

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. 47 Thursday, May 18, 2000 Forty-seventh 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 49 Senators present and 1 Senator absent as follows:

PRESENT 49: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, 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, Patter-son, RaptakIs, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

ABSENT 1: Senator Perry.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, May 17,2000 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 Celona, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Leah DiLeone of Providence.

Upon suggestion of Senators Patterson, McBurney and Coderre, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber James Brennan, Linda Holmes, Sally Potris, Colleen Potris and John LeClair.

APPROVED BY THE GOVERNOR

His Honor, the Lieutenant Governor, presents an announcement of the receipt by the Secretary of State of the following measures, signed and approved May 16, 2000, by His Excellency, the Governor:

(00-S 2042 as amended) An Act relating to renaming the Newport Airpark.

(00-S 2363) An Act relating to the General Assembly Joint Committee on Naming New Buildings.

JAMES R. LANGEVIN
Secretary of State

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 measure which became effective without the signature of His Excellency, the Governor on May 10, 2000:

(00-S 2930) An Act relating to taxation -property tax classification and homestead exemption in the city of Woonsocket.

JAMES R. LANGEVIN
Secretary of State

Received and ordered to be placed on file.

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 2664) (Substitute "A" as amended) An Act relating to criminal offenses - weapons.

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.

Senator Paiva Weed presents (00-S 29/1) An Act authorizing the town of Jamestown to finance the installation, expansion, construction and improvement of sewers, storm drains, pumping stations and sewage treatment and disposal facilities to issue not more than \$5,500,000 bonds and notes therefor and to impose additional sewer service charges under Chapter 233 of the Public Laws of 1973, as amended, to pay the principal and interest on such bonds and notes.

Read and referred to the Committee on Corporations.

Senator Paiva Weed presents (00-S 2972) An Act relating to the town of Jamestown.

Read and referred to the Committee on Corporations.

Senators Graziano, Montalbano, McCaffrey, Celona and Oster present (00-S 2973) An Act relating to noise limits for motor vehicles.

Read and referred to the Committee on Judiciary.

Senators Fogarty, Kelly, Gallo, Walaska and Montalbano present (00-S 2974) An Act establishing the Burrillville Land Trust.

Read and referred to the Committee on Corporations.

Senators Kelly and Algiere present (00-S 2975) 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 Algiere, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senators Kelly and Algiere present (00-S 2976) Senate Resolution extending condolences.

Senator Kelly requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted. Upon motion of Senator Kelly, seconded by Senator Algiere, and by unanimous consent, read and passed, under suspension of the rules, upon a rising vote.

Senators Cicilline, Paiva Weed, Enos, Felag and Gibbs present (00-S 2977) Senate Resolution honoring journalist David B. Offer.

Senator Cicilline requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Cicilline, seconded by Senator Paiva Weed, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senator Ruggerio presents (by request) (00-S 2978) An Act authorizing suit against the town of North Providence.

Read and referred to the Committee on Judiciary.

Senators Walsh, Kelly, Roberts, Igliazzi and Izzo present (005 2979) An Act relating to health and safety.

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

Senators Fogarty, Celona, Gallo, Montalbano and DaPonte present (00-S 2980) An Act relating to businesses and professions- second-hand dealers.

Read and referred to the Committee on Corporations.

Senators Revens, Walaska, Donelan, McCaffrey, Sasso and others present (00-S 2981) An Act relating to the city of Warwick Land Trust.

Read and referred to the Committee on Corporations.

Senator Revens presents (00-S 2982) Senate Resolution respectfully requesting the Rhode Island Department of Transportation to prohibit direct access to Cowesett Road from the former Warwick Musical Theater Property and preserve Bonoff Park.

Senator Revens requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

CALENDAR

In order for the day is taken up as follows:

I. Reappointment of Kate F. Racine of North Smithfield to the Public Utilities Commission for a term expiring March 1, 2005.

Committee on Judiciary recommend that the Senate give its Advice and Consent to this reappointment.

Senator Kelly, seconded by Senators Paiva Weed, Enos, Coderre, Lenihan, Walton, Gallo, Felag, Connors, Parella, McBurney, Celona, Tocco, Ruggerio, Roney and many more, moves that confirmation of the Senate be given this appointment.

Senators Kelly and Issa discuss the confirmation. By unanimous consent, the confirmation of the Senate is given this appointment, upon a roll call vote with 48 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 48: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

GUESTS

Upon suggestion of Senator Kelly, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Kate F. Racine of North Smithfield, of the Public Utilities Commission.

2. Appointment of Elia Germani of Warwick VICE James Malachowski (resigned) as Chairman of the Public Utilities Commission for a term expiring March 1, 2001.

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

Senator Paiva Weed, seconded by Senators Kelly, Coderre, Enos, Walsh, Tocco, Cote, Roberts and many others, moves that confirmation of the Senate be given this appointment.

Senators Coderre and Roberts discuss the confirmation.

By unanimous consent, the confirmation of the Senate is given this appointment, upon a roll call vote with 48 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS 48: Senators Algiere, Alves, Badeau, Bates. Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty. Gallo, Gibbs, Graziano, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -- 0.

GUESTS

Upon suggestion of Senator Paiva Weed, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Elia Germani of Warwick, new Chairman of the Public Utilities Commission, his wife Peggy, and Brenda Gaynor of the Public Utilities Commission.

3.(00-S 2434 as amended) An Act relating to tree wardens. Ordered on the Calendar.

Senator Irons moves passage, seconded by Senator Paiva Weed.

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

FLOOR AMENDMENT

TO

(00-S 2434 as amended)

Mr. President:

I hereby move to amend (00-S 2434 as amended) entitled "AN ACT RELATING TO TREE WARDENS", as follows:

On page 1, line 12, by deleting the language "The town clerk of the town, or the city clerk of the"

On page 1, lines 13-18 by deleting all of the language

On page 2, lines 1-3 by deleting all of the language

On page 2, line 9, by deleting all of the language following the word "passage" and inserting in place thereof a period".

On page 2, lines 10 and 11 by deleting all of the language

Respectfully submitted,

WILLIAM V. IRONS

Senator, District 39

The motion to amend prevails upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Graziano, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Raptakis, Revens, Roney, Ruggerio, Sasso, SosnowsKi, Tocco, Walaska, Walsh, Walton.

NAYS -0.

Upon motion of Senator Irons, seconded by Senator Paiva Weed, 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, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Graziano, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Parella, Patterson, Raptakis, Revens, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

4.(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 Tuesday, May 23, 2000.

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

Committee on Corporations recommends passage as amended.

Senator Irons moves passage, seconded by Senators Bates and Tocco.

Senator Irons, seconded by Senators Bates and Tocco, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(00-S 2879 as amended)

Mr. President:

I hereby move to amend (00-S 2879 as amended) entitled "AN ACT RELATING TO REFUSE DISPOSAL LICENSES", as follows:

On page 2, line 4, by deleting all of the language following the word "plan" and inserting in place thereof the following language:

"which has been approved by the local municipal fire chief or his/her designee of the community in which the facility is located".

On page 2, line 5, by deleting all of the language.

Respectfully submitted,

WILLIAM V. IRONS
Senator, District 39

Senators Blais and Irons discuss the amendment.

Senator Blais, seconded by Senator Irons, offers an oral motion to amend.

The oral motion to amend prevails upon a voice vote.

The written motion to amend prevails upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Graziano, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, SosnowsKi, Tocco, Walaska, Walsh. Walton.

NAYS -0.

Upon motion of Senator Irons, seconded by Senator Blais, 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, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Graziano, Iglioizzi, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Raptakis. Revens, Roberts, Roney, Ruggerio, Sasso, SosnowsKi, Tocco. Walaska, Walsh, Walton.

NAYS -0.

6.(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 Desk.

7.(00-S 2590 as amended) An Act relating to teachers' retirement.

Committee on Finance recommends passage as amended.

Senator Ruggerio moves passage, seconded by Senators Bates, Celona, Patterson and Damiani.

The act is read and passed, as amended, by unanimous consent, upon a roll call vote with 48 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS 48: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Graziano, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

8.(00-S 2910) An Act relating to taxation -tri-town economic opportunity committee.

Committee on Finance recommends passage.

Senator Tocco moves passage, seconded by Senators Graziano, Celona, DaPonte and others.

Senator Tocco, seconded by Senators Iglioizzi, Celona and Graziano, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(00-S 2910)

Mr. President:

I hereby move to amend (00-S 2910) entitled "AN ACT RELATING TO TAXATION - TRI-TOWN ECONOMIC OPPORTUNITY COMMITTEE", as follows:

1) On page 1, line 3, by deleting the words "state and" after the word "from"

Respectfully submitted,

WILLIAM P. TOCCO, JR.
Senator, District 28

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

NAYS -0.

Senator Blais, seconded by Senators Algieri, Breene and Flynn, offers the following written motion to amend:

FLOOR AMENDMENT
TO

(00-S 2910)

Mr. President:

I hereby move to amend (00-S 2910) by adding the following language on page 1, line 1 after the word "property":
"in the town of Johnston".

Respectfully submitted,

LEO R. BLAIS
Senator, District 21

The motion to amend prevails upon a roll call vote with 46 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Raptakis, Revens, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton,

NAYS - 1: Senator Lenihan.

Upon motion of Tocco, seconded by Senators Igliazzi and Graziano, 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, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

9.(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".

Senator Badeau moves passage, seconded by Senators Ruggerio, Graziano 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 48 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 48: Senators Algieri, 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, Paiva Weed, Parella, Patterson, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

10.(00-S 2909) An Act relating to state emblems - state tartan.

Committee on Special Legislation recommends passage.

Senator Breene moves passage, seconded by Senators Iron and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS 46: Senators Algieri, 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, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Raptakis, Revens, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

RECONSIDERATION

Upon suggestion of Senator Tocco, seconded by Senator Celona, (00-S 2910) is reconsidered upon a voice vote and placed on the Calendar for Tuesday, May 23, 2000.

11.(00-S 2939) An Act relating to registration of motor vehicles.

Committee on Special Legislation recommends passage.

Senator Flynn moves passage, seconded by Senator Breene.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 37: Senators Algieri, Bates, Blais, Breene Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliozi, Izzo, Kells, Kelly, McCaffrey, Montalbano, Parella, Patterson, Revens, Roberts, Roney, Ruggerio, Sosnowski, Tocco, Walaska, Walton.

NAYS -0.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk a:e 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 4:46 o'clock P.M.

RAYMOND T. HOYAS, JR.
Clerk of the Senate

Appendix

INVOCATION

SENATOR THOMAS IZZO

Almighty God, May we pursue our tasks with a sense of thy presence. Give us the wisdom not to squander energy on things that do not matter nor put off until tomorrow that which can be done today. Amen.

Appendix

CALENDAR

In order for Tuesday, May 23, 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 2910) An Act relating to taxation -tri-town economic opportunity committee.

Committee on Finance recommends passage.

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".

2.(00-S 2664) (Substitute "A" as amended) An Act relating to criminal offenses - weapons.

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

RAYMOND T. HOYAS, JR.

Clerk of the Senate

Thursday, May 18, 2000

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

Thank you for stopping by!

