

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. 45 Tuesday, May 16, 2000 Forty-fifth Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:16 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 - Senators Algieri, Alves, Badeau. Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Cello, Gibbs, Goodwin, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Revens, Roberts, Roney, Ruggerio, Sosnowski, Tocco, Walaska, Walsh, Walton.

ABSENT - 3: Senators Graziano, Raptakis, Sasso.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CORRECTION

The Senate Journal of May 9, 2000 is hereby corrected by recording (2000-H 6858) (Substitute "A") as being placed on the desk and not referred to the Committee on Judiciary.

APPROVAL OF RECORD

The Senate Journal of Thursday, May 11, 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
SENATE CHAMBER

May 12, 2000

Lieutenant Governor Charles Fogarty
StateHouse
Providence, RI 02903

Dear Lieutenant Governor Fogarty:

I am writing to inform you that I will be out of the State of Rhode Island during the period of May 16-17, 2000.

I will be attending a Press Conference and other programs sponsored by the Women In Government in Washington, DC to promote issues related to Women's Health.

We anticipate meeting with government leaders to address the most immediate issues of concern to women in the nation and the respective states.

Sincerely,

CATHERINE E. GRAZIANO, RN, Ph.D.
Senator, District 5

Received and ordered to be placed on file.

APPOINTMENT 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

May 11, 2000

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Governors for Higher Education:

William Robinson of East Greenwich
VICE
Jack Keigwin

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.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

May 11, 2000

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 16.59-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Governors for Higher Education:

John Inniss Howell, Jr. of Warwick
VICE
Alfred S. Budnick

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.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

May 11, 2000

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following reappointment to the Board of Governors for Higher Education:

William Turner of Warwick 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.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

May 11, 2000 To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following reappointment to the Board of Governors for Higher Education:

Deborah Smith of North Kingstown

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.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

May 11, 2000

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following reappointment to the Board of Governors for Higher Education:

Michael F. Ryan of Warwick 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-H 6732 as amended) An Act relating to state affairs and government - Economic Development Corporation.

Read and referred to the Committee on Corporations.

Also:

(2000-H 6733) (Substitute "A") An Act relating to health insurance coverage - the 911 emergency system.

Read and referred to the Committee on Corporations.

Also:

(2000-H 7108) (Substitute "A") An Act relating to Rhode Island Resource Recovery Corporation.

Read and referred to the Committee on Corporations.

Also:

(2000-H 7298) (Substitute "A") An Act relating to insurance.

Read and referred to the Committee on Corporations.

Also:

(2000-H 7300) An Act relating to public records - access to public records.

Read and referred to the Committee on Judiciary.

Also:

(2000-H 7810 as amended) An Act relating to criminal offenses- weapons.

Read and referred to the Committee on Judiciary.

Also:

(2000-H 6893) An Act relating to education -curriculum.

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

Also:

(2000-H 6927) (Substitute "A" as amended) An Act relating to education.

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

Also:

(2000-H 7138) (Substitute "A" as amended) An Act relating to health and safety - child day care centers.

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

Also:

(2000-H 7139) (Substitute "A" as amended) An Act relating to Children, Youth and Families Department.

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

Also:

(2000-H 7210) An Act relating to civil rights of persons with disabilities.

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

Also:

(2000-H 7397 as amended) An Act relating to education - curriculum.

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

Also:

(2000-H 7641) An Act relating to the Rhode Island Information Resources Management Board.

Read and referred to the Committee on Special Legislation.

Also:

(2000-H 8187 as amended) An Act relating to renaming the Newport Airpark.

Read and ordered to be placed on the Desk.

REPORTS OF COMMITTEES

COMMITTEE ON SPECIAL LEGISLATION

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

(00-S 2909) An Act relating to state emblems - state tartan.

Read and ordered to be placed on the Calendar.

(00-S 2939) An Act relating to registration of motor vehicles.

Read and ordered to be placed on the Calendar.

(00-S 2897) Resolution memorializing Congress to take measures to further reduce the adverse effects of the Balanced Budget Act of 1997.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON JUDICIARY

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

(00-S 2349) (Substitute "A") An Act relating to oil spill response fund.

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 Perry, Walton and Paiva Weed present (00-S 2966) An Act relating to motor and other vehicles.

Read and referred to the Committee on Judiciary.

Senator McDonald presents (00-S 2967) An Act relating to licensing of rental dwellings in the town of Narragansett.

Read and referred to the Committee on Corporations.

Senator Oster presents (00-S 2968) An Act in amendment of sections 4, 7 and 10 of An Act passed at the January Session 1930 entitled "An Act to incorporate the Saylesville Fire District in the town of Lincoln" as amended.

Read and referred to the Committee on Corporations.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senator Enos, seconded by Senator Algieri, the following measure on today's Consent Calendar, by unanimous consent, is read and passed, in concurrence, upon a voice vote:

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

CALENDAR

In order for the day is taken up as follows:

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".

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Thursday, May 18, 2000.

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

Committee on Corporations recommends passage as amended.

Upon suggestion of Senator Irons, and without objection, ordered to be placed on the Calendar for Thursday, May 18, 2000.

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".

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Thursday, May 18, 2000.

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

Committee on Corporations recommends passage as amended.

Senator Irons moves passage, seconded by Senators Coderre, Blais, Izzo and others.

The act is read and passed, as amended, upon a roll call vote with 43 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS - 43: Senators Algiere, Alves, Badeau, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Felag, Fogarty, Gallo, Gibbs, Goodwin, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Patterson, Perry, Revens, Roberts, Roney, Ruggerio, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS 2: Senators Flynn, Oster.

COMMUNICATION

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

STATEMENT OF POTENTIAL CONFLICT

To the Honorable Senate:

I, Dennis L. Algiere, under oath depose and say:

- 1. I am a duly elected member of the Rhode Island Senate.
- 2. This statement is made in accord with Rhode Island General Law section 36-14-6.
- 3. In my official capacity, I may be expected or required to vote or participate in the deliberations of bill (00-S 2483) (Substitute "A"), now pending before the Senate or a committee thereof.
- 4. I request that I be excused from voting, deliberating or taking action on the matter.

I do not desire to vote or deliberate because I have a conflict of interest as follows.
I am a member of the governing board of the Westerly Hospital.

- 6. This statement is true to the best of my knowledge.

DENNIS L. ALGIERE

Senator . District 26

Subscribed and sworn to before me this 16th day of May, 2000

JEFFREY A. LANPHEAR
Notary Public

Ordered to be placed on file.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

STATEMENT OF POTENTIAL CONFLICT

To the Honorable Senate:

I June N. Gibbs, under oath depose and say;

I am a duly elected member of the Rhode Island Senate.

- 2. This statement is made in accord with Rhode Island General Law section 36-14-6.
- 3. In my official capacity, I may be expected or required to vote or participate in the deliberations of bill (00-S 2483) (Substitute "A"), now pending before the Senate or a committee thereof.
- 4. I request that I be excused from voting, deliberating or taking action on the matter.
- 5. I do not desire to vote or deliberate because I have a conflict of interest as follows.

I am a member of the governing board of the Newport Hospital.

- 6. This statement is true to the best of my knowledge.

JUNE N. GIBBS
Senator, District 48 Subscribed and sworn to before me this 16th day of May, 2000.

JEFFREY A. LANPHEAR
Notary Public

Ordered to be placed on file.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

STATEMENT OF POTENTIAL CONFLICT

To the Honorable Senate:

I, John A. Patterson, under oath depose and say:

- 1. I am a duly elected member of the Rhode Island Senate.
- 2. This statement is made in accord with Rhode Island General Law section 36-14-6.
- 3. In my official capacity, I may be expected or required to vote or participate in the deliberations of bill (0~S 2483) (Substitute "A"), now pending before the Senate or a committee thereof.
- 4. I request that I be excused from voting, deliberating or taking action on the matter.
- 5. I do not desire to vote or deliberate because I have a conflict of interest as follows.

I am a member of the Board of Trustees of South County Hospital.

- 6. This statement is true to the best of my knowledge.

JOHN A. PATTERSON
Senator, District 23

Subscribed and sworn to before me this 16th day of May, 2000.

JEFFREY A. LANPHEAR
Notary Public

Ordered to be placed on file.

CALENDAR

- 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.

Senator Irons moves passage, seconded by Senators Coderre and Roberts.

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 42 Senators voting in the affirmative, 0 Senators voting in the negative and 3 Senators abstaining as follows:

YEAS - 42: Senators Alves, Bates, Blais, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Goodwin, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Perry, Revens, Roberts, Roney, Ruggerio. Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

ABSTAINED - 3: Senators Algieri, Gibbs, Patterson

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".

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Wednesday, May 24, 2000.

7. (00-S 2547) (Substitute "A") Joint Resolution creating a special Joint Commission to study the governing of the definition, handling, and release of confidential health care information.

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

Senator Cicilline moves passage, seconded by Senators Walton and Paiva Weed.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a voice vote.

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

Committee on Finance recommends passage as amended.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Thursday, May 18, 2000.

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

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

Senator Iglioizzi moves passage, seconded by Senators Roberts, Irons, Coderre, Tocco, Izzo and others.

The bill marked Substitute "A" is read and passed, 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, Alves, Badeau, Bates, Blais, Caprio, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Revens, Roberts, Roney, Ruggerio, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

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

Committee on Finance recommends passage.

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

NAYS -0.

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

Committee on Finance recommends passage.

Upon suggestion of Senator Tocco, and without objection, ordered to be placed on the Calendar for Thursday, May 18, 2000.

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

Committee on Finance recommends passage.

Senator Lenihan moves passage, seconded by Senators Felag, Cicilline, Revens and others.

Senators Irons and Lenihan discuss the act.

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 Algieri, Alves, Badeau, Bates, Blais, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Perry, Roberts, Roney, Ruggerio, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

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.

Senator Cote moves passage, seconded by Senators Kelly and Badeau.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 42 Senators voting in the affirmative, 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS - 42: Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Roberts, Ruggerio, Sosnowski, Tocco, Walaska, Walton.

NAYS -0.

ABSTAINED - 1: Senator McDonald.

ANNOUNCEMENTS

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, May 17, 2000, at 3:00 o'clock P.M. in Room 313 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 Algiere, and upon suggestion of Senator DaPonte, the Senate adjourns at 4:40 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of his beloved grandfather Joao I. de Mello of East Providence, who was a wonderful and loving man to his entire family.

RAYMOND T. HOYAS, JR.
Clerk of the Senate

Appendix

INVOCATION

SENATOR JOSEPH A. MONTALBANO

Grant us light, O Lord, that we may know the wisdom which Thou alone can give. Guide us with your Truth and help us to serve well our fellow Rhode Islanders. Amen.

Appendix

CONSENT CALENDAR

In order for Wednesday, May 17, 2000:

- 1. (00-S 2897) Resolution memorializing Congress to take measures to further reduce the adverse effects of the Balanced Budget Act of 1997.

Committee on Special Legislation recommends passage.

RAYMOND T. HOYAS, JR.
Clerk of the Senate
Tuesday, May 16, 2000

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.

2.(00-S 2509) An Act relating to waters and navigation - Coastal Resources Management Council.

Committee on Judiciary recommends passage.

Appendix

CALENDAR

In order for Thursday, May 18, 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 2590 as amended) An Act relating to teachers' retirement.

Committee on Finance recommends passage as amended.

5. (00-S 2910) An Act relating to taxation - tri-town economic opportunity committee. Committee on Finance recommends passage.

6.(00-S 2349) (Substitute "A") An Act relating to oil spill response fund.

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

7.(00-S 2909) An Act relating to state emblems - state tartan.

Committee on Special Legislation recommends passage.

8.(00-S 2939) An Act relating to registration of motor vehicles.

Committee on Special Legislation recommends passage.

Appendix

CALENDAR

In order for Wednesday, May 24, 2000:

1.(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".

RAYMOND T. HOYAS, JR.
Clerk of the Senate
Tuesday, May 16, 2000

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

Thank you for stopping by!

