

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. 62 Wednesday, June 18, 2003 Sixty-second Day

The Senate meets pursuant to adjournment and is called to order by the Honorable John C. Revens, Jr., President Pro Tempore 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: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT — 3: The Honorable President Irons and Senators Damiani, Polisena.

INVOCATION

The Honorable President Pro Tempore, by unanimous consent, presents Senator Blais, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, June 17, 2003 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Perry, and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber Barbara Dickinson and Deb Ruggiero.

Upon suggestion of Senator Sheehan, and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber the Honorable Robin Porter, former State Senator.

REPORTS OF COMMITTEES
COMMITTEE ON ENVIRONMENT
AND AGRICULTURE

Senator Sosnowski, from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measure:
(03-H 5085 as amended) An Act relating to property.
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 714) (Substitute "A" as amended) An Act relating to motor and other vehicles — responsibility of owners of rental vehicles.
Read and ordered to be placed on the Calendar.

(03-S 1078) (Substitute "A" as amended) An Act relating to public property and works.
Read and ordered to be placed on the Calendar.

(03-H 5252) (Substitute "A") An Act relating to the National Guard.
Read and ordered to be placed on the Calendar.

(03-H 5342) (Substitute "A" as amended) An Act relating to criminal procedure — warrants for arrest.
Read and ordered to be placed on the Calendar.

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation that the Advice and Consent of the Senate be given to the following appointments:
Appointment of Armeny Apkarian of Cranston VICE William Smith (resigned) to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2004.
Read and ordered to be placed on the Consent Calendar.

Reappointment of Morris Weintraub of Providence to the Personnel Appeal Board for a term expiring April 1, 2009.
Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON EDUCATION

Senator Issa, from the Committee on Education, reports back, with recommendation that the Advice and Consent of the Senate be given to the following appointment:
Appointment of Miriam Coleman of East Greenwich VICE Frank Flaherty (resigned) to the Board of Governors for Higher Education for a term

expiring January 31, 2004.

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 6090 as amended) An Act relating to motor and other vehicles — traffic stops statistics.

Read and referred to the Committee on Judiciary.

Also:

(03-H 6516) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

NEW BUSINESS

Senators Algieri and Montalbano present (03-S 1152) An Act relating to the General Assembly — permanent Joint Committee on naming all new buildings, bridges, edifices and other state constructions.

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Algieri, seconded by Senators Blais, Breene, Gibbs, Bates, Parella, Perry and Sheehan, and by unanimous consent, read and passed, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 31: Senators Algieri, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Montalbano, 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-H 6496) An Act to vacate the forfeiture or revocation of the charter of Foster Senior Housing, Inc.
- 2. (03-H 6515) An Act to vacate the forfeiture or revocation of the charter of H&F Realty Corp.

CALENDAR

In order for the day is taken up as follows:

- 1. (03-S 961) An Act relating to motor vehicles — size, weight and load limits.

Committee on Commerce, Housing and Municipal Government recommends passage.

Senator Parella moves passage, seconded by Senators Blais, Bates, Gibbs, Celona, Perry and Felag.

The act is read and passed, 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: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

2. (03-S 626) (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.

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

3. (03-S 861) (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.

Senator Pichardo moves passage, seconded by Senators Roberts, Ruggerio, DaPonte, Caprio and many others.

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 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 34: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

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 Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet on Thursday, June 19, 2003, 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 Bates announces that the Committee on Financial Services, Technology and Regulatory Issues will meet today 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 today at the rise of the Senate in Room 212 of the State House.

ADJOURNMENT

Upon motion of Senate Majority Leader Montalbano, seconded by Senator Algiere, the Senate adjourns at 4:30 o'clock P.M.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Appendix

INVOCATION

SENATOR LEO R. BLAIS

Dear Lord, keep our vision clear and our purpose pure as we take part in trying to help all of our people live in decency, dignity, and honor. Amen.

Appendix

CONSENT CALENDAR

In order for Thursday, June 19, 2003:

1. Appointment of Armeny Apkarian of Cranston VICE William Smith (resigned) to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2004.

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

2. Reappointment of Morris Weintraub of Providence to the Personnel Appeal Board for a term expiring April 1, 2009.

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

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Wednesday, June 18, 2003

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-S 626) (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-S 553 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.

4. (03-S 424) (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".

5. (03-S 499) An Act relating to towns and cities — relief of firefighters and police officers.

Committee on Finance recommends passage.

6. (03-S 524) An Act relating to retirement of municipal employees — military service credits.

Committee on Finance recommends passage.

7. (03-S 609) (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".

8. (03-H 5107) (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.

9. (03-H 5701) An Act relating to towns and cities — relief of firefighters and police officers.

Committee on Finance recommends passage in concurrence.

10. (03-H 5743) An Act relating to towns and cities — retirement of municipal employees.

Committee on Finance recommends passage in concurrence.

11. (03-S 1123) An Act relating to insurers’ rehabilitation and liquidation act.

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

12. (03-S 47) (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".

13. (03-H 5389) (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".

14. (03-H 6048 as amended) An Act relating to the Family Independence Act.

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

15. (03-S 457) An Act relating to motor and other vehicles — adjudication of traffic offenses.

Committee on Judiciary recommends passage.

16. (03-S 923) An Act relating to the town of Exeter — Juvenile Hearing Board.

Committee on Judiciary recommends passage.

17. (03-H 5666) (Substitute "A") An Act relating to elections.

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

18. (03-H 5865) (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".

19. (03-H 5871) An Act relating to criminal offenses — impersonation and identity fraud.

Committee on Judiciary recommends passage in concurrence.

20. (03-S 829) (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".

21. (03-S 1013) An Act relating to homestead exemptions in the town of Lincoln.

Committee on Commerce, Housing and Municipal Government recommends passage.

22. (03-H 6003) 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. Appointment of Miriam Coleman of East Greenwich VICE Frank Flaherty (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. (03-S 1114) An Act relating to taxation — town of Lincoln.

Committee on Commerce, Housing and Municipal Government recommends passage.

3. (03-H 5234) Joint Resolution making an appropriation to pay certain veterans' bonuses.

Committee on Finance recommends passage in concurrence.

4. (03-H 5232) Joint Resolution making an appropriation to pay certain veterans' bonuses.

Committee on Finance recommends passage in concurrence.

5. (03-H 5085 as amended) An Act relating to property.

Committee on Environment and Agriculture recommends passage as amended.

6. (03-S 714) (Substitute "A" as amended) An Act relating to motor and other vehicles — responsibility of owners of rental vehicles.

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

7. (03-S 1078) (Substitute "A" as amended) An Act relating to public property and works.

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

8. (03-H 5252) (Substitute "A") An Act relating to the National Guard.

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

9. (03-H 5342) (Substitute "A" as amended) An Act relating to criminal procedure — warrants for arrest.

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

Wednesday, June 18, 2003

