

State of Rhode Island and Providence Plantations

Journal of the Senate

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

Volume 132, No. 14

Thursday, February 16, 2006

Fourteenth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:02 o'clock P.M.

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

PRESENT – 37: The Honorable President Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisená, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senators Alves.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

NATIONAL ANTHEM

The National Anthem is performed by Shane Lee.

APPROVAL OF RECORD

The Senate Journal of the eleventh, twelfth, and thirteenth Legislative Days of the 2006 proceedings is read in part.

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

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

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

Senate Bill No. 2072 (Attorney General/Governor)
BY Senators Polisena, Damiani, Algieri, McCaffrey, Sosnowski
ENTITLED, AN ACT RELATING TO MOTOR VEHICLES

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2156
BY Senators Raptakis, Sosnowski
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 2157
BY Senator Lanzi
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 2158
BY Senator Cote
ENTITLED, AN ACT RELATING TO THE SOLEMNIZATION OF MARRIAGES (Robert Peter Melville II and Kelly Lee Desrosiers)

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 2271

BY Senator Lenihan

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 2342

BY Senator Paiva-Weed

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 2344

BY Senator Paiva-Weed

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Brooke Means and Benjamin Drew).

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 2362

BY Senator Levesque C

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join David A. Camirand, Jr. and Dr. Lauren A. Heroux).

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 2445

BY Senator Felag

ENTITLED, AN ACT RELATING SOLEMNIZATION OF MARRIAGES (join Holly Costar and Timothy Olesniewicz).

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 2447**BY** Senator Montalbano J**ENTITLED**, AN ACT SOLEMNIZATION OF MARRIAGES (join Fritz R. Owens and Anna E. Cowles).

Read and ordered to be placed on the Consent Calendar

COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT

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

Senate Bill No. 2464**BY** Senator Algieri**ENTITLED**, AN ACT RELATING TO AIRPORT AND LANDING FIELDS (authorize the RI Airport Corp to lease the land at the Westerly Airport land to the town of Westerly for a period not to exceed 99 years).

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algieri moves passage, seconded by Senator Breene.

The act is read and passed, by unanimous consent, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

NEW BUSINESS**Senate Resolution No. 2823****BY** Senator Metts**ENTITLED**, SENATE RESOLUTION PROCLAIMING THE MONTH OF FEBRUARY AS "BLACK HISTORY MONTH" IN THE STATE OF RHODE ISLAND.

Senator Metts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Metts moves passage, seconded by the entire Senate.

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

GUESTS

Upon suggestion of Senator Caprio and by unanimous consent, the Honorable President, welcomes to the Chamber the family of Senator Metts, his wife Dayus Metts & sister in law Deborah Turnstall, Mr. Dennis Langley, Executive Director Urban League of RI, Cliff Monteiro, President NAACP, Rev. Mitchell, Congdon St. Baptist Church, and Ms. Wanda Jones.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Paiva Weed, seconded by Senator Algieri, the following measure on today's Consent Calendar, by unanimous consent, is read and passed, upon a voice vote:

1 2006-H 7177

BY Church

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF JENKS PROPERTY CORPORATION

CALENDAR

IN ORDER FOR THURSDAY, FEBRUARY 16, 2006:

1 2006-S 2199

BY Sosnowski

ENTITLED, JOINT RESOLUTION RELATING TO RHODE ISLAND PUBLIC CORPORATION DEBT MANAGEMENT ACT JOINT RESOLUTIONS

Committee on Finance recommends passage.

Senator Sosnowski moves passage, seconded by Senators Blais, Sheehan and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2 2006-H 6862**BY Costantino****ENTITLED, JOINT RESOLUTION RELATING TO RHODE ISLAND PUBLIC CORPORATION DEBT MANAGEMENT ACT JOINT RESOLUTIONS**

Committee on Finance recommends passage in concurrence.

Senator Sosnowski moves passage, seconded by Senators Blais and Sheehan.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3 2006-S 2138 SUB A**BY Connors****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

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

Senator Connors moves passage, seconded by Senators Lenihan and Paiva Weed.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4 2006-S 2140 SUB A**BY Lenihan****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

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

Senator Lenihan moves passage, seconded by Senators Sheehan, Paiva Weed and Blais.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5 2006-S 2141 SUB A

BY Sosnowski

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

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

Senator Sosnowski moves passage, seconded by Senators Breene, Paiva Weed, Lenihan and Raptakis.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

6 2006-S 2142

BY Gallo

**ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS –
EDUCATION**

Committee on Government Oversight recommends passage.

Senator Gallo moves passage, seconded by Senators Perry and Paiva Weed.

Senator Gallo, seconded by Senator Paiva Weed, offers the following written motion to amend.

2006 -- S 2142

AN ACT RELATING TO SEPARATION OF POWERS -- EDUCATION

Mr. President:

I hereby move to amend 2006 -- S 2142, entitled "AN ACT RELATING TO SEPARATION OF POWERS -- EDUCATION", as follows:

(1) On page 2, lines 4 through 8, by deleting the following language: "~~a member the chairperson~~ of the board of regents for elementary and secondary education ~~designated by the chairperson of this board, the chairperson of the senate finance committee or his or her designee, and the chairperson of the house finance committee or his or her designee~~ who shall serve as a nonvoting ex-officio member." and inserting in place thereof the following language: "a member of the board of regents for elementary and secondary education ~~designated by the chairperson of this board, the chairperson of the senate finance committee or his or her designee, and the chairperson of the house finance committee or his or her designee~~ designated by the governor."

(2) On page 6, lines 22 through 25, by deleting the language "a member the chairperson of the board of governors for higher education designated by the chairperson of this board, the chairperson of the senate finance committee or his or her designee and the chairperson of the house finance committee or his or her designee who shall serve as a nonvoting ex-officio member." and inserting in place thereof the following language: "a member of the board of governors for higher education designated by the chairperson of this board, the chairperson of the senate finance committee or his or her designee and the chairperson of the house finance committee or his or her designee designated by the governor."

Respectfully submitted,

SENATOR GALLO

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LC00404/2
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The motion to amend prevails upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Gallo moves passage of the act, as amended, seconded by Senator Paiva Weed.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

7 2006-S 2143

BY Roberts

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION – WATER RESOURCES BOARD

Committee on Government Oversight recommends passage.

Senator Roberts moves passage, seconded by Senators Paiva Weed and Lenihan.

Senator Roberts seconded by Senators Paiva Weed and Lenihan, offers the following written motion to amend.

2006 -- S 2143

AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD

Mr. President:

I hereby move to amend 2006 -- S 2143, entitled "AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD", as follows:

On page 6, line 12 by deleting the letters and numerals "(a), 46-15.3-5.1(c)".

Respectfully submitted,

SENATOR ROBERTS

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LC00402/2
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The motion to amend prevails upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Roberts moves passage of the act, as amended, seconded by Senators Paiva Weed and Lenihan

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

8 2006-H 6749

BY Coderre E

**ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS –
EDUCATION**

Committee on Government Oversight recommends passage in concurrence.

Senator Lenihan moves passage, seconded by Senators Gallo and Paiva Weed.

Senator Gallo seconded by Senator Paiva Weed, offers the following written motion to amend.

2006 -- H 6749

AN ACT RELATING TO SEPARATION OF POWERS – EDUCATION

Mr. President:

I hereby move to amend 2006 -- H 6749, entitled "AN ACT RELATING TO SEPARATION OF POWERS -- EDUCATION", as follows:

(1) On page 2, lines 4 through 8, by deleting the following language: "~~a member~~ the chairperson of the board of regents for elementary and secondary education ~~designated by the chairperson of this board, the chairperson of the senate finance committee or his or her designee, and the chairperson of the house finance committee or his or her designee~~ who shall serve as a nonvoting ex-officio member." and inserting in place thereof the following language: "a member of the board of regents for elementary and secondary education ~~designated by the chairperson of this board, the chairperson of the senate finance committee or his or her designee, and the chairperson of the house finance committee or his or her designee~~ designated by the governor."

(2) On page 6, lines 22 through 25, by deleting the language "~~a member~~ the chairperson of the board of governors for higher education ~~designated by the chairperson of this board, the chairperson of the senate finance committee or his or her designee and the chairperson of the house finance committee~~ or his or her designee who shall serve as a nonvoting ex-officio

member." and inserting in place thereof the following language: "a member of the board of governors for higher education designated by the chairperson of this board, the chairperson of the senate finance committee or his or her designee and the chairperson of the house finance committee or his or her designee designated by the governor."

Respectfully submitted,
SENATOR GALLO

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LC00333/2
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The motion to amend prevails upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Gallo moves passage of the act, as amended, seconded by Senator Lenihan

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

9 2006-H 6751 as amended

BY Coderre E

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Committee on Government Oversight recommends passage as amended in concurrence.

Senator Lenihan moves passage, seconded by Senators Metts and Paiva Weed.

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

YEAS- 31: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque,

McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Walaska.

NAYS- 0:

10 2006-H 6752

BY Coderre E

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION – WATER RESOURCES BOARD

Committee on Government Oversight recommends passage in concurrence.

Senator Roberts moves passage, seconded by Senators Lenihan.

Senator Roberts seconded by Senators Lenihan and Sosnowski, offers the following written motion to amend.

2006 -- H 6752
AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD
Mr. President:
I hereby move to amend 2006 -- H 6752, entitled "AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD", as follows:
On page 6, line 12, by deleting the letters and numerals "(a), 46-15.3-5.1(c)",.
Respectfully submitted,
SENATOR ROBERTS
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LC00335/2
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The motion to amend prevails upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Roberts moves passage of the act, as amended, seconded by Senator Lenihan.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

11 2006-H 6753 as amended

BY Coderre E

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Committee on Government Oversight recommends passage as amended in concurrence.

Senator Sosnowski moves passage, seconded by Senator Lenihan.

The act is read and passed, by unanimous consent, as amended, in concurrence, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

12 2006-H 6754 SUB A

BY Coderre E

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

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

Senator Lenihan moves passage, seconded by Senator Paiva Weed.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

13 2006-S 2056**BY Montalbano J****ENTITLED, AN ACT RELATING TO INSURANCE – NONPROFIT HOSPITAL
AND MEDICAL SERVICE CORPORATIONS**

Committee on Health & Human Services recommends passage.

Senator Perry moves passage, seconded by Senators Sosnowski, Levesque and Roberts

The act is read and passed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 31: The Honorable President Montalbano and Senators Bates, Blais, Breene, Caprio, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Algieri

TRANSMITTAL

By unanimous consent, all matters on the Secretary's desk with the exception of 06-H 6721aa, 6753aa, 6754A, 6862 are ordered to be transmitted to His Excellency, the Honorable Secretary of State the Governor or to the Honorable House of Representatives forthwith.

ANNOUNCEMENTS

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

GUESTS

Upon suggestion of Senator Polisena and by unanimous consent, the Honorable President, welcomes to the Chamber the Honorable Charles Walton, former State Senator from the City of Providence.

Upon suggestion of Senator Paiva Weed and by unanimous consent, the Honorable President, welcomes to the Chamber the Honorable J. Clement "Bud" Ciccilline, former State Senator from the City of Newport.

RECESS

Upon suggestion of Senate DaPonte and by unanimous consent the Senate stands at recess at 4:36 o'clock P.M. until the call of the chair and that the desk shall remain open to receive new business.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Tuesday, February 28, 2006, at 4:06 o'clock P.M.

REPORTS OF COMMITTEES**COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT**

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

Senate Bill No. 2274

BY Senators Paiva-Weed, Gibbs

ENTITLED, AN ACT AUTHORIZING THE CITY OF NEWPORT TO FINANCE THE DESIGN, CONSTRUCTION, REPAIR, REHABILITATION AND IMPROVEMENT OF STREETS AND SIDEWALKS IN THE CITY, INCLUDING, BUT NOT LIMITED TO, TRAFFIC CONTROL DEVICES, LANDSCAPING AND CONSTRUCTION MANAGEMENT SERVICES, BY THE ISSUANCE OF NOT MORE THAN \$12,000,000 BONDS AND/OR NOTES THEREFOR.

Read and ordered to be placed on the Calendar.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 6709

BY Mumford

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES (add the town of Scituate to the municipalities authorized to prohibit the issuance of Class C liquor licenses)

Received and referred to the Senate Committee on Constitutional and Gaming Issues.

Also:

House Bill No. 6854

BY Savage

ENTITLED, AN ACT RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS (description of a plan that would include measurable student academic goals)

Received and referred to the Senate Committee on Education

Also:

House Bill No. 6853 SUB A**BY** McNamara, Crowley, Lewiss, Savage, Gallison**ENTITLED**, AN ACT RELATING TO EDUCATION (direct the dept. of elementary and secondary education to establish a statewide purchasing system for products/services pertaining to RI public schools)

Received and referred to the Senate Committee on Education

Also:

House Bill No. 6745 SUB A**BY** McNamara, Malik, Rose, Dennigan, Lewiss**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- ASSISTED LIVING RESIDENCE LICENSING ACT (no assisted living residency contract or agreement require a security deposit in excess of one month's rent/security deposit received be held in an interest bearing account)

Received and referred to the Senate Committee on Health and Human Services

Also:

House Bill No. 6885 as amended**BY** Ajello, Corvese, Diaz, Naughton, Coderre E**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES (governor may commit the state to give consent to the federal government to commit the state to the government procurement rules of an international trade agreement)

Received and referred to the Senate Committee on Government Oversight

NEW BUSINESS**Senate Bill No. 2824****BY** Senators Goodwin, Paiva-Weed, Lenihan**ENTITLED**, AN ACT RELATING TO THE CAPITAL CENTER COMMISSION (appointments to the capital center commission would be subject to the advice and consent of the senate).

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Bill No. 2825**BY** Senators Paiva-Weed**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - FORT ADAMS FOUNDATION (change the organization of the Fort Adams foundation and clarify its powers).

Scheduled for hearing and/or consideration

Also:

Senate Bill No. 2826

BY Senators Connors, Lenihan, Paiva-Weed

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS (remove legislators and legislative appointees from the state crime laboratory commission, in accord with the recent amendments to the state constitution).

Scheduled for hearing and/or consideration

Also:

Senate Bill No. 2827

BY Senators DaPonte, Connors, Ruggerio

ENTITLED, AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES ACT (expand the definition of "unfair claims practice" to include any deviation from industry accepted manuals for the appraisal of motor vehicle damage).

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

Senate Bill No. 2828

BY Senators DaPonte, Connors, Ruggerio

ENTITLED, AN ACT RELATING TO BUSINESS AND PROFESSIONS -- AUTOMOBILE BODY REPAIR SHOPS (provide for an arbitration program to establish uniform auto collision labor rates).

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

Senate Bill No. 2829

BY Senators DaPonte, Connors, Ruggerio

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- AUTOMOBILE BODY REPAIR SHOPS (clarify that a customer of a body shop may designate a representative to authorize repairs to their vehicle).

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

Senate Bill No. 2830

BY Senators DaPonte, Connors, Ruggerio

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - - AUTOMOBILE BODY REPAIR SHOPS (require the licensing advisory board to establish minimum requirements for certification of auto body repair technicians).

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

Senate Bill No. 2831

BY Senators DaPonte, Connors, Ruggiero

ENTITLED, AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION AND PRACTICES (establish the requirement that all insurance companies conduct labor rate surveys annually to determine the prevailing auto body labor rate).

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

Senate Bill No. 2832

BY Senators DaPonte, Connors, Ruggiero

ENTITLED, AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION AND PRACTICES (require all insurance companies to notify consumers of their right to choose an auto repair facility by an automated system).

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

Senate Bill No. 2833

BY Senators DaPonte, Connors, Ruggiero

ENTITLED, AN ACT RELATING TO INSURANCE - UNFAIR COMPETITION AND PRACTICES (allow insurers to recommend that automobiles be repaired at specific body shops if the insurer has complied with certain conditions notifying customers that the insurer cannot mandate which body shop will repair the car).

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

Senate Bill No. 2834

BY Senators DaPonte, Connors, Ruggiero

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - AUTOMOBILE BODY REPAIR SHOP (require that notices be displayed at automobile body repairs shops advising consumers that they can choose the repair facility for their vehicle and would provide for penalties for violations).

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

Senate Bill No. 2835**BY** Senators DaPonte, Connors, Ruggerio**ENTITLED**, AN ACT RELATING TO INSURANCE -- MOTOR VEHICLE DAMAGE

APPRAISERS (require appraisers and drive-in claim centers to notify consumers of their right to choose the repair auto body repair facility that will repair their motor vehicle).

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

Senate Bill No. 2836**BY** Senator Breene**ENTITLED**, AN ACT RELATING TO EDUCATION -- ESTABLISHMENT OF REGIONAL

SCHOOL DISTRICTS (change the time of the Exeter-West Greenwich regional school district meeting from 8:00 pm to 7:00 pm).

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

Senate Bill No. 2837**BY** Senators Damiani, Polisen, Sosnowski, Bates, DaPonte**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES -- LIABILITY AND

COMPUTATION (exempt all books and other reading material as well as trucks from sales and use taxes).

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2838**BY** Senators Pichardo, Metts, Perry, Levesque C, Issa**ENTITLED**, AN ACT RELATING TO BOARD OF GOVERNORS FOR HIGHER EDUCATION

(provide that all graduates of Rhode Island high schools would be charged in-state tuition rates at the state colleges or universities).

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2839**BY** Senators Gallo, Walaska**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- ACTIONS AGAINST

THE STATE ON HIGHWAY AND PUBLIC WORKS CONTRACTS (allow for the imposition of prejudgment and post-judgment interest against the state of RI should any public works contractor be successful in enforcing public works contracts).

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2840

BY Senators Pichardo, Goodwin, Felag

ENTITLED, AN ACT RELATING TO HOUSING RESOURCES - NEIGHBORHOOD OPPORTUNITIES PROGRAM (establish and fund the neighborhood opportunities program to address the housing and revitalization needs of the state's deteriorating neighborhoods).

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2841

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO THE TOWN OF SMITHFIELD -- PROPERTY TAX EXEMPTION (tax property acquired by Bryant University within the town of Smithfield).

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2842

BY Senators Doyle, Tassoni, Felag

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - TAXATION AND TOBACCO - DELIVERY AND SALE OF TOBACCO PRODUCTS (extensive amendments to the process of the delivery and sale of cigarettes in this state).

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2843

BY Senators Pichardo, Metts, Perry, Goodwin, Lanzi

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- LENDERS AND LOAN BROKERS (require that individual loan brokers receive a license from the department of business regulation).

Read and referred to the Senate Financial, Technology and Regulatory Issues

Also:

Senate Bill No. 2844

BY Senators Roberts, Walaska, Bates

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- ENERGY AND CONSUMER SAVINGS ACT OF 2006 (establish minimum energy and consumer savings by setting efficiency standards for certain products sold in the state).

Read and referred to the Senate Financial, Technology and Regulatory Issues

Also:

Senate Bill No. 2845 (Attorney General)

BY Senators Polisena, Damiani, Blais, McCaffrey

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- METHAMPHETAMINE ABUSE PREVENTION (establish the methamphetamine abuse prevention act).

Read and referred to the Senate Committee on Health and Human Services

Also:

Senate Bill No. 2846 (Health)

BY Senator Gibbs

ENTITLED, AN ACT RELATING TO MENTAL HEALTH COUNSELORS AND MARRIAGE AND FAMILY THERAPIST (reduce the number of members on the board of mental health counselors and marriage and family therapist from 9 to 5).

Read and referred to the Senate Committee on Health and Human Services

Also:

Senate Bill No. 2847

BY Senators Pichardo, Goodwin, Sosnowski, McCaffrey

ENTITLED, AN ACT RELATING TO MENTAL HEALTH, RETARDATION AND HOSPITALS (require the director of mental health, retardation and hospitals to maintain a step up/step down unit).

Read and referred to the Senate Committee on Health and Human Services

Also:

Senate Bill No. 2848 (by request)

BY Senators Pichardo, Walaska

ENTITLED, AN ACT RELATING TO INSURANCE (grant the commissioner of health insurance).

Read and referred to the Senate Committee on Health and Human Services

Also:

Senate Bill No. 2849

BY Senator DaPonte

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - MEDICAL RECORDS (provide statutory limitations on fees charged for copies of certain medical records).

Read and referred to the Senate Committee on Health and Human Services

Also:

Senate Bill No. 2850

BY Senators Walaska, Bates, Polisena, Blais, Damiani
ENTITLED, AN ACT RELATING TO OPERATORS' LICENSES AND TO IDENTIFICATION CARDS (create tougher standards of proof of identification that applicants for driver's licenses must meet before a license may be issued by the divisions of motor vehicles)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2851

BY Senators Pichardo, Paiva-Weed, Metts, Perry, Goodwin
ENTITLED, AN ACT RELATING TO PROPERTY -- RHODE ISLAND HOME LOAN PROTECTION ACT (establish a home loan protection act to protect borrowers from predatory lending practices).

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2852

BY Senator Goodwin
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEVELOPMENTAL DISABILITY (establish the office of developmental disability ombudsperson for the purpose of advocating on behalf of persons with developmental disabilities).

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2853

BY Senators Connors, Pichardo, DaPonte
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- LAW PRACTICE (allow a lawyer, or law firm, to share a statutory, or tribunal-approved fee award, with an organization that is not for profit and is tax-exempt under federal law).

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2854

BY Senator Revens
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLES REPARATIONS ACT (allow a lawyer, or law firm, to share a statutory, or tribunal-approved fee award, with an organization that is not for profit and is tax-exempt under federal law).

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2855

BY Senators Doyle, Tassoni, Damiani, McBurney, Polisena

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES (make it a felony for an on-line predator to engage in cyberstalking of a minor).

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2856 (Governor)

BY Senators Algieri, Breene, Polisena, Damiani

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES (add certain enhanced penalties for first degree child molestation including, but not limited to, electronic monitoring and treatment/Jessica Lundsford Act).

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2857

BY Senator Breene

ENTITLED, AN ACT RELATING TO TAXATION - COLLECTION OF TAXES GENERALLY (require the closing agent in all real estate transactions to transmit all sums due on motor vehicle excise tax certificates to the city/town tax collector).

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2858

BY Senators Perry, Sosnowski, Gibbs, Roberts

ENTITLED, AN ACT RELATING TO ELECTIONS -- RHODE ISLAND CLEAN ELECTIONS ACT.

Read and ordered to be placed on the Committee on Judiciary

Also:

Senate Bill No. 2860

BY Senator Paiva-Weed

ENTITLED, AN ACT RELATING TO ELECTIONS.

Read and ordered to be placed on the Committee on Judiciary

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:07 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR HAROLD M. METTS**

Dear Lord, We praise you, we thank you, and we glorify your holy name. We invite your Holy Spirit to dwell in and among us. We seek your wisdom and guidance as we labor on behalf of the people of Rhode Island. Many people have contributed to our rich history; and today we celebrate in honor of Martin and Cloretta Scott-King, Rosa Parks, our own George S. Lima, and countless others. More than remembering their legacy help us to follow their example. And in the words of holy scripture: "He hath Shewed Thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God? (Micah 6:8) "But let judgment run down as waters, and righteousness as a mighty stream." (Amos 5:24) We thank thee dear God! Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, MARCH 1, 2006:****1 2006-S 2156****BY Raptakis****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

2 2006-S 2157**BY Lanzi****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

3 2006-S 2158**BY Cote****ENTITLED, AN ACT RELATING TO THE SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

4 2006-S 2271**BY Lenihan****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

5 2006-S 2342**BY Paiva-Weed****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

6 2006-S 2344**BY Paiva-Weed****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

7 2006-S 2362**BY Levesque C****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

8 2006-S 2445

BY Felag

ENTITLED, AN ACT RELATING SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

9 2006-S 2447

BY Montalbano J

ENTITLED, AN ACT SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Raymond T. Hoyas, Jr.
Secretary of the Senate

Appendix

CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 1, 2006:

1 2006-S 2274

BY Paiva-Weed

ENTITLED, AN ACT AUTHORIZING THE CITY OF NEWPORT TO FINANCE THE DESIGN, CONSTRUCTION, REPAIR, REHABILITATION AND IMPROVEMENT OF STREETS AND SIDEWALKS IN THE CITY, INCLUDING, BUT NOT LIMITED TO, TRAFFIC CONTROL DEVICES, LANDSCAPING AND CONSTRUCTION MANAGEMENT SERVICES, BY THE ISSUANCE OF NOT MORE THAN \$12,000,000 BONDS AND/OR NOTES THEREFOR

Committee on Commerce, Housing & Municipal Government recommends passage.

2 2006-S 2072

BY Polisena

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES

Committee on Judiciary recommends passage.

Raymond T. Hoyas, Jr.
Secretary of the Senate