

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.23 Tuesday, March 11, 2003 Twenty-third Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 4:10 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 Algiere, Alves, Badeau, 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 - 1: Senator Bates.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, March 5, 2003 proceedings is read in part.

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

GUESTS

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

Ryan Spero of Portsmouth, who rescued a young woman from the icy Sakonnet River, along with his mother Stephanie and father Colin.

Upon suggestion of Senator Parella, and without objection, a resolution congratulating Ryan Spero, which was passed unanimously last week, is read before the Senate.

Upon suggestion of Senator Walaska and Senate Majority Leader Montalbano, and by unanimous consent, the Honorable President welcomes to the Chamber Sir Stephen Lamport, the Group Director for Public Policy and Government Affairs of the Royal Bank of Scotland, and Faye Sanders, Senior Vice President and Director of Government Relations for Citizens Financial Group, Inc.

COMMUNICATION

The Honorable President presents the following communication:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS SENATE CHAMBER

March 10, 2003 The Honorable William V. Irons
President of the Senate
317 State House
Providence, RI 02903

Dear Senator Irons:

Please be advised that I will be out of state on business during the week of March 10-14, and therefore, will be absent from any Senate sessions held that week. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,

DAVID E. BATES
Deputy Minority Leader

Received and ordered to be placed on file.

REPORTS OF COMMITTEES TRANSFER OF BILLS

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

(03-S 774) An Act relating to health and safety - determination of need for new health care equipment and new institutional health services.

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

Senator Walaska, in accordance with Senate Rule 6.14, moves to transfer the following bills from the Committee on Financial Services, Technology and Regulatory Issues to the Committee on Commerce, Housing and Municipal

Government:

(03-S 287) An Act relating to insurance - identification of parties.

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

(03-S 356) An Act relating to businesses and professions.

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

NOW PRESIDING

The Honorable

President of the Senate yields the rostrum to the Honorable John C. Revens, Jr., President Pro Tempore, at 4:22 o'clock P.M.

NEW BUSINESS

Senators Raptakis, Alves, Montalbano, Irons, Celona and many others present (03-S 922) Senate Resolution formally requesting the President of the United States to direct the Federal Emergency Management Agency to reconsider the decision to deny federal disaster assistance to the state of Rhode Island, or in the alternative, to overrule the decision and direct approval of federal disaster assistance to the state of Rhode Island.

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Raptakis moves passage, seconded by the entire Senate.

The Honorable President discusses the Resolution.

The Resolution is read and passed, by unanimous consent, 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 Algieri, Alves, Badeau, 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.

NOW PRESIDING

The Honorable President Pro Tempore yields the rostrum to the Honorable William V. Irons, President of the Senate, at 4:28 o'clock P.M.

CALENDAR

In order for the day is taken up as follows:

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.

Senator Sheehan, seconded by Senator Celona, Senate Majority Leader Montalbano, Senators Goodwin, Roberts, Walaska, McCaffrey, Alves, Paiva Weed, Caprio, Badeau, Sosnowski Lenihan, Algieri and many more, 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 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 35:

The Honorable President Irons and Senators Algieri, Alves, Badeau, 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, 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 Michael McMahon of Saunderstown, newly confirmed Executive Director of the Economic Development Corporation.

CALENDAR

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.

Senator Celona, seconded by Senate Majority Leader Montalbano and Senators Algieri, Caprio, Walaska, Ruggerio, McCaffrey, Breene, Damiani, Gibbs, Pichardo, Badeau, Raptakis and many more, moves that advice and consent of the Senate be given this appointment.

Senate Majority Leader Montalbano and Senator Damiani discuss the appointment.

The advice and consent of the Senate is given this appointment, 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, 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.

NAYS - 0.

GUESTS

Upon suggestion of Senator Celona, and by unanimous consent, the Honorable President welcomes to the Chamber James R. Capaldi, P.E. of North Providence, newly confirmed Director of the Department of Transportation, along with his family members, wife Lori, children Kristen and James, mother and father James and Adeline, and brother Joseph.

CALENDAR

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.

Senator DaPonte, seconded by Senators Celona, Algieri, Sheehan, Felag, Tassoni, Perry, Algieri, Blais, Breene, Polisena, Parella, Badeau 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 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, 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.

NAYS - 0.

GUEST

Upon suggestion of Senator DaPonte, and by unanimous consent, the Honorable President welcomes to the Chamber Robert J. Higgins of Providence, newly confirmed Director of the Department of Administration.

CALENDAR

4. Reappointment of Ashbel T. Wall, II of Providence as Director of the Department of Corrections.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this reappointment.

Upon suggestion of Senator McCaffrey, and without objection, ordered to be placed on the Calendar for Wednesday, March 19, 2003.

5. Reappointment of Marilyn Shannon McConaghy of Pawtucket as Director of the Department of Business Regulation.

Committee on Financial Services, Technology and Regulatory Issues recommends that the Senate give its Advice and Consent to this reappointment.

Senator Walaska, seconded by Senators Blais, Goodwin, Roberts, Sosnowski, McBurney, Perry, Alves, Ruggerio, Breene, Gibbs, Cote, Ciccone and many others, moves that advice and consent of the Senate be given this reappointment.

Senate Majority Leader Montalbano and Senators Issa and Roberts discuss the reappointment.

The advice and consent of the Senate is given this reappointment, by unanimous consent, 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, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

GUESTS

Upon suggestion of Senator Walaska, and by unanimous consent, the Honorable President welcomes to the Chamber Marilyn Shannon McConaghy of Pawtucket, newly confirmed Director of the Department of Business Regulation, along with her family, her husband Raymond and daughter Bridget.

CALENDAR

6. Appointment of Thomas J. Rockett, Ph.D. of East Greenwich VICE William Robinson to the Board of Governors for Higher Education for a term expiring January 31, 2006.

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

Senator Lenihan, seconded by Senators Raptakis, Parella, Felag, Issa, Sosnowski, Gallo, Badeau, Algieri, Senate Majority Leader Montalbano 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 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, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

7. Reappointment of Michael F. Ryan of Warwick to the Board of Governors for Higher Education for a term expiring January 31, 2006.

Committee on Education recommends that the Senate give its Advice and Consent to this reappointment.

Senator Issa, seconded by Senators Felag, Gallo, Roberts, McCaffrey, Celona, Blais, McBurney, Gibbs, Cote, Badeau, Lanzi and many others, moves that advice and consent of the Senate be given this reappointment.

The advice and consent of the Senate is given this reappointment, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 33:

The Honorable President Irons and Senators Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

8. Reappointment of Sheldon Sollosy of Cranston to the Rhode Island Public Telecommunications Authority for a term expiring January 31, 2006.

Committee on Financial Services, Technology and Regulatory Issues recommends that the Senate give its Advice and Consent to this reappointment.

Senator Walaska, seconded by Senators Roberts, Felag, Gallo, Perry, Celona, Pichardo, Connors, Lanzi, Lenihan, Gibbs, Algiere and many others, moves that advice and consent of the Senate be given this reappointment. The advice and consent of the Senate is given this reappointment, by unanimous consent, 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, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

9. (03-S213) An Act relating to taxation - property subject to taxation.

Committee on Commerce, Housing and Municipal Government recommends passage.

Upon suggestion of Senate Majority Leader Montalbano, and without objection, ordered to be placed on the Calendar for Tuesday, March 18, 2003.

10. (03-S215) An Act relating to taxation.

Committee on Commerce, Housing and Municipal Government recommends passage.

Senator Breene moves passage, seconded by Senator Blais.

The act is read and passed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 31:

The Honorable President Irons and Senators Algiere, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, McCaffrey, Montalbano, Paiva Weed, Parella, Pichardo,

Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

11. (03-H5027) An Act relating to property subject to taxation.

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

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

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 33:

The Honorable President Irons and Senators Algieri, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

12. (03-H5029) An Act relating to taxation - property tax exemption.

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

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

The act is read and passed, in concurrence, by unanimous consent, 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, Badeau, Blais, Breene, Caprio, Celona, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

13. (03-H5119) An Act relating to taxation - town of Jamestown.

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

Senator Paiva Weed moves passage, seconded by Senator Celona.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 33:

The Honorable President Irons and Senators Algieri, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

14. (03-S17 as amended) An Act relating to criminal offenses - abandonment and nonsupport.

Committee on Judiciary recommends passage as amended.

Senator Tassoni moves passage, seconded by Senators Celona, McCaffrey, Paiva Weed, Damiani, Cote and many others.

The act is read and passed, as amended, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 33:

The Honorable President Irons and Senators Algiere, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

ANNOUNCEMENTS

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

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

Also:

Senator Badeau announces that the Committee on Labor will meet on Wednesday, at 2:30 o'clock P.M. in Room 212 of the State House.

Also:

Senate Majority Leader Montalbano extends best wishes to Ronald Sosnowski, Senator Sosnowski's son, on his deployment as a member of the Army Reserves in Connecticut.

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 5:04 o'clock P.M., in memory of Arthur LeBrie, father of Steve LeBrie.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JUAN M. PICHARDO

Heavenly Father, we ask you to teach us to give and not count the cost, and to labor and not ask for rewards. Above all, teach us that it is only what we give in love and service to others which endures forever. Amen.

Appendix

CALENDAR

In order for Tuesday, March 18, 2003:

- 1. (03-S213) An Act relating to taxation - property subject to taxation.

Committee on Commerce, Housing and Municipal Government recommends passage.

Appendix

CALENDAR

In order for Wednesday, March 19, 2003:

- 1. Reappointment of Ashbel T. Wall, II of Providence as Director of the Department of Corrections.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this reappointment.

RAYMOND T. HOYAS, JR.

Secretary of the Senate
Tuesday, March 11, 2003

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

Thank you for stopping by!

