

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.50	Tuesday, May 20, 2003	Fiftieth Day
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The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 4:13 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 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.

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 Journal of Thursday, May 15, 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 Senators DaPonte and Perry, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable David Segal, Councilman from the City of Providence.

Upon suggestion of Senator Lanzi, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Paula McFarland, Councilwoman from the City of Cranston.

NEW BUSINESS

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

Senators Roberts, Gallo and Lanzi present (03-S 1086) An Act relating to alcoholic beverages - retail licenses.

Read and referred to the Committee on Constitutional and Gaming Issues.

Senators Gallo, Lanzi and Roberts present (03-S 1087) An Act relating to taxation - exemption for persons who are disabled in Cranston.

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

Senators Fogarty, Gallo and Walaska present (03-S 1088) An Act relating to optional retirement for members of police force and fire fighters.

Read and referred to the Committee on Finance.

Senator Gibbs presents (03-S 1089) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Senators Cote and Badeau present (03-S 1090) Senate Resolution congratulating Helen I. Nichols on being named Quotarian of the Year.

Senator Cote requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Irons, Montalbano and McBurney present (03-S 1091) An Act exempting from taxation the real, mixed and personal property of the Darlington Braves, Inc. of Pawtucket.

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator McBurney, seconded by Senate Majority Leader Montalbano, and by unanimous consent, read and passed, 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, Badeau, Bates, Blais, Breene, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

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-H6405) An Act to vacate the forfeiture or revocation of the charter of Bayrose, LLC.
- 2. (03-H6406) An Act to vacate the forfeiture or revocation of the charter of Block Island Anchor House Inn, Inc.
- 3. (03-H6411) An Act to vacate the forfeiture or revocation of the charter of Precision Woodworking Co., Inc.
- 4. (03-H6434) An Act to vacate the forfeiture or revocation of the charter of the Trailer Connection, Inc.
- 5. (03-H6435) An Act to vacate the forfeiture or revocation of the charter of F&F Realty, Inc.
- 6. (03-H6436) An Act to vacate the forfeiture or revocation of the charter of Batista Bakery and Pastry, Inc.

CALENDAR

In order for the day is taken up as follows:

- 1. (03-S385) (Substitute "A") An Act relating to motor and other vehicles - traffic stops statistics.

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

Senator Perry moves passage, seconded by Senators Goodwin, Roberts and DaPonte.

Senator Damiani, seconded by Senators Perry, Polisena and DaPonte, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-S 385) (Substitute "A")

Mr. President:

I hereby move to amend (03-S 385) (Substitute "A") entitled "AN ACT RELATING TO MOTOR AND OTHER VEHICLES - TRAFFIC STOPS STATISTICS", as follows:

On page 3, line 7, after the word "house", insert the words, "and the president of the senate,".

Respectfully submitted,

MICHAEL J. DAMIANI
Senator, District 18

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 Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Perry, Polisena, Raptakis, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS - 0.

Upon motion of Senator Perry, seconded by Senator Damiani, 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 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, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

2. (03-S462) (Substitute "A" as amended) An Act relating to property - mechanics' liens.

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

Upon suggestion of Senator McCaffrey, and without objection, ordered to be placed on the Calendar for Thursday, May 29, 2003.

3. (03-S301) An Act relating to education.

Committee on Finance recommends passage.

Senator Connors moves passage, seconded by Senators Alves, Perry and Issa.

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

NAYS - 0.

4. (03-S956) An Act relating to taxation - property subject to taxation.

Committee on Finance recommends passage.

Senator Roberts moves passage, seconded by Senators Gallo and Lanzi.

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

NAYS - 0.

5. (03-S1043 as amended) An Act exempting from taxation the real, mixed and personal property of Welcome House of South County.

Committee on Finance recommends passage as amended.

Senator Sosnowski moves passage, seconded by Senators Celona, Felag and Roberts.

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

NAYS - 0.

6. (03-S786) An Act relating to taxation of new real estate.

Committee on Commerce, Housing and Municipal Government recommends passage.

Senator Bates moves passage, seconded by Senators Celona, Roberts, Felag and Damiani.

The act 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, 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.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk, with the exception of (03-H 6405), (03-H 6406), (03-H 6411), (03-H 6434), (03-H 6435) and (03-H 6436), are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

FROM THE DESK

Upon suggestion of Senator Roberts, and without objection, (03-S 134) (Substitute "A") is removed from the desk and placed on tomorrow's Calendar.

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

Also:

Senate Majority Leader Montalbano announces that the Senate will not meet on Thursday, May 22, 2003.

BEST WISHES

Senate Majority Leader Montalbano extends congratulations and best wishes to Senator Celona on the very special occasion of his 50th Birthday.

RECESS

Upon motion of Senator DaPonte, and by unanimous consent, the Senate stands at recess at 4:32 o'clock P.M. until the call of the chair.

CALLED TO ORDER

The Senate is called to order on Wednesday, May 21, 2003 at 4:08 o'clock P.M.

**REPORT OF COMMITTEE
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 measure:

(03-H 6226) An Act relating to taxation - levy and assessment of local taxes.

Senator Roberts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Roberts, seconded by Senator Ruggerio, and by unanimous consent, read and passed, in concurrence, 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, Bates, Blais, Breene, Caprio, Celona, Ciccone, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:10 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DANIEL J. ISSA

Almighty God, help us to so live, work, and legislate that all the citizens of our state may be equally free and aspire to have a high purpose in life. Amen.

Appendix

CALENDAR

In order for Wednesday, May 21, 2003:

1. (03-S134) (Substitute "A") An Act relating to criminal offenses - children.

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

2. (03-S1025) An Act relating to levy and assessment of local taxes.

Committee on Finance recommends passage.

3. (03-S1033) An Act relating to domestic relations - solemnization of marriages.

Ordered on the Calendar.

4. (03-S670) (Substitute "A") An Act exempting from taxation the property of the Pawtucket, RI Young Men's Christian Association.

Committee on Commerce, Housing and Municipal Government recommends indefinite postponement of the original bill and passage of Substitute "A".

5. (03-S332) An Act relating to criminal procedure - preliminary proceedings in district courts.

Committee on Judiciary recommends passage.

6. (03-S728) An Act relating to elections - ballot security and storage.

Committee on Judiciary recommends passage.

7. (03-S739) An Act relating to criminal procedure - DNA detection of felony offenders.

Committee on Judiciary recommends passage.

8. (03-S959) An Act relating to the town of Scituate - Juvenile Hearing Board.

Committee on Judiciary recommends passage.

9. (03-S623) An Act relating to public property and works - labor and payment of debts by contractors.

Committee on Labor recommends passage.

10. (03-S860) An Act relating to labor and labor relations - Temporary Disability Insurance - benefits.

Committee on Labor recommends passage.

11. (03-H6099) Joint Resolution creating a special legislative commission to study the tax and benefit provisions of the Temporary Disability Insurance (TDI) program.

Committee on Labor recommends passage in concurrence.

12. (03-S288) An Act relating to commercial law - credit card lending.

Committee on Financial Services, Technology and Regulatory Issues recommends passage.

13. (03-S669) An Act relating to businesses and professions - telephone sales solicitation act.

Committee on Financial Services, Technology and Regulatory Issues recommends passage.

Appendix

CALENDAR

In order for Thursday, May 29, 2003:

- 1. (03-S462) (Substitute "A" as amended) An Act relating to property - mechanics' liens.

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

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Tuesday, May 20, 2003

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

Thank you for stopping by!

