

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.7 Wednesday, January 22, 2003 Seventh 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 4:07 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 Irons and Senators Algieri, Alves, Badeau, Bates, 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, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT - 1: Senator Blais.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, January 21, 2003 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Perry, and by unanimous consent, the Honorable President welcomes to the Chamber Dr. Bennie Fleming, Miriam Inocencio, Carol Brooklyn and Frankie Wellins.

COMMUNICATION

The Honorable President presents the following communication:

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

January 21, 2003

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

Dear President Irons:

Please be advised that I will be absent from the Senate session on Wednesday, January 22, due to a business commitment.

I would appreciate having this letter recorded in the Senate Journal.

Thank you.

Sincerely,

LEO R. BLAIS
Senior Deputy Minority Leader

Received and ordered to be placed on file.

APPOINTMENTS BY THE GOVERNOR

The Honorable President presents the following communication from His Excellency, the Governor, transmitting the following appointments 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 16, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General

Laws, I have made the following reappointment as Director of the Department of Mental Health, Retardation and Hospitals:

A. Kathryn Power of Barrington

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

Sincerely,

DONALD L. CARCIERI
Governor

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

Also:

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

Donald L. Carcieri
Governor

January 16, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following reappointment as Director of the Department of Human Services:

Jane A. Hayward of Narragansett

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

Sincerely,

DONALD L. CARCIERI
Governor

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

Also:

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

Donald L. Carcieri
Governor

January 16, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following reappointment as Director of the Department of Business Regulation:

Marilyn Shannon McConaghy of Pawtucket

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

Sincerely,

DONALD L. CARCIERI
Governor

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

Also:

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

Donald L. Carcieri
Governor

January 16, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following reappointment as Director of the Department of Corrections:

Ashbel T. Wall, II of Providence

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

Sincerely,

DONALD L. CARCIERI
Governor

Read and referred to the Committee on Judiciary.

Also:

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

Donald L. Carcieri
Governor

January 16, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following reappointment as Director of the Department of Environmental Management:

Jan Harmen Reitsma of Barrington

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

Sincerely,

DONALD L. CARCIERI
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

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

Donald L. Carcieri
Governor

January 21, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following appointment as Director of the Department of Transportation:

James R. Capaldi, P.E. of North Providence
VICE
William D. Ankner

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.

Also:

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

Donald L. Carcieri
Governor

January 21, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following reappointment as Director of the Department of Children Youth and Families:
Jay G. Lindgren, Jr. of Pawtucket

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

Sincerely,

DONALD L. CARCIERI
Governor

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

**FROM THE
HOUSE OF REPRESENTATIVES**

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

(03-H 5106) An Act to vacate the forfeiture or revocation of the charter of Agency Realty and Mortgage Company.

Read and ordered to be placed on the Consent Calendar.

Also:

(03-H 5082) 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 Ruggerio, Celona, Algiere and Lenihan, and by unanimous consent, read and passed, in concurrence, 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 Irons and Senators Algiere, Alves, Badeau, Bates, 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, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

NEW BUSINESS

Senators Lanzi, Roberts, Gallo, Montalbano and Irons present (03-S 96) An Act relating to towns and cities - qualified bonds.

Read and referred to the Committee on Finance.

Senators Tassoni, Polisena, Lanzi and Badeau present (03-S 97) An Act relating to firefighters - annuities to departments.

Read and referred to the Committee on Finance.

Senator Celona presents (03-S 98) An Act relating to property subject to taxation.

Read and referred to the Committee on Finance.

Senators Walaska, McBurney and Felag present (03-S 99) An Act relating to sales and use taxes - liability and computation.

Read and referred to the Committee on Finance.

Senator Celona presents (03-S 100) An Act relating to sales and use taxes - liability and computation.

Read and referred to the Committee on Finance.

Senators Perry, McCaffrey, Connors, Roberts, Goodwin and Parella present (03-S 101) Senate Resolution creating a special Senate commission to study electronic recording of real estate instruments.

Read and referred to the Committee on Judiciary.

Senators Raptakis, Connors, Caprio, Walaska, Ruggerio and Ciccone present (03-S 102) An Act relating to labor and labor relations - minimum wages.

Read and referred to the Committee on Labor.

Senators Damiani, Polisena, Ciccone, Lanzi and Tassoni present (03-S 103) An Act relating to labor and labor relations - Labor Relations Act.

Read and referred to the Committee on Labor.

Senators Walaska, Fogarty, McBurney, Felag, Caprio, Raptakis and Paiva Weed present (03-S 104) An Act relating to abortion.

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

Senators Perry, Gibbs, Paiva Weed, Connors, Roberts, Goodwin, Lenihan and Parella present (03-S 105) An Act relating to health and safety.

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

Senators Perry, McCaffrey, Connors, Roberts and Parella present (03-S 106) Joint Resolution creating a special legislative commission to study services to persons with mental illness in the criminal justice system.

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

Senators Raptakis, Lenihan and Cote present (03-S 107) Joint Resolution to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State - special elections to fill vacancy in office of the Secretary of State, Attorney General or General Treasurer.

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

Senators Connors, Celona and Montalbano present (03-S 108) An Act relating to taxation - special housing exemption - Lincoln.

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

Senators Celona, Montalbano and Connors present (03-S 109) An Act relating to taxation - property tax exemption.

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

Senators Tassoni, Polisena, Lanzi and Badeau present (03-S 110) An Act relating to police and fire fighters optional retirement.

Read and referred to the Committee on Finance.

Senator Paiva Weed presents (03-S 111) An Act authorizing the town of Jamestown to finance the installation, expansion, construction and improvement of sewers, storm drains, pumping stations and sewage treatment and disposal facilities, to issue not more than \$2,000,000 bonds and notes therefor and to impose additional sewer service charges under Chapter 233 of the Public Laws of 1973, as amended, to pay the principal and interest on such bonds and notes.

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

Senator Paiva Weed presents (03-S 112) An Act relating to taxation - town of Jamestown.

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 ofSenate Majority Leader Montalbano, seconded by Senator Algieri, the following measure on today's Consent Calendar, by unanimous consent, is read and passed, in concurrence, upon a voice vote:

- 1. (03-H5060) An Act to vacate the forfeiture or revocation of the charter of Recourse Communications, Inc.

REPORT OF COMMITTEE

TRANSFER OF BILL

Senator Celona, from the Committee on Commerce, Housing and Municipal Government, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Commerce, Housing and Municipal Government to the Committee on Labor:

(03-S 43) An Act relating to Corrections Department.

Read and referred to the Committee on Labor.

NEW BUSINESS

Senators Revens, Polisena, Badeau, Gallo, Tassoni, Issa and Raptakis present (03-S 113) Senate Resolution congratulating the CCRI Women's Soccer Team on winning the 2002 National Championship.

Senator Revens requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Revens, seconded by the entire Senate, and by unanimous consent, read and passed, 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 Irons and Senators Algieri, Alves, Bates, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

GUESTS

Upon suggestion of Senators Revens, Issa, Tassoni, Sosnowski, Walaska, Gallo, McCaffrey, Celona, Alves, Connors, Lenihan, Raptakis, Polisena, Bates, Algieri and Senate Majority Leader Montalbano, and by unanimous consent, the Honorable President, welcomes to the Chamber the Community College of Rhode Island Women's Soccer Team, 2002 National Champions, Pasha Stanzione, Erica Rico, Aubrie Wilson, Angela Cornacchio, Katie Antonellis, Alyson St. Amand, Marissa Molnar, Erika Prairie, Grace Dawson, Allison Oliver, Monica Santos, Jenny McCormack, Orlagh Cullen, Jessica St. Angelo, Jessica Insana, Katie Leahy, Stacey Norcross, Amie Adams, Kiara Capaldi, Alexandria Rothemich, Coach Dennis Grassini and Assistant Coach Kathy Bannon.

ANNOUNCEMENTS

Senator Connors announces that the Senate Rules Committee will meet on Thursday, January 23, 2003, at the rise of the Senate in Room 313 of the State House.

Also:

The Honorable President announces that a Senate Caucus will be held on Thursday, January 23, 2003 at 3:30 o'clock P.M.

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 DaPonte, the Senate adjourns at 5:04 o'clock P.M., in memory of Maria Pinheiro of East Providence.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR MARY A. PARELLA

Dear God, please grant us the wisdom to be aware of the vital needs of the people we are here to serve. Please grant us the courage to meet those needs to the fullest extent of our ability. Amen.

Appendix

CONSENT CALENDAR

In order for Thursday, January 23, 2003:

- 1. (03-H5106) An Act to vacate the forfeiture or revocation of the charter of Agency Realty and Mortgage Company.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Wednesday, January 22, 2003

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

Thank you for stopping by!

