

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. 29      Thursday, March 23, 2000      Twenty-ninth 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 47 Senators present and 3 Senators absent as follows:

PRESENT - 47: Senators Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Raptakis, Revens, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

ABSENT - 3; Senators Algiere, Cote, Roberts.

INVOCATION

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

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, March 22, 2000 proceedings is read part.

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

GUESTS

Upon suggestion of Senator Raptakis, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable George Chatjimichelakis, Consel General. Mr. Chatjimichelakis addresses the Senate in recognition of Greek Independence Day, celebrated on Saturday, March 26, 2000.

Upon suggestion of Senator Lenihan, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the

Chamber the family of Senator Raptakis, his wife Donna Raptakis, daughter Alexandra Marie Raptakis, and son Nicholas Peter Raptakis.

Upon suggestion of Senator Cicilline, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the following, who will be serving as Senate fellows: Jason Erb, Susan Lynch, Jonathan Sigman and Beth Jarosz.

Upon suggestion of Senator Paiva Weed, and by unanimous consent, His Honor, the Lieutenant Govenor, welcomes to the Chamber a Child Advocate for the state of Delaware Tanya Colley. Upon suggestion of Senator Irons, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable James Kanelos, former East Providence School Committee Member and his daughter Denise Votta.

**COMMUNICATION**

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

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

March 22, 2000

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

Dear Lieutenant Governor Fogarty;

Please be advised that I will be absent from the Senate Legislative Session for the week of March 27th, because 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 immediate attention to this matter.

Sincerely,

WALTER S. FELAG, JR.  
Senator, District 46

Received and ordered to be placed on file.

**EFFECTIVE WITHOUT  
THE SIGNATURE OF THE GOVERNOR**

His Honor, the Lieutenant Governor, presents an announcement of the receipt by the Secretary of State of the following measures which became effective without the signature of His Excellency, the Governor on March 22, 2000:

(00-S 2092 as amended) An Act relating to the Charlestown Fire District.

(00-S 2186) An Act relating to the town of Scituate - property tax assessment.

JAMES R. LANGEVIN

Secretary of State

Received and ordered to be placed on file.

**FROM THE DESK**

Upon suggestion of Senator Enos, and without objection, the following act is removed from the Desk and placed before the body:

(2000-H 8073) An Act relating to the Albion Fire District.

Senator Enos requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Enos, seconded by Senator Oster, and by unanimous consent, read and passed, in concurrence, under suspension of the rules, 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, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Iglionzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Patterson, Perry, Revens, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

**NAYS -0.**

**FROM THE  
HOUSE OF REPRESENTATIVES**

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

(2000-H 7010) An Act relating to lobbying.

Read and referred to the Committee on Judiciary.

Also:

(2000-H 7162) An Act relating to licensing of health care facilities.

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

Also:

(2000-H 7466) An Act relating to education -children with disabilities.

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

**REPORT OF COMMITTEE  
COMMITTEE ON JUDICIARY**

Senator Paiva Weed, from the Committee on Judiciary, reports back, with recommendation of passage of the following measure:

(00-S 2327) An Act relating to exchange of information in support of child support collection.

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 Ruggerio, Celona, Badeau, Igliozi, Kells and others present (00-S 2859) An Act relating to sales and use taxes- exemptions.

Read and referred to the Committee on Finance.

Senator Issa presents (00-S 2860) An Act relating to military affairs and defense extension of veterans' benefits.

Read and referred to the Joint Committee on Veterans Affairs.

Senators Igliozi, McDonald, Celona, DaPonte and Felag present (00-S 2861) An Act relating to human services.

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

Senators Walsh, McDonald, Sosnowski and Sasso present (00-S 2862) An Act relating to personal watercraft regulations.

Read and referred to the Committee on Corporations.

Senators Kelly, Algiere, Fogarty, Paiva Weed, Perry and others present (by request of the Lieutenant Governor) (00-S 2863) An Act relating to pharmaceutical assistance to the elderly.

Read and referred to the Committee on Finance.

Senators Enos and Blais present (00-S 2864) An Act to vacate the forfeiture or revocation of the charter of George Edward Sousa Enterprises, Inc.

Read and ordered to be placed on the Calendar.

Senator Coderre presents (by request of the Board of Governors for Higher Education) (00-S 2865) An Act relating to state purchases.

Read and referred to the Committee on Finance.

## **CONSENT CALENDAR**

In order for the day is taken up as follows:

Upon motion of Senator Kelly, seconded by Senator Blais, the following measures on today's Consent Calendar, by

unanimous consent, are read and passed upon a voice vote:

- 1.(00-S 2226) Senate Resolution proclaiming May 11, 2000 as Rhode Island Pay Equity Day.
- 2. (00-S 2690) Senate Resolution respectfully requesting the Veterans Administration to restore funding to VISN One (Veteran Integrated Service Network).
- 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.

CALENDAR

In order for the day is taken up as follows:

- 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.

Senator Coderre, seconded by Senators Kelly, Goodwin, Perry, Lenihan, Parella, Izzo, Tocco, Iglioizzi and many others, moves that confirmation of the Senate be given this appointment.

By unanimous consent, the confirmation of the Senate is given this appointment, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

**YEAS** - 46; Senators Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Iglioizzi, Irons, 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.

GUESTS

Upon suggestion of Senator Coderre, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Jessica L. Tempest, her mother Joanne Tempest, John Nazarian, President of Rhode Island College and Dr. Anthony Leone, Office of Higher Education.

COMMUNICATION

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

STATEMENT OF CONFLICT OF INTEREST

I, John A. Celona, holding the position of Senator, District 36, hereby under oath depose and say;

- 1. A matter involving (00-S 2640 as amended) is presently before the Rhode Island Senate.

2. I have the following interest in the matter noted in paragraph 1 above;

I am a consultant with the Village at Elmhurst.

3. In compliance with Rhode Island General Laws § 36-14.6(1), I hereby recuse from participating in the discussion of or taking official action relating to said matter. (This does not prohibit participation as a member of the public in an open meeting, pursuant to Commission Regulation 7003.)

Advisory Opinion Number 9869.

Signed under the penalties of perjury this 16th day of March, 2000.

JOHN A. CELONA  
Senator, District 36

Received and ordered to be placed on file.

## CALENDAR

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

Senator Gibbs moves passage, seconded by Senator Izzo.

Senator Gibbs, seconded by Senator Blais, offers the following written motion to amend:

## FLOOR AMENDMENT

## TO

**(00-S 2540 as amended)**

Mr. President:

I hereby move to amend (00-S 2540 as amended) entitled "AN ACT RELATING TO LONG-TERM CARE COORDINATING COUNCIL", as follows:

On page 1, line 3, by deleting "thirty-seven (37)" and inserting in place thereof "thirty-eight (38)";

On page 1, line 15, by deleting "five (5)" and restoring the stricken language "six (6)";

On page 2, line 1, by deleting the word "one" and inserting the word two

Respectfully submitted,

JUNE N. GIBBS  
Senator, District 48

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, Coderre, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Igliazzi, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patter son, Perry, Revens, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

**NAYS -0.**

Upon motion of Senator Gibbs, seconded by Senators Blais and Izzo, read and passed, as amended, 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, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, 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.

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

Committee on Corporations recommends passage as amended.

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Tuesday, March 28, 2000.

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

Committee on Corporations recommends passage.

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

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

Committee on Corporations recommends passage as amended.

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

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

Committee on Judiciary recommends passage.

Senator Parella moves passage, seconded by Senator Blais and others.

The act is read and passed, 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 Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Revens,

Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

**NAYS -0.**

**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".

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Tuesday, March 28, 2000.

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

Committee on Corporations recommends passage.

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Thursday, March 30, 2000.

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

Committee on Judiciary recommends passage.

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

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

Committee on Judiciary recommends passage.

Senator McDonald moves passage, seconded by Senators Tocco, Oster, Enos and others.

Senators Blais and McDonald discuss the act.

The act is read and passed, upon a roll call vote with 42 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

**YEAS** - 42; Senators Bates, Blais, Caprio, Celona, Cicilline, Coderre, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliozi, Irons, 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** - 2; Senators Alves, Flynn.

## **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.



**ANNOUNCEMENTS**

Senator Lenihan 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 in Room 313 of the State House.

**ADJOURNMENT**

Upon motion of Senator Kelly, seconded by Senator Blais, the Senate adjourns at 4:40 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Clerk of the Senate

**Appendix**

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**CONSENT CALENDAR**

In order for Tuesday, March 28, 2000:

- 1. (00-S 2864) An Act to vacate the forfeiture or revocation of the Charter of George Edward Sousa Enterprises, Inc.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.  
Clerk of the Senate  
Thursday, March 23, 2000

**Appendix**

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**CALENDAR**

In order for Tuesday, March 28, 2000:

- 1. (00-S 2669 as amended) An Act relating to credit card lending.

Committee on Corporations recommends passage as amended.

- 2.(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".

**3.(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.

**4.(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".

**5.(00-S 2012) An Act relating to state affairs and government- tourism districts.**

Committee on Special Legislation recommends passage.

**6. (00-S 2173 as amended) An Act relating to establishment and extension of gambling activities.**

Committee on Special Legislation recommends passage as amended.

**7.(00-S 2434) An Act relating to tree wardens.**

Committee on Corporations recommends passage.

**8.(00-S 2516) An Act relating to the William H. Hall Library.**

Committee on Corporations recommends passage.

**9.(00-S 2577) An Act relating to hoisting engineers.**

Committee on Labor recommends passage.

**10.(00-S 2580) An Act relating to businesses and professions- plumbers.**

Committee on Labor recommends passage.

**11.(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".

**12. (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.

**13. (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.

**14.(00-S 2837) An Act relating to criminal offenses - children.**

Committee on Judiciary recommends passage.

15.(2000-H 7534) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

**Appendix**

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**CALENDAR**

In order for Wednesday, March 29, 2000:

1. (00-S 2327) An Act relating to exchange of information in support of child support collection.

Committee on Judiciary recommends passage.

**Appendix**

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**CALENDAR**

In order for Thursday, March 30, 2000:

1. (00-S 2696) An Act relating to insurance health maintenance organization.

Committee on Corporations recommends passage.

RAYMOND T. HOYAS, JR.  
Clerk of the Senate  
Thursday, March 23, 2000

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

Thank you for stopping by!

