

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.38 Tuesday, April 22, 2003 Thirty-eighth 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 37 Senators present and 1 Senator absent as follows:

PRESENT - 37:

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

ABSENT - 1: Senator Pichardo.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, April 10, 2003 proceedings is read in part.

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

FROM THE
HOUSE OF REPRESENTATIVES

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

(03-H 6279) An Act to vacate the forfeiture or revocation of the charter of Art's Tavern, Inc.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON LABOR

Senator Badeau, from the Committee on Labor, reports back, with recommendation of passage of the following measures:

(03-S 19) An Act relating to victims economic security and safety.

Read and ordered to be placed on the Calendar.

(03-S 43) (Substitute "A") An Act relating to corrections department.

Read and ordered to be placed on the Calendar.

(03-S 241) An Act relating to businesses and professions - electricians.

Read and ordered to be placed on the Calendar.

(03-S 602) An Act relating to safety awareness.

Read and ordered to be placed on the Calendar.

(03-S 858) An Act relating to industrial legislation.

Read and ordered to be placed on the Calendar.

COMMITTEE ON EDUCATION

Senator Issa, from the Committee on Education, reports back, with recommendation of passage of the following measures:

(03-S 309) (Substitute "A") An Act relating to education - school for the deaf.

Read and ordered to be placed on the Calendar.

(03-S 397) An Act relating to complaints of harassment.

Read and ordered to be placed on the Calendar.

(03-S 415) (Substitute "A") An Act relating to education.

Read and ordered to be placed on the Calendar.

(03-S 416) (Substitute "A") An Act relating to towns and cities.

Read and ordered to be placed on the Calendar.

(03-S 593) An Act relating to education - school committees and superintendents.

Read and ordered to be placed on the Calendar.

(03-S 594) An Act relating to education.

Read and ordered to be placed on the Calendar.

(03-S 864) (Substitute "A") An Act relating to education - Board of Governors for Higher Education.

Read and ordered to be placed on the Calendar.

(03-S 866) An Act relating to education.

Read and ordered to be placed on the Calendar.

(03-S 867) An Act relating to education - private schools.

Read and ordered to be placed on the Calendar.

(03-S 948 as amended) An Act relating to motor and other vehicles - operators' and chauffeurs' licenses.

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 Francis X. Flaherty of Warwick VICE Associate Justice John P. Bourcier as Associate Justice of the Rhode Island Supreme Court.

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 Breene presents (03-S 1014) An Act relating to the Exeter-West Greenwich school district.

Read and referred to the Committee on Finance.

Senators Felag and Gibbs present (03-S 1015) An Act relating to the dissolution of the Tiverton Board of Water Commissioners.

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

Senator Algieri presents (03-S 1016) An Act to vacate the forfeiture or revocation of the charter of Block Island Anchor House Inn, Inc.

Read and ordered to be placed on the Consent Calendar.

Senator Algiere presents (03-S 1017) An Act to vacate the forfeiture or revocation of the charter of Bayrose, LLC.

Read and ordered to be placed on the Consent Calendar.

Senator Sosnowski presents (03-S 1018) Senate Resolution expressing condolences on the passing of Joan Abrams.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Irons, Montalbano, Celona, Ruggerio and Tassoni present (03-S 1019) Senate Resolution congratulating S. Jean Cerroni on being honored by the Smithfield Lodge of the Benevolent and Protective Order of Elks as "Citizen of the Year".

Senate Majority Leader Montalbano, on behalf of the Honorable President, requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Montalbano, seconded by Senator Algiere, the following measure on today's Consent Calendar, by unanimous consent, is read and passed, upon a voice vote:

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

CALENDAR

In order for the day is taken up as follows:

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

Committee on Constitutional and Gaming Issues recommends passage.

Senator Goodwin moves passage, seconded by Senator Tassoni.

The act is read and passed, 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, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

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

Committee on Constitutional and Gaming Issues recommends passage.

Senator McCaffrey moves passage, seconded by Senators Polisena, Damiani and others.

Senator McCaffrey, seconded by Senator Polisena and others, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-S 887)

Mr. President:

I hereby move to amend (03-S 887) entitled "AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES", as follows:

On page 1, line 3, by deleting the word and letter "Class E,"

On page 1, line 4, by deleting the word and letter "Class E,"

Respectfully submitted,

MICHAEL J. McCAFFREY
Senator, District 29

The motion to amend prevails 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 Alves, Badeau, Bates, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

Upon motion of Senator McCaffrey, seconded by Senator Polisena and others, read and passed as amended, 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, Bates, 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.

NAYS - 0.

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.

Senator Lenihan moves passage, seconded by Senator Cote.

Senators Paiva Weed and Lenihan discuss the resolution.

The resolution is read and passed, 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, Badeau, Bates, Blais, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

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

Committee on Health and Human Services recommends passage.

Senator Issa moves passage, seconded by Senators Roberts, Gallo, Felag, Tassoni, Goodwin, Sosnowski, McBurney and others.

The act is read and passed, 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, Bates, Blais, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

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

Committee on Health and Human Services recommends passage.

Senator Celona moves passage, seconded by Senators Roberts, Sheehan, Gallo, Issa, Cote and many others.

The act is read and passed, 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, Bates, Blais, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

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

Committee on Labor recommends passage.

Senator McCaffrey moves passage, seconded by Senators Badeau, Ciccone, Ruggerio, Damiani and Polisena.

The act is read and passed, 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, Bates, Blais, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

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.

Senator Lanzi moves passage, seconded by Senators Badeau, Gallo, Ruggerio, Ciccone, Paiva Weed and many others.

Senator Lanzi, seconded by Senators Ruggerio, Badeau and Ciccone, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-S 396) (Substitute "A" as amended)

Mr. President:

I hereby move to amend (03-S 396) (Substitute "A" as amended) entitled "AN ACT RELATING TO DISABILITY BUSINESS ENTERPRISES", as follows:

On page 3, line 32, by deleting the punctuation mark and word ", formulas".

Respectfully submitted,

BEATRICE A. LANZI
Senator, District 26

The motion to amend prevails 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, 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.

NAYS - 0.

Upon motion of Senator Lanzi, seconded by Senator Ruggerio, the bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, 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, 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.

NAYS - 0.

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

Committee on Labor recommends passage as amended.

Senator Badeau moves passage, seconded by Senators Ruggerio, Ciccone and Lanzi.

The act is read and passed, as amended, 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, 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.

NAYS - 0.

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

Committee on Labor recommends passage as amended.

Senator Breene moves passage, seconded by Senators Badeau, Ciccone and Blais.

Senators Paiva Weed and Breene discuss the act.

The act is read and passed, as amended, 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, 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.

NAYS - 0.

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

Committee on Judiciary recommends passage.

Senator Perry moves passage, seconded by Senators McCaffrey, Roberts and Ciccone.

Senators Walaska, McCaffrey, Felag, Raptakis, Polisena, Senate Majority Leader Montalbano, Senators Gibbs, Ciccone and Paiva Weed, discuss the act.

The act is read and passed, upon a roll call vote with 24 Senators voting in the affirmative and 12 Senators voting in the negative as follows:

YEAS - 24:

The Honorable President Irons and Senators Alves, Caprio, Celona, Ciccone, Connors, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Roberts, Ruggerio, Sosnowski, Tassoni.

NAYS - 12: Senators Algieri, Bates, Blais, Breene, Cote, Damiani, Fogarty, Lanzi, Raptakis, Revens, Sheehan, Walaska.

FROM THE DESK

Upon suggestion of Senator Blais, (03-S 931) is removed from the desk and recommitted to the Committee on Commerce, Housing and Municipal Government.

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 today at

the rise of the Senate in Room 212 of the State House.

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 DaPonte announces that the Committee on Financial Services, Technology and Regulatory Issues will meet on Wednesday, April 23, 2003, at the rise of the Senate in the Senate Lounge 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 Ciccone announces that the Committee on Labor will meet on Wednesday, April 23, 2003, at 2:30 o'clock P.M. in Room 212 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Sosnowski, the Senate adjourns at 5:00 o'clock P.M., in memory of Joan Abrams of New Shoreham.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

RETURNING FROM VACATION

SENATOR DAVID E. BATES

As we reconvene in the Senate Chamber, let us once again contemplate our reasons for being here. Let us also ask of our Creator that he bestow special blessings today on us all and properly guide us in serving the people of our State. Amen.

Appendix

CONSENT CALENDAR

In order for Wednesday, April 23, 2003:

1. (03-S1016) An Act to vacate the forfeiture or revocation of the charter of Block Island Anchor House Inn, Inc.

Ordered on the Consent Calendar.

2. (03-S1017) An Act to vacate the forfeiture or revocation of the charter of Bayrose, LLC.

Ordered on the Consent Calendar.

3. (03-H6279) An Act to vacate the forfeiture or revocation of the charter of Art's Tavern, Inc.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Tuesday, April 22, 2003

Appendix

CALENDAR

In order for Wednesday, April 23, 2003:

- 1.Appointment of Francis X. Flaherty of Warwick VICE Associate Justice John P. Bourcier as Associate Justice of the Rhode Island Supreme Court.

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

2. (03-S355) An Act relating to taxation - levy and assessment of local taxes.

Committee on Commerce, Housing and Municipal Government recommends passage.

3. (03-S547) An Act relating to taxation - levy and assessment of local taxes.

Committee on Commerce, Housing and Municipal Government recommends passage.

4. (03-S680) An Act relating to corporations, associations and partnerships.

Committee on Commerce, Housing and Municipal Government recommends passage.

5. (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.

6. (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.

7. (03-S211) An Act relating to criminal offenses - law practice.

Committee on Judiciary recommends passage.

8. (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.

9. (03-S917) An Act relating to criminal offenses - children.

Committee on Judiciary recommends passage.

10. (03-S586) An Act relating to rural development council.

Committee on Government Oversight recommends passage.

11. (03-S587) An Act relating to state affairs and government - open meetings.

Committee on Government Oversight recommends passage.

12. (03-S588) An Act relating to creating the Urban Infrastructure Commission.

Committee on Government Oversight recommends passage.

13. (03-S686) An Act relating to state boards and commissions.

Committee on Government Oversight recommends passage.

14. (03-S710) An Act relating to public officers and employees - code of ethics.

Committee on Government Oversight recommends passage.

15. (03-S848) An Act relating to state affairs and government - quasi-public corporations.

Committee on Government Oversight recommends passage.

Appendix

CALENDAR

In order for Thursday, April 24, 2003:

1. (03-S309) (Substitute "A") An Act relating to education - school for the deaf.

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

2. (03-S397) An Act relating to complaints of harassment.

Committee on Education recommends passage.

3. (03-S415) (Substitute "A") An Act relating to education.

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

4. (03-S416) (Substitute "A") An Act relating to towns and cities.

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

5. (03-S593) An Act relating to education - school committees and superintendents.

Committee on Education recommends passage.

6. (03-S594) An Act relating to education.

Committee on Education recommends passage.

7. (03-S864) (Substitute "A") An Act relating to education - Board of Governors for Higher Education.

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

8. (03-S866) An Act relating to education.

Committee on Education recommends passage.

9. (03-S867) An Act relating to education - private schools.

Committee on Education recommends passage.

10. (03-S948 as amended) An Act relating to motor and other vehicles - operators' and chauffeurs' licenses.

Committee on Education recommends passage as amended.

11. (03-S19) An Act relating to victims economic security and safety.

Committee on Labor recommends passage.

12. (03-S43) (Substitute "A") An Act relating to corrections department.

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

13. (03-S241) An Act relating to businesses and professions - electricians.

Committee on Labor recommends passage.

14. (03-S602) An Act relating to safety awareness.

Committee on Labor recommends passage.

15. (03-S858) An Act relating to industrial legislation.

Committee on Labor recommends passage.

RAYMOND T. HOYAS, JR.

Secretary of the Senate
Tuesday, April 22, 2003

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

Thank you for stopping by!

