

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.5 Wednesday, January 15, 2003 Fifth Day

Our Lord two thousand and three. 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, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT - 2: Senators Alves, Revens.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, January 14, 2003 proceedings is read in part.

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

COMMUNICATION

The Honorable President presents the following communication:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER**

January 14, 2003

Honorable William V. Irons
President of the Senate
Room 317, State House
Providence, RI 02903

Dear Mr. President: I write to suggest that Senator Lenihan's joint resolution proposing a constitutional amendment addressing the matter of "separation of powers" be referred initially to the newly established Senate Committee on Oversight. Historically, of course, all resolutions proposing constitutional amendments have been referred to the Senate Committee on Special Legislation; and, I assume, in the future, such resolutions will ordinarily be referred to the newly constituted Senate Committee on Constitutional and Gaming Issues. In this particular instance, however, I believe that the Committee on Oversight would be particularly well suited to hear and consider the separation-of-powers resolution. This is especially true, I believe, in light of the fact that the Committee on Oversight had been created specifically in light of the anticipated increase in the Senate's oversight responsibilities once a separation-of-powers amendment has been approved. Senator Lenihan's long involvement in the separation-of-powers issue and his recent chairmanship of the special Senate commission on quasi-public agencies are additional factors which, I believe, warrant referral of the separation-of-powers resolution to the Committee on Oversight. Please feel free to contact me if you have any questions. Very truly yours, MARYELLEN GOODWIN Chairperson, Senate Committee on Constitutional and Gaming Issues

Received and ordered to be placed on file.

NEW BUSINESS

Senators Irons, Algiere, Montalbano, Fogarty and Ruggerio present (03-S 41) An Act relating to the General Assembly.

Read and referred to the Committee on Oversight.

Senators Polisena, Damiani and Tassoni present (03-S 42) An Act relating to public officers and employees - insurance benefits.

Read and referred to the Committee on Labor.

Senators Polisena, Damiani and Tassoni present (03-S 43) An Act relating to Corrections Department.

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

Senators Walaska, Issa, McCaffrey and Gallo present (03-S 44) An Act relating to state budget - public finance.

Read and referred to the Committee on Education.

Senators Polisena and Damiani present (03-S 45) An Act to vacate the forfeiture or revocation of the charter of J. Palmieri & Ice Cream, Inc.

Read and ordered to be placed on the Consent Calendar.

Senators Cote, Badeau, Lenihan, Parella and Breene present (03-S 46) Joint Resolution to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (initiative and referendum).

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

Senators Bates, Blais, Felag, Gibbs and Roberts present (03-S 47) An Act relating to Human Services - children's health care - hospice care.

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

Senators Walaska, Issa and McCaffrey present (03-S 48) An Act relating to sales and use taxes - liability and computation.

Read and referred to the Committee on Finance.

Senators Damiani, Polisena, Ciccone and Lanzi present (03-S 49) An Act relating to campus security.

Read and referred to the Committee on Judiciary.

Senators Cote, Badeau, Lenihan, Parella and Breene present (03-S 50) An Act relating to initiative and referendum.

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

Senators Bates, Blais, McCaffrey and Roberts present (03-S 51) An Act relating to child support enforcement.

Read and referred to the Committee on Judiciary.

Senator Blais presents (03-S 52) An Act relating to sales and use tax - exemptions.

Read and referred to the Committee on Finance.

Senator Walaska presents (03-S 53) Senate Resolution congratulating Sergeant First Class Thomas J. Gostomski on his retirement from the Rhode Island National Guard.

Senator Walaska requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Felag, Parella, Bates, Issa, Paiva Weed and Gallo present (03-S 54) An Act relating to military affairs.

Read and referred to the Committee on Finance.

Senators Polisena, Damiani and Tassoni present (03-S 55) An Act relating to state affairs and government - Corrections Department.

Read and referred to the Committee on Labor.

Senators Polisena, Damiani and Tassoni present (03-S 56) An Act relating to weapons.

Read and referred to the Committee on Judiciary.

Senators Polisena and Damiani present (03-S 57) An Act relating to health and safety - Rhode Island Resource Recovery Corporation.

Read and referred to the Committee on Finance.

Senator Revens presents (03-S 58) Joint Resolution to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (elections).

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

Senators Gibbs, Parella, Perry and Roberts present (03-S 59) An Act relating to Human Services - the Family Independence Act.

Read and referred to the Committee on Finance.

Senators Walaska, Issa, Sosnowski, McCaffrey, Gallo and Felag present (03-S 60) An Act relating to Coastal Resources Management Council - administrative penalties.

Read and referred to the Committee on Environment and Agriculture.

Senators Tassoni, Polisena, Issa, Damiani and Bates present (03-S 61) An Act relating to public utilities and carriers - duties of utilities and carriers.

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

Senators Felag, Issa, Bates, Parella, Paiva Weed and Gallo present (03-S 62) An Act relating to military affairs.

Read and referred to the Committee on Finance.

Senators Tassoni, Polisena, Damiani and Bates present (03-S 63) An Act relating to businesses and professions - interior designers.

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

Senators Polisena, Damiani and Tassoni present (03-S 64) An Act relating to labor and labor relations - correctional officers - arbitrators.

Read and referred to the Committee on Labor.

Senators Polisena, Damiani, Tassoni, Montalbano, Lanzi, Breene and Blais present (03-S 65) An Act relating to motor vehicle offenses.

Read and referred to the Committee on Judiciary.

Senators Polisena, Damiani, Tassoni and Breene present (03-S 66) An Act relating to condominium law - flags and banners.

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

Senators Polisena, Damiani and Tassoni present (03-S 67) An Act relating to establishing fire safety standards for cigarettes.

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

Senators Polisena, Damiani and Tassoni present (03-S 68) An Act relating to E-911 Uniform Emergency Telephone System Division - advertising prohibited.

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

Senator McBurney presents (03-S 69) An Act relating to food and drugs - controlled substances.

Read and referred to the Committee on Judiciary.

Senators Bates, Issa, Blais, Breene, Celona, Felag and Fogarty present (03-S 70) An Act relating to indebtedness of towns and cities.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

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

1. (03-S36) An Act to vacate the forfeiture or revocation of the charter of Izzo Bros. Farms, Inc.
2. (03-H5004) Joint Resolution of adjournment.
3. (03-H5006) An Act to vacate the forfeiture or revocation of the charter of Buddy's Place, Inc.
4. (03-H5007) An Act to vacate the forfeiture or revocation of the charter of the Common Fence Point Improvement Association.
5. (03-H5008) An Act to vacate the forfeiture or revocation of the charter of Wong Restaurant Corp.

HONORED GUEST

Upon suggestion of Senate Majority Leader Montalbano, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable John M. Ordway, United States Ambassador to the Republic of Armenia.

Upon suggestion of Senate Majority Leader Montalbano, the Ambassador is escorted to the rostrum.

The Senate attends.

NEW BUSINESS

Senators Irons, Montalbano, Ruggerio, Celona, Connors and others present (03-S 71) Senate Resolution welcoming United States Ambassador to the Republic of Armenia, John M. Ordway.

Senate Majority Leader Montalbano requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion ofSenate Majority Leader Montalbano, seconded by Senator Algieri, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

GUESTS

The Honorable President welcomes to the Chamber the Honorable Aram Garabedian, former State Senator, Honorable Scott Avedisian, Mayor of Warwick, Everett Marabian and Michael Tikoian.

The Honorable President introduces Ambassador Ordway to address the members of the Senate. Ambassador Ordway delivers his remarks.

The Honorable President presents several special gifts to the Ambassador.

ANNOUNCEMENT

Senate Majority Leader Montalbano announces that the Senate will not meet on Thursday, January 16, 2003.

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, and upon suggestion of Senator Blais, the Senate adjourns at 4:45 o'clock P.M., in memory of Dr. Louis P. Jeffrey, one of Rhode Island's most learned leaders in pharmacy and health sciences.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DAVID E. BATES

Lord of truth, establish in us the knowledge of Your will. Make known to us any truths and insights which will enable us to serve You, and therefore, our constituents, wisely and well. Amen.

Appendix

CONSENT CALENDAR

In order for Tuesday, January 21, 2003:

- 1. (03-S45) An Act to vacate the forfeiture or revocation of the charter of J. Palmieri & Ice Cream, Inc.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Wednesday, January 15, 2003

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

Thank you for stopping by!

