

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.

Volume130, No.20 Thursday, February 27, 2003 Twentieth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 4:22 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, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT - 2: Senators Breene, Connors.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, February 25, 2003 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Cote, and by unanimous consent, the Honorable President welcomes to the Chamber the

Honorable Roger N. Begin of Woonsocket, former Lieutenant Governor and current chair of the state Board of Elections.

Upon suggestion of Senator Walaska, and by unanimous consent, the Honorable President welcomes to the Chamber from MBNA America, Gary M. Selvy, Executive Vice President, Deputy Director Government Affairs; David Swartley, Assistant Vice President, State Government Affairs-Eastern; and Junior Ortiz, Senior Vice President, Director, Government Relations.

REPORTS OF COMMITTEES

COMMITTEE ON JUDICIARY

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

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

Read and ordered to be placed on the Calendar.

(03-S 237) An Act relating to towns and cities - zoning ordinances.

Read and ordered to be placed on the Calendar.

COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT

Senator Celona, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measure:

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

Read and ordered to be placed on the Calendar.

COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Roberts, from the Committee on Health and Human Services, reports back, with recommendation that the Advice and Consent of the Senate be given the following appointment:

Appointment of Jay G. Lindgren, Jr. of Pawtucket, as Director of the Department of Children, Youth and Families.

Read and ordered to be placed on the Calendar.

TRANSFER OF BILLS

Senator Badeau, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Labor to the Committee on Health and Human Services:

(03-S 151) An Act relating to health and safety - nursing working mothers.

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

Senator Roberts, in accordance with Senate Rule 6.14, moves to transfer the following bills from the Committee on Health and Human Services to the Committee on Finance:

(03-S 164) An Act relating to services for the homeless.

Read and referred to the Committee on Finance.

(03-S 263) An Act relating to human services - family independence act.

Read and referred to the Committee on Finance.

(03-S 267) An Act relating to human services.

Read and referred to the Committee on Finance.

(03-S 313) An Act relating to human services - medical assistance.

Read and referred to the Committee on Finance.

(03-S 314) An Act relating to human services - long-term home health care.

Read and referred to the Committee on Finance.

(03-S 390) An Act relating to health and safety.

Read and referred to the Committee on Finance.

Senator Roberts, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Health and Human Services to the Committee on Judiciary:

(03-S 306) An Act relating to health and safety - safety of access to facilities - endangered.

Read and referred to the Committee on Judiciary.

Senator Sosnowski, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Environment and Agriculture to the Committee on Judiciary:

(03-S 60) An Act relating to Coastal Resources Management Council - administrative penalties.

Read and referred to the Committee on Judiciary.

NEW BUSINESS

Senator Parella presents (03-S 897) Senate Resolution recognizing the heroic actions of Ryan Spero in the rescue of Riley Merrigan from the icy Sakonnet River.

Senator Parella requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senator Alves requests unanimous consent to introduce several acts after the deadline.

Without objection, so ordered.

Senator McBurney presents (03-S 898) An Act relating to taxation - Pawtucket.

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

Senators Alves, DaPonte and Raptakis present (03-S 899) An Act relating to human services - medical assistance.

Read and referred to the Committee on Finance.

Senators Alves, DaPonte and Raptakis present (03-S 900) Senate Resolution creating a special Senate commission to study the rate for nursing services.

Read and referred to the Committee on Finance.

Senators Alves, DaPonte and Raptakis present (03-S 901) An Act relating to medical assistance.

Read and referred to the Committee on Finance.

Senators Alves, DaPonte and Raptakis present (03-S 902) An Act relating to motor and other vehicles - responsibility of owners of rental vehicles.

Read and referred to the Committee on Judiciary.

Senators Alves and Raptakis present (03-S 903) An Act relating to motor and other vehicles - safety responsibility violations - general provisions.

Read and referred to the Committee on Judiciary.

Senator Alves presents (03-S 904) An Act relating to establishment and extension of gambling activities and other facilities.

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

Senators Alves and Raptakis present (03-S 905) An Act relating to taxation - sales and use taxes - liability and computation.

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

Senators Alves and Raptakis present (03-S 906) An Act relating to health and safety - licensing of health care facilities.

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

Senator Alves presents (03-S 907) An Act relating to health and safety - smoking in public places.

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

Senator Alves presents (03-S 908) An Act relating to taxation - business corporation tax.

Read and referred to the Committee on Finance.

Senators Alves and Raptakis present (03-S 909) An Act relating to taxation.

Read and referred to the Committee on Finance.

Senators Alves and DaPonte present (03-S 910) An Act relating to health insurance coverage - mandated hearing aid coverage.

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

Senators Alves and Raptakis present (03-S 911) An Act relating to insurance - producer licensing act.

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

Senators Alves and Raptakis present (03-S 912) An Act relating to taxation - business corporation tax - interstate airlines.

Read and referred to the Committee on Finance.

Senators Alves and DaPonte present (03-S 913) An Act relating to state affairs and government - Department of Environmental Management.

Read and referred to the Committee on Environment and Agriculture.

Senators Alves and Raptakis present (03-S 914) An Act relating to property subject to taxation.

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

Senators Alves and Raptakis present (03-S 915) An Act relating to public utilities and carriers - taxicabs and limited public motor vehicles.

Read and referred to the Committee on Finance.

Senators Alves and DaPonte present (03-S 916) An Act relating to taxation - sales and use taxes.

Read and referred to the Committee on Finance.

NOW PRESIDING

The Honorable President yields the rostrum to the Honorable John C. Revens, Jr., President Pro Tempore, at 4:33 o'clock P.M.

CALENDAR

In order for the day is taken up as follows:

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".

Senator Lenihan moves passage, seconded by Senate Majority Leader Montalbano and many others.

Senate Majority Leader Montalbano and Senators Algiere, Sheehan, Cote and President Irons discuss the act.

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 Irons and Senators Algiere, Alves, Badeau, Bates, Blais, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

NOW PRESIDING

The Honorable President Pro Tempore yields the rostrum to the Honorable William V. Irons, President of the Senate, at 4:52 o'clock P.M.

**FROM THE
HOUSE OF REPRESENTATIVES**

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

(03-H 6109) Joint Resolution inviting the President of the Senate, and the Honorable Senate, to join the House of Representatives in Joint Session for the purpose of receiving a message of His Excellency, the Governor, regarding the state budget.

Read and ordered to be held on the Desk.

Also:

(03-H 6127) An Act providing for the construction of additional classrooms, remodeling required by the Americans with Disabilities Act, construction of an administrative office building, and equipping and furnishing thereof, by the Exeter-West Greenwich Regional School District and authorizing the financing thereof, including the issue of not more than \$1,600,000 bonds therefor.

Senate Majority Leader Montalbano requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senate Majority Leader Montalbano, seconded by Senator Ruggerio, and by unanimous consent, 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 Algiere, Alves, Badeau, Bates, Blais, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

Also:

(03-H 6115) An Act relating to state budget.

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Algieri, seconded by Senator Blais, and by unanimous consent, 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, Alves, Badeau, Bates, Blais, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

Also:

(03-H 6128 as amended) Joint Resolution creating a special legislative commission to study all aspects of law and regulation concerning pyrotechnic displays and fire safety.

Senate Majority Leader Montalbano requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senate Majority Leader Montalbano, seconded by Senator Ruggerio, and by unanimous consent, 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, Alves, Badeau, Bates, Blais, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, 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 DaPonte, seconded by Senator Algieri, the Senate adjourns at 5:02 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR MICHAEL J. McCAFFREY

Almighty God, whose servants we are, may our work today and throughout the remainder of this legislative session be guided to truly serve the people we represent, and be ever mindful of the effect our actions and decisions have on those we serve. Amen.

Appendix

CALENDAR

In order for Tuesday, March 4, 2003:

- 1. Reappointment of Jane Hayward of Narragansett as Director of the Department of Human Services.

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

Appendix

CALENDAR

In order for Wednesday, March 5, 2003:

- 1. Reappointment of Jay G. Lindgren, Jr. of Pawtucket, as Director of the Department of Children, Youth and Families.

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

- 2. (03-S27) An Act relating to validating and ratifying certain amendments to the Home Rule Charter of the city of Newport.

Committee on Commerce, Housing and Municipal Government recommends passage.

- 3. (03-S69) An Act relating to food and drugs - controlled substances.

Committee on Judiciary recommends passage.

4. (03-S237) An Act relating to towns and cities - zoning ordinances.

Committee on Judiciary recommends passage.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Thursday, February 27, 2003

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

Thank you for stopping by!

