

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. 63 Thursday, June 19, 2003 Sixty-third Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 4:15 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 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, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT — 1: Senator Polisena.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, June 18, 2003 proceedings is read in part.

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

GUEST

Upon suggestion of Senator Damiani, and by unanimous consent, the Honorable President welcomes to the Chamber Walter S. Miller of East Providence.

COMMUNICATION

The Honorable President presents the following communication:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

June 18, 2003

The Honorable William V. Irons
President of the Rhode Island Senate
317 State House
Providence, RI 02903

Dear Mr. President:

Last Tuesday, June 12, 2003, I was out of the state and unable to attend the Senate session. At that time the Senate took a vote on Senate Bill 1140, the Separation of Powers legislation, of which I was a co-sponsor.

While I realize that I am unable to vote after the fact, I would like the record to reflect that had I been present, I would have voted in support of this legislation as I did last year.

I request that this letter be included in the Journal of the Senate.

Sincerely,

PAUL W. FOGARTY

Senator, District 23

(Burrillville/Glocester/North Smithfield

Received and ordered to be placed on file.

APPOINTMENTS 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

June 17, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 46-25-1 of the Rhode Island General Laws, I have made the following appointment to the Narragansett Bay Commission:

Joseph Kimball of East Greenwich

VICE

Bradley J. Waugh
(resigned)

for a term expiring April 1, 2005.

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

Sincerely,

DONALD L. CARCIERI

Governor

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

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

EXECUTIVE CHAMBER, PROVIDENCE

Donald L. Carcieri

Governor

June 4, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following appointment to the State Building Codes Standards Committee:

Robert M. Stillings of Providence

(Representing architects)

VICE

Steve Durkee

for a term expiring May 1, 2006.

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

Sincerely,

DONALD L. CARCIERI

Governor

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

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

EXECUTIVE CHAMBER, PROVIDENCE

Donald L. Carcieri

Governor

June 17, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-130-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rural Development Council:

Matthew L. Hopkins of Westerly

(Business Representative Located in Rural Community)

for a term expiring July 1, 2003.

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.

REPORTS OF COMMITTEES

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 measures:

(03-S 843) (Substitute "A" as amended) An Act relating to public utilities and carriers.

Read and ordered to be placed on the Calendar.

(03-S 1122) (Substitute "A" as amended) An Act relating to securities.

Read and ordered to be placed on the Calendar.

(03-H 5409) (Substitute "A") An Act relating to banking law — dishonored checks.

Read and ordered to be placed on the Calendar.

(03-H 5897) (Substitute "B") An Act relating to securities.

Read and ordered to be placed on the Calendar.

COMMITTEE ON HEALTH AND

HUMAN SERVICES

Senator Roberts, from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measures:

(03-S 388) (Substitute "A") An Act relating to businesses and professions — patient safety act.

Read and ordered to be placed on the Calendar.

(03-S 442) An Act relating to anatomical gifts by motor vehicle operators.

Read and ordered to be placed on the Calendar.

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 appointments on today’s Consent Calendar, by unanimous consent, are given the Advice and Consent of the Senate, upon a voice vote:

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

CALENDAR

In order for the day is taken up as follows:

- 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.

Senator Gibbs, seconded by Senate Majority Leader Montalbano and Senators Algieri, Bates, Breene, Damiani, Ruggerio, Goodwin, Alves, Issa, Walaska, McCaffrey, Cote, Parella, Revens and many, many other Senators, moves that Advice and Consent of the Senate be given this appointment.

Senators Revens, Paiva Weed, Algieri, Caprio and Senate Majority Leader Montalbano discuss the appointment.

The Advice and Consent of the Senate is given this appointment, 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, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

GUESTS

Upon suggestion of Senator Gibbs, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Paul A. Suttell, newly confirmed Associate Justice of the Rhode Island Supreme Court, along with his wife Mary Suttell, son Will Suttell, daughter Grace Suttell and father-in-law Ed Cissel.

Upon suggestion of Senate Majority Leader Montalbano, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Michael A. Silverstein, the Honorable Jerry Jeremiah and his wife Terry, the Honorable Stephen J. Capineri, the Honorable Michael B. Forte, Angela Paulhus, Ron Pagliarini, Allen Rubine, Barbara Rubine, Daniel Rubine, Michael Rubine and Jessica Rubine.

NEW BUSINESS

Senators Irons, Montalbano, Alves, Paiva Weed and Algieri present (03-S 1153) Senate Resolution expressing condolences on the passing of John Edward Madigan.

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Paiva Weed, 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, Bates and Blais present (03-S 1154) Senate Resolution congratulating John A. Tarantino on being selected one of ten "Lawyers of the Year" for 2002 in the United States by Lawyers Weekly USA.

Senate Majority Leader Montalbano 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.

GUESTS

Upon suggestion of Senate Majority Leader Montalbano, and by unanimous consent, the Honorable President welcomes to the Chamber Patrice Tarantino and Michael Tarantino.

Upon suggestion of Senator McCaffrey, and by unanimous consent, the Honorable President welcomes to the Chamber attorneys from Adler, Pollock & Sheehan: Tom McCabe, Ken Hill, Deborah Humm, Vicky Almeida and Pat Rocha.

NEW BUSINESS

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

Senator Blais presents (03-S 1155) An Act relating to the town of Scituate — school zone flashing signal.

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

Senators DaPonte, Ruggerio and Bates present (03-S 1156) Joint Resolution making an appropriation to pay certain claims.

Read and referred to the Committee on Finance.

Senators Badeau and Cote present (03-S 1157) An Act relating to alcoholic beverages — regulation of sales.

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

Senators Cote and DaPonte present (03-S 1158) An Act relating to the General Assembly.

Read and referred to the Committee on Environment and Agriculture.

Senators Irons, Algiere, Montalbano, Ruggerio and Celona present (03-S 1159) Joint Resolution creating a commission to provide for the determination, resolution, and settlement of the boundary line between the state of Connecticut and the state of Rhode Island and Providence Plantations from the mouth of the Ashaway River north to the Massachusetts border.

Read and referred to the Committee on Judiciary.

CALENDAR

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.

Senator Badeau moves passage, seconded by Senators Ciccone, Bates, Celona, Gallo, Ruggerio, Damiani, Lanzi, Felag and others.

Senator Badeau, seconded by Senators Ciccone, Bates, Celona, Gallo, Ruggerio, Damiani, Lanzi Felag and others, offers the following written motion to amend:

FLOOR AMENDMENT
TO
(03-S 626) (Substitute "A" as amended)

Mr. President:

I hereby move to amend (03-S 626) (Substitute "A" as amended) entitled "AN ACT RELATING TO WORKERS' COMPENSATION — BENEFITS", as follows:

1. On page 2, line 7, by inserting the word "uninsured" before the word "general" and the word "uninsured" before the word "construction".
2. On page 6, line 3, by deleting the words "the knowingly failure" and inserting the word "failing" before the word "to" and insert the words "and maintain" before the word "compensation".
3. On page 6, line 4, by deleting the words "one year" and inserting the words and numeral "two (2) years" in place thereof.
4. On page 6, lines 5, 6 and 7 by deleting the words "of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000) for each day of noncompliance with the requirements of this title or both" and reinstating the words "not exceeding ten thousand dollars (\$10,000)" in place thereof.
5. On page 9, line 29, by deleting the words and numeral "one (1) year" and inserting "two (2) years" in place thereof.
6. On page 12, lines 9 through 13, by striking and deleting from the act all language contained therein.
7. On page 12, line 14, by deleting "SECTION 7" and inserting "SECTION 6" in place thereof.

Respectfully submitted,

ROGER R. BADEAU
Senator, District 20

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

NAYS — 0.

Upon motion of Senator Badeau, seconded by Senators Ciccone, Bates, Celona, Gallo, Ruggerio, Damiani and 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: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

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.

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

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".

Senator Alves moves passage, seconded by Senators Paiva Weed, McCaffrey, Connors, Goodwin and others.

The bill marked Substitute "A" is read and passed, 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: The Honorable President Irons and Senators Algieri, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

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

Committee on Finance recommends passage.

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

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

Committee on Finance recommends passage.

Senator DaPonte moves passage, seconded by Senators Ciccone, Tassoni and Ruggerio.

The act is read and passed, by unanimous consent, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 30: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

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".

Senator Ruggerio moves passage, seconded by Senators Paiva Weed, Goodwin, Badeau, Lanzi, Tassoni and others.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, 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, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

COMMUNICATION

The Honorable President presents the following communication.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

SENATE CHAMBER
STATEMENT OF POTENTIAL CONFLICT

To the Honorable Senate:

I, Dennis L. Algiere, under oath depose and say:

- 1. I am a duly elected member of the Rhode Island Senate.
- 2. This statement is made in accord with Rhode Island General Law section 36-14-6.
- 3. In my official capacity, I may be expected or required to vote or participate in the deliberations of bill (03-H 6003), now pending before the Senate or a committee thereof.
- 4. I request that I be excused from voting, deliberating or taking action on the matter.
- 5. I do not desire to vote or deliberate because I have a conflict of interest as follows.

I am an employee of The Washington Trust Company.

- 6. This statement is true to the best of my knowledge.

DENNIS L. ALGIERE
Senator, District 38

Subscribed and sworn to before me this 19th day of June, 2003.

RAYMOND T. HOYAS, JR.
Notary Public

CALENDAR

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

- 8. (03-H 5107) (Substitute "A") An Act relating to the Division of Motor Vehicles.
- 10. (03-H 5743) An Act relating to towns and cities — retirement of municipal employees.
- 13. (03-H 5389) (Substitute "B") An Act relating to health and safety — birth defects surveillance system.
- 14. (03-H 6048 as amended) An Act relating to the Family Independence Act.
- 17. (03-H 5666) (Substitute "A") An Act relating to elections.
- 19. (03-H 5871) An Act relating to criminal offenses — impersonation and identity fraud.
- 22. (03-H 6003) An Act relating to financial institutions — licensed activities.

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

The acts are read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative, 0 Senators voting in the negative and Senator Algiere abstaining on item 22, (03-H 6003), as follows:

YEAS — 33: The Honorable President Irons and Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

ABSTAINED — 1: Senator Algiere (only on 03-H 6003).

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

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.

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

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

Senator Walaska moves passage, seconded by Senator Gallo.

Senator Walaska, seconded by Senator Gallo, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-S 1123)

Mr. President:

I hereby move to amend (03-S 1123) entitled "AN ACT RELATING TO INSURERS’ REHABILITATION AND LIQUIDATION ACT", as follows:

(1) On page 7, line 6, by striking the words and numerals "pursuant to section 27-14.3-57".

Respectfully submitted,

WILLIAM A. WALASKA

Senator, District 30

The motion to amend prevails 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 Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva Weed, Perry, Pichardo, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Upon motion of Senator Walaska, seconded by Senator Gallo, the act is read and passed, as amended, 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: The Honorable President Irons and Senators Algieri, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

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".

Senator Bates moves passage, seconded by Senators Breene, Gibbs, Algieri, Tassoni and others.

Senator Bates, seconded by Senators Felag, Blais, Breene, Perry, Paiva Weed and others, offers the following written motion to amend:

FLOOR AMENDMENT

TO
(03-S 47) (Substitute "A")

Mr. President:

I hereby move to amend (03-S 47) (Substitute "A") entitled "AN ACT RELATING TO HUMAN SERVICES — CHILDREN’S HEALTH CARE — HOSPICE CARE", as follows:

On page 2, line 1, by deleting the words "physical, emotional and spiritual" and substituting in place thereof the words "physical and emotional".

Respectfully submitted,

DAVID E. BATES
Senator, District 9

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

NAYS — 0.

Upon motion of Senator Bates, seconded by Senators Felag, Blais, Breene, Perry and 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 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, 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.

NAYS — 0.

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

Committee on Judiciary recommends passage.

Senator Gibbs moves passage, seconded by Senators Breene, DaPonte, Parella, McCaffrey and Roberts.

Senator Gibbs, seconded by Senators McCaffrey, Blais, Breene and Perry, offers the following written motion to amend:

FLOOR AMENDMENT
TO
(03-S 457)

Mr. President:

I hereby move to amend (03-S 457) entitled "AN ACT RELATING TO MOTOR AND OTHER VEHICLES — ADJUDICATION OF TRAFFIC OFFENSES", as follows:

On page 2, delete lines 3 through 5, and insert in lieu thereof the following language:

- "(5) Any speeding violation in excess of fourteen miles per hour (14 m.p.h.) above the posted speed limit;
- (6) Any violation involving child restraints in motor vehicles pursuant to section 31-22-22."**

Respectfully submitted,

JUNE N. GIBBS

The motion to amend prevails 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, 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.

NAYS — 0.

Upon motion of Senator Gibbs, seconded by Senators McCaffrey, Blais, Breene and Perry, the act is 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, 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.

NAYS — 0.

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

Committee on Judiciary recommends passage.

Upon suggestion of Senator Breene, and without objection, ordered to be placed on the Calendar for Wednesday, June 25, 2003.

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".

Senator McCaffrey moves passage, seconded by Senator Gibbs.

Senator McCaffrey, seconded by Senator Gibbs, offers the following written motion to amend:

FLOOR AMENDMENT
TO
(03-H 5865) (Substitute "A")

Mr. President:

I hereby move to amend (03-H 5865) (Substitute "A") entitled "AN ACT RELATING TO MOTOR AND OTHER VEHICLES — ADJUDICATION OF TRAFFIC OFFENSES", as follows:

1. On page 2, delete lines 3 through 5, insert in lieu thereof the following language:

"(5) Any speeding violation in excess of fourteen miles per hour (14 m.p.h.) above the posted speed limit;

(6) Any violation involving child restraints in motor vehicles pursuant to section 31-22-22."

Respectfully submitted,

MICHAEL J. McCaffrey
Senator, District 29

The motion to amend prevails 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, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Upon motion of Senator McCaffrey, seconded by Senator Gibbs, 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 Algiere, 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.

NAYS — 0.

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".

Upon suggestion of Senator Blais, and without objection, ordered to be placed on the Calendar for Wednesday, June 25, 2003.

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

Committee on Commerce, Housing and Municipal Government recommends passage.

Senator Connors moves passage, seconded by Senator Celona.

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

FLOOR AMENDMENT

TO

(03-S 1013)

Mr. President:

I hereby move to amend (03-S 1013) entitled "AN ACT RELATING TO HOMESTEAD EXEMPTIONS IN THE TOWN OF LINCOLN", as follows:

- (1) On page 1, line 10, by reinstating the stricken word and numeral "four (4)".
- (2) On page 1, line 11, by deleting the word and numeral "seven (7)".
- (3) On page 2, line 1, by deleting the words "~~to be held on the first Tuesday in June, 2003~~" and inserting in place thereof the words "or at the next general election".

Respectfully submitted,

DANIEL P. CONNORS

Senator, District 19

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

NAYS — 0.

Upon motion of Senator Connors, seconded by Senator Celona, 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, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, 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 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 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 5:07 o’clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR MARY A. PARELLA

Almighty God, touch our minds with light, create in us a clearer insight, a just and true spirit, that may lead to sound conclusions. Grant us mutual trust and good will. Amen.

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 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.

3. (03-S 499) An Act relating to towns and cities — relief of firefighters and police officers.

Committee on Finance recommends passage.

4. (03-H 5701) An Act relating to towns and cities — relief of firefighters and police officers.

Committee on Finance recommends passage in concurrence.

5. (03-S 1114) An Act relating to taxation — town of Lincoln.

Committee on Commerce, Housing and Municipal Government recommends passage.

6. (03-H 5234) Joint Resolution making an appropriation to pay certain veterans’ bonuses.

Committee on Finance recommends passage in concurrence.

7. (03-H 5232) Joint Resolution making an appropriation to pay certain veterans’ bonuses.

Committee on Finance recommends passage in concurrence.

8. (03-H 5085 as amended) An Act relating to property.

Committee on Environment and Agriculture recommends passage as amended.

9. (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.

10. (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.

11. (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".

12. (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.

13. (03-S 843) (Substitute "A" as amended) An Act relating to public utilities and carriers.

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

14. (03-S 1122) (Substitute "A" as amended) An Act relating to securities.

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

15. (03-H 5409) (Substitute "A") An Act relating to banking law — dishonored checks.

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

16. (03-H 5897) (Substitute "B") An Act relating to securities.

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

17. (03-S 388) (Substitute "A") An Act relating to businesses and professions — patient safety act.

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

18. (03-S 442) (Substitute "A") An Act relating to anatomical gifts by motor vehicle operators.

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

Appendix

CALENDAR

In order for Wednesday, June 25, 2003:

1. (03-S 923) An Act relating to the town of Exeter — Juvenile Hearing Board.

Committee on Judiciary recommends passage.

2. (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".

Thursday, June 19, 2003