

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. 15

Tuesday, February 28, 2006

Fifteenth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:08 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

PRESENT – 36: The Honorable President Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Alves, DaPonte.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Fourteenth Legislative day of the 2006 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Ruggerio, Sosnowski, McBurney, Polisen, Caprio, Walaska, Sheehan and by unanimous consent, the Honorable President, welcomes to the Chamber the University of Rhode Island Baseball Team, Coaches: Jim Foster, Steve Breltback, Team: Matt Bruderek, Ryan Cunningham, Jamie Degidio, Shaun Hagey, Daryl Holcomb, Steve Holmes, Matt Miranda, Josh Nestor, Jim Norcott, Brett Palanski, Adam Perkins, Wayne Russo, Dave Savard, CJ Simons, Tom Venedam, Zach Zaneski, Mick LeFort, Matt Sullivan, Mike Rainville, Zach Zuercher, Chris Stelma, Joe Viscuso, Mike Harris, Dan Frederick and Gil Pina.

Upon suggestion of Senators Paiva Weed, Gibbs and Blais and by unanimous consent, the Honorable President, welcomes to the Chamber the Rogers High School Football Team, State Champions, Coaches: Frank Newsome, Rick Fullerton, Chris Lewia, Blair Morgera, Andrew Martucci, Mike Dugan, Wally Christensen, Captains: Tyler Adams, Mike Galvin, Justin Blackson, Ryan Hazinakis, Ryan Burke, Team: Alex Amaral, Zack Barnes, Jon Bourne, Dan Buckley, Anthony Cotsoridis, Ron Cudworth, Jr., Justin Daugherty, Bryan Dewitt, Brandt Genga, Kyle Jackson, Zack Kinsella, Domanick Knight, Phillip Landers, Blake Libby, Terrance Martin, Sean Martucci, Ralph McMillan, Nick Mellekas, Ryan Morgera, Joe Pittelkow, Jonathan Powell, Nick Pruneau, Henry Rose, Anthony Ruoti, Joe Saunders, Jerod Scherdt, Brandon Smith, Matt Viveiros, Brandon Walmsley, Pat Welford, Stephen White and Adam Wilson

NEW BUSINESS**Senate Resolution No. 2864**

BY Senators Pichardo, Montalbano J, Ciccone, Lanzi

ENTITLED, SENATE RESOLUTION WELCOMING HIS EXCELLENCY FLAVIO DARIO ESPINAL TO THE STATE OF RHODE ISLAND.

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Pichardo moves passage, seconded by the entire Senate.

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

GUESTS

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber his Excellency Flavio Dario Espinal, Ambassador of the Dominican Republic.

Ambassador Espinal Addresses the members of the Senate.

COMMUNICATION

The Honorable President presents the following communication:

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

February 24, 2006

TO THE HONORABLE, THE SENATE:

I am hereby withdrawing, without prejudice, the February 15, 2005 appointment of Kathleen Spangler as Director of the Department of Mental Health, Retardation and Hospitals.

Sincerely,



Donald L. Carcieri
Governor

Read and ordered to be placed on file.

NEW BUSINESS**Senate Resolution No. 2859**

BY Senator Polisena

ENTITLED, SENATE RESOLUTION CONGRATULATING BARBARA A. SACCOCCIO ON HER RETIREMENT AFTER 28 YEARS OF DEDICATED SERVICE TO THE STATE OF RHODE ISLAND.

Senator Polisena requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Polisena moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 2861

BY Senators Damiani, Montalbano J, Bates

ENTITLED, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF EAST PROVIDENCE CITY COUNCILMAN NORMAN MIRANDA, SR..

Senator Damiani requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Damiani moves passage, seconded by the entire Senate.

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

Also:

Senate Bill No. 2862

BY Senator Levesque C

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2863

BY Senator Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and referred to the Senate Committee on Judiciary

ANNOUNCEMENTS

Senator Felag announces that the Committee on Finance will meet on Wednesday, March 1, 2006, at 3:30 o'clock P.M. in Room 211 of the State House.

Senator Levesque announces that the Committee on Health and Human Services will meet on Wednesday, March 1, 2006, at 4:30 o'clock P.M. in Room 212 of the State House.

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

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

TRANSMITTAL

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

ADJOURNMENT

Upon motion of Senator Paiva Weed, seconded by Senator Algieri, and upon suggestion of Senator Damiani, the Senate adjourns at 4:35 o'clock P.M. in memory of the Honorable Norman Miranda, Sr., Councilman from the City of East Providence, who will be greatly missed.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JUAN M. PICHARDO

Dear God, we beseech you to fit us for today's work and for the work in days ahead. May we profit by this moment by being still and knowing that You alone are sufficient for all our needs. 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