

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. 56

Thursday, May 28, 1998

Fifty-sixth Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Bernard A. Jackvony, at 4:15 o'clock P.M.

The roll is called and a quorum is declared present with 47 Senators present and 3 Senators absent as follows:

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

ABSENT- 3; Senators Algieri, DoneIan, Irons.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

His Honor, the Lieutenant Governor, by unanimous consent, presents Senator Patterson, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of Wednesday, May 27, 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 Senator Walton, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Barbara E. Coelho, a graduate of the New England Institute at Mount Ida College in Newton, Massachusetts majoring in the field of Funeral Service/Embalmer.

Upon suggestion of Senators Enos and Flynn, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable Edward Smith, former State Representative from Tiverton who served eight terms in the House of Representatives, and was the former Chairman of the Joint Committee on Environment and Energy.

COMMUNICATION

His Honor, the Lieutenant Governor, presents the following communication:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS SENATE CHAMBER

May 28, 1998 His Honor, Bernard A. Jackvony
Lieutenant Governor
115 State House
Providence, RI 02903

Dear Lt. Governor Jackvony:

Please be advised that I will be absent from the Senate session on Thursday, May 28, 1998 because of a business commitment. I would appreciate having this letter recorded in the appropriate Senate Journal.

Thank you for your attention on this matter.

Sincerely,

DENNIS L. ALGIERE
Senate Majority Leader

Senator, District 26

Received and ordered to be placed on file.

FROM THE
HOUSE OF REPRESENTATIVES

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

(98-H 8114) (Substitute "A") An Act relating to personal income tax.

Read and referred to the Committee on Finance.

Also:

(98-H 8132 as amended) An Act relating to sales and use taxes- exemption for sales by writers, composers, artists.

Read and referred to the Committee on Finance.

Also:

(98-H 9119) Joint Resolution memorializing the President of the United States and the Congress of the United States to name the Department of Justice Building on Pennsylvania Avenue in the District of Columbia, the Robert Francis Kennedy Building.

Read and referred to the Committee on Special Legislation.

Also:

(98-H 9031) (Substitute "A") An Act relating to gambling activities and other facilities.

Read and referred to the Committee on Special Legislation.

Also:

(98-H 7149) An Act relating to Coastal Resources Management Council.

Read and ordered to be placed on the Calendar.

Also:

(98-H 7150) An Act relating to beach vehicle permits.

Read and ordered to be placed on the Calendar.

Also:

(98-H 7606) (Substitute "A") An Act relating to waters and navigation harbors and harbor lines.

Read and ordered to be placed on the Calendar.

Also:

(98-H 7808 as amended) An Act relating to scenic highways.

Read and ordered to be placed on the Calendar.

Also:

(98-H 8955) (Substitute "A" as amended) An Act relating to motor and other vehicles.

Read and ordered to be placed on the Calendar.

Also:

(98-H 8957) An Act relating to Coastal Resources Management Council.

Read and ordered to be placed on the Calendar.

Also:

(98-H 9012) (Substitute "A") An Act relating to licensing- Rhode Island party and charter boat license.

Read and ordered to be placed on the Calendar.

REPORTS OF COMMITTEES

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-H 7446) (Substitute A as amended) An Act relating to health and safety.

Read and ordered to be placed on the Calendar.

(98-H 7467) (Substitute "A") An Act relating to health and safety - home care patient/client rights.

Read and ordered to be placed on the Calendar.

(98-H 7540 as amended) An Act relating to Disability Business Enterprises.

Read and ordered to be placed on the Calendar.

(98-H 7819) An Act relating to health and safety.

Read and ordered to be placed on the Calendar.

(98-H 8304 as amended) An Act relating to health and educational building corporation.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

Senator Paiva Weed, from the Committee on Judiciary, reports back, with recommendation that confirmation of the Senate be given to the following: Reappointment of Barbara Levine of Providence to the Rhode Island State Council on the Arts, for a term expiring March 1, 2001.

Read and ordered to be placed on the Consent Calendar.

Appointment of Madelyn T. LaPlume of Narragansett VICE Joyce Gref-Catoia to the Rhode Island State Council on the Arts, for a term expiring March 1, 2001.

Read and ordered to be placed on the Consent Calendar.

JOINT COMMITTEE ON NAMING STATE CONSTRUCTIONS

"

Senator Oster, from the Joint Committee on Naming State Constructions, reports back, with recommendation of passage of the following measures:

(98-S 3051) An Act relating to the University of Rhode Island.

Read and ordered to be placed on the Calendar.

(98-S 3064) An Act relating to the naming of state buildings.

Read and ordered to be placed on the Calendar.

TRANSFER OF BILLS

Senator Irons, from the Committee on Corporations, in accordance with Senate Rule 6.14, moves to transfer the following bills from the Committee on Corporations to the Committee on Finance:

(98-S 3109) An Act relating to business assistance.

Read and referred to the Committee on Finance.

(98-S 3110) An Act relating to property demolition/vacant lot program.

Read and referred to the Committee on Finance.

(98-S 3111) An Act relating to rural development.

Read and referred to the Committee on Finance.

NEW BUSINESS

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

Senator Enos presents (98-S 3169) Joint Resolution making an appropriation of \$123.60 to pay the claim of Dawn Escobar of 53 Malbone Road, Assonet, Massachusetts 02702.

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

Without objection, the following Act is introduced after the deadline.

Senator Sosnowski presents (98-S 3170) An Act relating to Marine Fisheries Council.

Read and referred to the Committee on Corporations.

Senators Kelly and Blais present (98-S 3171) An Act reinstating and restoring forfeited or revoked corporate charters.

Read and ordered to be placed on the Consent Calendar.

Without objection, the following Act is introduced after the deadline.

Senators Walton and Cicilline present (98-S 3172) An Act relating to sports, racing, and athletics - the Rhode Island casino gambling disclosure and commission act.

Read and referred to the Committee on Special Legislation.

Senators Kelly and Blais present (98-S 3173) 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 Blais, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

CALENDAR

In order for the day is taken up as follows:

3. (98-S 2439) (Substitute "A") An Act relating to courts and civil procedure - language interpreters.

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

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Wednesday, June 3, 1998.

1. (98-S2481) (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.

Senator Izzo moves passage, seconded by Senators Connors, Gibbs and many others.

Senators Flynn and Izzo discuss the act.

Senator Izzo, seconded by Senators Nygaard and Cicilline, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(98-S 2481) (Substitute "A" as amended)

Mr. President:

I hereby move to amend (98-S 2481) (Substitute "A" as amended) entitled "AN ACT RELATING TO EDUCATION", as follows:

1. On page 7, line 26, delete the words "**or its contracted agent**".
2. On page 8, line 5, delete the word "**the**" and insert in lieu thereof the word "**a**".
3. On page 8, line 6, delete the comma after the word "**school**" and insert in lieu thereof the following: "**in Rhode Island, by**".
4. On page 8, line 7, delete the words "**or its contracted agent**".

Respectfully submitted,

THOMAS J. IZZO
Senator, District 13

Senators Blais and Izzo discuss the amendment.

The motion to amend prevails upon a roll call vote with 42 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 42; Senators Alves, Bates, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Enos, I'ogarty, Gibbs, Goodwin, Graziano, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Nygaard, O'Leary, Oster, Paiva Weed, Palazzo, Parella, Patterson, Perry, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tavares, Walaska, Walsh, Walton.

NAYS - 1; Senator Blais.

Senators Sasso, Izzo and Cicilline discuss the act.

Upon motion of Senator Izzo, seconded by Senators Roberts and Cicilline, the bill marked Substitute "A", read and passed, as amended, and the original bill indefinitely postponed, 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 Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Enos, Flynn, Fogarty, Gibbs, Goodwin, Graziano, Issa, Izzo, Kells, Kelly,

Lenihan, McCaffrey, McDonald, Montalbano, Nygaard, O'Leary, Oster, Paiva Weed, Palazzo, Parella, Patterson, Perry, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tavares, Walaska, Walsh, Walton.

NAYS -0.

2. (98-S 2482) (Substitute "A") An Act relating to coordination of Children's Services Pilot Program.

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

Senator Izzo moves passage, seconded by Senators Nygaard, Kells, Tavares, Issa, Roberts, Walsh and others.

Senator Izzo, seconded by Senators Cicilline, Nygaard and Sosnowski, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(98-S 2482) (Substitute "A")

Mr. President:

I hereby move to amend (98-S 2482) (Substitute "A") entitled "AN ACT RELATING TO COORDINATION OF CHILDREN'S SERVICES PILOT PROGRAM", as follows:

(1) On page 1, line 10, by deleting the words "South County" and inserting in place thereof the words "Washington County".

(2) On page 2, line 15, by deleting the words "ccSouth County" and inserting in place thereof the words "Washington County".

(3) On page 4, line 22, insert the words "cc within the department of children, youth and families" after the word "fund".

(4) On page 4, line 23, by deleting the word "South" and inserting in place thereof the word "Washington".

(5) On page 7, line 25, after the word "department" insert the words "of children, youth and families".

(6) On page 7, after line 27, by inserting the following language:

"42-72.7-11. REPORT ON OUTCOME OF PILOT PROJECT. - The director shall submit a report on the operation of this pilot project to the permanent legislative over-sight commission on the department of children, youth and families no later than January 1, 2000 and the commission shall make recommendations to the general assembly regarding the expansion, continuation or termination of this pilot project."

(7) On page 9, line 3, by deleting the words "South County" and inserting in place thereof the words "Washington County".

Respectfully submitted,

THOMAS J. IZZO
Senator, District 13

Senators Cicilline, Parella and Roberts discuss the amendment.

The motion to amend prevails upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 43; Senators Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Enos, Flynn, Fogarty, Gibbs, Goodwin, Graziano, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Nygaard, O'Leary, Oster, Palazzo, Parella, Patterson, Perry, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tavares, Walaska, Walsh, Walton.

NAYS -0.

Upon motion of Senator Izzo, seconded by Senators Gibbs and Nygaard, the bill marked Substitute "A", read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 43; Senators Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Enos, Flynn, Fogarty, Gibbs, Goodwin, Graziano, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Nygaard, O'Leary, Oster, Palazzo, Parella, Patterson, Perry, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tavares, Walaska, Walsh, Walton.

NAYS -0.

TRANSMITTAL

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

ADJOURNMENT

Upon motion of Senator Kelly, seconded by Senator Blais, and upon suggestion of Senator Coderre, the Senate adjourns at 4:47 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of Grace Edmond of Seekonk, Massachusetts, formerly of Pawtucket, who was very active in her church community, and mother of Barbara Emond of Pawtucket, who is very active in her community. She will be greatly missed.

RAYMOND T. HOYAS, JR.
Clerk of the Senate

Appendix

INVOCATION

SENATOR JOHN PATTERSON

May that which draws us to be Senators be a sincere desire to help our fellow man and a need for involvement. Help us to give proper direction to our motives, Lord, in helping the people of our state. Amen.

Appendix

CONSENT CALENDAR

In order for Tuesday, June 2, 1998:

1. Reappointment of Barbara Levine of Providence to the Rhode Island State Council on the Arts for a term expiring March 1, 2001.

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

2. Appointment of Maeline T. LaPlume of Narragansett VICE Joyce Gref-Cotoia to the Rhode Island State Council on the Arts for a term expiring March 1, 2001.

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

3. (98-S 3171) An Act reinstating and restoring forfeited or revoked corporate charters. Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Clerk of the Senate
Thursday, May 28, 1998

Appendix

CALENDAR

In order for Tuesday, June 2, 1998:

1. (98-H 7640) An Act relating to state affairs and government- Children's Cabinet.

Committee on Health, Education and Welfare recommends passage in concurrence.

2. (98-S 2547) An Act relating to chiropractors.

Committee on Health, Education and Welfare recommends passage.

3. (98-S 2632) An Act relating to temporary disability insurance- exemption of certain persons.

Committee on Labor recommends passage.

4. (98-H 7278) (Substitute "A") An Act relating to municipal detention facilities.

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

5. (98-H 7390) An Act relating to payment of fines.

Committee on Judiciary recommends passage in concurrence.

6. (98-H 7541) An Act relating to criminal procedure - victim's rights.

Committee on Judiciary recommends passage in concurrence.

7. (98-H 7585) An Act relating to criminal offenses - crime against nature.

Committee on Judiciary recommends passage in concurrence.

8. (98-H 8009) An Act relating to public utilities.

Committee on Judiciary recommends passage in concurrence.

9. (98-H 7202 as amended) An Act relating to labor.

Committee on Labor recommends passage as amended in concurrence.

10. (98-H 7310) (Substitute "A") An Act relating to labor and labor relations.

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

11. (98-H 7516) An Act relating to labor and labor relations.

Committee on Labor recommends passage in concurrence.

12. (98-H 7752) An Act relating to labor -wages.

Committee on Labor recommends passage in concurrence.

13. (98-H 8042) (Substitute "A") An Act relating to labor and labor relations.

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

14. (98-H 8083) (Substitute "A") An Act relating to the Rhode Island school-to-work transition act of 1996.

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

15. (98-H 8325 as amended) An Act relating to employment security- reasonable assurance.

Committee on Labor recommends passage as amended in concurrence.

16. (98-H 8720) An Act relating to labor -employment security.

Committee on Labor recommends passage in concurrence.

17. (98-H 8892) An Act relating to sexual harassment, education and training in the workplace.

Committee on Labor recommends passage in concurrence.

Appendix

CALENDAR

In order for Wednesday, June 3, 1998:

1. (98-S 2439) (Substitute "A") An Act relating to courts and civil procedure - language interpreters.

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

2. (98-S 3051) An Act relating to the University of Rhode Island. Joint Committee on Naming State Constructions recommends passage.

3. (98-S 3064) An Act relating to the naming of state buildings. Joint Committee on Naming State Constructions recommends passage. cc

4. (98-H 7446) (Substitute A as amended) An Act relating to health and safety.

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

5. (98-H 7467) (Substitute "A") An Act relating to health and safety - home care patient/client rights.

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

6. (98-H 7540 as amended) An Act relating to Disability Business Enterprises.

Committee on Health, Education and Welfare recommends passage as amended in concurrence.

7. (98-H 7819) An Act relating to health and safety.

Committee on Health, Education and Welfare recommends passage in concurrence.

8. (98-H 8304 as amended) An Act relating to health and educational building corporation.

Committee on Health, Education and Welfare recommends passage as amended in concurrence.

9. (98-H 7149) An Act relating to Coastal Resources Management Council. Ordered on the Calendar.

10. (98-H 7150) An Act relating to beach vehicle permits. Ordered on the Calendar.

11. (98-H 7606) (Substitute cc A,,) An Act relating to waters and navigation - harbors and harbor lines. Ordered on the Calendar.

12. (98-H 7808 as amended) An Act relating to scenic highways. Ordered on the Calendar. cc

13. (98-H 8955) (Substitute A as amended) An Act relating to motor and other vehicles. Ordered on the Calendar.

14. (98-H 8957) An Act relating to Coastal Resources Management Council. Ordered on the Calendar.

15. (98-H 9012) (Substitute "A") An Act relating to licensing- Rhode Island party and charter boat license. Ordered on the Calendar.

RAYMOND T. HOYAS, JR.
Clerk of the Senate
Thursday, May 28, 1998

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

Thank you for stopping by!

