

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. 44 Thursday, May 11, 2000 Forty-fourth 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 Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Kells> Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

ABSENT - 3: Senators DaPonte, Izzo, Raptakis

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, May 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 Senators Coderre and Parella, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber members of the United States Jaycees Senate, James O'Connell of Joliet, Illinois, who was the

first President of the Jaycees Senate twenty-seven years ago, and David Habershaw of Bristol, Rhode Island, 19th President of the Jaycees Senate, and both are members of the U.S. Jaycees Foundation.

Upon suggestion of Senators Celona, Montalbano, Kelly and Tocco, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable Charles A. Lombardi of North Providence.

APPOINTMENTS BY THE GOVERNOR

His Honor, the Lieutenant Governor, presents the following communications from His Excellency, the Governor, transmitting the following appointment and requesting the advice and consent of the Senate thereto:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

May 10, 2000

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Randall L. Collins, Jr. of East Providence
(Representing landscape architects-)

for a term expiring May 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

May 10, 2000

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following appointment to the State Building Codes Standards Committee:

Bruce L. Davey of Warwick
(Representing structural engineers)
VICE
Mason Butler Williams

for a term expiring May 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

May 10, 2000

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 28-6-8 of the Rhode Island General Laws, I have made the following appointment to the Commission for Human Rights:

Jean Stover of Bristol
VICE
Cleon E. Harvey

for a term expiring July 1, 2000.

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-H 8209) An Act relating to towns and cities New Shoreham water supply system.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Sosnowski, seconded by Senator Irons, and by unanimous consent, read and passed in concurrence, under suspension of the rules, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS 41: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliozi, Irons, Issa, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

Also:

(2000-H 8212) An Act to vacate the forfeiture of revocation of the charter of Freeborn Real Estate, Inc.

Ordered to be placed on the Consent Calendar.

Also:

(2000-H 6804) (Substitute "A" as amended) An Act making revised appropriations for the support of the state for the fiscal year ending June 30, 2000.

Read and referred to the Committee on Finance.

Also:

(2000-H 7216 as amended) An Act relating to lead poisoning.

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

Also:

(2000-H 7949) (Substitute "A" as amended) An Act relating to uniform controlled substances.

Read and referred to the Committee on Judiciary.

Also:

(2000-H 7574) (Substitute "A" as amended) An Act relating to insurance.

Read and referred to the Committee on Corporations.

Also:

(2000-H 7633) An Act relating to businesses and professions employment agencies.

Read and referred to the committee on. Corporations.

Also:

(2000-H 7647) An Act relating to insurance.

Read and referred to the Committee on Corporations.

Also:

(2000-H 7649) An Act relating to towns and cities - city housing authorities.

Read and referred to the Committee on Corporations.

Also:

(2000-H 7676 as amended) An Act relating to refuse disposal licenses.

Read and referred to the Committee on Corporations.

Also:

(2000-H 7789) An Act relating to aeronautics uniform aeronautical regulatory act.

Read and referred to the Committee on Corporations.

Also:

(2000-H 7909) (Substitute "A" as amended) An Act relating to health insurance coverage -termination of children's benefits.

Read and referred to the Committee on Corporations.

Also:

(2000-H 8198) An Act authorizing the city of Warwick to issue bonds and notes in an amount not to exceed \$4,000,000 (\$3,500,000 of which shall be to preserve open space and \$500,000 of which shall be to acquire recreation land).

Read and referred to the Committee on Corporations.

Also:

(2000-H 8211) An Act in amendment of the Quinnsville Fire District in the town of Lincoln.

Read and referred to the Committee on Corporations.

Also:

(2000-H 8214) An Act authorizing the town of Glocester to finance the acquisition of open space for preservation and groundwater protection and the development of public recreational facilities in the town by the issuance of not more than \$500,000 bonds and/or notes therefor.

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.

Senator Oster presents (00-S 2963) An Act in amendment of the Quinnsville Fire District in the town of Lincoln.

Read and referred to the Committee on Corporations.

Senators Kelly and Algieri present (00-S 2964) 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 Algieri, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senator McDonald presents (00-S 2965) An Act relating to alcoholic beverages - regulation of sales - town of Narragansett.

Read and referred to the Committee on Corporations.

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 Advice and Consent of the Senate, upon a voice vote:

1. Appointment of Alan S. Flink, Esquire of Providence VICE Deming E. Sherman, Esquire to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2003.
2. Appointment of Charles A. Lombardi of North Providence VICE Diane Mooney-Rench to the Personnel Appeal Board for a term expiring April 1, 2005.
3. Reappointment of John Giusti of Warwick to the Narragansett Bay Commission for a term expiring April 1, 2003.
4. Reappointment of Leonard E. Walker, Sr. of Warwick to the Narragansett Bay Commission for a term expiring April 1, 2003.
5. Reappointment of Richard O. Rafanovic, P.E. of Providence (Public Water Systems Member) to the Water Resources

Board for a term expiring March 1, 2003.

CALENDAR

In order for the day is taken up as follows:

1.(00-S 2434 as amended) An Act relating to tree wardens.

Ordered on the Calendar.

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Wednesday, May 17, 2000.

2.(00-S 2049) (Substitute "A") An ACt relating to the Quonset Point/Davisville Management Corporation.

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

Senator Patterson moves passage, seconded by Senator Algieri.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 41: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Cote, Damiani, Donelan, Enos, Felag, Flynn, Fogarty, Gibbs, Goodwin. Graziano, Igliazzi, Irons, Issa, Kelly, Lenihan, McCaffrey. McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Revens, Roney, Ruggerio, Sasso, SosnowsKi, Tocco. Walaska, Walsh, Walton.

NAYS -0.

3.(00-S 2509) An Act relating to waters and navigation - Coastal Resources Management Council.

Committee on Judiciary recommends passage.

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Wednesday, May 17, 2000.

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".

Senator Walton moves passage, seconded by Senator Paiva Weed.

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

FLOOR AMENDMENT

TO

(00-S 2770) (Substitute "A")

Mr. President:

I hereby move to amend (00-S 2770) (Substitute "A") entitled "AN ACT RELATING TO INDICTMENTS, INFORMATIONS AND COMPLAINTS," as follows:

- 1. On page 2, immediately following line 2, add the following language: "(e) In the first week of January, 2001 and each year thereafter, the Attorney General shall submit to the General Assembly a list of cases in which a disposition was vacated pursuant to this section."
- 2. On page 2, line 3, after the word "passage", add the following language: "and shall expire on January 15, 2003."

Respectfully submitted,

M. TERESA PAIVA WEED
Senator, District 49

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, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Connors, Cote, Damiani, Donelan, Enos, Felag, Flynn, Fogarty, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Revens, Roberts, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

Senators Paiva Weed and Cicilline discuss the act.

Upon motion of Senator Walton, seconded by Senator Paiva Weed, 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 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS -0.

5.(00-S 2552) (Substitute "A" as amended) An Act relating to motor and other vehicles miscellaneous rules.

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

Upon suggestion of Senator Roney, and without objection, ordered to be recommitted to the Committee on Judiciary.

6.(00-S 2693) (Substitute "A" as amended) An Act relating to businesses and professions - the healing art of acupuncture.

Committee on Corporations 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 Desk.

7.(00-S 2035) (Substitute "A") An Act relating to commercial law - gift certificate.

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

Upon suggestion of Senator Enos, and without objection, ordered to be recommitted to the Committee on Corporations.

8.(00-S 2692 as amended) An Act relating to businesses and professions - the healing art of acupuncture.

Committee on Corporations recommends passage as amended.

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

9. (00-S 2677) An Act authorizing the city of Providence to issue bonds and notes in an amount not exceeding fifty million (\$50,000,000) dollars for the purpose of redevelopment and/or capital improvements.

Committee on Corporations recommends passage.

Senator Ruggerio moves passage, seconded by Senators Goodwin, Graziano and Roney.

Senator Ruggerio, seconded by Senators Goodwin, Graziano and Roney, offers the following written motion to amend:

FLOOR AMENDMENT
TO

(00-S 2677)

Mr. President:

I hereby move to amend (00-S 2677) entitled "AN ACT AUTHORIZING THE CITY OF PROVIDENCE TO ISSUE BONDS AND NOTES IN AN AMOUNT NOT EXCEEDING FIFTY MILLION (\$50,000,000) DOLLARS FOR THE PURPOSE OF REDEVELOPMENT AND/OR CAPITAL IMPROVEMENTS", as follows:

On page 2, line 15, by adding the following language after the word "act":

"No bonds or notes issued under this act shall be appropriated or overseen by any organization other than the City of Providence. All bonds or notes issued under this act must be utilized for specific projects or programs authorized by officials of the City of Providence, and the bond or note proceeds must be administered by employees of the City of Providence."

Respectfully submitted,

DOMENICK J. RUGGERIO
Senator. District 4

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, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Kelly, McBurney, McCaffrey, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Revens, Roberts, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

Senator Lenihan discusses the act.

Upon motion of Senator Ruggerio, seconded by Senators Goodwin, Graziano and Roney, the act is read and passed as amended, 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 Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Revens, Roberts, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

ANNOUNCEMENT

Senator Irons announces that the Committee on Corporations will meet today at the rise of the Senate in Room 212 of the State House.

BIRTHDAY WISHES

Senator Kelly extends Birthday wishes to Senator Irons on the very special occasion of his birthday.

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 4:35 o'clock P.M.

RAYMOND T. HOYAS, JR.
Clerk of the Senate

Appendix

INVOCATION

SENATOR DAVID E. BATES

Dear Lord, enable us to share our own good fortune with those of us who are less fortunate; may we, too, never be too proud to seek help or advice from those more fortunate or more knowledgeable than we. Amen.

CONSENT CALENDAR

In order for Tuesday, May 16, 2000:

1.(2000-H 8212) An Act to vacate the forfeiture or revocation of the charter of Freeborn Real Estate, Inc.

Ordered to be placed on the Senate Calendar.

RAYMOND T. HOYAS, JR.

Clerk of the Senate

Thursday, May 11, 2000

Appendix

CALENDAR

In order for Tuesday, May 16, 2000:

1.(00-S 2575) (Substitute "A") An Act relating to children.

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

2.(00-S 2879 as amended) An Act relating to refuse disposal licenses.

Committee on Corporations recommends passage as amended.

3.(00-S 2305) (Substitute "A") An Act relating to chiropractors. Committee Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

4.(00-S 2477 as amended) An Act relating to cities and towns- subdivision of land.

Committee on Corporations recommends passage as amended.

5.(00-S 2483) (Substitute "A" as amended) An Act relating to the hospital conversions act.

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

6.(00-S 2508) (Substitute "A") An Act relating to criminal offenses.

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

(00-S 2547) (Substitute "A,") An Act relating to businesses and professions - health care communications.

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

8.(00-S 2590 as amended) An Act relating to teachers' retirement.

Committee on Finance recommends passage as amended.

9.(00-S 2615) (Substitute "A") An Act relating to health and safety healthcare accessibility and quality assurance act.

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

10.(00-S 2907) An Act relating to retirement - driver education teacher.

Committee on Finance recommends passage.

11.(00-S 2910) An Act relating to taxation -tri-town economic opportunity committee.

Committee on Finance recommends passage.

12.(00-S 2919) An Act relating to taxation.

Committee on Finance recommends passage.

13.(2000-H 8106) An Act relating to taxation - property tax classification and homestead exemption in the City of Woonsocket.

Committee on Corporations recommends passage in concurrence.

Appendix

CALENDAR

In order for Wednesday, May 17, 2000:

1.(00-S 2434 as amended) An Act relating to tree wardens.

Ordered on the Calendar.

3.(00-S 2509) An Act relating to waters and navigation - Coastal Resources Management Council.

Committee on Judiciary recommends passage.

RAYMOND T. HOYAS, JR.
Clerk of the Senate
Thursday, May 11, 2000

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

Thank you for stopping by!

