avoidance of a year-end deficit or structural deficit that could impact future years. The plan may include recommendations as to whether an increase in property taxes and/or spending cuts should be adopted to eliminate the deficit. The plan shall include a legal opinion by legal counsel that the proposed actions under the plan are permissible under federal, state, and local law. Said plan shall be sent to the members of the fire district's governing body and the members of the town council. The division of municipal finance may rely on the written representations made by the governing body of the fire district in the plan and is not be required to perform an audit.

(i) If the division of municipal finance concludes the plan required hereunder is insufficient and/or fails to adequately address the financial condition of the fire district, the division of municipal finance can elect to pursue the remedies identified in § 45-12-22.7.

(j) The reports and plans required above shall also include, but not be limited to, a comprehensive overview of the financial operations of the fire district, including a list of the value of the fire district's assets (tangibles and intangibles) and liabilities.

SECTION 4. Sections 44-5-22 and 44-5-69 of the General Laws in Chapter 44-5 entitled "Levy and Assessment of Local Taxes" are hereby amended to read as follows:

44-5-22. Certification of tax roll. -- The tax levy shall be applied to the assessment roll and the resulting tax roll certified by the assessors to the city or town clerk, city or town treasurer, or tax collector, as the case may be, and to the department of revenue division of municipal finance, not later than the next succeeding August 15. In the case of a fire district, the tax levy shall be applied to the assessment roll and the resulting tax roll certified by such fire district's tax assessor, treasurer or other appropriate fire district official to the town clerk, town treasurer, tax assessor or tax collector, as the case may be, and to the department of revenue, division of municipal finance, not later than thirty (30) business days prior to its annual meeting.

44-5-69. Local fire districts -- Publication of property tax data Local fire districts -- Requirements of annual budget -- Annual financial statements and publication of property tax data. -- Every fire district

authorized to assess and collect taxes on real and personal property in the several ~~cities and~~ towns in the state shall be required to have annual financial statements audited by an independent auditing firm approved pursuant to § 45-10-4 by the auditor general. The auditor general may waive or modify form and content of financial statements and scope of the audit, based upon the size of the fire districts. The financial statements for fiscal year 2015 and every fiscal year thereafter shall be presented at the district's first annual meeting subsequent to receipt of said financial statements. At least ten (10) days prior to said annual meeting, a copy of such financial statements shall be filed by the fire district with the town clerk for the town in which the district(s) is located. A copy of the financial statements shall be simultaneously sent to the auditor general and the division of municipal finance in the department of revenue. The fire districts shall also provide to the division of ~~property valuation and~~ municipal finance in the department of revenue the adopted budget thirty (30) days of final action, and other information on tax rates, budgets, assessed valuations and other pertinent data upon forms provided by the division of ~~property valuation and~~ municipal finance. The information shall be ~~included in the department's annual state report on local governmental finances and tax equalization~~ published by the department of revenue.

SECTION 5. Section 42-142-7 of the General Laws in Chapter 42-142 entitled "Department of Revenue" is hereby amended to read as follows:

42-142-7. Collections of debts. -- (a) For the purpose of this section "governmental entity" means the state, state agency, board commission, department, public institution of higher learning, all political subdivisions of the state, fire districts and quasi-state agency.

(b) Any governmental entity may contract to allow the tax administrator to collect an outstanding liability owed the governmental entity. In administering the provisions of those agreements, the tax administrator shall have all the rights and powers of collection provided pursuant to title 44 for the collection of taxes and all the rights and powers authorized the governmental entity to which the liability is owed. In addition, the tax administrator shall have all of the rights and powers of collection provided pursuant to title 44 for the collection of taxes including, but not limited to, the right to set-off debts enumerated in section 44-30.1 against any amounts collected under the agreements. Subject to subordination to any set-off for past-due child support, the tax administrator shall also have the right to set-off amounts owed to the division of taxation against amounts collected under the agreements.

(c) The tax administrator may charge and retain a reasonable fee for a collection effort made on behalf of a governmental entity. The amount of the fee must be negotiated between the governmental entity and the tax administrator. The debtor must be given full credit toward the satisfaction of the debt for the amount of the fee

collected by the tax administrator pursuant to this section.

(d) Governmental entities that contract with the tax administrator pursuant to this section shall indemnify the tax administrator against injuries, actions, liabilities, or proceedings arising from the collection or attempted collection by the tax administrator of the liability owed to the governmental entity.

(e) The governmental entity shall notify the debtor of its intention to submit the liability to the tax administrator for collection and of the debtor's right to appeal not less than thirty (30) days before the liability is submitted to the tax administrator for collection.

SECTION 6. Section 28-9.1-6 of the General Laws in Chapter 28-9.1 entitled "Firefighters' Arbitration" is hereby amended to read as follows:

28-9.1-6. Obligation to bargain. -- It shall be the obligation of the city or town, acting through its corporate authorities, to meet and confer in good faith with the representative or representatives of the bargaining agent within ten (10) days after receipt of written notice from the bargaining agent of the request for a meeting for collective bargaining purposes. This obligation shall include the duty to cause any agreement resulting from the negotiations to be reduced to a written contract, provided that no contract shall exceed the term of one year, unless a longer period is agreed upon in writing by the corporate authorities and the bargaining agents, but in no event shall the contract exceed the term of three (3) years unless a budget commission or a receiver has been appointed for a municipality or fire district pursuant to Chapter 45-9, or if a municipality has a locally administered pension plan in "critical status", and is required to submit a funding improvement plan pursuant to § 45-65-6(2), in either of which cases the contract shall not exceed the term of five (5) years. An unfair labor practice charge may be complained of by either the employer's representative or the bargaining agent to the state labor relations board which shall deal with the complaint in the manner provided in chapter 7 of this title.

SECTION 7. Pending state judicial receivership proceedings. -- The provisions of this act shall apply to any and all state judicial receivership proceedings pending at the time of passage of this act; provided, however, in order to ensure an orderly transition, the superior court shall have limited jurisdiction to ratify the actions taken by any receiver prior to the date of enactment of this legislation at the request of the director of revenue, and to take such further actions as may be necessary to ensure an orderly transition.

SECTION 8. This act shall take effect upon passage."

Respectfully submitted,

Senator Ruggiero

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

YEAS- 35: The Honorable President Paiva Weed and Senators Algiere, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

Senator Kettle seconded by Senator Raptakis, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2014 -- S 2778

AN ACT RELATING TO TOWNS AND CITIES - BUDGET COMMISSIONS

Madam President:

I hereby move to amend 2014 -- S 2778, entitled "AN ACT RELATING TO TOWNS AND CITIES - BUDGET COMMISSIONS", as follows:

1. On page 10, between lines 13 and 14, by inserting the following language:

"SECTION 2. Chapter 45-9 of the General Laws entitled "Budget Commissions" is hereby amended by adding thereto the following section:

45-9-24. Fire districts -- Maximum tax increase. – Fire districts may not levy any tax in an amount which is more than four percent (4%) in excess of the total amount levied by that fire district for its previous fiscal year."

2. On page 10, line 14, by deleting the language "SECTION 2", and by inserting in place thereof the language "SECTION 3".

Respectfully submitted,

Senator Kettle

Senators Ruggerio, Raptakis and Hodgson discuss the amendment.

The motion to amend fails upon a roll call vote with 8 Senators voting in the affirmative and 26 Senators voting in the negative as follows:

YEAS - 8: Senators Algiere, Bates, Cote, Hodgson, Kettle, O'Neill, Ottiano, Raptakis.

NAYS - 26: The Honorable President Paiva Weed and Senators Archambault, Conley, Cool Rumsey, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Jabour, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, Pearson, Picard, Pichardo, Ruggerio, Satchell, Sheehan, Sosnowski.

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

Senators Raptakis, Kettle and Pearson discuss the act.

The act is read and passed, as amended, upon a roll call vote with 34 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 34: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 1: Senator Kettle.

4. 2014-S 2231 SUB A

BY Sosnowski

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 Sosnowski moves passage, seconded by Senators Doyle, Gallo, Goodwin, Fogarty, O'Neill, Algieri, Kettle and Sheehan.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

5. 2014-S 2235

BY Fogarty

ENTITLED, AN ACT RELATING TO ELECTIONS

Committee on Judiciary recommends passage.

Senator Fogarty moves passage, seconded by Senators Gallo, Lynch, Ruggerio, Pichardo, Nesselbush and Hodgson.

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

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

6. 2014-S 2238

BY Algieri

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - PRACTICE IN PROBATE COURTS

Committee on Judiciary recommends passage.

Senator Algieri moves passage, seconded by Senators McCaffrey and Ottiano.

Senator Algieri seconded by Senators McCaffrey and Jabour, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2014 -- S 2238

AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - PRACTICE IN PROBATE COURTS

Madam President:

I hereby move to amend 2014 -- S 2238, entitled "AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - PRACTICE IN PROBATE COURTS", as follows:

1. On page 1, line 7, by deleting the word "distributed", and by inserting in place thereof the language "previously published in the county and presently distributed".

2. On page 1, line 15, by deleting the word "distributed", and by inserting in place thereof the language "previously published in the county and presently distributed".

Respectfully submitted,

Senator Algieri

The motion to amend prevails upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski.

NAYS- 0:

Senator Algieri moves passage of the act, as amended, seconded by Senator McCaffrey.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

7. 2014-S 2590

BY Crowley

ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY - LOBBYING

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Felag and Jabour.

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

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

8. 2014-S 2655

BY Conley

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS

Committee on Judiciary recommends passage.

Senator Conley moves passage, seconded by Senators McCaffrey, Ruggerio, Lynch, Jabour, Sosnowski, Lombardi, Lombardo, Satchell, Cote and Raptakis.

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

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

9. 2014-S 2670

BY Lynch

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - CAPITOL POLICE OFFICERS' POWERS

Committee on Judiciary recommends passage.

Senator Lynch moves passage, seconded by Senators Pearson, O'Neill, Lombardi, Archambault and Jabour.

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

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

10. 2014-S 2820

BY Lombardi

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES

Committee on Judiciary recommends passage.

Senator Lombardi moves passage, seconded by Senators Lynch, McCaffrey and Archambault.

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

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

11. 2014-H 7259 SUB B

BY Mattiello

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

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

Senator McCaffrey moves passage, seconded by Senators Algieri, Hodgson, Lombardi, Archambault and Pearson.

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

YEAS- 34: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 1: Senator Goldin.

12. 2014-H 7550

BY Craven

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO ISSUE BONDS AND NOTES TO AN AMOUNT NOT EXCEEDING \$4,900,000 TO FINANCE THE CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS IN THE TOWN, PRIMARILY FOR THE WICKFORD COMMERCIAL AREA, INCLUDING THE ACQUISITION OF LAND THEREFOR AND AUTHORIZING THE IMPOSITION OF SEWER ASSESSMENTS AND USER FEES

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

Senator Sheehan moves passage, seconded by Senator Hodgson.

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

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

13. 2014-H 7551

BY Craven

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO ISSUE BONDS AND NOTES TO AN AMOUNT NOT EXCEEDING \$6,600,000 TO FINANCE THE CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS IN THE TOWN, PRIMARILY FOR POST ROAD NORTH, INCLUDING THE ACQUISITION OF LAND THEREFOR AND AUTHORIZING THE IMPOSITION OF SEWER ASSESSMENTS AND USER FEES

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

Senator Hodgson moves passage, seconded by Senator Sheehan.

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

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

14. 2014-S 2423

BY Felag

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -
VETERANS' AFFAIRS

Committee on Special Legislation and Veterans Affairs recommends passage.

Senator Felag moves passage, seconded by Senators Pichardo, Lynch, Ruggerio and Sosnowski.

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

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

15. 2014-S 2425 SUB A

BY Felag

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION
TO STUDY THE FEASIBILITY OF ESTABLISHING A DESERT STORM AND
DESERT SHIELD MEMORIAL AT THE RHODE ISLAND VETERANS' CEMETERY

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 Satchell, O'Neill, Algieri, Sosnowski and Kettle.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

16. 2014-S 2728**BY** Pichardo

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THAT THE RHODE ISLAND DELEGATION TO THE UNITED STATES CONGRESS AND THE UNITED STATES CONGRESS SUPPORT FEDERAL LEGISLATION THAT WOULD AWARD THE CONGRESSIONAL GOLD MEDAL TO THE 65TH INFANTRY REGIMENT, KNOWN AS THE BORINQUENEERS, FOR THEIR HONORABLE MILITARY SERVICE

Committee on Special Legislation and Veterans Affairs recommends passage.

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the Calendar for Tuesday, April 29, 2014.

17. 2014-S 2731**BY** Felag

ENTITLED, AN ACT RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE

Committee on Special Legislation and Veterans Affairs recommends passage.

Senator Felag moves passage, seconded by Senators Ruggerio, Lynch, Pichardo, Jabour,

Lombardo, Raptakis, Archambault, Hodgson and Algieri.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

18. 2014-S 2828**BY** Walaska

ENTITLED, SENATE RESOLUTION SUPPORTING UNITED STATES SENATE RESOLUTION 378 AND CONDEMNING RUSSIAN MILITARY AGGRESSION AGAINST UKRAINE

Committee on Special Legislation and Veterans Affairs recommends passage.

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the Calendar for Tuesday, April 29, 2014.

19. 2014-H 7964**BY** Craven**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
PAYMENT OF DEBTS BY CONTRACTORS

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

Senator Picard moves passage, seconded by Senators Ruggerio and Sheehan.

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

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, 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 His Excellency, the Governor, the Honorable Secretary of State or to the Honorable House of Representatives forthwith.

(See Appendix for List)

NOW PRESIDING

The Honorable President yields the rostrum to the Honorable Harold M. Metts, Deputy President Pro Tempore, of the Senate at 5:16 o'clock P.M.

ANNOUNCEMENTS

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

Senator Kettle announces that the Committee on Environment and Agriculture will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Gallo announces that the Committee on Education will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Ruggerio wishes Senator Miller a Happy Birthday today and Senator Bates a Happy Birthday on Saturday, April 19th.

RECESS

Upon motion of Senator Goodwin, seconded by the Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, and upon suggestion of President Paiva Weed, the Senate stands at recess at 5:19 o'clock P.M. in memory of Nuala Pell.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Tuesday, April 29, 2014, at 4:24 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 measures:

Appointment of Thomas J. Gulluscio Jr. (Member of a recognized Rhode Island Humane Group) of Westerly VICE David Holden to Rabies Control Board for a term expiring September 1, 2014.

Read and ordered to be placed on the Consent Calendar for Wednesday, April 30, 2014.

Also:

Reappointment of James Hagerty to the Rhode Island Clean Water Finance Agency for a term expiring March 1, 2015.

Read and ordered to be placed on the Consent Calendar for Wednesday, April 30, 2014.

Also:

Reappointment of Joshua Celeste to the Rhode Island Clean Water Finance Agency for a term expiring March 1, 2016.

Read and ordered to be placed on the Consent Calendar for Wednesday, April 30, 2014.

Also:

Reappointment of Lisa Ferrara to the Rhode Island Clean Water Finance Agency for a term expiring March 1, 2015.

Read and ordered to be placed on the Consent Calendar for Wednesday, April 30, 2014.

Also:

Reappointment of Scott D. Lajoie to the Rhode Island Clean Water Finance Agency for a term expiring March 1, 2016.

Read and ordered to be placed on the Consent Calendar for Wednesday, April 30, 2014.

Also:

Appointment of Clarkson A. Collins of Kingston to the State Conservation Committee for a term expiring January 1, 2017.

Read and ordered to be placed on the Consent Calendar for Wednesday, April 30, 2014.

Also:

Appointment of Emerson Wildes of Little Compton to the State Conservation Committee for a term expiring January 1, 2017.

Read and ordered to be placed on the Consent Calendar for Wednesday, April 30, 2014.

Also:

Appointment of Maria Mack of Kingston VICE Eric Offenbergl to the State Conservation Committee for a term expiring January 1, 2017.

Read and ordered to be placed on the Consent Calendar for Wednesday, April 30, 2014.

Also:

Appointment of Paul C. Dolan of Foster to the State Conservation Committee for a term expiring January 1, 2017.

Read and ordered to be placed on the Consent Calendar for Wednesday, April 30, 2014.

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**

April 11, 2014

TO THE HONORABLE, THE SENATE:

I am hereby withdrawing, without prejudice, the April 1, 2014 nomination of Patrick Rogers to the I-195 Redevelopment District Commission.

Sincerely,

Lincoln D. Chafee
Governor

Read and ordered to be placed on file.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 (d) of the Rhode Island General Laws, I have made the following reappointment to the State Housing and Property Maintenance Code Subcommittee:

Stanley F. Pikul
(Representing Building Official over 60,000 in population)

for a term expiring January 31, 2017.

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

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Paul R. Alvarez
(Representing Building Trades Council)

for a term expiring May 1, 2017.

To this reappointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

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

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Bernard J. Bernard, III of Woonsocket
(Representing Electrical Inspectors)

for a term expiring May 1, 2016.

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

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

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

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Doris Aschman
(Representing Health Interest)

for a term expiring May 1, 2016.

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

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

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

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Scott D. Caron of Greenville
(Representing Fire Interests)

for a term expiring May 1, 2016.

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

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

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

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Michael Daley of Greene
(Representing Building Trades Council)

for a term expiring May 1, 2017.

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

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

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

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Robert E. DeBlois, Jr. of Warwick
(Representing Builders)

for a term expiring May 1, 2017.

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

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

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

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

James Fink, PE, MBA of Exeter
(Electrical Engineer)

for a term expiring May 1, 2017.

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

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

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

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

William Nash of Middletown
(Representing Building Official under 20,000 in population)

for a term expiring May 1, 2016.

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

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

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

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Dana M. Newbrook of Cumberland
(Representing Architects)

for a term expiring May 1, 2016.

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

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

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

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Wayne R. Pimental of Warwick
(Minimum Housing Inspector)

for a term expiring May 1, 2017.

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

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

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

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Gordon W. Preiss of Westerly
(Representing Mechanical Engineers)

for a term expiring May 1, 2016.

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

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

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

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Peter R. Scorpio of North Scituate
(Building Official with population between 20,000 -60,000)

for a term expiring May 1, 2017.

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

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

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

April 11, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Stephen Turner of Providence
(Public Member)

for a term expiring May 1, 2017.

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

Sincerely,

Lincoln D. Chafee
Governor

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

Also:

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

April 9, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 20-8-4 of the Rhode Island General Laws, I have made the following appointment to the Atlantic States Marine Fisheries Commission:

David V. D. Borden of Little Compton

VICE
William A. McElroy

for a term expiring January 1, 2017.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

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

April 10, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 8-16-1 of the Rhode Island General Laws, I have made the following reappointment to the Commission on Judicial Tenure and Discipline:

Stephen J. Carlotti, Esquire

for a term expiring April 1, 2016.

To this reappointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

STATE HOUSE

April 10, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 8-16-1 of the Rhode Island General Laws, I have made the following reappointment to the Commission on Judicial Tenure and Discipline:

James T. Murphy, Esquire
(Rhode Island Bar Association Seat)

for a term expiring April 1, 2016.

To this reappointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 10, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 8-16-1 of the Rhode Island General Laws, I have made the following appointment to the Commission on Judicial Tenure and Discipline:

Susan Leach DeBlasio, Esquire

VICE
William Clegg

for a term expiring April 1, 2017.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 10, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 8-16-1 of the Rhode Island General Laws, I have made the following appointment to the Commission on Judicial Tenure and Discipline:

Kas R. DeCarvalho, Esquire
(Rhode Island Bar Association Seat)

VICE
Patricia Rocha, Esquire

for a term expiring April 1, 2015.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 10, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 8-16-1 of the Rhode Island General Laws, I have made the following appointment to the Commission on Judicial Tenure and Discipline:

Peter A. DiBiase, Esquire
(Rhode Island Bar Association Seat)

VICE
Matthew T. Oliverio

for a term expiring April 1, 2017.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Judiciary.

Also:

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

April 10, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 8-16-1 of the Rhode Island General Laws, I have made the following appointment to the Commission on Judicial Tenure and Discipline:

Preston W. Halperin, Esquire

VICE
Joseph Roszkowski

for a term expiring April 1, 2015.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Judiciary.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 8000

BY Handy

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (This act would allow Elizabeth Ann Vorro to join Michael J. Fournier and David A. Liddle in marriage on or about May 18, 2014, within the City of Providence, Rhode Island.)

{LC5326/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 8001

BY O'Brien, Corvese, Blazejewski, Winfield, Hull

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (This act would allow the Honorable Nicholas A. Mattiello, Esq., to join Gina Marie Bisceglia and Justin Michael Erickson in marriage on or about May 31, 2014, within the City of Providence, Rhode Island.)

{LC5321/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 8005

BY Azzinaro

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (This act would allow Carlo Tranghese to join Donald Tranghese and Daphne Mead in marriage on or about September 20, 2014, within the Town of Westerly, Rhode Island.)

{LC5336/1}

Read and ordered to the Committee on Judiciary.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Hodgson the Senate adjourns at 4:28 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR MARYELLEN GOODWIN

Lord, we ask you to keep us safe and healthy over the vacation break, and allow us to return refreshed so we may continue to serve in the best interests of our people. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, APRIL 29, 2014:

1. **2014-S 2811**
BY Satchell
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

2. **2014-H 7591**
BY Fox
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

3. **2014-H 7848**
BY Fox
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

4. **2014-H 7851**
BY Martin
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

IN ORDER FOR WEDNESDAY, APRIL 30, 2014:

1. **2014-H 7541**
BY Finn
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SELF INSURANCE

Committee on Commerce recommends passage in concurrence.

2. **Appointment of Thomas J. Gulluscio Jr. (Member of a recognized Rhode Island Humane Group) of Westerly VICE David Holden to Rabies Control Board for a term expiring September 1, 2014.**

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

3. Reappointment of James Hagerty to the Rhode Island Clean Water Finance Agency for a term expiring March 1, 2015.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

4. Reappointment of Joshua Celeste to the Rhode Island Clean Water Finance Agency for a term expiring March 1, 2016.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

5. Reappointment of Lisa Ferrara to the Rhode Island Clean Water Finance Agency for a term expiring March 1, 2015.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

6. Reappointment of Scott D. Lajoie to the Rhode Island Clean Water Finance Agency for a term expiring March 1, 2016.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

7. Appointment of Clarkson A. Collins of Kingston to the State Conservation Committee for a term expiring January 1, 2017.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

8. Appointment of Emerson Wildes of Little Compton to the State Conservation Committee for a term expiring January 1, 2017.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

9. Appointment of Maria Mack of Kingston VICE Eric Offenbergl to the State Conservation Committee for a term expiring January 1, 2017.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

10. Appointment of Paul C. Dolan of Foster to the State Conservation Committee for a term expiring January 1, 2017.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

Appendix

CALENDAR

IN ORDER FOR TUESDAY, APRIL 29, 2014:

1. **2014-S 2728**
BY Pichardo
ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THAT THE RHODE ISLAND DELEGATION TO THE UNITED STATES CONGRESS AND THE UNITED STATES CONGRESS SUPPORT FEDERAL LEGISLATION THAT WOULD AWARD THE CONGRESSIONAL GOLD MEDAL TO THE 65TH INFANTRY REGIMENT, KNOWN AS THE BORINQUENEERS, FOR THEIR HONORABLE MILITARY SERVICE

Committee on Special Legislation and Veterans Affairs recommends passage.

2. **2014-S 2828**
BY Walaska
ENTITLED, SENATE RESOLUTION SUPPORTING UNITED STATES SENATE RESOLUTION 378 AND CONDEMNING RUSSIAN MILITARY AGGRESSION AGAINST UKRAINE

Committee on Special Legislation and Veterans Affairs recommends passage.

3. **2014-S 2055 SUB A**
BY Bates
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REPARATIONS ACT

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

4. **2014-S 2178 SUB A**
BY Ciccone
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES

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

5. **2014-S 2682 SUB A**
BY Miller
ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - BARBERS, HAIRDRESSERS, COSMETICIANS, MANICURISTS AND ESTHETICIANS

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

IN ORDER FOR WEDNESDAY, APRIL 30, 2014:**1. 2014-S 2298 SUB A****BY** Picard**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - STATE AID

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

2. 2014-S 2488 SUB A**BY** DaPonte**ENTITLED**, AN ACT RELATING TO JUSTICES OF SUPREME, SUPERIOR, AND FAMILY COURTS

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

3. 2014-S 2150**BY** Bates**ENTITLED**, AN ACT RELATING TO HIGHWAYS - ABANDONMENT BY TOWNS - BARRINGTON

Committee on Housing & Municipal Government recommends passage.

4. 2014-S 2151**BY** Kettle**ENTITLED**, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF WEST GREENWICH

Committee on Housing & Municipal Government recommends passage.

5. 2014-H 7281**BY** Fox**ENTITLED**, AN ACT RELATING TO TAXATION - COOPERATIVE HOUSING CORPORATIONS

Committee on Finance recommends passage in concurrence.

Appendix**BILLS TRANSMITTED TO THE GOVERNOR****House Bill No. 7098****BY** Amore, Ackerman, Melo, Kazarian, Valencia**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - VEHICLE INSURANCE (would allow proof of financial responsibility to be provided using a mobile electronic device)

{LC3084/1}

House Bill No. 7283

(Secretary of State)

BY Keable, Kazarian, Finn, Casey, Carnevale**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS (would establish the position of an "authorized representative" for nonprofit corporations, and would authorize an authorized representative to execute the nonprofit corporation's annual report)

{LC3632/1}

House Bill No. 7550**BY** Craven, Costa**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO ISSUE BONDS AND NOTES TO AN AMOUNT NOT EXCEEDING \$4,900,000 TO FINANCE THE CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS IN THE TOWN, PRIMARILY FOR THE WICKFORD COMMERCIAL AREA, INCLUDING THE ACQUISITION OF LAND THEREFOR AND AUTHORIZING THE IMPOSITION OF SEWER ASSESSMENTS AND USER FEES

{LC4828/1}

House Bill No. 7551**BY** Craven, Costa**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO ISSUE BONDS AND NOTES TO AN AMOUNT NOT EXCEEDING \$6,600,000 TO FINANCE THE CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS IN THE TOWN, PRIMARILY FOR POST ROAD NORTH, INCLUDING THE ACQUISITION OF LAND THEREFOR AND AUTHORIZING THE IMPOSITION OF SEWER ASSESSMENTS AND USER FEES

{LC4829/1}

House Bill No. 7964**BY** Craven, Costa, Shekarchi, Ackerman, Lally**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - PAYMENT OF DEBTS BY CONTRACTORS (Would subject state public works apprenticeship programs to federal laws and regulation requirements.)

{LC5116/1}