

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.37 Thursday, April 10, 2003 Thirty-seventh Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 4:14 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 Polisena, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, April 9, 2003 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Goodwin, Ruggerio and Algiere, and by unanimous consent, the Honorable President

welcomes to the Chamber Alan V. Sokolow, Director, Council of State Governments, and Wendell M. Hannaford, Deputy Director, Council of State Governments.

Upon suggestion of Senator Caprio, and by unanimous consent, the Honorable President welcomes to the Chamber Pahoua Vang.

Upon suggestion of Senator Pichardo, and by unanimous consent, the Honorable President welcomes to the Chamber Margarita Revollo, student from the CVS Highlandar School.

Upon suggestion of Senator Paiva Weed, and by unanimous consent, the Honorable President welcomes to the Chamber Erica Silva.

Upon suggestion of Senator Celona, and by unanimous consent, the Honorable President welcomes to the Chamber Thomas J. Celona, Thrifty Car Rental.

Upon suggestion of Senator Gibbs, and by unanimous consent, the Honorable President welcomes to the Chamber Maureen Greaves of Cranston COZ and Katie Jones of Middletown COZ.

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

April 2, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 20-2.1-12 of the Rhode Island General Laws, I have made the following appointment to the Commercial Fishing License Review Board:

Christopher Brown, Sr., of West Kingston
(Representing Finfish Sector)

for a term expiring March 31, 2005.

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

Sincerely,

DONALD L. CARCIERI
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Donald L. Carcieri
Governor

April 4, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Governors for Higher Education:

Pierre L. LaPerriere of Exeter
VICE
Sarah Dowling
(resigned)

for a term expiring January 31, 2004.

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

April 7, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-64-8 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Economic Development Corporation:

Barbara Jackson of North Kingstown
VICE
Leo Charpentier

for a term expiring February 1, 2007.

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.

FROM THE HOUSE OF REPRESENTATIVES

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

(03-H 6337) An Act relating to homestead exemptions in the town of Lincoln.

Read and referred to the Committee on Finance.

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 355) An Act relating to taxation - levy and assessment of local taxes.

Read and ordered to be placed on the Calendar.

(03-S 547) An Act relating to taxation - levy and assessment of local taxes.

Read and ordered to be placed on the Calendar.

(03-S 680) An Act relating to corporations, associations and partnerships.

Read and ordered to be placed on the Calendar.

(03-S 825) An Act validating and ratifying an amendment to the charter of the town of North Smithfield.

Read and ordered to be placed on the Calendar.

(03-S 924) An Act relating to validating and ratifying amendments to the home rule charter of the town of Middletown.

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 measures:

(03-S 586) An Act relating to rural development council.

Read and ordered to be placed on the Calendar.

(03-S 587) An Act relating to state affairs and government - open meetings.

Read and ordered to be placed on the Calendar.

(03-S 588) An Act relating to creating the Urban Infrastructure Commission.

Read and ordered to be placed on the Calendar.

(03-S 686) An Act relating to state boards and commissions.

Read and ordered to be placed on the Calendar.

(03-S 710) An Act relating to public officers and employees - code of ethics.

Read and ordered to be placed on the Calendar.

(03-S 848) An Act relating to state affairs and government - quasi-public corporations.

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 211) An Act relating to criminal offenses - law practice.

Read and ordered to be placed on the Calendar.

(03-S 715 as amended) An Act relating to motor vehicles - drivers license notification of selective service registration requirement.

Read and ordered to be placed on the Calendar.

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

Read and ordered to be placed on the Calendar.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senator Ruggerio, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, in concurrence, upon a voice vote:

1. (03-H5364) An Act to vacate the forfeiture or revocation of the charter of J.A. Stipich, M.D. Ltd.
2. (03-H5723) An Act relating to validating and ratifying an amendment to the charter of the town of North Smithfield.
3. (03-H6257) An Act to vacate the forfeiture or revocation of the charter of Blue Dory Resorts, Inc.

CALENDAR

In order for the day is taken up as follows:

1. (03-S106) Joint Resolution creating a special legislative commission to study services to persons with mental illness in the criminal justice system.

Committee on Constitutional and Gaming Issues recommends passage.

Senator Perry moves passage, seconded by Senators Paiva Weed and Goodwin.

Senator Perry, seconded by Senators Paiva Weed and Goodwin, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-S 106)

Mr. President:

I hereby move to amend (03-S 106) entitled "JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY SERVICES TO PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM", as follows:

On page 2, line 1, by deleting the word and number "sixteen (16)" and inserting in place thereof the word and number "seventeen (17)".

On page 2, line 10, by deleting the word "and" before the word "mental".

On page 2, line 11, by inserting the words "; and the Rhode Island Police Chiefs Association" after the word "Island".

Respectfully submitted,

RHODA E. PERRY
Senator, District 1

The motion to amend prevails 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, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

Upon motion of Senator Perry, seconded by Senators Paiva Weed and Goodwin, the resolution is read and passed, as amended, 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, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, 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.

NEW BUSINESS

Senators Walaska and Issa present (03-S 1009) Senate Resolution commending the Republic of China (Taiwan) on its contributions to promote world health.

Senator Walaska requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

RECESS

Upon suggestion of Senator Montalbano, and by unanimous consent, the Senate stands at recess at 4:39 o'clock P.M. until the call of the chair.

CALLED TO ORDER

The Senate is called to order at 5:06 o'clock P.M.

NEW BUSINESS

Senators Connors, Montalbano and Celona present (03-S 1010) An Act authorizing the town of Lincoln to issue general obligation bonds and notes in an amount not to exceed \$35,000,000 for the acquisition of land for a new middle school and school facilities, the construction of a new middle school and additions to existing schools, and the renovation, rehabilitation, repair, improvements, furnishing and equipping of schools and school facilities, and the school administration building in the town.

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Connors, seconded by Senators Issa, Celona, Montalbano, Ruggerio and Blais, and by unanimous consent, read and passed, upon a roll call vote with 24 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 24:

The Honorable President Irons and Senators Algiere, Alves, Bates, Blais, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gibbs, Issa, Lanzi, Montalbano, Paiva Weed, Parella, Pichardo, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

Senators Irons, Montalbano, Algiere, Ruggerio and Celona present (03-S 1011) An Act enabling the Rhode Island Lottery Commission to enter into a master contract with GTech.

Read and referred to the Committee on Finance.

Senators Raptakis, Lenihan and Sheehan present (03-S 1012) An Act to vacate the forfeiture or revocation of the charter of Baseball Cards of Rhode Island, Inc.

Read and ordered to be placed on the Consent Calendar.

Senator Connors presents (03-S 1013) An Act relating to homestead exemptions in the town of Lincoln.

Read and referred to the Committee on Finance.

RECESS

Upon suggestion of Senator Montalbano, and by unanimous consent, the Senate stands at recess at 5:21 o'clock P.M. until the call of the chair.

CALLED TO ORDER

The Senate is called to order at 5:28 o'clock P.M.

FROM THE HOUSE OF REPRESENTATIVES

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

(03-H 6305) An Act authorizing the town of Lincoln to issue general obligation bonds and notes in an amount not to exceed \$35,000,000 for the acquisition of land for a new middle school and school facilities, the construction of a new middle school and additions to existing schools, and the renovation, rehabilitation, repair, improvements, furnishing and equipping of schools and school facilities, and the school administration building in the town.

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

NAYS - 0.

ANNOUNCEMENTS

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet on Monday, April 21, 2003, at the rise of the Senate in the Senate Lounge of the State House.

Also:

Senator Felag announces that the Committee on Finance will meet today at the rise of the Senate.

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.

ADJOURNMENT

Upon motion of Senator Ruggerio, seconded by Senator Algieri, the Senate adjourns at 5:30 o'clock P.M.

GABRIEL ANDRADE REI
Deputy Clerk of the Senate

Appendix

INVOCATION

VACATION BREAK

SENATOR JOSEPH M. POLISENA

Lord, we ask you to keep us safe and healthy over the vacation break, and allow us to return refreshed so we may continue to serve in the best interests of our people. Amen.

Appendix

CONSENT CALENDAR

In order for Tuesday, April 22, 2003:

- 1. (03-S1012) An Act to vacate the forfeiture or revocation of the charter of Baseball Cards of Rhode Island, Inc.

Ordered on the Consent Calendar.

GABRIEL ANDRADE REI
Deputy Clerk of the Senate
Thursday, April 10, 2003

Appendix

CALENDAR

In order for Tuesday, April 22, 2003:

- 1. (03-S592) An Act relating to alcoholic beverages - retail licenses.

Committee on Constitutional and Gaming Issues recommends passage.

- 2. (03-S887) An Act relating to alcoholic beverages - retail licenses.

Committee on Constitutional and Gaming Issues recommends passage.

- 3. (03-S889) Joint Resolution stating findings of the Rhode Island General Assembly; rescinding, repealing, canceling, voiding and superseding any and all extant applications by the General Assembly of the state of Rhode Island heretofore made during any session thereof to the Congress of the United States of America to call a convention pursuant to the terms of Article V of the United States Constitution for proposing one or more amendments to that constitution; urging the general assemblies and legislatures of other states to do the same; directing that copies of this resolution be sent to specified persons.

Committee on Constitutional and Gaming Issues recommends passage.

- 4. (03-S265) An Act relating to businesses and professions - patient protection act.

Committee on Health and Human Services recommends passage.

- 5. (03-S568) An Act relating to food and drugs.

Committee on Health and Human Services recommends passage.

6. (03-S346) An Act relating to criminal procedure - expungement of criminal records.

Committee on Judiciary recommends passage.

7. (03-S86) An Act relating to electricians - apprentices.

Committee on Labor recommends passage.

8. (03-S396) (Substitute "A" as amended) An Act relating to disability business enterprises.

Committee on Labor recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

9. (03-S857 as amended) An Act relating to insurance - workers' compensation insurance fund.

Committee on Labor recommends passage as amended.

10. (03-S859 as amended) An Act relating to employment security - general provisions.

Committee on Labor recommends passage as amended.

Appendix

CALENDAR

In order for Wednesday, April 23, 2003:

1. (03-S355) An Act relating to taxation - levy and assessment of local taxes.

Committee on Commerce, Housing and Municipal Government recommends passage.

2. (03-S547) An Act relating to taxation - levy and assessment of local taxes.

Committee on Commerce, Housing and Municipal Government recommends passage.

3. (03-S680) An Act relating to corporations, associations and partnerships.

Committee on Commerce, Housing and Municipal Government recommends passage.

4. (03-S825) An Act validating and ratifying an amendment to the charter of the town of North Smithfield.

Committee on Commerce, Housing and Municipal Government recommends passage.

5. (03-S924) An Act relating to validating and ratifying amendments to the home rule charter of the town of Middletown.

Committee on Commerce, Housing and Municipal Government recommends passage.

6. (03-S211) An Act relating to criminal offenses - law practice.

Committee on Judiciary recommends passage.

7. (03-S715 as amended) An Act relating to motor vehicles - drivers license notification of selective service registration requirement.

Committee on Judiciary recommends passage as amended.

8. (03-S917) An Act relating to criminal offenses - children.

Committee on Judiciary recommends passage.

9. (03-S586) An Act relating to rural development council.

Committee on Government Oversight recommends passage.

10. (03-S587) An Act relating to state affairs and government - open meetings.

Committee on Government Oversight recommends passage.

11. (03-S588) An Act relating to creating the Urban Infrastructure Commission.

Committee on Government Oversight recommends passage.

12. (03-S686) An Act relating to state boards and commissions.

Committee on Government Oversight recommends passage.

13. (03-S710) An Act relating to public officers and employees - code of ethics.

Committee on Government Oversight recommends passage.

14. (03-S848) An Act relating to state affairs and government - quasi-public corporations.

Committee on Government Oversight recommends passage.

GABRIEL ANDRADE REI

Deputy Clerk of the Senate

Thursday, April 10, 2003

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

Thank you for stopping by!

