

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 fourth day of January in the year of Our Lord two thousand.

Volume 127, No. 15 Tuesday, February 15, 2000 Fifteenth Pay

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:17 o'clock P.M.

The roll is called and a quorum is declared present with 49 Senators present and 1 Senator absent as follows:

PRESENT - 49; Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Iglioizzi, Irons, Issa, Izzo, Halls, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, RaptakIs, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

ABSENT - 1; Senator Connors.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, February 10, 2000 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 Joseph Buchanan of Providence who is involved with People to End Homelessness.

Upon suggestion of Senator Graziano, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Elizabeth Ames, a sophomore attending the University of Rhode Island, who will be serving as an intern.

COMMUNICATIONS

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

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER**

February 15, 2000

Lieutenant Governor, Charles J. Fogarty
116 State House
Providence, RI 02903

Dear Lieutenant Governor Fogarty; Please be advised that I will not be attending the Senate Legislative Session on Tuesday, February 15, 2000.

Thank you.

DANIEL P. CONNORS

Senator District 33

Received and ordered to be placed on file.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER**

February 15,2000

Dear Lt. Governor Charles J. Fogarty;

Please be advised that I will be absent from the State Senate Session on Wednesday, February 16, 2000 as I will be out of state on business. I would appreciate your recording my letter in the appropriate section of the Senate Journal. Thank you for your attention to this matter.

Sincerely,

WALLY FELAG

Senator District 46

Received and ordered to be placed on file.

APPROVED BY THE GOVERNOR

His Honor, the Lieutenant Governor, presents an announcement of the receipt by the Secretary of State of the following measure, signed and approved February 11, 2000, by His Excellency, the Governor: (00-S 2209) An Act relating to elections registration of voters.

JAMES R. LANGEVIN
Secretary of State

Received and ordered to be placed on file.

APPOINTMENTS BY THE GOVERNOR

His Honor, the Lieutenant Governor, 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

Lincoln Almond
Governor

February 7, 2000

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42130-S of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rural Development Council; Wayne Salisbury of North Scituate (local opal from rural community) for a term expiring July 1, 2003.

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

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

February 10, 2000

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; Raymond Goff of Glocester (local official from rural community) for a term expiring July 1, 2003.

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

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

February 9, 2000

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 23-19-6 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Resource Recovery Corporation: John St. Sauveur of North Smithfield for a term expiring July 1, 2001.

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

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

February 10, 2000

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 16-60-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Regents for Elementary and Secondary Education: Colleen A. Bielecki of Cumberland VICE Patricia Houlihan for a term expiring January 31, 2003.

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

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

FROM THE

HOUSE OF REPRESENTATIVES

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

(2000-H7816) An Act relating to the renaming of the Howard Center as the John O. Pastore Center.

Read and referred to the Joint Committee on Naming State Constructions.

**REPORTS OF COMMITTEES
TRANSFER OF BILL**

Senator Paiva Weed, from the Committee on Judiciary, in accordance with Senate Rule 6,14, moves to transfer the following bill from the Committee on Judiciary to the Committee on Health, Education and Welfare: (00-S 2265) An Act relating to civil rights.

Read and referred to the Committee on Health, Education and Welfare.

COMMITTEE ON CORPORATIONS

Senator Irons, from the Committee on Corporations, reports back, with recommendation of passage of the following

measures: (00-S 2176) An Act relating to taxation.

Read and ordered to be placed on the Calendar.

(00-S 2177) An Act relating to the Smithfield Land Trust.

Read and ordered to be placed on the Calendar.

(00-S 2178) An Act in amendment of and in addition to Chapter 55 of the Public Laws, 1958, as amended, entitled, "An Act authorizing the towns of Charlestown, Richmond and Hopkinton, to join a regional school district, incorporating (said regional school district, and providing for the issuance of bonds, construction and operation of a regional school system for the joint use of the participating towns, within said regional school district established by this act" and authorizing the Chariho Regional School District to issue (A) not more than \$12,000,000 bonds and notes for the acquisition, construction, renovation and equipping of two or three new elementary schools (Kindergarten through Grade 5), (B) not more than \$17,000,000 bonds and notes for land acquisition, additions to, renovation and equipping of the existing Chariho High School (Grades 9 through 12), and (C) not more than \$8,500,000 bonds and notes for the renovation and equipping of the existing Ashaway, Charlestown, Hope Valley and Richmond Elementary Schools (Kindergarten through Grade 5).

Read and ordered to be placed on the Calendar.

(00-S 2189) An Act establishing the Hopkinton Land Trust.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

Senator Paiva Weed, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures: (00-S 220(8)) Joint Resolution creating a special legislative commission to study services to persons with mental illness in the criminal Justice system.

Read and ordered to be placed on the Consent Calendar.

(00-S 2146) (Substitute "A") Senate Resolution creating a special Senate commission to study child support enforcement and accountability.

Read and ordered to be placed on the Consent Calendar.

(00-S 2269) An Act relating to elections - ballots for blind and visually impaired voters.

Read and ordered to be placed on the Calendar.

(00-S 2151 as amended) An Act relating to the towns of Foster and Glocester regional juvenile hearing board.

Read and ordered to be placed on the Calendar.

Senator Paiva Weed, from the Committee on Judiciary, reports back, with recommendation that confirmation of the Senate be given to the following: Appointment of Ashbel T. Wall, II of Providence VICE George Vose (Resigned) as

Director of the Department of Corrections.

Read and ordered to be placed on the Calendar.

Appointment of Deborah R. Barchi of North Scituate (Representing Large and Medium Sized Public Libraries) VICE Donna Dufault to the Library Board of Rhode Island for a term expiring December 31, 2002.

Read and ordered to be placed on the Consent Calendar.

Appointment of Raymond A. Marcaccio, Esquire of Providence VICE Jerome Battey, Esquire to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2002.

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS

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

Senators Damiani, Kells, Tocco, Celona and Felag present (00-S 2783) Senate Resolution designating May 15th of each year as Peace Officers' Memorial Day.

Senator Damiani requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senator McDonald presents (00-S 2784) Senate Resolution creating a special Senate commission to study all aspects of RIPTA.

Senator McDonald requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Without objection, the following acts are introduced after the deadline:

Senators Gallo Paiva Weed, Goodwin, Izzo, Roberts and others present (00-S 2785) An Act relating to state affairs and government pharmaceutical assistance to the elderly.

Read and referred to the Committee on Finance.

Senators Gallo, Paiva Weed, Goodwin, Izzo, Roberts and others present (00-S 2786) An Act relating to pharmaceutical assistance to the elderly.

Read and referred to the Committee on Finance.

Senator Enos presents (by request) (00-S 2787) An Act relating to state affairs and government - corrections department - appointment of wardens.

Read and referred to the Committee on Finance.

Senators Enos and Coderre present (00-S 2788) An Act relating to state affairs and government - renaissance development zones.

Read and referred to the Committee on Finance.

Senator Kells presents (00-S 2789) An Act relating to towns and cities - health and educational building corporation.

Read and referred to the Committee on Finance.

Senator Roney presents (00-S 2790) An Act relating to real property - mortgages.

Read and referred to the Committee on Judiciary.

Senator Enos presents (by request) (00-S 2791) An Act relating to elections - terms and qualifications for office.

Read and referred to the Committee on Judiciary.

Senators Enos, Damiani and Coderre present (00-S 2792) An Act relating to criminal offenses jails and prisons.

Read and referred to the Committee on Judiciary.

Senator McDonald presents (00-S 2793) An Act relating to lobsters and crustaceans.

Read and referred to the Committee on Judiciary.

Senators Irons, Cote and Bates present (by request) (00-S 2794) An Act relating to motor vehicle insurance - rental vehicles.

Read and referred to the Committee on Corporations.

Senators Irons, Bates, Cote, Montalbano and DaPonte present (by request) (00-S 2795) An Act relating to Rhode Island Small Business Regulatory Flexibility Act.

Read and referred to the Committee on Corporations.

Senator Sosnowski presents (00-S 2796) Senate Resolution creating a special Senate commission to study the licensing and certification of arborists in the state of Rhode Island.

Read and referred to the Committee on Corporations.

Senators Enos and Coderre present (00-S 2797) An Act relating to zoning - general provisions.

Read and referred to the Committee on Corporations.

Senators Blais and DaPonte present (00-S 2798) An Act relating to hearing aid dealers and fitters.

Read and referred to the Committee on Corporations.

Senators Kells, Kelly, Fogarty, Montalbano, Alves and others present (00-S 2799) Senate Resolution expressing condolences on the passing of Providence Police Sergeant Cornel Young Jr.

Senator Kells requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senator Enos, seconded by Senator Algiere, 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 Ann R. Crawford of Charlestown (Representing Small Public Libraries) VICE Jenny LaPerriere to the Library Board of Rhode Island for a term expiring December 31, 2002.
2. Appointment of Barbara Fields Karlin of Providence (Community Development Intermediary) VICE Mary Jane K. "Susan" Baxter to the Rhode Island Housing Resources Act for a term expiring January 31, 2002.
3. Reappointment of Kevin Flynn of Cranston (Local Planner) to the Rhode Island Housing Resources Act for a term expiring January 31, 2003.
4. Appointment of Mary Jane K. "Susan" Baxter of Providence (Public Member) to the Rhode Island Housing Resources Act for a term expiring January 31, 2003.
5. Appointment of Rose Ellen A. Reynolds of Cranston (Representing Coalition of Library Advocates) VICE Dr. Robert J. McKenna to the Library Board of Rhode Island for a term expiring December 31, 2002.
6. Appointment of Sheila Cabral Sousa of Warwick (Senior Housing Advocate Seat) to the Rhode Island Housing Resources Act for a term expiring January 31, 2003.

CALENDAR

In order for the day is taken up as follows:

1. (00-S 2185) An Act relating to the town of Scituate - property tax assessment.

Committee on Corporations recommends passage.

Senator Breene moves passage, seconded by Senators Flynn and Patterson.

The act is read and passed, 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, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Halls, Kelly, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

2. (00-S 2195) An Act relating to insurance compliance self audit.

Committee on Corporations recommends passage.

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Tuesday, February 29, 2000.

3. (2000-H6705) An Act relating to education - Chariho Regional School District.

Committee on Corporations recommends passage in concurrence.

Senator Walsh moves passage, seconded by Senators McDonald and Sosnowski.

The act is read and passed, in concurrence, 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, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

4. (00-S 2117 as amended) An Act relating to elections.

Committee on Judiciary recommends passage as amended.

Senator Paiva Weed moves passage, seconded by Senator Cicilline and Roney.

Senator Roney, seconded by Senators Enos, Goodwin, Coderre and others, offers the following written motion to amend:

FLOOR AMENDMENT
TO
(00-S 2117 as amended)

Mr. President:

I hereby move to amend (00-S 2117 as amended) entitled "AN ACT RELATING TO ELECTIONS," as follows: On page 1, delete lines 14 and 15, and insert in lieu thereof the following language: "the city of Newport may- by charter or ordinance, permit a municipal employee of that city to hold the office of school committeeperson in that city."

Respectfully submitted,

JOHN M.RONEY
Senator, District 2

Senators Cicilline and Roney 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 Algieri, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Goodwin, Graziano, Igliozi, Irons, Issa, Izzo, Kells, Kelly, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Perry, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

Upon motion of Senator Paiva Weed, seconded by Senator Cicilline, read and passed as amended, upon a roll call vote with 37 Senators voting in the affirmative and 5 Senators voting in the negative as follows:

YEAS - 37: Senators Algieri, Alves, Bates, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Goodwin, Igliozi, Irons, Izzo, Kells, Kelly, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Perry, Raptakis, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walsh, Walton.

NAYS - 5: Senators Blais, Breene, Flynn, Graziano, Revens.

ANNOUNCEMENTS

Senator Roberts announces that the Committee on Finance will meet today at the rise of the Senate.

Also:

Senator Paiva Weed announces that the Committee on Judiciary will meet today at the rise of the Senate. BEST WISHES

Senator Enos extends best wishes to Senator Felag and Senator DaPonte on the special occasion of their birthdays.

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.

ADJOURNMENT

Upon motion of Senator Kelly, seconded by Senator Algieri, the Senate adjourns at 4:39 o'clock P.M.

RAYMOND T. HOYAS, JR.
Clerk of the Senate

Appendix

INVOCATION

SENATOR HANNA M. GALLO

We pause to seek Your wisdom and direction, Lord. In all our endeavors may we be mindful of Your presence. Amen.

Appendix

CONSENT CALENDAR

In order for Thursday, February 17, 2000:

1. (00-S 2146) (Substitute "A") Senate Resolution creating a special Senate commission to study child support enforcement and accountability.

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

2. (00-S 2208) Joint Resolution creating a special legislative commission to study services to persons with mental illness in the criminal justice system.

Committee on Judiciary recommends passage.

3. Appointment of Deborah R. Barchi of North Scituate (Representing Large and Medium Sized Public Libraries) VICE Donna Dufault to the Library Board of Rhode Island for a term expiring December 31, 2002.

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

4. Appointment of Raymond A. Marcaccio, Esquire of Providence VICE Jerome Battey, Esquire to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2002.

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

Appendix

In order for Thursday, February 17, 2000:

CALENDAR

1. Appointment of Ashbel T. Wall, II of Providence VICE George Vose (Resigned) as Director of the Department of Corrections.

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

2. (00-S 2176) An Act relating to taxation.

Committee on Corporations recommends passage.

3. (00-S 2177) An Act relating to the Smithfield Land Trust.

Committee on Corporations recommends passage.

4. (00-S 2178) An Act in amendment of and in addition to Chapter 55 of the Public Laws, 1958, as amended, entitled, "An Act authorizing the towns of Charlestown, Richmond and Hopkinton, to join a regional school district, incorporating said regional school district, and providing for the issuance of bonds, construction and operation of a regional school system for the joint use of the participating towns, within said regional school district established by this act" and authorizing the Chariho Regional School District to issue (A) not more than \$12,000,000 bonds and notes for the acquisition, construction, renovation and equipping of two or three new elementary schools (Kindergarten through Grade 5), (B) not more than \$17,000,000 bonds and notes for land acquisition, additions to, renovation and equipping of the existing Chariho High School (Grades 9 through 12), and (C) not more than \$8,500,000 bonds and notes for the renovation and equipping of the existing Ashaway, Charlestown, Hope Valley and Richmond Elementary Schools (Kindergarten through Grade 5).

Committee on Corporations recommends passage.

5. (00-S 2189) An Act establishing the Hopkinton Land Trust.

Committee on Corporations recommends passage.

6. (00-S 2151 as amended) An Act relating to the towns of Foster and Glocester - regional juvenile hearing board.

Committee on Judiciary recommends passage as amended.

7. (00-S 2269) An Act relating to elections ballots for blind and visually impaired voters.

Committee on Judiciary recommends passage.

Appendix

CALENDAR

In order for Tuesday, February 29, 2000:

1. (00-S 2117 as amended) An Act relating to elections.

Committee on Judiciary recommends passage as amended.

RAYMOND T. HOYAS, JR.

Clerk of the Senate

Tuesday, February 15, 2000

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

Thank you for stopping by!

