

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.21 Tuesday, March 4, 2003 Twenty-first Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 4:08 o'clock P.M.

The roll is called and a quorum is declared present with 38 Senators present and 0 Senators absent as follows:

PRESENT - 38:

The Honorable President Irons and Senators Algiere, Alves, 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, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT - 0.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journals of Wednesday, February 26, 2003 and Thursday, February 27, 2003 proceedings are read in part.

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

APPOINTMENTS

The Honorable President presents the following communications transmitting the following appointments:

THE DISTRICT COURT OF THE STATE OF RHODE ISLAND
ONE DORRANCE PLAZA, PROVIDENCE, RHODE ISLAND 02903

Albert E. DeRobbio
Chief Judge

February 28, 2003 The Honorable William V. Irons
President of the Senate
The State House
Providence, RI 02903

Re: Appointment of Clerk/Magistrate/
Christine S. Jabour of Barrington

Dear President Irons & Members of the Honorable The Senate:

Pursuant to the authority granted me by section 8-8-16.2 of the General Laws, I hereby appoint Ms. Christine S. Jabour of Barrington to the position of Clerk/Magistrate of the District Court, now vacant, for a term of ten (10) years.

To this appointment, I respectfully request the advice and consent of the Senate.
Very truly yours,

ALBERT E. DeROBBIO
Chief Judge

Read and referred to the Committee on Judiciary.

Also:

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

Senator William V. Irons
President of the Senate

March 4, 2003

To The Honorable the Senate:

The Honorable the Senate
State House
Providence, RI 02903

Pursuant to Section 22-7.2-1 of the General Laws entitled, "The Permanent Joint Committee on Highway Safety", I am making the following appointments:

JOINT COMMITTEE ON HIGHWAY SAFETY

Senator Michael J. Damiani, Chairman
Senator David E. Bates

Senator Frank A. Ciccone, III
Senator June N. Gibbs
Senator Leonidas P. Raptakis
Senator John J. Tassoni, Jr.

Very truly yours,

WILLIAM V. IRONS
President of the Senate

Read and ordered to be placed on file.

Also:

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

Senator William V. Irons
President of the Senate

March 4, 2003
The Honorable the Senate
State House
Providence, RI 02903

To The Honorable the Senate:

Pursuant to Section 22-7-1 of the General Laws entitled, "The Permanent Joint Committee on Accounts and Claims", I am making the following appointments:

JOINT COMMITTEE ON ACCOUNTS AND CLAIMS

Senator David E. Bates
Senator Daniel DaPonte
Senator Hanna M. Gallo
Senator Dominick J. Ruggerio

Very truly yours,

WILLIAM V. IRONS
President of the Senate

Read 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

March 3, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 39-1-3 of the Rhode Island General Laws, I have made the following reappointment of Administrator to the Division of Public Utilities and Carriers:

Thomas F. Ahern of East Greenwich
(Administrator)

for a term expiring March 1, 2009.

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

March 3, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 39-1-4 of the Rhode Island General Laws, I have made the following appointment to the Public Utilities Commission:

Robert B. Holbrook of East Greenwich
VICE
Brenda J. Gaynor

for a term expiring March 1, 2009.

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

March 3, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-55-4 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Housing and Mortgage Finance Corporation:

Anthony J. Marouchoc of Portsmouth
VICE
Barbara Caniglia

for a term expiring July 1, 2006.

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

March 3, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 16-60-2 of the Rhode Island General Laws, I have made the following reappointment to the Board of Regents for Elementary and Secondary Education:

James DiPrete of West Warwick

for a term expiring January 31, 2006.

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

Sincerely,

DONALD L. CARCIERI
Governor

Read and referred to the Committee on Education.

Also:

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

Donald L. Carcieri
Governor

March 3, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 16-60-2 of the Rhode Island General Laws, I have made the following reappointment to the Board of Regents for Elementary and Secondary Education:

Colleen A. (Bielecki) Callahan of Cumberland
for a term expiring January 31, 2006.

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

Sincerely,

DONALD L. CARCIERI
Governor

Read and referred to the Committee on Education.

**REPORTS OF COMMITTEES
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 measures:

(03-S 213) An Act relating to taxation - property subject to taxation.

Read and ordered to be placed on the Calendar.

(03-S 215) An Act relating to taxation.

Read and ordered to be placed on the Calendar.

(03-H 5027) An Act relating to property subject to taxation.

Read and ordered to be placed on the Calendar.

(03-H 5029) An Act relating to taxation - property tax exemption.

Read and ordered to be placed on the Calendar.

(03-H 5119) An Act relating to taxation - town of Jamestown.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

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

(03-S 296) An Act relating to solemnization of marriages.

Read and ordered to be placed on the Consent Calendar.

(03-H 5357) An Act relating to solemnization of marriages.

Read and ordered to be placed on the Consent Calendar.

(03-H 5358) An Act relating to solemnization of marriages.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT

Senator Celona, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation that the advice and consent of the Senate be given the following:

Appointment of Michael McMahon of Saunderstown VICE Tom Schumpert as Director of the Economic Development Corporation.

Read and ordered to be placed on the Calendar.

Appointment of James R. Capaldi, P.E. of North Providence VICE William D. Ankner as Director of the Department of

Transportation.

Read and ordered to be placed on the Calendar.

COMMITTEE ON GOVERNMENT OVERSIGHT

Senator Lenihan, from the Committee on Government Oversight, reports back, with recommendation of that the advice and consent of the Senate be given the following:

Appointment of Robert J. Higgins of Providence VICE Robert L. Carl, Jr., Ph.D. as Director of the Department of Administration.

Read and ordered to be placed on the Calendar.

NEW BUSINESS

The following item s are received and referred to committee pending any objection of the body on the next legislative day.

Senator McCaffrey presents (03-S 917) An Act relating to criminal offenses - children.

Read and referred to the Committee on Judiciary.

Senators Felag, Ruggerio and Ciccone present (03-S 918) Senate Resolution proclaiming March as "Colorectal Cancer Awareness Month" in Rhode Island.

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senator Algiere presents (03-S 919) An Act authorizing the town of Westerly to issue bonds and notes in an amount not exceeding \$40,000,000 to finance the construction, renovation, rehabilitation, repair, improvements, furnishing and equipping of and/or additions to schools and school facilities in the town.

Senator Algiere requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Algiere, seconded by Senator Breene and others, and by unanimous consent, read and passed, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 38:

The Honorable President Irons and Senators Algiere, Alves, 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, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

CALENDAR

In order for the day is taken up as follows:

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.

Senator Sheehan, seconded by Senators Roberts, Ruggerio, Alves, Paiva Weed, Perry, Goodwin, Celona, Algieri, Breene, Blais, Gibbs, Parella, Pichardo, Lenihan and many others, moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 38:

The Honorable President Irons and Senators Algieri, Alves, 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, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

GUEST

Upon suggestion of Senator Sheehan, and by unanimous consent, the Honorable President welcomes to the Chamber Jane Hayward of Narragansett, newly confirmed Director of the Department of Human Services.

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.

ANNOUNCEMENTS

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet on Thursday at 3:00 o'clock P.M. in Room 212 of the State House.

Also:

Senator Walaska announces that the Committee on Financial Services, Technology and Regulatory Issues will meet on Wednesday at 4:00 o'clock P.M. in the Senate Lounge.

Also:

Senator Roberts announces that the Committee on Health and Human Services will meet on Wednesday at 3:00 o'clock P.M. in Room 313 of the State House.

Also:

Senator Badeau announces that the Committee on Labor will meet on Wednesday, at 3:00 o'clock P.M. in Room 212 of the State House.

ADJOURNMENT

Upon motion of Senator Ruggerio, seconded by Senator Algiere, and upon suggestion of Senate Majority Leader Montalbano, the Senate adjourns at 4:28 o'clock P.M., in memory of Karen Hupp, editor of the Herald News in Fall River and former editor of the Times in Pawtucket and the Call of Woonsocket. She was greatly admired by both her colleagues and the people in the communities where she worked. Her bright light and sense of humor will forever be remembered.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DANIEL J. ISSA

Dear God, we ask you today to grant us the strength and confidence to make the decisions that will be of the greatest benefit to our citizens. We are eternally grateful to have the opportunity to serve the people of our state, and therefore, serve you. Amen.

Appendix

CONSENT CALENDAR

In order for Wednesday, March 5, 2003:

1. (03-S296) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage.

2. (03-H5357) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

3. (03-H5358) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Tuesday, March 4, 2003

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.

Appendix

CALENDAR

In order for Thursday, March 6, 2003:

- 1.Appointment of Michael McMahon of Saunderstown VICE Tom Schumpert as Director of the Economic Development Corporation.

Committee on Commerce, Housing and Municipal Government recommends that the Senate give its Advice and Consent to this appointment.

- 2.Appointment of James R. Capaldi, P.E. of North Providence VICE William D. Ankner as Director of the Department of Transportation.

Committee on Commerce, Housing and Municipal Government recommends that the Senate give its Advice and

Consent to this appointment.

3. Appointment of Robert J. Higgins of Providence VICE Robert L. Carl, Jr., Ph.D. as Director of the Department of Administration.

Committee on Government Oversight recommends that the Senate give its Advice and Consent to this appointment.

4. (03-S213) An Act relating to taxation - property subject to taxation.

Committee on Commerce, Housing and Municipal Government recommends passage.

5. (03-S215) An Act relating to taxation.

Committee on Commerce, Housing and Municipal Government recommends passage.

6. (03-H5027) An Act relating to property subject to taxation.

Committee on Commerce, Housing and Municipal Government recommends passage in concurrence.

7. (03-H5029) An Act relating to taxation - property tax exemption.

Committee on Commerce, Housing and Municipal Government recommends passage in concurrence.

8. (03-H5119) An Act relating to taxation - town of Jamestown.

Committee on Commerce, Housing and Municipal Government recommends passage in concurrence.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Tuesday, March 4, 2003

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

Thank you for stopping by!

