

State of Rhode Island and Providence Plantations

Journal of the Senate

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

Volume 130, No.4 Tuesday, January 14, 2003 Fourth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 4:05 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 Irons and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT - 2: Senators Alves, Raptakis.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, January 9, 2003 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Paiva Weed, and by unanimous consent, the Honorable President welcomes to the Chamber Kathleen Silvia, Newport City Clerk, Charles Silvia, Dena Silvia, Sarah Mahoney, Connor Silvia and Emily Silvia.

APPOINTMENT BY THE GOVERNOR

The Honorable President presents the following communication from His Excellency, the Governor, transmitting the following appointment and requesting the advice and consent of the Senate thereto:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE**

Donald L. Carcieri
Governor

January 7, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-64-8(d) of the Rhode Island General Laws, I have made the following appointment as Executive Director of the Economic Development Corporation:

Michael McMahon of Saunderstown
VICE
Tom Schumpert

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

Sincerely,

DONALD L. CARCIERI
Governor

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

**FROM THE
HOUSE OF REPRESENTATIVES**

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

(03-H 5004) Joint Resolution of adjournment.

Read and ordered to be placed on the Consent Calendar.

Also:

(03-H 5006) An Act to vacate the forfeiture or revocation of the charter of Buddy's Place, Inc.

Read and ordered to be placed on the Consent Calendar.

Also:

(03-H 5007) An Act to vacate the forfeiture or revocation of the charter of the Common Fence Point Improvement Association.

Read and ordered to be placed on the Consent Calendar.

Also:

(03-H 5008) An Act to vacate the forfeiture or revocation of the charter of Wong Restaurant Corp.

Read and ordered to be placed on the Consent Calendar.

Also:

(03-H 5001) Joint Resolution of adjournment.

Read and referred to the Committee on Judiciary.

Also:

(03-H 5009) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Also:

(03-H 5005) Joint Resolution creating a special legislative commission to study the issue of registering vehicles on line.

Read and ordered to be held on the Desk.

Also:

(03-H 5024) An Act creating a special legislative commission to study the issue of registering vehicles on line.

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

NEW BUSINESS

Senator Tassoni presents (03-S 6) An Act relating to retirement - disability.

Read and referred to the Committee on Finance.

Senators Fogarty, Tassoni, Connors, Blais, Breene and Gallo present (03-S 7) An Act relating to education.

Read and referred to the Committee on Finance.

Senators Tassoni, Celona, Polisena, Issa and Montalbano present (03-S 8) An Act relating to the National Guard.

Read and referred to the Committee on Finance.

Senators Tassoni, Issa, Celona, Polisena and Montalbano present (03-S 9) An Act relating to the National Guard.

Read and referred to the Committee on Finance.

Senator Blais presents (03-S 10) An Act relating to certification of child care personnel.

Read and referred to the Committee on Finance.

Senator Blais presents (03-S 11) An Act relating to school and municipal playground safety.

Read and referred to the Committee on Finance.

Senators Blais, Polisena and Damiani present (03-S 12) An Act relating to fire safety.

Read and referred to the Committee on Finance.

Senators Tassoni, Lanzi, Ciccone and Badeau present (03-S 13) An Act relating to taxation.

Read and referred to the Committee on Finance.

Senators Walaska, McCaffrey, Caprio and Gallo present (03-S 14) An Act relating to motor and other vehicles - motor vehicle offenses.

Read and referred to the Committee on Judiciary.

Senators Walaska, Blais, Sosnowski, Bates, Cote, Badeau and Ciccone present (03-S 15) An Act relating to courts and civil procedure - small claims and consumer claims.

Read and referred to the Committee on Judiciary.

Senators Tassoni, Celona, Polisena, Issa and Montalbano present (03-S 16) An Act relating to privileges and immunities of militiamen.

Read and referred to the Committee on Judiciary.

Senators Tassoni, Celona, Polisena, Issa and Montalbano present (03-S 17) An Act relating to criminal offenses - abandonment and nonsupport.

Read and referred to the Committee on Judiciary.

Senators Walaska, Caprio, McCaffrey, Gallo and Fogarty present (03-S 18) An Act relating to children and their families - parent responsibility.

Read and referred to the Committee on Judiciary.

Senator McBurney presents (03-S 19) An Act relating to victims economic security and safety.

Read and referred to the Committee on Labor.

Senators Celona, Montalbano and Connors present (03-S 20) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Senators Tassoni, Connors, Badeau, Ciccone and Pichardo present (03-S 21) An Act relating to Rhode Island Public Transit Authority - privatization of services.

Read and referred to the Committee on Financial, Technology and Regulatory Issues.

Senators Montalbano, Irons, Ruggerio, Celona and McCaffrey present (03-S 22) An Act relating to motor vehicle insurance - motor vehicle body replacement parts.

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

Senators Walaska, McCaffrey, Caprio and Gallo present (03-S 24) An Act relating to commercial law - franchise law.

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

Senator McBurney presents (03-S 25) An Act relating to domestic insurance companies.

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

Senators Tassoni, Lanzi, Ciccone and Ruggerio present (03-S 26) An Act relating to commercial law - general regulatory provisions - unit pricing.

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

Senators Paiva Weed and Gibbs present (03-S 27) An Act relating to validating and ratifying certain amendments to the Home Rule Charter of the city of Newport.

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

Senators Walaska, McCaffrey, Caprio, Gallo and Fogarty present (03-S 28) An Act relating to health and safety - Department of Health.

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

Senators Blais, Breene and Sosnowski present (03-S 29) An Act relating to health and safety - Mercury Reduction and Education Act.

Read and referred to the Committee on Environment and Agriculture.

Senators Blais, Breene and Sosnowski present (03-S 30) An Act relating to health and safety.

Read and referred to the Committee on Environment and Agriculture.

Senators Blais, Breene and Sosnowski present (03-S 31) An Act relating to state affairs and government - Department of Environmental Management - elimination of MTBE as a gasoline additive.

Read and referred to the Committee on Environment and Agriculture.

Senators Blais, Bates and Goodwin present (03-S 32) An Act relating to motor vehicles - special registration plate - Coventry - Police Chief Emeritus.

Read and referred to the Committee on Constitutional and Gaming Issues.

Senators Celona, Ruggerio, Montalbano and Caprio present (03-S 33) An Act relating to boxing and wrestling.

Read and referred to the Committee on Constitutional and Gaming Issues.

Senators Paiva Weed and Gibbs present (03-S 34) An Act relating to the General Assembly Permanent Joint Committee on Naming All New Buildings, Bridges, Edifices and Other State Constructions.

Read and referred to the Committee on Constitutional and Gaming Issues.

Senator Blais presents (03-S 35) Joint Resolution creating a special legislative commission to study the implementation of recommendations of the Auditor General.

Read and referred to the Committee on Constitutional and Gaming Issues.

Senator DaPonte presents (03-S 36) An Act to vacate the forfeiture or revocation of the charter of Izzo Bros. Farms, Inc.

Read and ordered to be placed on the Consent Calendar.

Senator Blais presents (03-S 37) Senate Resolution extending sympathy on the passing of Louis P. Jeffrey.

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Blais, seconded by Senator Breene, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senators Pichardo, Connors, DaPonte, Caprio and Paiva Weed present (03-S 38) An Act relating to criminal procedure - indictments, informations and complaints.

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Pichardo moves passage, seconded by Senators DaPonte, Perry, Issa and Parella.

Senators DaPonte, Paiva Weed, Blais, Algieri and Montalbano discuss the act. The Act is read and passed, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 34: The Honorable President Irons and Senators Algieri, Badeau, Bates, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

Senators Irons and Goodwin present (03-S 39) An Act relating to the Joint Committee on Naming New Buildings.

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Goodwin, seconded by Senators Polisena and Sheehan, read and passed, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 34: The Honorable President Irons and Senators Algieri, Badeau, Bates, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

Senators Celona, Irons, Montalbano, Fogarty, McCaffrey, Goodwin and Ruggerio present (03-S 40) Senate Resolution memorializing the President and Congress of the United States to reinstate full funding for the LIHEAP Program.

Senator Celona requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Celona, seconded by Senators Goodwin, Blais, Roberts, Tassoni, Ruggerio, Issa, Gallo and Felag, read and passed, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 35: The Honorable President Irons and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

CONSENT CALENDAR

In order for the day is taken up as follows:

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

1. (03-S 4) An Act reinstating and restoring forfeited or revoked corporate charters.
2. (03-S 5) An Act to vacate the forfeiture or revocation of the charter of the Common Fence Point Improvement Association.

RULE 4.5

Pursuant to Senate Rule 4.5, Senator Blais requests that several bills of which he is the prime sponsor, be referred to different committees.

Senate Majority Leader Montalbano objects.

The bills in question shall remain in their respective committees, upon a roll call vote with 27 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS - 27: The Honorable President Irons and Senators Badeau, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Perry, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 6: Senators Algieri, Bates, Blais, Breene, Gibbs, Parella.

FROM THE HOUSE OF REPRESENTATIVES

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

(03-H 5058) An Act relating to criminal procedure - indictments, informations and complaints.

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Pichardo, seconded by Senators Blais, Parella, Perry, Ruggerio and Senate Majority Leader Montalbano, read and passed, in concurrence, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 34: The Honorable President Irons and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

TRANSMITTAL

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

ADJOURNMENT

Upon motion of Senator Ruggerio, seconded by Senator Algieri, the Senate adjourns at 4:46 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DOMINICK J. RUGGERIO

Dear Lord, please give us the patience and perseverance to be tolerant of the views and opinions of others while always keeping in mind that adversity is the catalyst that produces the amalgam of friendship. Amen.

Appendix

CONSENT CALENDAR

In order for Wednesday, January 15, 2003:

1. (03-S 36) An Act to vacate the forfeiture or revocation of the charter of Izzo Bros. Farms, Inc.

Ordered on the Consent Calendar.

2. (03-H 5004) Joint Resolution of adjournment.

Ordered on the Consent Calendar.

3. (03-H 5006) An Act to vacate the forfeiture or revocation of the charter of Buddy's Place, Inc.

Ordered on the Consent Calendar.

4. (03-H 5007) An Act to vacate the forfeiture or revocation of the charter of the Common Fence Point Improvement Association.

Ordered on the Consent Calendar.

5. (03-H 5008) An Act to vacate the forfeiture or revocation of the charter of Wong Restaurant Corp.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Tuesday, January 14, 2003

As always, your [comments](#) concerning this page are welcomed and appreciated.

Thank you for stopping by!

