

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.15 Tuesday, February 11, 2003 Fifteenth 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 4:17 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 Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT - 2: Senators Felag, Polisena.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, February 6, 2003 proceedings is read in part.

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

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

February 6, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Article 10, Section 4 of the Rhode Island Constitution entitled Judicial Selection, I have made the following appointment as Associate Judge of the Rhode Island Workers' Compensation Court:

Hugo L. Ricci, Jr. of North Providence
VICE
Associate Judge Andrew E. McConnell

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

Sincerely,

DONALD L. CARCIERI
Governor

Read and referred to the Committee on Judiciary.

NEW BUSINESS

Senators Issa, Gallo, Goodwin, Tassoni and Felag present (03-S 309) An Act relating to education - School for the Deaf.

Read and referred to the Committee on Education.

Senators Alves, Polisena, McCaffrey and Tassoni present (03-S 310) An Act relating to education - establishment of charter public schools.

Read and referred to the Committee on Education.

Senators Gallo, Issa, Fogarty, Walaska and Goodwin present (03-S 311) An Act relating to education - Board of Regents for Elementary and Secondary Education.

Read and referred to the Committee on Education.

Senators Tassoni, Lanzi, Polisena and Ciccone present (03-S 312) An Act relating to towns and cities.

Read and referred to the Committee on Labor.

Senators Lanzi, Tassoni, Ciccone, Polisena and Ruggerio present (03-S 313) An Act relating to Human Services - medical assistance.

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

Senators Alves, Paiva Weed, Goodwin, McCaffrey and Roberts present (by request of the Lieutenant Governor) (03-S 314) An Act relating to Human Services - long-term home health care.

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

Senators Celona, Walaska, Tassoni and McCaffrey present (03-S 315) An Act relating to the sale of cigar and cigarette lighters to children under the age of 18.

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

Senators McCaffrey and Alves present (03-S 316) An Act relating to patient notification.

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

Senators Gibbs, Roberts and Bates present (by request of the Lieutenant Governor) (03-S 317) An Act relating to the Department of Health - food establishments.

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

Senators Tassoni, Celona, Montalbano, Irons and Ruggerio present (by request of the Lieutenant Governor) (03-S 318) An Act relating to health and safety - Department of Health.

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

Senators Perry, Parella and Gibbs present (03-S 319) An Act relating to video lottery terminals.

Read and referred to the Committee on Finance.

Senators Alves, Connors, Paiva Weed, Perry and Roberts present (03-S 320) An Act relating to the Neighborhood Opportunities Program.

Read and referred to the Committee on Finance.

Senators Issa, Gallo, Roberts, Goodwin and Paiva Weed present (03-S 321) An Act relating to state affairs and government - foster care.

Read and referred to the Committee on Finance.

Senators Issa, Gallo, Roberts, Goodwin and Paiva Weed present (by request) (03-S 322) An Act making an appropriation of \$50,000 for the Rhode Island Foster Parents' Association.

Read and referred to the Committee on Finance.

Senators Paiva Weed and Gibbs present (03-S 323) An Act relating to education - Rhode Island Student Investment Fund.

Read and referred to the Committee on Finance.

Senators Lanzi, Ciccone, Pichardo, Tassoni and Polisena present (03-S 324) An Act relating to education - Kindergarten Plus Incentive Fund.

Read and referred to the Committee on Finance.

Senators Celona, Walaska, Tassoni, Bates and McCaffrey present (03-S 325) An Act relating to sales and use taxes - liability and computation.

Read and referred to the Committee on Finance.

Senators Celona, Walaska, Tassoni, Bates and McCaffrey present (03-S 326) An Act relating to taxation - sales and use taxes.

Read and referred to the Committee on Finance.

Senators Celona, Cote, Tassoni, Walaska and McCaffrey present (03-S 327) An Act relating to taxation - sales and use taxes.

Read and referred to the Committee on Finance.

Senators Ruggerio, Fogarty, Caprio, Alves and Walaska present (by request of the Lieutenant Governor) (03-S 328) An Act relating to taxation.

Read and referred to the Committee on Finance.

Senators Fogarty, Caprio, Alves, Walaska and Tassoni present (03-S 329) An Act relating to taxation - personal income tax.

Read and referred to the Committee on Finance.

Senators Perry, Polisena, Damiani, Roberts and Irons present (03-S 330) An Act relating to towns and cities - relief of injured and deceased firefighters and police officers.

Read and referred to the Committee on Finance.

Senators Gallo, Walaska, Paiva Weed and Perry present (03-S 331) An Act relating to education - school committees and superintendents.

Read and referred to the Committee on Finance.

Senators McCaffrey and Celona present (03-S 332) An Act relating to criminal procedure - preliminary proceedings in district courts.

Read and referred to the Committee on Judiciary.

Senators Paiva Weed, McCaffrey, Issa, Alves and Celona present (03-S 333) An Act relating to courts and civil procedure - procedure generally.

Read and referred to the Committee on Judiciary.

Senators McCaffrey and Celona present (03-S 334) An Act relating to selection of jury.

Read and referred to the Committee on Judiciary.

Senators Paiva Weed, McCaffrey, Alves and Celona present (03-S 335) An Act relating to district court.

Read and referred to the Committee on Judiciary.

Senators McCaffrey, Paiva Weed, Perry, Alves and Celona present (03-S 336) An Act relating to clerks of supreme and superior courts.

Read and referred to the Committee on Judiciary.

Senators McCaffrey, Perry and Celona present (03-S 337) An Act relating to courts and civil procedure - jury lists.

Read and referred to the Committee on Judiciary.

Senators Issa, Gallo, Roberts, Goodwin and Paiva Weed present (03-S 338) An Act relating to personal income tax - tax credit to foster families.

Read and referred to the Committee on Judiciary.

Senators Polisena and Damiani present (03-S 339) An Act relating to courts and civil procedure - medical malpractice.

Read and referred to the Committee on Judiciary.

Senators Celona, Walaska, Tassoni, Bates and McCaffrey present (03-S 340) An Act relating to elections.

Read and referred to the Committee on Judiciary.

Senator Perry presents (03-S 341) An Act relating to cruelty to animals.

Read and referred to the Committee on Judiciary.

Senators Perry, Sosnowski, Bates, Gibbs and Tassoni present (03-S 342) An Act relating to health and safety - informed consent for abortion.

Read and referred to the Committee on Judiciary.

Senators Perry, McCaffrey, Alves and Celona present (03-S 343) An Act relating to criminal procedure - grand juries.

Read and referred to the Committee on Judiciary.

Senators McCaffrey, Perry, Alves and Celona present (03-S 344) An Act relating to criminal procedure - public defender.

Read and referred to the Committee on Judiciary.

Senators McCaffrey, Alves and Celona present (03-S 345) An Act relating to criminal procedure - preliminary proceedings in district court.

Read and referred to the Committee on Judiciary.

Senator Perry presents (03-S 346) An Act relating to criminal procedure - expungement of criminal records.

Read and referred to the Committee on Judiciary.

Senators Roberts, Cote, Algieri, Felag and Gallo present (by request of the Lieutenant Governor) (03-S 347) An Act relating to taxation - personal income tax.

Read and referred to the Committee on Finance.

Senators McCaffrey, Paiva Weed, Alves and Celona present (03-S 348) An Act relating to district court.

Read and referred to the Committee on Judiciary.

Senators McCaffrey and Celona present (03-S 349) An Act relating to criminal procedure - warrants for arrest.

Read and referred to the Committee on Judiciary.

Senators Perry, McCaffrey, Alves and Celona present (03-S 350) An Act relating to criminal procedure - arrest.

Read and referred to the Committee on Judiciary.

Senators McCaffrey, Perry, Alves and Celona present (03-S 351) An Act relating to criminal procedure - arrest - eyewitness identification procedures.

Read and referred to the Committee on Judiciary.

Senators Bates, Gibbs, Perry, Roberts and Tassoni present (03-S 352) An Act relating to insurance.

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

Senators Felag, Paiva Weed, Cote, Sosnowski and Connors present (03-S 353) An Act relating to insurance.

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

Senators Celona, Walaska, Tassoni, Bates and McCaffrey present (03-S 354) An Act relating to towns and cities.

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

Senators Montalbano, Connors and Celona present (03-S 355) An Act relating to taxation - levy and assessment of local taxes.

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

Senators Celona, Walaska, Tassoni and McCaffrey present (03-S 356) An Act relating to businesses and professions.

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

Senators Celona, Walaska, Tassoni, Bates and McCaffrey present (03-S 357) An Act relating to mandated health benefits review act.

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

Senators Raptakis and Alves present (03-S 358) An Act relating to state affairs and government - tourism districts.

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

Senators Gallo, Walaska, Issa and Sheehan present (03-S 359) An Act relating to education - school committees and superintendents.

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

Senators Felag, Paiva Weed, Celona, McCaffrey and Tassoni present (03-S 360) An Act relating to nonprofit

corporations - criminal background checks.

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

Senators Perry, Parella and Gibbs present (03-S 361) An Act relating to video lottery terminals.

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

Senator DaPonte presents (03-S 362) An Act relating to motor and other vehicles - lighting equipment and reflectors.

Read and referred to the Joint Committee on Highway Safety.

Senator Badeau presents (03-S 363) An Act to vacate the forfeiture or revocation of the charter of Michael John Realty, Inc.

Read and ordered to be placed on the Consent Calendar.

Senator Celona presents (03-S 364) Senate Resolution honoring Mark Arsenault for his bravery and life saving efforts.

Senator Celona requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Celona, seconded by Senate Majority Leader Montalbano and Senators Bates, Algieri, Blais, Breene and many more, and by unanimous consent, read and passed, upon a voice vote.

REPORT OF COMMITTEE COMMITTEE ON GOVERNMENT OVERSIGHT

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

(03-S 41) (Substitute "A") An Act relating to the General Assembly.

Read and ordered to be placed on the Calendar.

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-S308) An Act to vacate the forfeiture or revocation of the charter of Tony's Donuts, Inc.
2. (03-H5396) An Act to vacate the forfeiture or revocation of the charter of A.R. Bucci Insurance Agency, Inc.

CALENDAR

In order for the day is taken up as follows:

1. (03-S108) An Act relating to taxation - special housing exemption - Lincoln.

Committee on Commerce, Housing and Municipal Government recommends passage.

Senator Connors moves passage, seconded by Senators Celona, Issa and Senate Majority Leader Montalbano.

Senator Connors, seconded by Senator Celona, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-S 108)

Mr. President:

I hereby move to amend (03-S 108) entitled "AN ACT RELATING TO TAXATION - SPECIAL HOUSING EXEMPTION - LINCOLN", as follows:

On page 1, line 10, by deleting the word "December".

On page 1, line 11, by deleting the numeral and punctuation "22," and inserting in place thereof the word, numeral and punctuation "February 28,".

Respectfully submitted,

DANIEL P. CONNORS
Senator, District 19

The motion to amend prevails 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 Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

Upon motion of Senator Connors, seconded by Senator Celona, the act is read and passed, as amended, 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 Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

ANNOUNCEMENTS

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet today at the rise of the Senate in Room 212 of the State House.

Also:

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

Also:

Senate Majority Leader Montalbano announces that the Honorable Jonathon Issa, a member of the Central Falls City Council and son of Senator Issa, has been activated as a member of the 115th Military Police Unit of the Army National Guard and we wish him well as he travels overseas in the pursuit of peace.

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 4:34 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR ELIZABETH H. ROBERTS

Guide us, Lord, towards a deeper understanding of the needs of the people of our State; may we be instrumental in serving those needs. Let us work to improve the lives of those who have no voice in their government. Amen.

Appendix

CONSENT CALENDAR

In order for Wednesday, February 12, 2003:

- 1. (03-S363) An Act to vacate the forfeiture or revocation of the charter of Michael John Realty, Inc.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Tuesday, February 11, 2003

Appendix

CALENDAR

In order for Thursday, February 13, 2003:

- 1. (03-S41) (Substitute "A") An Act relating to the General Assembly.

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

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Tuesday, February 11, 2003

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

Thank you for stopping by!

