

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 sixth day of January in the year of Our Lord one thousand nine hundred and ninety-eight.

Volume 125, No. 44

Thursday, April 30, 1998

Forty-fourth Pay

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Bernard A. Jackvony, at 4:18 o'clock P.M.

The roll is called and a quorum is declared present with 48 Senators present and 2 Senators absent as follows:

PRESENT - 48: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Gate, Damiani, Doneian, Enos, Flynn, Fogarty, Gibbs, Goodwin, Graziano, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Nygaard, O'Leary, Oster, Paiva Weed, Parella, Patterson, Perry, Polisena, Raptal:is, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tavares, Walaska, Walsh, Walton.

ABSENT - 2: Senators Irons, Palazzo.

INVOCATION

His Honor, the Lieutenant Governor, by unanimous consent, presents Senator Parella, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

His Honor, the Lieutenant Governor, 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, April 29, 1998 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Walton and Parella, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber from the South Providence Tutorial, Inc., Vanna Thy, Hang Xiong, Tina Dercelo, Chris Perry, Tomeka Johnson, Christine Brown, Karena Martin, Sharyce Thompson, Jonathan Gonzalez, Panache Washington, Marion, Washington, James Fatorma, Christian Felix, Chrisha Felix and Elizabeth Carson, Senior Volunteer Tutor.

Upon suggestion of Senator Coderre, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable Francis X. Flaherty, former Mayor of Warwick.

REPORTS OF COMMITTEE

COMMITTEE ON HEALTH, EDUCATION AND WELFARE

Senator Izzo, from the Committee on Health, Education and Welfare, reports back, with recommendation of passage of the following measures:

(98-S 2360) (Substitute "A" as amended) An Act relating to health care services utilization act.

Read and ordered to be placed on the Calendar.

(98-S 2481) (Substitute "A" as amended) An Act relating to education.

Read and ordered to be placed on the Calendar.

(98-S 2849) (Substitute "A" as amended) An Act relating to education school property

Read and ordered to be placed on the Calendar.

NEW BUSINESS

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

Senator Lenihan presents (98-S 3112) Joint Resolution making an appropriation of \$256.52 to pay the claim of Donna M. Mincheff of 9 Bayberry Lane, East Greenwich, Rhode Island 02818.

Read and referred to the Joint Committee on Accounts and Claims.

Senators Cicilline and Paiva Weed present (98-S 3113) An Act authorizing the city of Newport to finance the construction of an addition to, and the renovation, rehabilitation, improvement, furnishing and equipping of, the Newport Public Library and the grounds around the Library, including but not limited to, parking facilities, landscaping, utilities and lighting and to issue not more than \$3,000,000 bonds and notes therefor.

Read and referred to the Committee on Corporations.

Senators Kelly and Algiere present (98-S 3114) Senate Resolution extending congratulations.

Senator Kelly requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Kelly and Algiere present (98-S 3115) Senate Resolution extending condolences.

Senator Kelly requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Kelly, seconded by Senators Algiere, and by unanimous consent, read and passed, under suspension of the rules, upon a rising vote.

Senator Patterson presents (98-S 3116) An Act relating to sales use and taxes - liability and computation.

Read and referred to the Committee on Finance.

Senators Perry, Walton and Cicilline present (98-S 3117) Senate Resolution congratulating Ruthie Correra on her 48 years as a tireless volunteer to the youth of Rhode Island.

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senator Kelly, seconded by Senator Algieri, the following appointments on today's Consent Calendar, by unanimous consent, are given the Advice and Consent of the Senate, on a voice vote:

1. Appointment of the Honorable Francis X. Flaherty of Warwick VICE the Honorable Patricia Hayward to the Board of Governors for Higher Education for a term expiring January 21, 2001.
2. Appointment of Dr. Robert J. McKenna of Newport (Representing Coalition of Library Advocates) VICE Rose Ellen Reynolds to the Library Board of Rhode Island for a term expiring December 31, 1999.
3. Appointment of William A. Shuey of Providence (Representing Disadvantaged Persons) VICE Mary Reilly to the Library Board of Rhode Island for a term expiring December 31, 1999.
4. Reappointment of Peter Barbera of Wakefield to the Marine Fisheries Council for a term expiring April 1, 2002.
5. Reappointment of Arnold Butziger of Warwick to the Marine Fisheries Council for a term expiring April 1, 2002.
6. Reappointment of Robert Gearing of Riverside to the Marine Fisheries Council for a term expiring April 1, 2002.
7. Appointment of Robert B. Rheault, Jr. of Wakefield VICE Thomas A. Halavik (Resigned) to the Marine Fisheries Council for a term expiring April 1, 2002.

CALENDAR

In order for the day is taken up as follows: cc

2. (98-S2675) (Substitute A as amended) An Act relating to parole.

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

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Tuesday, May 5, 1998.

3. (98-H7570) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the desk.

6. (98-S2350) (Substitute "A") An Act relating to licensing of massage therapy establishments.

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

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Tuesday, May 5, 1998.

1. (98-S2757) (Substitute "A") An Act relating to state purchases.

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

Senator Fogarty moves passage, seconded by Senators Damiani, Paiva Weed, Goodwin, Lenihan and Polisena.

Senators Graziano, Fogarty and Montalbano discuss the act.

The bill marked Substitute cc~, read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 45: Senators Al~ere, Alves, Badeau, Bates, Blais, Caprio, Celona, Coderre, Connors, Gate, Damiani, Doneian, Enos, Flynn, Fogarty, Gibbs, Goodwin, Graziano, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Nygaard, O'Leary, Oster, Paiva Weed, Parella, Patterson, Perry, Polisena, Raptal:is, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tavares, Walasl:a, Walsh, Walton.

NAYS -0.

4. (98-S2370) (Substitute "A") An Act relating to vicious dogs.

Committee on Special Legislation recommends indefinite postponement of the original bill and passage of Substitute cc

Senator Perry moves passage, seconded by Senators Damiani, Goodwin, Coderre, Gibbs,

Nygaard, Celona, McCaffrey and others.

The bill marked Substitute cc read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Gate, Damiani, Doneian, Enos, Fogarty, Gibbs, Goodwin, Graziano, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Nygaard, O'Leary, Oster, Paiva Weed, Parella, Patterson, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tavares, Walasla, Walsh, Walton.

NAYS -0.

5. (98-S 2116) (Substitute "A" as amended) An Act relating to waters and navigation - underground storage tank financial responsibility act.

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

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Tuesday, May 5, 1998.

7. (98-S 2716) (Substitute " A") An Act relating to education- establishing a right to a safe school for higher education.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

Senator Roberts moves passage, seconded by Senators Connors, Lenihan, Walsh, Sosnowski, Perry, Walton, Enos 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 47 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 47: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Doneian, Enos, Flynn, Fogarty, Gibbs, Goodwin, Graziano, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Nygaard, O'Leary, Oster, Paiva Weed, Parella, Patterson, Perry, Polisena, Raptal:is, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tavares, Walaska, Walsh, Walton.

NAYS -0.

8. (98-S 2688) An Act relating to mental health.

Committee on Judiciary recommends passage.

Senator Parella moves passage, seconded by Senators Paiva Weed, Perry, McDonald, Cicilline, Blais, Algieri and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 44 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 44: Senators Algieri, Alves, Blais, Breene, Caprio, Cicilline, Coderre, Connors, Gate, Damiani, Doneian, Enos, Flynn, Fogarty, Gibbs, Goodwin, Graziano, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Nygaard, O'Leary, Oster, Paiva Weed, Parella, Patterson, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tavares, Walaska, Walsh, Walton.

NAYS -0.

9. (98-S 2345 as amended) An Act relating to wheelchair lift equipped vehicles and public assistance.

Committee on Finance recommends passage as amended.

Senator Paiva Weed moves passage, seconded by Senators Polisena, Damiani, Parella, Graziano, Walsh, Roberts, Blais, Algieri, Connors, Goodwin, Cicilline, Walton, Enos and others.

The act is read and passed, as amended, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Cicilline, Coderre, Connors, Gate, Damiani, Doneian, Enos, Flynn, Fogarty, Gibbs, Goodwin, Graziano, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Nygaard, O'Leary, Oster, Paiva Weed, Parella, Patterson, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tavares, Walaska, Walsh, Walton.

NAYS -0.

10. (98-S 2347) An Act relating to family independence act.

Committee on Finance recommends passage.

Senator Perry moves passage, seconded by Senators Walton, Gibbs, Roberts, Kells, Nygaard, Sosnowski, Walsh, Ruggerio and Connors.

Senators Issa, Perry, Blais, Alves, Cote, Graziano, Raptakis, Izzo, Roberts, Polisena, Gibbs, Cicilline, Walaska and Parella discuss the act.

The act is read and passed, upon a roll call vote with 41 Senators voting in the affirmative and 5 Senators voting in the negative as follows:

YEAS - 41: Senators Algieri, Bates, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Donelan, Enos, Flynn, Fogarty, Gibbs, Goodwin, Graziano, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Nygaard, O'Leary, Oster, Paiva Weed, Parella, Patterson, Perry, Polisena, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tavares, Walsh, Walton.

NAYS - 5: Senators Alves, Badeau, Blais, Raptakis, Walaska.

Upon suggestion of Senator Enos, and without objection, the remainder of the Calendar is deferred to Tuesday, May 5, 1998.

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.

CORRECTION

The Senate Journal of Tuesday, April 28, 1998, shall be corrected on page 2, column 2, line 5, by inserting the correct bill number of (98-S 2854) (Substitute cc An Act relating to parole.

ANNOUNCEMENTS

Senator Tavares announces that the Committee on Corporations will meet today at the rise of the Senate in Room 212 of the State House.

Also

Senator Lenihan announces that the Committee on Finance will meet today at the rise of the Senate in Room 211 of the State House.

Also

Senator Polisena 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 Enos, seconded by Senator Algieri, and upon suggestion of Senator Perry, the Senate adjourns at 5:14 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of the Honorable Bella Abzug, former United States Congresswoman from New York.

RAYMOND T. HOYAS, JR.
Clerk of the Senate

Appendix

INVOCATION

SENATOR MARY A. PARELLA

Almighty God, we ask that you aid us in our concerting our best efforts as leaders of our State, as we attempt to make Rhode Island a better place in which its inhabitants may live. Amen.

Appendix

CALENDAR

In order for Tuesday, May 5, 1998:

1. (98-S 2675) (Substitute "A" as amended) An Act relating to parole.

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

2. (98-S 2116) (Substitute "A" as amended) An Act relating to waters and navigation -

underground storage tank financial responsibilityact.

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

3. (98-S 2350) (Substitute "A") An Act relating to licensing of massage therapy establishments.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute cc

4. (98-S 2391 as amended) An Act relating to state affairs and government - health care for children and pregnant women.

Committee on Finance recommends passage as amended.

5. (98-S 2811) (Substitute "A") An Act relating to salaries and traveling expenses.

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

6. (98-S 2151) (Substitute "A") An Act relating to motor vehicles.

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

7. (98-S 2401) (Substitute A as amended) An Act relating to waters and navigation - oil spill response fund.

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

8. (98-S 2535) An Act relating to weapons.

Committee on Judiciary recommends passage.

9. (98-S 2724) (Substitute A as amended) An Act relating to domestic relations divorce and separation.

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

10. (98-S 2854) (Substitute "A") An Act relating to parole.

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

11. (98-S 2393) (Substitute A as amended) An Act relating to public records.

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

12. (98-S 2725) An Act relating to Health and Educational Building Corporation.

Committee on Health, Education and Welfare recommends passage.

13. (98-S 2547) An Act relating to chiropractors.

Committee on Health, Education and Welfare recommends passage.

14. (98-S 2705) (Substitute "A") An Act relating to state affairs and government -housing.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

15. (98-S 2859) (Substitute "A") An Act relating to animals and animal husbandry.

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

16. (98-S 2795) An Act relating to businesses and professions- electricians.

Committee on Labor recommends passage.

17. (98-S 2485) (Substitute "A") An Act relating to municipal retirement system -transfer of credit and contribution.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute cc

18. (98-S 2246) (Substitute A as amended) An Act relating to open meetings.

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

19. (98-S 2450) An Act relating to professional service corporations.

Committee on Corporations recommends passage.

20. (98-S 2632) An Act relating to temporary disability insurance - exemption of certain persons.

Committee on Labor recommends passage.

21. (98-S 2423) (Substitute cc A,,) An Act relating to domestic violence - confidentiality of victims' addresses.

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

22. (98-S 2477) (Substitute cc An Act relating to food and drugs - uniform controlled substances act.

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

23. (98-S 2614 as amended) An Act relating to disorderly conduct.

Committee on Judiciary recommends passage as amended.

24. (98-S 2739 as amended) An Act relating to the Rhode Island Economic Development Corporation - sale of property in town of North Kingstown.

Committee on Corporations recommends passage as amended.

25. (98-S 2597) (Substitute "A") An Act relating to insurance.

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

26. (98-S 2852 as amended) An Act relating to motor carriers of property.

Committee on Corporations recommends passage as amended.

27. (98-S 2092 as amended) An Act relating to taxation of beverage containers.

Committee on Finance recommends passage as amended.

28. (98-S 2653) An Act relating to Rhode Island job development act.

Committee on Finance recommends passage.

29. (98-S 2839) (Substitute "A") An Act relating to the Rhode Island jobs development act.

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

30. (98-S 3037 as amended) An Act relating to state debt reduction.

Committee on Finance recommends passage as amended.

31. (98-S 2737 as amended) An Act relating to weapons.

Committee on Judiciary recommends passage as amended.

32. (98-S 2817) (Substitute "A") An Act relating to the uniform commercial code - bulk transfers.

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

33. (98-S 2821) An Act relating to small estates.

Committee on Judiciary recommends passage.

34. (98-S 3096 as amended) An Act relating to miscellaneous fines.

Committee on Judiciary recommends passage as amended.

35. (98-S 2112) (Substitute "A") An Act relating to fish and wildlife - general provisions/ licensing.

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

36. (98-S 2764) (Substitute "A") An Act relating to alcoholic beverages - retail licenses.

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

Appendix

CALENDAR

In order for Wednesday, May 6, 1998:

1. (98-S 2088) (Substitute "A" as amended) An Act relating to electricians.

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

2. (98-H7978) (Substitute "A") An Act relating to towns and cities - award of municipal contracts.

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

3. (98-S 2360) (Substitute "A" as amended) An Act relating to health care services - utilization act.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute A as amended.

4. (98-S 2481) (Substitute "A" as amended) An Act relating to education.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

5. (98-S 2849) (Substitute "A" as amended) An Act relating to education - school property

Committee on Health, Education and Welfare recommends indefinite postponement of the cc original bill and passage of Substitute A as amended.

RAYMOND T. HOYAS, JR.
Clerk of the Senate
Thursday, April 30, 1998

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

Thank you for stopping by!

