

## State of Rhode Island and Providence Plantations

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# Journal of the Senate

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

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Volume 133, No.47

Wednesday, May 31, 2006

Forty-seventh Legislative Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:18 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisenia, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 1: Senator Breene

### INVOCATION

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

(See Appendix for Invocation)

### PLEDGE OF ALLEGIANCE TO THE FLAG

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

### GUESTS

Upon suggestion of Senator Bates, and by unanimous consent, the Honorable President, welcomes to the Chamber Stephanie Le and Joseph Zimmerman, who are both recognized as Presidential Scholar's from Barrington High School, along with Joseph Goniprow of Barrington High School, who was named as Rhode Island Football Player of the Year.

## COMMUNICATION

The Honorable President presents the following communication:

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

May 31, 2006

Honorable Joseph A. Montalbano  
President of the Senate  
318 State House  
Providence, RI 02903

Dear Mr. President:

Please be advised that I will be absent from the Senate session on Wednesday, May 31, 2006 due to a prior commitment. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you.

Sincerely,

Kevin A. Breene  
SENATE MINORITY WHIP

Read and ordered to be placed on file.

## NEW BUSINESS

**Senate Resolution No. 3123**

**BY** Senator Sosnowski

**ENTITLED**, SENATE RESOLUTION CONGRATULATING RICHARD COLLINSON FOR BEING NAMED "FIREMAN OF THE YEAR" BY THE RICHMOND GRANGE.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by the entire Senate.

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

Also:

**Senate Resolution No. 3124****BY** Senator Sosnowski**ENTITLED**, SENATE RESOLUTION CONGRATULATING RETIRED SOUTH KINGSTOWN POLICE OFFICER PAT STRICKLAND FOR BEING NAMED "POLICEMAN OF THE YEAR" BY THE RICHMOND GRANGE.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by the entire Senate.

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

**CONSENT CALENDAR**

In order for the day is taken up as follows:

Upon suggestion of Senator Caprio, and without objection, item 2 is removed from the Consent Calendar and placed at the top of today's Calendar

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

**IN ORDER FOR WEDNESDAY, MAY 31, 2006:**

- 1 Appointment of Alton W. Wiley, Jr. of North Providence to the Commission for Human Rights for a term expiring July 1, 2010.**
- 3 Reappointment of Paul M. DePace of East Greenwich to the State Building Codes Standards Committee for a term expiring May 1 2006.**
- 4 2006-H 7200  
BY Lewiss  
ENTITLED, AN ACT RELATING TO AIRPORTS AND LANDING FIELDS**

**CALENDAR****IN ORDER FOR WEDNESDAY, MAY 31, 2006:**

- 1 Appointment of Ellen R. Nelson VICE A. Kathryn Power (resigned) as Director of the Department of Mental Health, Retardation and Hospitals .**

Committee on Health & Human Services recommends that the Senate give its Advice and Consent to this appointment.

Senator Perry, seconded by Senators Sheehan, Sosnowski, Gibbs, Pichardo, Blais, Algieri, Tassoni, Roberts, Levesque and many others moves that advice and consent of the Senate be given this appointment.

Senators Sosnowski, Roberts, Ciccone, Perry, Paiva Weed, Levesque and Alves discuss the appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, 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.

NAYS- 0:

### GUESTS

Upon suggestion of Senator Sosnowski, and by unanimous consent, the Honorable President welcomes to the Chamber Dr. Ellen R. Nelson newly confirmed Director of the Department of Mental Health and Human Services along with her daughter Nelsie and friend Ken Marot.

### CALENDAR

#### **1.A Reappointment of Charles A. Lombardi of North Providence to the Personnel Appeal Board for a term expiring April 1, 2011.**

Committee on Judiciary recommends that the Senate give its Advice and Consent to this reappointment.

Senator Caprio, seconded by Senators Tassoni, McCaffrey, McBurney, Ruggerio, Algieri, Sheehan, Ciccone, Metts, and several others moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, 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.

NAYS- 0:

**GUESTS**

Upon suggestion of Senator Caprio, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Charles A. Lombardi of North Providence.

**CALENDAR****2 2006-S 2616****BY Blais****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- UNIFORM ANATOMICAL GIFT ACT

Committee on Judiciary recommends passage.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed at the bottom of the Thursday, June 1, 2006 Calendar.

**3 2006-S 3098****BY Felag****ENTITLED,** AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES - TOWN OF WARREN

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Felag moves passage, seconded by Senators Bates and Levesque.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

**4 2006-S 3102****BY Sosnowski****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE CAPITAL TRANSPORTATION IMPROVEMENT PROJECTS AND TO ISSUE NOT MORE THAN \$400,000 BONDS THEREFOR

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Sosnowski moves passage, seconded by Senator Lenihan.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

**5 2006-S 3103**

**BY Sosnowski**

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE THE ACQUISITION OF LAND FOR OPEN SPACE, RECREATION AND AGRICULTURAL PURPOSES AND TO ISSUE NOT MORE THAN \$3,000,000 BONDS THEREFOR

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Sosnowski moves passage, seconded by Senators Lenihan.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

**6 2006-S 3104**

**BY Sosnowski**

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE NEIGHBORHOOD GUILD IMPROVEMENTS AND TO ISSUE NOT MORE THAN \$1,000,000 BONDS THEREFOR

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Sosnowski moves passage, seconded by Senators Caprio and Lenihan.

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

YEAS- 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, 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.

NAYS- 0:

**7 2006-S 3106**

**BY Sosnowski**

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE THE ACQUISITION OF LAND AND/OR CONSTRUCTION OF A COMMUNITY GYMNASIUM AND TO ISSUE NOT MORE THAN \$1,600,000 BONDS THEREFOR

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Sosnowski moves passage, seconded by Senators Lenihan and Caprio.

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

YEAS- 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, 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.

NAYS- 0:

**8 2006-S 2178 SUB A**

**BY Gibbs**

**ENTITLED,** AN ACT RELATING TO HEATH INSURANCE

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Gibbs, moves passage, seconded by Senators Sosnowski, Polisena, Perry, McCaffrey, Blais, Algieri, Levesque, Damiani and many others.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

**9 2006-S 2628 SUB A****BY Perry****ENTITLED, AN ACT RELATING TO MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Perry moves passage, seconded by Senators Issa, Roberts, Gibbs, Paiva Weed, Goodwin, Ruggerio, Levesque, Pichardo and several others.

Senator Perry, seconded by Senators Levesque and Goodwin, offers the following written motion to amend.

**FLOOR AMENDMENT**

2006 -- S 2628 SUBSTITUTE A

AN ACT RELATING TO MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM

Mr. President:

I hereby move to amend 2006 -- S 2628 SUBSTITUTE A, entitled "AN ACT RELATING TO MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM", as follows:

(1) On page 2, line 13, after the language "receive them in the", by inserting the language "least restrictive".

(2) On page 2, line 14, by deleting the word "most".

(3) On page 3, line 24, by restoring the word "voluntary", and adding the language "(opt-out)" before the word "managed".

(4) On page 3, line 29, by restoring the word "voluntary" and adding the language "(opt-out)" before the word "managed".

Respectfully submitted,  
SENATOR PERRY  
LC01942/2

The motion to amend prevails upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, 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.

NAYS- 0:

Senator Perry moves passage of the act, as amended, seconded by Senators Levesque, Goodwin, Roberts, Gibbs, Paiva Weed and Ruggerio.

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

YEAS- 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, 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.

NAYS- 0:

**10 2006-S 2756 SUB A as amended**

**BY Damiani**

**ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A as amended.

Senator Damiani moves passage, seconded by Senators Polisena, Sosnowski, Ciccone, McCaffrey, Ruggerio, Paiva Weed, Perry, Doyle, Felag, Roberts, Badeau and many others.

Senators Polisena, Raptakis and Damiani discuss the act.

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

YEAS- 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, 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.

NAYS- 0:

**11 2006-S 2757 SUB A as amended**

**BY Levesque C**

**ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- COORDINATED  
HEALTH PLANNING ACT OF 2006**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A as amended.

Senator Levesque moves passage, seconded by Senators Perry, Roberts and Lanzi.

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

YEAS- 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, 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.

NAYS- 0:

**12 2006-S 2943 SUB A**

**BY Connors**

**ENTITLED,** AN ACT RELATING TO INSURANCE - NONPROFIT HOSPITAL SERVICE CORPORATIONS

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Connors moves passage, seconded by Senators Perry, Levesque, Ciccone and Ruggerio.

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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, 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.

NAYS- 0:

**13 2006-H 7103 SUB B**

**BY Giannini**

**ENTITLED,** AN ACT RELATING TO ORTHOTICS AND PROSTHETICS

Committee on Health & Human Services recommends indefinite postponement of the original bill and the Substitute A and passage of Substitute B.

Senator Ciccone moves passage, seconded by Senators Perry, Levesque, Damiani and Badeau.

The bill marked Substitute "B" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, 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.

NAYS- 0:

**14 2006-H 7305 SUB A****BY San Bento****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
LICENSING AND MONITORING OF CHILD CARE PROVIDERS**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

Senator Issa moves passage, seconded by Senators Metts, Gibbs, Perry and Levesque.

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

YEAS- 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, 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.

NAYS- 0:

**15 2006-H 7311 SUB B as amended****BY Ginaitt****ENTITLED, AN ACT RELATING TO NURSES**

Committee on Health & Human Services recommends indefinite postponement of the original bill and the Substitute A and passage of Substitute B as amended.

Senator Polisena, moves passage, seconded by Senators Damiani, Perry, Issa, Roberts, Levesque and Pichardo.

The bill marked Substitute "B" is read and passed, as amended, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Ciccone, Cote, Damiani, DaPonte, 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.

NAYS- 0:

**16 2006-H 7648 SUB A****BY Lewiss****ENTITLED, AN ACT RELATING TO POST-PAYMENT AUDIT RESTRICTIONS**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

Senator Gallo moves passage, seconded by Senators Levesque and Perry.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

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

NAYS- 0:

ABSTAINED- 1: Senator Issa

### ANNOUNCEMENTS

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

Senator Sosnowski announces that the Committee on Environment And Agriculture will meet today, at the rise of the Senate, in Room 212 of the State House.

### TRANSMITTAL

By unanimous consent, all Senate matters and (H 7956)(H 7980)(H 7981)(H 7984)(H 7987)(H 7982)(H 7983)(H 7998) 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.

### RECESS

Upon suggestion of Senate DaPonte, and by unanimous consent the Senate stands at recess at 5:02 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 Thursday, June 1, 2006, at 4:20 o'clock P.M.

### REPORTS OF COMMITTEES

#### COMMITTEE ON ENVIRONMENT AND AGRICULTURE

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

**Senate Bill No. 2700****BY** Senator Badeau**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL (exclude regulated medical waste as defined in chapter 23-18.9 from the definition of solid waste).

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7503** SUB A (Environmental Management)**BY** Long**ENTITLED**, AN ACT RELATING TO REFUSE DISPOSAL (changes in procedures for disposal of construction waste)

Read and ordered to be placed on the Calendar.

**COMMITTEE ON GOVERNMENT OVERSIGHT**

Senator Lenihan, from the Committee on Government Oversight, reports back, with recommendation of passage of the following measures:

**House Bill No. 6752** as amended**BY** Coderre E, Crowley, Kilmartin, Davey, Naughton**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD (amend the composition)

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7975****BY** Coderre E**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS (remove legislators and legislative appointees from certain boards/commissions in accord with the recent amendments to the state constitution. The act would also amend reporting requirements for these boards and commissions).

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7955** SUB A**BY** Jackson, Rice, Crowley**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - FORT ADAMS FOUNDATION (change the organization of the Fort Adams foundation and clarify its powers)

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7175 SUB B**

**BY** Coderre E, Crowley, Gallison, Anguilla

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- EAST BAY ECONOMIC INITIATIVE

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 6779 SUB A**

**BY** Corvese, Schadone, Moura, Lewiss, San Bento

**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY REVIEW ACT

Read and ordered to be placed on the Consent Calendar

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)

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 measures:

**Senate Bill No. 3038 SUB A**

**BY** Senators Tassoni, Fogarty P, Cote

**ENTITLED**, AN ACT IN AMENDMENT OF CHAPTER 218 OF THE PUBLIC LAWS OF 1993  
**ENTITLED** "AN ACT RELATING TO THE TOWN OF NORTH SMITHFIELD TO CREATE THE NORTH SMITHFIELD WATER AUTHORITY AND TO PROVIDE FOR ITS POWERS AND DUTIES"

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 3099****BY** Senators Revens, McCaffrey, Walaska, Lenihan, Roberts**ENTITLED**, AN ACT AUTHORIZING THE CITY OF WARWICK TO ISSUE BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED \$7,000,000 FOR THE REHABILITATION OF THE MICKEY STEVENS SPORTS COMPLEX.

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 3093****BY** Senator Tassoni**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - RETIREMENT OF MUNICIPAL EMPLOYEES (regular firefighters hired after July 2, 1999 who are members of Smithfield's private pension system to become members of the municipal employees retirement system).

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 3100****BY** Senators Revens, McCaffrey, Walaska, Lenihan, Roberts**ENTITLED**, AN ACT AUTHORIZING THE CITY OF WARWICK TO ISSUE BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED \$25,000,000 FOR THE REPAIR AND RENOVATION OF SCHOOL FACILITIES.

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. 8017****BY** Pacheco, Winfield, Gorham**ENTITLED**, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION (amend the property tax exemptions for the elderly and disabled in the town of Gloucester).

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

Also:

**House Bill No. 8020 SUB A****BY** Church**ENTITLED**, AN ACT IN AMENDMENT OF CHAPTER 218 OF THE PUBLIC LAWS OF 1993 ENTITLED "AN ACT RELATING TO THE TOWN OF NORTH SMITHFIELD TO CREATE THE NORTH SMITHFIELD WATER AUTHORITY AND TO PROVIDE FOR ITS POWERS AND DUTIES" {LC3049/1/A}

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

Also:

**House Bill No. 7948****BY** Lally, Caprio D**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF NARRAGANSETT TO FINANCE RENOVATIONS, REMODELING, ADDITIONS, IMPROVEMENTS AND/OR RELATED EQUIPMENT FOR SCHOOLS AND TO ISSUE NOT MORE THAN \$21,500,000 BONDS AND NOTES THEREFOR.

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

Also:

**House Bill No. 8072****BY** Melo, Rose, Dennigan, Savage, Moura**ENTITLED**, AN ACT RELATING TO EDUCATION -- TEACHERS' TENURE (change the notice of suspension date for East Providence teachers from March 1 to June 1).

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

Also:

**House Bill No. 7744 SUB A****BY** Malik, Carter, Gallison, Rose, Winfield**ENTITLED**, AN ACT RELATING TO VETERANS' AFFAIRS (increase the membership of the Persian Gulf War Information Relief Commission from 7 to 9 members and give them five year staggered terms)

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

Also:

**House Bill No. 7989**

**BY** Lewiss, Crowley, Corvese, McNamara

**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (authorize elected school committees to retain the services of independent legal counsel as it may deem necessary and convenient).

Received and referred to the Senate Committee on Education

Also:

**House Bill No. 8104**

**BY** Malik

**ENTITLED**, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES - TOWN OF WARREN (provide procedure for assessment and taxation of new real estate construction in the town of Warren).

Read and ordered to be placed on the Senate Consent Calendar

Also:

**House Bill No. 7951** (by request)

**BY** Rice, Jackson, Long

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- AUTHORIZING THE TOWN OF MIDDLETOWN TO CONSTRUCT AND MAINTAIN A STORMWATER CONTROL SYSTEM (establish a special assessment to be collected from all owners of land abutting roads where drainage pipes and other storm water apparatus have been installed at the town's expense).

Read and ordered to be placed on the Senate Consent Calendar

Also:

**House Bill No. 8062**

**BY** Watson

**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF EAST GREENWICH TO IMPLEMENT A TAX INCREASE DEFERRAL PROGRAM FOR SENIOR RESIDENT HOMEOWNERS (defer the payment of property tax increases and interest thereon on residences of property owned and occupied by a person or persons 65 years of age or older).

Read and ordered to be placed on the Senate Consent Calendar

Also:

**House Bill No. 8117****BY** Pacheco, Church**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE (join Marc Eugene Masse and Nicole Jeanne Nadeau).

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 7020****BY** Giannini, Moura, Gemma, Petrarca, Rose**ENTITLED**, AN ACT RELATING TO HEALTH INSURANCE COVERAGE -- ORTHOTIC AND PROSTHETIC SERVICES (reimbursement rate equal to those provided for under federal laws for aged and disabled persons).

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

Also:

**House Bill No. 8073** as amended**BY** Corvese**ENTITLED**, AN ACT RELATING TO INFORMED CONSENT (create an exception to the informed consent requirement for research on human subjects for lifesaving devices, medications and treatments consistent with federal law).

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

Also:

**House Bill No. 7386** SUB A as amended**BY** Diaz, Moura, Rice, Ajello, Sullivan**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- SAFE PATIENT HANDLING LEGISLATION (establish the "Safe Patient Handling Act of 2006" to promote the safe handling of patients in health care facilities)

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

**ADJOURNMENT**

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:21 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR HANNA M. GALLO**

Dear Lord, when the day is long and wearisome, the hours tense and tiring, keep the minds and spirits of Thy servants here alert, strong, forgiving and patient. Amen.

## Appendix

## CONSENT CALENDAR

## IN ORDER FOR THURSDAY, JUNE 1, 2006:

**1 2006-H 7180 SUB A****BY Picard****ENTITLED,** AN ACT RELATING TO INSURANCE - FEDERAL RIOT REINSURANCE REIMBURSEMENT FUND

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A.

**2 2006-H 7469 SUB A****BY Singleton****ENTITLED,** AN ACT RELATING TO INSURANCE -- ERRORS AND OMISSIONS INSURANCE FOR RESIDENT PRODUCERS

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

**3 2006-H 7610 SUB A as amended****BY Handy****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- ENERGY AND CONSUMER SAVINGS ACT OF 2006

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A as amended in concurrence.

## IN ORDER FOR TUESDAY, JUNE 6, 2006:

**1 2006-S 3125****BY Sosnowski****ENTITLED,** SENATE RESOLUTION CONGRATULATING NANCY LENOCE-WALSH ON BEING NAMED "TEACHER OF THE YEAR" BY THE RICHMOND GRANGE AND FOR HER DEDICATED SERVICE TO THE CHILDREN AT THE WEST KINGSTON ELEMENTARY SCHOOL

Ordered to be placed on the Consent Calendar

**2 2006-S 3126****BY Sosnowski****ENTITLED,** SENATE RESOLUTION CONGRATULATING WALTER AND DOROTHY TAYLOR ON BEING NAMED THE "COMMUNITY CITIZENS OF THE YEAR" BY THE RICHMOND GRANGE

Ordered to be placed on the Consent Calendar

**3 2006-H 6779 SUB A****BY Corvese****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY  
REVIEW ACT

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

**4 2006-H 6885 as amended****BY Ajello****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
STATE PURCHASES

Committee on Government Oversight recommends passage as amended in concurrence.

**5 2006-H 7951****BY Rice****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES --  
AUTHORIZING THE TOWN OF MIDDLETOWN TO CONSTRUCT  
AND MAINTAIN A STORMWATER CONTROL SYSTEM

Ordered to be placed on the Consent Calendar

**6 2006-H 8062****BY Watson****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF EAST GREENWICH TO  
IMPLEMENT A TAX INCREASE DEFERRAL PROGRAM FOR  
SENIOR RESIDENT HOMEOWNERS

Ordered to be placed on the Consent Calendar

**7 2006-H 8104****BY Malik****ENTITLED,** AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT  
OF LOCAL TAXES - TOWN OF WARREN

Ordered to be placed on the Consent Calendar

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

## Appendix

## CALENDAR

## IN ORDER FOR THURSDAY, JUNE 1, 2006:

**1 Appointment of Joseph J. Roszkowski of Cumberland VICE Monica Horan to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2009.**

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

**2 Reappointment of Monica Horan of Lincoln VICE Raymond Marcaccio to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2008.**

Committee on Judiciary recommends that the Senate give its Advice and Consent to this reappointment.

**3 2006-H 7935 SUB A**

**BY Williamson**

**ENTITLED,** JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE TO PERMIT A RESORT CASINO IN WEST WARWICK, RHODE ISLAND, TO BE PRIVATELY OWNED AND OPERATED IN ASSOCIATION WITH THE NARRAGANSETT INDIAN TRIBE

Committee on Constitutional & Gaming Issues recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

**4 2006-S 3045**

**BY Paiva-Weed**

**ENTITLED,** JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO EXAMINE ALL ASPECTS OF PUBLIC EDUCATION FUNDING AND ITS IMPACT UPON STATE AND LOCAL FINANCES AND TAXATION

Committee on Constitutional & Gaming Issues recommends passage.

**5 2006-S 2520 SUB A**

**BY Breene**

**ENTITLED,** AN ACT RELATING TO PUBLIC FINANCE -- POST AUDIT OF ACCOUNTS

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

**6 2006-S 2556****BY Gibbs****ENTITLED,** AN ACT RELATING TO THE RHODE ISLAND RESOURCE RECOVERY CORPORATION

Committee on Finance recommends passage.

**7 2006-S 2717 SUB B as amended****BY Blais****ENTITLED,** AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES

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

**8 2006-S 3049****BY Felag****ENTITLED,** AN ACT RELATING TO TAXATION -- EXCISE ON MOTOR VEHICLES AND TRAILERS

Committee on Finance recommends passage.

**9 2006-S 2450****BY Blais****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

Committee on Judiciary recommends passage.

**10 2006-S 2155 SUB A****BY Sheehan****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- EMINENT DOMAIN

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

**11 2006-S 2616****BY Blais****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- UNIFORM ANATOMICAL GIFT ACT

Committee on Judiciary recommends passage.

**12 2006-H 6768 SUB A****BY Gemma****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLES REPARATIONS ACT

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

**13 2006-H 7150****BY Long****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS

Committee on Judiciary recommends passage in concurrence.

**14 2006-H 7167 SUB A****BY Moura****ENTITLED,** AN ACT RELATING TO INSURANCE - UNFAIR COMPETITION AND PRACTICES

Committee on Commerce, Housing &amp; Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

**15 2006-H 7228****BY Naughton****ENTITLED,** AN ACT RELATING TO ASSAULTS

Committee on Judiciary recommends passage in concurrence.

**16 2006-H 7365****BY Murphy****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DISTRESSED AREAS ECONOMIC REVITALIZATION ACT

Committee on Finance recommends passage in concurrence.

**17 2006-H 7308 as amended****BY Shanley****ENTITLED,** AN ACT RELATING TO DOMESTIC RELATIONS - ADOPTION OF CHILDREN

Committee on Judiciary recommends passage as amended in concurrence.

**18 2006-H 7336 SUB A****BY Corvese****ENTITLED,** AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT

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

**19 2006-H 7523****BY Watson****ENTITLED,** AN ACT RELATING TO COMMERCIAL TRANSACTION

Committee on Judiciary recommends passage in concurrence.

**20 2006-H 7679 SUB A as amended****BY Watson****ENTITLED,** AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES

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

**21 2006-H 7786****BY Corvese****ENTITLED,** AN ACT RELATING TO DOMESTIC RELATIONS

Committee on Judiciary recommends passage in concurrence.

**22 2006-H 7615 SUB A****BY Anguilla****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- COUNCILS AND GOVERNING BODIES

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

**IN ORDER FOR TUESDAY, JUNE 6, 2006:****1 2006-S 3038 SUB A****BY Tassoni****ENTITLED,** AN ACT IN AMENDMENT OF CHAPTER 218 OF THE PUBLIC LAWS OF 1993 ENTITLED "AN ACT RELATING TO THE TOWN OF NORTH SMITHFIELD TO CREATE THE NORTH SMITHFIELD WATER AUTHORITY AND TO PROVIDE FOR ITS POWERS AND DUTIES"

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

**2 2006-S 3093****BY Tassoni****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES - RETIREMENT OF MUNICIPAL EMPLOYEES

Committee on Commerce, Housing & Municipal Government recommends passage.

**3 2006-S 3099****BY Revens****ENTITLED,** AN ACT AUTHORIZING THE CITY OF WARWICK TO ISSUE BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED \$7,000,000 FOR THE REHABILITATION OF THE MICKEY STEVENS SPORTS COMPLEX

Committee on Commerce, Housing & Municipal Government recommends passage.

**4 2006-S 3100****BY Revens****ENTITLED,** AN ACT AUTHORIZING THE CITY OF WARWICK TO ISSUE BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED \$25,000,000 FOR THE REPAIR AND RENOVATION OF SCHOOL FACILITIES

Committee on Commerce, Housing & Municipal Government recommends passage.

**5 2006-S 2700****BY Badeau****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL

Committee on Environment & Agriculture recommends passage.

**6 2006-H 6752 as amended****BY Coderre E****ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD

Committee on Government Oversight recommends passage as amended in concurrence.

**7 2006-H 7175 SUB B****BY Coderre E****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- EAST BAY ECONOMIC INITIATIVE

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

**8 2006-H 7503 SUB A****BY Long****ENTITLED,** AN ACT RELATING TO REFUSE DISPOSAL

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

**9 2006-H 7955 SUB A****BY Jackson****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - FORT ADAMS FOUNDATION

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

10 2006-H 7975

BY Coderre E

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Committee on Government Oversight recommends passage in concurrence.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate