

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. 21                      Tuesday, March 7, 2000                      Twenty-first Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:09 o'clock P.M.

The roll is called and a quorum is declared present with 50 Senators present and 0 Senators absent as follows:

PRESENT - 50: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

ABSENT-0.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, March 2, 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 Kelly, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable Dermot Collins, Chairman of Kinsale Urban District Council, Cork County, Ireland, who, along

with his lovely wife Breeda, are leading a delegation to the United States to celebrate the special twinning ceremony with the City of Newport.

Senators Cicilline and Paiva Weed escort the Honorable Chairman to the Rostrum.

The Honorable Chairman addresses the members of the Senate on this historical occasion.

His Honor, the Lieutenant Governor, expresses appreciation to all the guests from Ireland who have traveled to Rhode Island.

His Honor, the Lieutenant Governor, expresses appreciation to all the guests from Ireland who have traveled to Rhode Island.

Upon suggestion of Senator McCaffrey, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Debbie Alves, wife of Senator Alves.

## **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

March 2,2000

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:

Ernest Balasco of Hope Valley  
(Representative of Not-For-Profit Business  
Located in 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

March 2, 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 Robinson of West Kingston  
(Resident of a 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

March 2, 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;

Geoffrey Marchant of East Greenwich  
(Representative of Not-For-Profit Business  
Located in 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

March 1, 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:

Laurel D. Shepard of Greenville  
(Resident of a 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

March 1,2000

To the Honorable, the Senate;

I have the honor to inform you that in accordance with the provisions of Section 39-18-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Public Transit Authority;

William C. Kennedy of Coventry  
VICE  
Barry Schiller

for a term expiring April 1, 2002.

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

March 1,2000

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:

Milton Schumacher of North Scituate  
(Resident of a 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.

**REPORTS OF COMMITTEES**

**COMMITTEE ON CORPORATIONS**

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

(00-S 2213) An Act relating to taxation levy and assessment of local taxes.

Read and ordered to be placed on the Calendar.

(00-S 2311) An Act relating to health and safety - state building code.

Read and ordered to be placed on the Calendar.

(00-S 2358 as amended) An Act relating to financial institutions- community obligations and banking offenses.

Read and ordered to be placed on the Calendar.

(00-S 2366) An Act authorizing the Audubon Society of Rhode Island to increase its holdings to an amount not exceeding fifty million dollars (\$50,000,000).

Read and ordered to be placed on the Calendar.

(00-S 2392) An Act confirming property tax exemption of American Baptist Churches of Rhode Island.

Read and ordered to be placed on the Calendar. (00-S 2532 as amended) An Act relating to health and safety - vital records.

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 2094) An Act relating to elections.

Read and ordered to be placed on the Calendar.

(00-S 2481) An Act relating to judicial selection.

Read and ordered to be placed on the Calendar.

(00-S 2518) An Act relating to state affairs and government- open meetings.

Read and ordered to be placed on the Calendar.

(00-S 2710 as amended) An Act relating to the General Assembly- lobbying.

Read and ordered to be placed on the Calendar.

(00-S 2746) An Act relating to elections -elective meetings.

Read and ordered to be placed on the 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 Blais, Breene and Raptakis present (00-S 2822) An Act authorizing the town of Coventry to finance the acquisition and improvement of land for recreational purposes by the issuance of not more than \$2,000,000 bonds and/or notes therefor.

Read and referred to the Committee on Corporations,

Senators Celona, Izzo, Tocco, Igliozi, Ruggerio and others present (00-S 2823) Senate Resolution proclaiming March as Colon Cancer Awareness Month in Rhode Island.

Senator Celona requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Blais and Breene present (00-S 2824) Senate Resolution honoring Pete Fontaine for his many years of dedication to the community.

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Blais, seconded by 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 measures on today's Consent Calendar, by unanimous consent, are read and passed upon a voice vote:

- 1.(00-S 2100) Senate Resolution recognizing May 6-12 as National Nurses Week.
- 2. (00-S 2571) Senate Resolution respectfully requesting the Department of Human Services to apply to the Federal Health Care Financing Administration to expand its home and community based waiver programs.
- 3. (00-2817) An Act reinstating and restoring forfeited or revoked corporate charters.

CALENDAR

In order for the day is taken up as follows:

- 1.(00-S 2215) An Act relating to state affairs and government.

Committee on Judiciary recommends passage.

Senator Lenihan moves passage, seconded by Senator Cote.

Senator Lenihan, seconded by Senators Coderre, Paiva Weed, Roney and others, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(00-S 2215)

Mr. President:

I hereby move to amend(00-S 2215) entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT," as follows:

On page 1, line 9, by deleting the word "three" and inserting in its place thereof the word "four";

On page 1, line 10, by deleting the figure "23" and inserting in its place thereof the figure "24";

On page 2, between lines 25 and 26, by adding the following language:

"(17) the President of the Senate effective January 1, 2003."

Respectfully submitted,

J. MICHAEL LENIHAN  
Senator, District 22

The motion to amend prevails upon a roll call vote with 48 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

**YEAS** - 48: Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells,

Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, RaptakIs, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

**NAYS -0.**

Senators Sasso and Lenihan discuss the act.

Upon motion of Senator Lenihan, seconded by Senator Roney, read and passed as amended, 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, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Petty, Raptakis, Revens, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walton.

**NAYS -0.**

**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.

**BEST WISHES**

Senator Algieri extends best wishes to Senator Blais on the very special occasion of his birthday.

**ANNOUNCEMENTS**

Senator Cote 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 Paiva Weed announces that the Committee on Judiciary will meet today at the rise of the Senate in Room 313 of the State House.

Also:

Senator Izzo announces that the Committee on Health, Education and Welfare will meet on Wednesday, March 8, 2000, at 3:00 o'clock P.M. in Room 211 of the State House.

Also:

Senator Goodwin announces that the Committee on Special Legislation will meet on Wednesday, March 8, 2000, at the rise of the Senate in the Senate Lounge of the State House.

**ADJOURNMENT**

Upon motion of Senator Kelly, seconded by Senator Algieri, the Senate adjourns at 4:24 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Clerk of the Senate

**Appendix**

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**INVOCATION**

**SENATOR DANIEL DaPONTE**

We ask, that you guide us,  
Lord, in broadening our minds and extending ourselves in service to our constituents. May we better understand their concerns and needs and do our best to assist them. Amen.

**Appendix**

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**CALENDAR**

In order for Wednesday, March 8, 2000:

**1.**(00-S 2099) An Act relating to fish and wildlife - licensing.

Committee on Finance recommends passage.

**2.**(00-S 2242) An Act relating to wills, estates, trusts and fiduciaries.

Committee on Judiciary recommends passage.

**3.**(00-S 2246) An Act relating to probate courts.

Committee on Judiciary recommends passage.

**4.**(00-S 2247) An Act relating to probate practice and procedure.

Committee on Judiciary recommends passage.

**5.**(00-S 2325) An Act relating to credit unions.

Committee on Corporations recommends passage.

**6.**(00-S 2328) An Act relating to community antenna television systems.

Committee on Corporations recommends passage.

**7.**(00-S 2329) An Act making an appropriation of \$5,000 to Laura A. Hoxsie.

Committee on Finance recommends passage.

**8.**(00-S 2330) An Act relating to health and safety - health care quality steering committee.

Committee on Health, Education and Welfare recommends passage.

**9.**(00-S 2333) An Act relating to real estate appraiser certification act.

Committee on Judiciary recommends passage.

**10.**(00-S 2337) (Substitute "A") An Act relating to financial institutions.

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

**11.**(00-S 2362) An Act relating to management and disposal of property.

Committee on Finance recommends passage.

**12.**(00-S 2389) An Act relating to education - children with disabilities.

Committee on Health, Education and Welfare recommends passage.

**13.**(00-S 2404) An Act relating to public property and works.

Committee on Finance recommends passage.

**14.**(00-S 2413) An Act relating to emergency management.

Committee on Health, Education and Welfare recommends passage.

**15.**(00-S 2454 as amended) An Act relating to the Valley Gas Company.

Committee on Corporations recommends passage as amended.

**16.**(00-S 2455 as amended) An Act relating to the Bristol and Warren Gas Company.

Committee on Corporations recommends passage as amended. 17.

(00-S 2474) An Act relating to insurance - agents, brokers and solicitors.

Committee on Corporations recommends passage.

**18.**(00-S 2476) An Act relating to Rhode Island Resource Recovery Corporation,

Committee on Corporations recommends passage.

**19.**(00-S 2525) An Act relating to health and safety.

Committee on Corporations recommends passage.

**20.**(00-S 2533) An Act relating to health and safety - respiratory care act.

Committee on Health, Education and Welfare recommends passage.

**21.**(00-S 2534 as amended) An Act relating to education - health and safety of pupils.

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

**22.**(00-S 2538) An Act relating to health and safety.

Committee on Health, Education and Welfare recommends passage.

**23.**(00-S 2540 as amended) An Act relating to long-term care coordinating council.

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

**Appendix**

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**CALENDAR**

In order for Thursday, March 9, 2000:

**1.**(00-S 2094) An Act relating to elections.

Committee on Judiciary recommends passage.

**2.**(00-S 2213) An Act relating to taxation -levy and assessment of local taxes.

Committee on Corporations recommends passage.

**3.**(00-S 2311) An Act relating to health and safety state building code.

Committee on Corporations recommends passage.

**4.**(00-S 2331) An Act relating to businesses and professions optometrists.

Committee on Corporations recommends passage.

**5.**(00-S 2358 as amended) An Act relating to financial institutions- community obligations and banking offenses.

Committee on Corporations recommends passage as amended.

**6.** (00-S 2366) An Act authorizing the Audubon Society of-ode Island to increase its holdings to an amount not exceeding fifty million dollars (\$50,000,000).

Committee on Corporations recommends passage.

**7.**(00-S 2392) An Act confirming property tax exemption of American Baptist Churches of Rhode Island.

Committee on Corporations recommends passage.

**8.**(00-S 2481) An Act relating to judicial selection.

Committee on Judiciary recommends passage.

**9.**(00-S 2518) An Act relating to state affairs and government- open meetings.

Committee on Judiciary recommends passage.

**10.**(00-S 2532 as amended) An Act relating to health and safety- vital records.

Committee on Corporations recommends passage as amended.

**11.**(00-S 2710 as amended) An Act relating to the General Assembly - lobbying.

Committee on Judiciary recommends passage as amended.

**12.**(00-S 2746) An Act relating to elections -elective meetings.

Committee on Judiciary recommends passage.

RAYMOND T. HOYAS, JR.

Clerk of the Senate

Tuesday, March 7, 2000

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

Thank you for stopping by!

