

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.28 Thursday, March 20, 2003 Twenty-eighth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable John C. Revens, Jr., Senate President Pro Tempore , at 4:15 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: 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT - 2:

The Honorable President Irons and Senator Pichardo.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, March 19, 2003 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Paiva Weed, and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber Alex Walsh.

Upon suggestion of Senator Fogarty, and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber from ESH/Zambarano Unit, Frank Beazley, President, Patients for Progress; Lucien Vilandre, Vice President, Patients for Progress; Angela Huntley, Resident; Kellie Regan, Resident; Judy Oliveria, Resident; Paul Despres, Hospital Administrator; Irene Nichols, Secretary to Hospital Administrator; Steve Westerman, Therapeutic Recreation Director; Debbie Stockwell, Maintenance and Plant Operations Secretary; Raymond Vadeboncoeur, Therapeutic Recreation; Lois Simpson, Therapeutic Recreation; Pauline Goulet, UCP Art Program; and Dr. Nancy Long, Medical Staff.

Upon suggestion of Senator Fogarty, and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber Gloucester Police Chief Jammie Hainsworth.

FROM THE HOUSE OF REPRESENTATIVES

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

(03-H 5018) An Act relating to towns and cities - sewage charges in the town of North Smithfield.

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

Also:

(03-H 5722) An Act exempting from taxation the real, mixed and personal property of the Darlington Braves, Inc. of Pawtucket.

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

Also:

(03-H 5756) An Act validating and ratifying amendments to the Home Rule Charter of the town of Middletown.

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

Also:

(03-H 5761) An Act relating to taxation - levy and assessment of local taxes.

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

Also:

(03-H 5766) An Act relating to validating and ratifying amendments to the charter of the town of Jamestown.

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

Also:

(03-H 6175) An Act relating to taxation - town of Scituate.

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

Also:

(03-H 6179) An Act relating to incorporation of the Dunns Corners Fire District.

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

Also:

(03-H 5157) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Also:

(03-H 5341) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Also:

(03-H 5452) (Substitute "A") An Act relating to motor vehicle offenses.

Read and referred to the Committee on Judiciary.

Also:

(03-H 6201) An Act to vacate the forfeiture or revocation of the charter of the B.E. Trust Corporation.

Read and ordered to be placed on the Consent Calendar.

REPORTS OF COMMITTEES COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Roberts, from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measures:

(03-S 389) An Act relating to the Family Independence Act.

Read and ordered to be placed on the Calendar.

(03-S 570) An Act relating to education.

Read and ordered to be placed on the Calendar.

(03-S 884) An Act relating to health and safety - laboratories.

Read and ordered to be placed on the Calendar.

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

Appointment of Adelita S. Orefice of Providence VICE Debra A. Capuano as Director of the Department of Elderly Affairs.

Read and ordered to be placed on the Calendar.

COMMITTEE ON ENVIRONMENT AND AGRICULTURE

Senator Sosnowski, from the Committee on Environment and Agriculture, reports back, with recommendation that the Advice and Consent of the Senate be given to the following:

Reappointment of Kenneth Aurecchia of Johnston (Johnston Resident Representative) to the Rhode Island Resource Recovery Corporation for a term expiring July 1, 2005.

Read and ordered to be placed on the Calendar.

Reappointment of Jan Harmen Reitsma of Barrington as Director of the Department of Environmental Management.

Read and ordered to be placed on the Calendar.

COMMITTEE ON EDUCATION

Senator Issa, from the Committee on Education, reports back, with recommendation that the Advice and Consent of the Senate be given to the following:

Appointment of Kenneth Aurecchia of Johnston VICE William Turner to the Board of Governors for Higher Education for a term expiring January 31, 2006.

Read and ordered to be placed on the Calendar.

Reappointment of Colleen A. (Bielecki) Callahan of Cumberland to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2006.

Read and ordered to be placed on the Calendar.

Reappointment of James DiPrete of West Warwick to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2006.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation that the Advice and Consent of the Senate be given to the following:

Appointment of Jeffrey A. Lanphear of Cranston VICE Associate Justice John F. Sheehan as Associate Justice of the Rhode Island Superior Court.

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 passage of the

following measure:

(03-S 180) Joint Resolution to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (separation of powers).

Read and ordered to be placed on the Calendar.

TRANSFER OF BILL

Senator Celona, 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 861) An Act relating to labor and labor relations - transportation of workers.

Read and referred to the Committee on Labor.

NEW BUSINESS

Senators Raptakis, McBurney, Paiva Weed, Gallo and Irons present (03-S 943) Senate Resolution celebrating March 25, 2003 as the 182nd Anniversary of Greek Independence Day.

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Raptakis, seconded by Senators Montalbano, Celona and Gallo and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

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

Senator Algiere presents (03-S 944) An Act relating to establishing the Westerly Municipal Land Trust.

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

Senators Badeau and Cote present (03-S 945) An Act relating to highways - construction and maintenance of state roads.

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

Senators Parella and Gibbs present (03-S 946) An Act creating the Prudence Island Water District.

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

Senators Felag, Parella and Bates present (03-S 947) An Act relating to probate - town of Bristol.

Read and referred to the Committee on Judiciary.

Senator Issa presents (03-S 948) An Act relating to motor and other vehicles - operators' and chauffeurs' licenses.

Read and referred to the Committee on Education.

Senator DaPonte presents (03-S 949) An Act relating to property.

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

Senators Felag and Bates present (03-S 950) An Act to vacate the forfeiture or revocation of the charter of Omni Innovations, Inc.

Read and ordered to be placed on the Consent Calendar.

Senators Felag and Bates present (03-S 951) An Act to vacate the forfeiture or revocation of the charter of Givens Marine Survival Co., Inc.

Read and ordered to be placed on the Consent Calendar.

Senators Bates and Felag present (03-S 952) An Act to vacate the forfeiture or revocation of the charter of Givens Marine Survival Service Co., Inc.

Read and ordered to be placed on the Consent Calendar.

Senators Bates and Felag present (03-S 953) An Act to vacate the forfeiture or revocation of the charter of Omni Multimedia Group Co. Inc.

Read and ordered to be placed on the Consent Calendar.

Senators Fogarty, Polisena, Walaska, Tassoni and Lenihan present (03-S 954) Senate Resolution congratulating the Eleanor Slater Hospital/Zambarano Unit on the recognition of Zambarano Day.

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Fogarty, seconded by Senators Gallo, Tassoni, Roberts, Celona and Montalbano, and by unanimous consent, read and passed, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 31: Senators Algieri, Alves, Breene, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, 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.

Also:

Senator Felag announces that the Committee on Finance will meet today at the rise of the Senate in Room 211 of the State House.

Also:

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

ADJOURNMENT

Upon motion ofSenate Majority Leader Montalbano, seconded by Senator Algieri, the Senate adjourns at 4:31 o'clock P.M., in memory of Raymond T. Hoyas, father of Raymond T. "Chip" Hoyas, Jr., Secretary of the Senate.

GABRIEL ANDRADE REI
Deputy Clerk of the Senate

Appendix

INVOCATION

SENATOR DANIEL J. ISSA

Dear Lord, please bestow your special blessing on our brave sons and daughters who have gone to fight in order to ensure a safer home for all of us to live and prosper. In these days of tension, we ask that you guide our nation's leaders as you guide us. Keep our minds focused on what is truly important, the service to our people. Amen.

Appendix

CONSENT CALENDAR

In order for Tuesday, March 25, 2003:

1. (03-S950) An Act to vacate the forfeiture or revocation of the charter of Omni Innovations, Inc.

Ordered on the Consent Calendar.

2. (03-S951) An Act to vacate the forfeiture or revocation of the charter of Givens Marine Survival Co., Inc.

Ordered on the Consent Calendar.

3. (03-S952) An Act to vacate the forfeiture or revocation of the charter of Givens Marine Survival Service Co., Inc.

Ordered on the Consent Calendar.

4. (03-S953) An Act to vacate the forfeiture or revocation of the charter of Omni Multimedia Group Co. Inc.

Ordered on the Consent Calendar.

5. (03-H6201) An Act to vacate the forfeiture or revocation of the charter of the B.E. Trust Corporation.

Ordered on the Consent Calendar.

GABRIEL ANDRADE REI
Deputy Clerk of the Senate
Thursday, March 20, 2003

Appendix

CALENDAR

In order for Tuesday, March 25, 2003:

1. Reappointment of Donald Gagnon of Woonsocket (Representing Minimum Housing Inspectors) to the State Building Codes Standards Committee for a term expiring May 1, 2005.

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

2. (03-S317) An Act relating to the Department of Health - food establishments.

Committee on Health and Human Services recommends passage.

3. (03-S444) (Substitute "A") An Act relating to assisted living residences.

Committee on Health and Human Services recommends indefinite postponement of the original bill and passage of Substitute "A".

4. (03-S874) An Act relating to state affairs and government - home and community care services to the elderly.

Committee on Health and Human Services recommends passage.

5. (03-S875) Joint Resolution memorializing Congress to eliminate home care reimbursement reductions.

Committee on Health and Human Services recommends passage.

6. (03-S880) Joint Resolution memorializing Congress to take action to stabilize the Medicare program.

Committee on Health and Human Services recommends passage.

7. (03-S249) (Substitute "A") An Act relating to motor vehicle offenses.

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

8. (03-S250) (Substitute "A") An Act relating to motor vehicle offenses - reckless driving.

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

9. (03-S169) An Act relating to Fair Employment Practices Act.

Committee on Labor recommends passage.

10. (03-S453) An Act relating to employment security - taxable wage base.

Committee on Labor recommends passage.

Appendix

CALENDAR

In order for Wednesday, March 26, 2003:

1. Reappointment of Kenneth Aurecchia of Johnston (Johnston Resident Representative) to the Rhode Island Resource Recovery Corporation for a term expiring July 1, 2005.

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

2. Reappointment of Jan Harmen Reitsma of Barrington as Director of the Department of Environmental Management.

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

3. Appointment of Adelita S. Orefice of Providence VICE Debra A. Capuano as Director of the Department of Elderly Affairs.

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

4. Appointment of Kenneth Aurecchia of Johnston VICE William Turner 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.

5. Reappointment of Colleen A. (Bielecki) Callahan of Cumberland to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2006.

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

6. Reappointment of James DiPrete of West Warwick to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2006.

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

7. Appointment of Jeffrey A. Lanphear of Cranston VICE Associate Justice John F. Sheehan as Associate Justice of the Rhode Island Superior Court.

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

8. (03-S180) Joint Resolution to approve and publish and submit to the electors a proposition of amendment to the

Constitution of the State (separation of powers).

Committee on Government Oversight recommends passage.

9. (03-S389) An Act relating to the Family Independence Act.

Committee on Health and Human Services recommends passage.

10. (03-S570) An Act relating to education.

Committee on Health and Human Services recommends passage.

11. (03-S884) An Act relating to health and safety - laboratories.

Committee on Health and Human Services recommends passage.

GABRIEL ANDRADE REI

Deputy Clerk of the Senate

Thursday, March 20, 2003

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

Thank you for stopping by!

