

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. 28 Wednesday, March 22, 2000 Twenty-eighth day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:10 o'clock P.M.

The roll is called and a quorum is declared present with 45 Senators present and 5 Senators absent as follows:

PRESENT - 45: Senators Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Revens, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton

ABSENT - 6: Senators Algiere, Cote, Irons, Raptakis, Roberts.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, March 21, 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.

COMMUNICATION

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
OFFICE OF THE SENATE MINORITY LEADER

March 21, 2000

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

Dear Lt. Governor Fogarty:

Please be advised that I will be away on business on Wednesday, March 22 and Thursday, March 23 and, thus, will be absent from the Senate Chambers on those days. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,

DENNIS L. ALGIERE
Senate Minority Leader

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:

(2000-H 8073) An Act relating to the Albion Fire District. Read and ordered to be placed on the Desk.

Also:

(2000-H 6886) An Act relating to the Pascoag Fire District.

Read and referred to the Committee on Corporations,

Also:

(2000-H 6887) An Act relating to the Pascoag Fire District.

Read and referred to the Committee on Corporations.

Also:

(2000-H 8074) An Act relating to solemnization of marriages.

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 2434) An Act relating to tree wardens.

Read and ordered to be placed on the Calendar.

(00-S 2516) An Act relating to the William H. Hall Library.

Read and ordered to be placed on the Calendar.

(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 ordered to be placed on the Calendar.

(00-S 2825) An Act authorizing the town of Glocester to finance the development, construction, reconstruction, resurfacing and rehabilitation of roads, highways and bridges in the town, including the construction of a salt/sand storage facility by the issuance of not more than \$3,000,000 bonds and/or notes therefor.

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 2740) (Substitute "A") An Act relating to courts and civil procedure - courts - Family Court.

Read and ordered to be placed on the Calendar.

(00-S 2837) An Act relating to criminal offenses children.

Read and ordered to be placed on the Calendar.

(2000-H 7534) An Act relating to solemnization of marriages.

Read and ordered to be placed on the Calendar.

COMMITTEE ON SPECIAL LEGISLATION

Senator Goodwin, from the Committee on Special Legislation, reports back, with recommendation of passage of the following measures:

(00-S 2012) An Act relating to state affairs and government- tourism districts.

Read and ordered to be placed on the Calendar.

(00-S 2173 as amended) An Act relating to establishment and extension of gambling activities.

Read and ordered to be placed on the Calendar.

(00-S 2226) Senate Resolution proclaiming May 11, 2000 as Rhode Island Pay Equity Day.

Read and ordered to be placed on the Consent Calendar.

(00-S 2690) Senate Resolution respectfully requesting the Veterans Administration to restore funding to VISN One (Veteran Integrated Service Network).

Read and ordered to be placed on the Consent Calendar.

(00-S 2720 as amended) Joint Resolution creating a special legislative commission to investigate the issue of problem gambling in the state of Rhode Island.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON LABOR

Senator Badeau, from the Committee on Labor, reports back, with recommendation of passage of the following measures:

(00-S 2577) An Act relating to hoisting engineers.

Read and ordered to be placed on the Calendar.

(00-S 2580) An Act relating to businesses and professions- plumbers.

Read and ordered to be placed on the Calendar.

TRANSFER OF BILLS

Senator Izzo, from the Committee on Health, Education and Welfare, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Health, Education and Welfare to the Joint Committee on Environment and Energy:

(00-S 2395) An Act relating to deer hunting.

Read and referred to the Joint Committee on Environment and Energy.

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 Finance:

(00-S 2573) Senate Resolution respectfully requesting the Department of Elderly Affairs to implement a volunteer guardianship program.

Read and referred to the Committee on Finance.

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 Corporations:

(00-S 2815) An Act relating to criminal offenses - weapons.

Read and referred to the Committee on Corporations.

NEW BUSINESS

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

Senators Gibbs, Cicilline, Paiva Weed and Enos present (00-S 2856) Senate Resolution honoring Edward B. "Ned" Corcoran on his outstanding service to the community and to the Boys' Club and Girls' Club of Newport County.

Senator Gibbs requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senator Roberts presents (by request of the Lieutenant Governor) (00-S 2857) Senate Resolution requesting the 106th Congress of the United States of America to pass legislation to add a prescription drug benefit to the Medicare program.

Read and referred to the Committee on Special Legislation.

Senators Gibbs and Roberts present (by request of the Lieutenant Governor) (00-S 2858) Senate Resolution requesting the 106th Congress of the United States of America to pass S 707 entitled An Act to amend the Older Americans Act of 1965.

Read and referred to the Committee on Special Legislation.

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 confirmation of the Senate, upon a voice vote:

- 1. Appointment of Bradley J. Waugh of East Greenwich VICE William P. Rampone to the Narragansett Bay Commission for a term expiring April 1, 2002.
- 2. Appointment of Wayne Salisbury of North Scituate (Elected City or Town Official) VICE Dominic L. Ragosta (resigned) to the Rhode Island Resource Recovery Corporation for a term expiring July 1, 2000.

CALENDAR

In order for the day is taken up as follows: 1. (00-S 2119) An Act relating to nurses.

Committee on Health, Education and Welfare recommends passage.

Senator Graziano moves passage, seconded by Senators Celona, Ruggerio, Alves 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 Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Damiani, DaPonte, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Iglioizzi, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Revens, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

2.(00-S 2519) (Substitute "A" as amended) An Act relating to licensing of health care facilities.

Committee on Health, Education and Welfare 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, March 28, 2000.

3.(00-S 2572 as amended) An Act relating to education - curriculum.

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

Senator Cicilline moves passage, seconded by Senators Walton, Perry, Izzo and others.

The act is read and passed, as amended, 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, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Iglioizzi, Issa, Izzo, Kells, Kelly, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Revens, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

4.(00-S 2603) (Substitute "A") An Act relating to residential care and assisted living facility licensing act.

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

Senator Paiva Weed moves passage, seconded by Senators Coderre, Goodwin, Fogarty, Kells, Tocco and others.

Senator Paiva Weed, seconded by Senator Cicilline, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(00-S 2603) (Substitute "A")

Mr. President:

I hereby move to amend (00-S 2603) (Substitute "A") entitled "AN ACT RELATING TO RESIDENTIAL CARE AND ASSISTED LIVING FACILITY LICENSING ACT," as follows:

On page 2, line 24, underscore the words "on a scheduled basis," and insert the words "or unscheduled" after the word the word "schedule.d".

Respectfully submitted,

M. TERESA PAIVA WEED
Senator, District 49

The motion to amend prevails upon a roll call vote with 42 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 42: Senators Alves, Bates, Blais, Breene, Caprio, Cicilline, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliozi, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Revens, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

Upon motion of Senator Paiva Weed, seconded by Senator Cicilline, 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 43 Senators voting in the affirmative, 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS - 43: Senators Alves, Bates, Blais, Breene, Caprio, Cicilline, Coderre, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliozi, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Revens, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

ABSTAINED - 1: Senator Celona.

FROM THE DESK

Upon suggestion of Senator Enos and without objection, the following act is removed from the Desk and placed on the Calendar for Thursday, March 23, 2000:

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

Read and ordered to be placed on the Calendar.

ANNOUNCEMENTS

Senator Izzo announces that the Committee on Health, Education and Welfare will meet today at the rise of the Senate in Room 211 of the State House.

Also:

Senator Goodwin announces that the Committee on Special Legislation will meet today at the rise of the Senate in the Senate Lounge of the State House.

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 4:23 o'clock P.M.

RAYMOND T. HOYAS, JR.
Clerk of the Senate

INVOCATION

SENATOR DANIEL J. ISSA

"We, the people of the State of Rhode Island and Providence Plantations, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, look to Him for a blessing upon our endeavors to secure and to transmit the same, unimpaired, to succeeding generations."

Appendix

CONSENT CALENDAR

In order for Thursday, March 23, 2000:

- 1. (00-S 2226) Senate Resolution proclaiming May 11, 2000 as Rhode Island Pay Equity Day.

Committee on Special Legislation recommends passage.

2. (00-S 2690) Senate Resolution respectfully requesting the Veterans Administration to restore funding to VISN One (Veteran Integrated Service Network).

Committee on Special Legislation recommends passage.

3. (00-S 2720 as amended) Joint Resolution creating a special legislative commission to investigate the issue of problem gambling in the state of Rhode Island.

Committee on Special Legislation recommends passage as amended.

RAYMOND T. HOYAS, JR.
Clerk of the Senate
Wednesday, March 22, 2000

Appendix

CALENDAR

In order for Thursday, March 23, 2000:

1. Appointment of Jessica L. Tempest of Providence (Student Representative) VICE Aaron J. Phaneuf to the Board of Governors for Higher Education for a term expiring January 31, 2002.

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

2.(00-S 2540 as amended) An Act relating to long-term care coordinating council. Ordered on the Calendar.

3.(00-S 2669 as amended) An Act relating to credit card lending.

Committee on Corporations recommends passage as amended.

4.(00-S 2568) An Act relating to business corporations.

Committee on Corporations recommends passage.

5.(00-S 2630 as amended) An Act relating to towns and cities district management authorities.

Committee on Corporations recommends passage as amended.

6.(00-S 2556) An Act relating to criminal procedure - sentence and execution.

Committee on Judiciary recommends passage.

7.(00-S 2337) (Substitute "A") An Act relating to financial institutions.

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

8.(00-S 2696) An Act relating to insurance health maintenance organization.

Committee on Corporations recommends passage.

9.(00-S 2094) An Act relating to elections.

Committee on Judiciary recommends passage.

10. (00-S 2481) An Act relating to judicial selection.

Committee on Judiciary recommends passage.

Appendix

CALENDAR

In order for Tuesday, March 28, 2000:

1. (00-S 2519) (Substitute "A" as amended) An Act relating to licensing of health care facilities.

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

2.(00-S 2770) (Substitute "A") An Act relating to indictments, informations and complaints.

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

3.(00-S 2012) An Act relating to state affairs and government- tourism districts.

Committee on Special Legislation recommends passage.

4.(00-S 2173 as amended) An Act relating to establishment and extension of gambling activities.

Committee on Special Legislation recommends passage.

5.(00-S 2434) An Act relating to tree wardens.

Committee on Corporations recommends passage.

6.(00-S 2516) An Act relating to the William H. Hall Library.

Committee on Corporations recommends passage.

7.(00-S 2577) An Act relating to hoisting engineers.

Committee on Labor recommends passage.

8.(00-S 2580) An Act relating to businesses and professions - plumbers.

Committee on Labor recommends passage.

9.(00-S 2740) (Substitute "A") An Act relating to courts and civil procedure - courts - Family Court.

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

10. (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.

Committee on Corporations recommends passage.

11. (00-S 2825) An Act authorizing the town of Glocester to finance the development, construction, reconstruction, resurfacing and rehabilitation of roads, highways and bridges in the town, including the construction of a salt/ sand storage facility by the issuance of not more than \$3,000,000 bonds and/or notes therefor.

Committee on Corporations recommends passage.

12. (00-S 2837) An Act relating to criminal offenses - children.

Committee on Judiciary recommends passage.

13.(2000-H 7534) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

RAYMOND T. HOYAS, JR.

Clerk of the Senate

Wednesday, March 22, 2000

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

Thank you for stopping by!

