

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.

Volume130, No.61	Tuesday, June 17, 2003	Sixty-first 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 4:20 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 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 RECORDS

The Senate Journal of Wednesday, June 11, 2003 and Thursday, June 12, 2003 proceedings are read in part.

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

GUESTS

Upon suggestion ofSenate Majority Leader Montalbano, and by unanimous consent, the Honorable President welcomes to the Chamber second cousins of the President from Florida, Ray Adams, Jr. and his wife Fuschia, their daughter Melissa, son Raymond, III and his wife Kari, second cousins of the President from Colorado, Wes and Rita Adams,

their son Samuel and his wife Jill, together with their son Jack, along with their son Piar and his wife Nico, together with their sons Brendon and Nathan.

Upon suggestion of Senator Celona, and by unanimous consent, the Honorable President welcomes to the Chamber William and Dorothy Bonardi, who lost a son, William "Billy" Bonardi, III, in the tragic Station Fire.

Upon suggestion of Senator Celona, and by unanimous consent, the Honorable President welcomes to the Chamber Raymond and Diane Mattera, who lost a daughter, Tammy Mattera Housa, in the tragic Station Fire.

Upon suggestion of Senator Polisen, Senate Majority Leader Montalbano and Senator Paiva Weed, and by unanimous consent, the Honorable President welcomes to the Chamber Chief Joseph G. Castro, East Providence Fire Department; Chief E. Craig Beausoleil, North Smithfield Fire Department; Chief Robert Seltzer, Coventry Fire Department; Assistant Chief Arthur Jacques, Lincoln Fire Department; Chief Deputy Michael DiMascolo, State Fire Marshal's Office; Chief Richard A. Susi, Cumberland Hill Fire Department; Chief Edward W. McCarthy, Jr., Newport Fire Department; Chief Frank M. Sylvester, Lime Rock Fire Department, Lincoln; Irving J. Owens, State Fire Marshal; and Gerry Bessett, Retired, East Providence Fire Department.

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 829) An Act relating to businesses and professions - physical therapists.

Read and ordered to be placed on the Calendar.

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

Read and ordered to be placed on the Calendar.

COMMITTEE ON FINANCIAL SERVICES, TECHNOLOGY AND REGULATORY ISSUES

Senator Walaska, from the Committee on Financial Services, Technology and Regulatory Issues, reports back, with recommendation of passage of the following measure:

(03-H 6003) An Act relating to financial institutions - licensed activities.

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 923) An Act relating to the town of Exeter - Juvenile Hearing Board.

Read and ordered to be placed on the Calendar.

(03-H 5666) (Substitute "A") An Act relating to elections.

Read and ordered to be placed on the Calendar.

(03-H 5865) (Substitute "A") An Act relating to motor and other vehicles - adjudication of traffic offenses.

Read and ordered to be placed on the Calendar.

(03-H 5871) An Act relating to criminal offenses - impersonation and identity fraud.

Read and ordered to be placed on the Calendar.

(03-S 457) An Act relating to motor and other vehicles - adjudication of traffic offenses.

Read and ordered to be placed on the Calendar.

FROM THE HOUSE OF REPRESENTATIVES

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

(03-H 6496) An Act to vacate the forfeiture or revocation of the charter of Foster Senior Housing, Inc.

Read and ordered to be placed on the Consent Calendar.

Also:

(03-H 6515) An Act to vacate the forfeiture or revocation of the charter of H&F Realty Corp.

Read and ordered to be placed on the Consent Calendar.

Also:

(03-S 1043) (Substitute "A") An Act exempting from taxation the real, mixed and personal property of Welcome House of South County.

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

Also:

(03-H 5336) 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 6417 as amended) An Act relating to levy and assessment of local taxes.

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

Also:

(03-H 6418) An Act relating to fixing the date and time for holding the annual town meeting in Jamestown.

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

Also:

(03-H 6441) An Act relating to taxation.

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

Also:

(03-H 6508) An Act relating to taxation - property subject to taxation.

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

Also:

(03-H 6288) An Act relating to animals and animal husbandry - dog licenses.

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

Also:

(03-H 6489) An Act authorizing the town of Portsmouth to issue general obligation bonds and/or notes in an amount not to exceed \$3,800,000 to construct a field house facility, including a gymnasium for Portsmouth High School.

Read and referred to the Committee on Finance.

Also:

(03-H 6491) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

NEW BUSINESS

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

Senators Sheehan, Sosnowski and Lenihan present (03-S 1146) An Act relating to taxation - levy and assessment of local taxes.

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

Senator Breene presents (03-S 1147) An Act relating to taxation - property subject to taxation.

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

Senators Sheehan, Sosnowski and Lenihan present (03-S 1148) An Act relating to taxation - elderly real property exemption.

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

Senators Sheehan, Sosnowski and Lenihan present (03-S 1149) An Act relating to taxation - property subject to taxation.

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

Senator Pichardo presents (03-S 1150) Senate Resolution commemorating WRIB 1220 AM on the 30th Anniversary of the first Spanish radio program in Rhode Island.

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Goodwin and Celona present (03-S 1151) Senate Resolution expressing condolences on the passing of the Honorable Anthony A. Giannini.

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

CALENDAR

In order for the day is taken up as follows:

Upon suggestion of Senate Majority Leader Montalbano, and without objection, the following acts will be considered in one vote:

8. (03-H5028) (Substitute "A") An Act relating to taxation - veterans' exemption - total disability.

9. (03-H5225) Joint Resolution making an appropriation to pay certain veterans' bonuses.

10. (03-H5226) Joint Resolution making an appropriation to pay certain veterans' bonuses.

13. (03-H5646) An Act relating to public officers and employees - election workers.

14. (03-H6034) An Act relating to health and safety.

15. (03-H6165) An Act relating to the Persian Gulf War Information Relief Commission.

16. (03-H6227) An Act relating to taxation - property subject to taxation.

17. (03-H6067 as amended) An Act relating to creating the Urban Infrastructure Commission.

Senate Majority Leader Montalbano moves passage, seconded by Senator Algieri.

The acts are 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 Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, 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.

NAYS - 0.

1. (03-S1132) (Substitute "A") An Act relating to health and safety - fire safety code.

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

Senator Celona moves passage, seconded by Senate Majority Leader Montalbano and Senators Roberts, Fogarty, Gallo, Felag, Issa, Perry, Alves, Ruggerio, Algiere, Polisena, Revens, Gibbs, Pichardo, Ciccone, Damiani and many, many others.

Senators Polisena, Ruggerio, Algiere and Senate Majority Leader Montalbano discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 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.

NAYS - 0.

2. (03-S1114) An Act relating to taxation - town of Lincoln.

Committee on Commerce, Housing and Municipal Government recommends passage.

Upon suggestion of Senate Majority Leader Montalbano, and without objection, ordered to be placed on the Calendar for Tuesday, June 24, 2003.

3. (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.

Senator Perry moves passage, seconded by Senator Goodwin.

The act is read and passed, as amended, upon a roll call vote with 27 Senators voting in the affirmative and 4 Senators voting in the negative as follows:

YEAS - 27:

The Honorable President Irons and Senators Alves, Badeau, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gibbs, Goodwin, Issa, Lanzi, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sosnowski, Tassoni.

NAYS - 4: Senators Algieri, Bates, Blais, Breene.

4. (03-S536) (Substitute "A") An Act relating to insurance - small employer health insurance availability act.

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

Senator Tassoni moves passage, seconded by Senators Walaska and Polisena.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, 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, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

5. (03-S553 as amended) An Act relating to health and safety - health care accessibility and quality assurance act.

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

Upon suggestion of Senator Tassoni, and without objection, ordered to be placed on the Calendar for Thursday, June 19, 2003.

6. (03-S84) An Act relating to highways - construction and maintenance of state roads.

Committee on Finance recommends passage.

Senator Felag moves passage, seconded by Senators Paiva Weed, Parella, Bates and Gibbs.

The act is read and passed, upon a roll call vote with 34 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 34:

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

NAYS - 1: Senator Blais.

7. (03-S756) An Act relating to taxation - sales and use taxes - liability and computation.

Committee on Finance recommends passage.

Senator Blais moves passage, seconded by Senators Breene and Alves.

The act is read and passed, upon a roll call vote with 33 Senators voting in the affirmative, 1 Senator voting in the negative and 1 Senator abstaining as follows:

YEAS - 33:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS - 1: Senator Sheehan.

ABSTAINED - 1: Senator Revens.

11. (03-H5232) Joint Resolution making an appropriation to pay certain veterans' bonuses.

Committee on Finance recommends passage in concurrence.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Tuesday, June 24, 2003.

12. (03-H5234) Joint Resolution making an appropriation to pay certain veterans' bonuses.

Committee on Finance recommends passage in concurrence.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Tuesday, June 24, 2003.

GUEST

Upon suggestion of Senator Lanzi, and by unanimous consent, the Honorable President welcomes to the Chamber Michael Sepe of Cranston.

TRANSMITTAL

By unanimous consent, all Senate matters and House matters that have been amended by the Senate on the Secretary's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith and all House matters, passed in concurrence, are ordered placed on the desk.

ANNOUNCEMENTS

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet on Wednesday, June 18, 2003, at the rise of the Senate in Room 211 of the State House.

Also:

Senator Issa announces that the Committee on Education will meet today 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 in Room 211 of the State House.

Also:

Senator Bates announces that the Committee on Financial Services, Technology and Regulatory Issues will meet on Wednesday, June 18, 2003, at the rise of the Senate in the Senate Lounge of the State House.

Also:

Senator Sheehan announces that the Committee on Health and Human Services will meet on Wednesday, June 18, 2003, 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.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 5:03 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JOSEPH M. POLISENA

Heavenly Father, guide us in the ways of peace. May we show loyalty towards one another and be worthy of the trust you have placed in us. Amen.

Appendix

CONSENT CALENDAR

In order for Wednesday, June 18, 2003:

1. (03-H6496) An Act to vacate the forfeiture or revocation of the charter of Foster Senior Housing, Inc.

Ordered on the Consent Calendar.

2. (03-H6515) An Act to vacate the forfeiture or revocation of the charter of H&F Realty Corp.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Tuesday, June 17, 2003

Appendix

CALENDAR

In order for Wednesday, June 18, 2003:

1. (03-S961) An Act relating to motor vehicles - size, weight and load limits.

Committee on Commerce, Housing and Municipal Government recommends passage.

2. (03-S626) (Substitute "A" as amended) An Act relating to workers' compensation - benefits.

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

3. (03-S861) (Substitute "A" as amended) An Act relating to labor and labor relations - transportation of workers.

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

Appendix

CALENDAR

In order for Thursday, June 19, 2003:

1. Appointment of Paul A. Suttell of Little Compton VICE Associate Justice Victoria Lederberg as Associate Justice of the Rhode Island Supreme Court.

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

2. (03-S553 as amended) An Act relating to health and safety - health care accessibility and quality assurance act.

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

3. (03-S424) (Substitute "A") An Act relating to Division of Motor Vehicles.

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

4. (03-S499) An Act relating to towns and cities - relief of firefighters and police officers.

Committee on Finance recommends passage.

5. (03-S524) An Act relating to retirement of municipal employees - military service credits.

Committee on Finance recommends passage.

6. (03-S609) (Substitute "A") An Act relating to public property and works - arbitration.

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

7. (03-H5107) (Substitute "A") An Act relating to the Division of Motor Vehicles.

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

8. (03-H5701) An Act relating to towns and cities - relief of firefighters and police officers.

Committee on Finance recommends passage in concurrence.

9. (03-H5743) An Act relating to towns and cities - retirement of municipal employees.

Committee on Finance recommends passage in concurrence.

10. (03-S1123) An Act relating to insurers' rehabilitation and liquidation act.

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

11. (03-S47) (Substitute "A") An Act relating to human services - children's health care - hospice care.

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

12. (03-H5389) (Substitute "B") An Act relating to health and safety - birth defects surveillance system.

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

13. (03-H6048 as amended) An Act relating to the Family Independence Act.

Committee on Health and Human Services recommends passage as amended in concurrence.

14. (03-S457) An Act relating to motor and other vehicles - adjudication of traffic offenses.

Committee on Judiciary recommends passage.

15. (03-S923) An Act relating to the town of Exeter - Juvenile Hearing Board.

Committee on Judiciary recommends passage.

16. (03-H5666) (Substitute "A") An Act relating to elections.

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

17. (03-H5865) (Substitute "A") An Act relating to motor and other vehicles - adjudication of traffic offenses.

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

18. (03-H5871) An Act relating to criminal offenses - impersonation and identity fraud.

Committee on Judiciary recommends passage in concurrence.

19. (03-S829) (Substitute "A") An Act relating to businesses and professions - physical therapists.

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

20. (03-S1013) An Act relating to homestead exemptions in the town of Lincoln.

Committee on Commerce, Housing and Municipal Government recommends passage.

21. (03-H6003) An Act relating to financial institutions - licensed activities.

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

Appendix

CALENDAR

In order for Tuesday, June 24, 2003:

1. (03-S1114) An Act relating to taxation - town of Lincoln.

Committee on Commerce, Housing and Municipal Government recommends passage.

2. (03-H5232) Joint Resolution making an appropriation to pay certain veterans' bonuses.

Committee on Finance recommends passage in concurrence.

3. (03-H5234) Joint Resolution making an appropriation to pay certain veterans' bonuses.

Committee on Finance recommends passage in concurrence.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Tuesday, June 17, 2003

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

Thank you for stopping by!

