

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.55 Tuesday, June 3, 2003 Fifty-fifth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 4:18 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

PRESENT - 35: The Honorable President Irons and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT - 3: Senators Bates, Damiani, Issa.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

GUEST

Upon suggestion of Senator McBurney, and by unanimous consent, the Honorable President welcomes to the Chamber his daughter MacKenzie C. McBurney.

APPOINTMENT 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

May 28, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 46-15.1-2 of the Rhode Island General Laws, I have made the following appointment to the Water Resources Board:

Timothy J. Brown, P.E. of East Greenwich
(Public Water Systems Member)
VICE
Richard O. Rafanovic

for a term expiring March 1, 2006.

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

May 28, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 36-3-6 of the Rhode Island General Laws, I have made the following reappointment to the Personnel Appeal Board:

Morris Weintraub of Providence

for a term expiring April 1, 2009.

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

Sincerely,

DONALD L. CARCIERI
Governor

Read and referred to the Committee on Judiciary.

**REPORTS 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 measures:

(03-S 139) An Act relating to military affairs - continuation of employment.

Read and ordered to be placed on the Calendar.

(03-S 401 as amended) An Act authorizing the City of Providence to convey certain property dedicated for park purposes.

Read and ordered to be placed on the Calendar.

(03-S 408 as amended) An Act relating to the City of Providence.

Read and ordered to be placed on the Calendar.

(03-S 539) An Act relating to corporations, associations and partnerships - business corporations.

Read and ordered to be placed on the Calendar.

(03-S 822) An Act relating to cities and towns - exempting from taxation property of the Newport, Rhode Island Young Men's Christian Association.

Read and ordered to be placed on the Calendar.

(03-S 826) An Act relating to cities and towns - exempting from taxation property of the Westerly, Rhode Island Young Men's Christian Association.

Read and ordered to be placed on the Calendar.

(03-S 1006) An Act relating to towns and cities - town housing authority.

Read and ordered to be placed on the Calendar.

(03-S 1037) An Act relating to cities and towns - exempting from taxation certain property of the Healing Co-Op, Inc.

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.

Senators Breene, Blais and Algiere present (03-S 1117) Senate Resolution expressing condolences on the passing of Joseph Russo.

Senator Breene requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Montalbano, Irons, Ruggerio, DaPonte and Algiere present (03-S 1118) An Act relating to public officers and employees.

Read and referred to the Committee on Judiciary.

Senator Polisena presents (03-S 1119) Senate Resolution recognizing the 5th Annual Brown Avenue Healthy Kid's Day on June 5, 2003.

Senator Polisena requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Polisena, seconded by the entire Senate, and by unanimous consent, read and passed, upon a voice vote.

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 6273 as amended) An Act relating to the North Tiverton Fire District.

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Felag, seconded by Senator Celona, and by unanimous consent, read and passed, in concurrence, 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, Alves, Blais, Breene, Caprio, Celona, Connors, Cote, DaPonte, Felag, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, 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, items 7 and 8 in concurrence, upon a voice vote:

- 1.** Appointment of Michael L. Marchetti of Wakefield (Representing Lobster Sector) to the Commercial Fishing License Review Board for a term expiring March 31, 2006.
- 2.** Appointment of Christopher Brown, Sr., of West Kingston (Representing Finfish Sector) to the Commercial Fishing License Review Board for a term expiring March 31, 2005.
- 3.** Appointment of Michael McGiveney of Coventry (Representing Shellfish Sector) to the Commercial Fishing License Review Board for a term expiring March 31, 2007.
- 4.** Appointment of Jody F. King of Warwick (Representing Commercial Fishing Industry) VICE Michael Conroy to the Marine Fisheries Council for a term expiring April 1, 2007.
- 5.** Appointment of Kenneth Ketcham of Narragansett (Representing Commercial Fishing Industry) VICE Peter Barbera to the Marine Fisheries Council for a term expiring April 1, 2006.
- 6.** Appointment of Devon Danz Preston of Westerly (Representative of Not-for-Profit Business Located in Rural Community) VICE Ernest Balasco (resigned) to the Rhode Island Rural Development Council for a term expiring July 1, 2003.
- 7.** (03-H6463) An Act to vacate the forfeiture or revocation of the charter of Polisena Construction, Inc.
- 8.** (03-H6470) An Act to vacate the forfeiture or revocation of the charter of Carnicaria International Meat Market, Inc.

CALENDAR

In order for the day is taken up as follows:

- 1.** (03-S1025) An Act relating to levy and assessment of local taxes.

Committee on Finance recommends passage.

Senator Paiva Weed moves passage, seconded by Senator Celona.

Senator Paiva Weed, seconded by Senator Celona, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-S 1025)

Mr. President:

I hereby move to amend (03-S 1025) entitled "AN ACT RELATING TO LEVY AND ASSESSMENT OF LOCAL TAXES", as follows:

1. Page 1, line 4, by deleting the date "March 31" and inserting in place thereof the date "March 1".
2. Page 1, line 8, by deleting the word "April" and inserting in place thereof the word "March".

Respectfully submitted,

M. TERESA PAIVA WEED
Senator, District 13

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

NAYS - 0.

Upon motion of Senator Paiva Weed, seconded by Senator Celona, the act is read and passed, as amended, 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, Alves, Blais, Breene, Caprio, Celona, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, 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.

ANNOUNCEMENTS

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet today at the rise of the Senate in Room 211 of the State House.

Also:

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet on Wednesday, June 4, 2003, at the rise of the Senate in Room 211 of the State House.

Also:

Senator Walaska announces that the Committee on Financial Services, Technology and Regulatory Issues will meet on Wednesday, June 4, 2003, at the rise of the Senate in the Senate Lounge of the State House.

Also:

Senator Roberts announces that the Committee on Health and Human Services will meet on Wednesday, June 4, 2003, at 2:30 o'clock P.M. 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:

Senator Lenihan announces that the Committee on Oversight will meet on Wednesday, June 4, 2003, at the rise of the Senate in Room 313 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Breene, the Senate adjourns at 4:30 o'clock P.M., in memory of Joseph Russo, a former member of the House of Representatives.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR PAUL W. FOGARTY

Dear God, we ask that you be with us today in our thoughts and actions as we try to work for the benefit of all our constituents. Amen.

Appendix

CALENDAR

In order for Wednesday, June 4, 2003:

1. (03-S80) (Substitute "A") An Act relating to criminal offenses.

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

2. (03-S1023) An Act relating to Family Court.

Committee on Judiciary recommends passage.

3. (03-S1073) (Substitute "A") An Act relating to businesses and professions - telecommunications.

Committee on Financial Services, Technology and Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute "A".

4. (03-H6001) (Substitute "A") An Act relating to regulating oversight.

Committee on Financial Services, Technology and Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute "A" in concurrence.

5. (03-H6002) An Act relating to trust powers.

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

6. (03-H6004) (Substitute "A") An Act relating to financial institutions - licensed activities and regulating oversight.

Committee on Financial Services, Technology and Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute "A" in concurrence.

7. (03-H6018) An Act relating to state affairs and government - Department of Business Regulation.

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

8. (03-H6019) An Act relating to insurance - producer licensing act.

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

9. (03-H6020) An Act relating to securities.

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

10. (03-H6021) (Substitute "A") An Act relating to insurance - insurance premium finance agreements.

Committee on Financial Services, Technology and Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute "A" in concurrence.

11. (03-H5245) An Act relating to sanitation of food establishments.

Committee on Health and Human Services recommends passage in concurrence.

12. (03-H5507) (Substitute "A") An Act relating to health and safety - nursing working mothers.

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

13. (03-H5826) An Act relating to education.

Committee on Health and Human Services recommends passage in concurrence.

14. (03-H5841) (Substitute "A") An Act relating to long-term care - ombudsperson.

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

15. (03-H5924) (Substitute "A") An Act relating to health and safety - licensing of health care facilities.

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

16. (03-H5949) (Substitute "A") An Act relating to food and drugs.

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

17. (03-H5953) (Substitute "A") An Act relating to businesses and professions - Board of Medical Licensure and Discipline.

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

18. (03-H6024) An Act relating to health and safety - laboratories.

Committee on Health and Human Services recommends passage in concurrence.

19. (03-H6025) (Substitute "A") An Act relating to abused and neglected children.

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

20. (03-S49) (Substitute "A" as amended) An Act relating to campus security.

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

21. (03-S668) (Substitute "A" as amended) An Act relating to motor and other vehicles - safety responsibility violations - general provisions.

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

22. (03-S673) (Substitute "A") An Act relating to criminal law - theft and disruption of telecommunications and community antenna television services.

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

Appendix

CALENDAR

In order for Thursday, June 5, 2003:

1. Appointment of Pierre L. LaPerriere of Exeter VICE Sarah Dowling (resigned) to the Board of Governors for Higher Education for a term expiring January 31, 2004.

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

2. Appointment of Anne Szostak of Providence VICE Deborah A. Smith 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.

3. Appointment of Ana M. Morgan of Cranston VICE Vidal P. Perez (resigned) to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2004.

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

4. (03-S959) An Act relating to the town of Scituate - Juvenile Hearing Board.

Committee on Judiciary recommends passage.

5. (03-S139) An Act relating to military affairs - continuation of employment.

Committee on Commerce, Housing and Municipal Government recommends passage.

6. (03-S401 as amended) An Act authorizing the City of Providence to convey certain property dedicated for park purposes.

Committee on Commerce, Housing and Municipal Government recommends passage as amended.

7. (03-S408 as amended) An Act relating to the City of Providence.

Committee on Commerce, Housing and Municipal Government recommends passage as amended.

8. (03-S539) An Act relating to corporations, associations and partnerships - business corporations.

Committee on Commerce, Housing and Municipal Government recommends passage.

9. (03-S822) An Act relating to cities and towns - exempting from taxation property of the Newport, Rhode Island Young Men's Christian Association.

Committee on Commerce, Housing and Municipal Government recommends passage.

10. (03-S826) An Act relating to cities and towns - exempting from taxation property of the Westerly, Rhode Island Young Men's Christian Association.

Committee on Commerce, Housing and Municipal Government recommends passage.

11. (03-S1006) An Act relating to towns and cities - town housing authority.

Committee on Commerce, Housing and Municipal Government recommends passage.

12. (03-S1037) An Act relating to cities and towns - exempting from taxation certain property of the Healing Co-Op, Inc.

Committee on Commerce, Housing and Municipal Government recommends passage.

RAYMOND T. HOYAS, JR.

Secretary of the Senate
Tuesday, June 3, 2003

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

Thank you for stopping by!

