

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. 48 Tuesday, May 23, 2000 Forty-eighth Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:28 o'clock P.M.

The roll is called and a quorum is declared present with 48 Senators present and 2 Senators absent as follows:

PRESENT - 48: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, 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.

ABSENT - 2: Senators DaPonte, Perry.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, May 18, 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 Roney, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Michael St. Piere, Vice President Elect, Rhode Island Bar Association.

COMMUNICATIONS

His Honor, the Lieutenant Governor, presents the following communication:
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

May 22, 2000

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

HAND DELIVERED

Dear Governor Fogarty;

Please be advised that I will be absent from the Senate session on Tuesday, May 23, 2000, thru Thursday, May 25, 2000, due to the fact I will be attending a week-long conference in Portugal.

Please make the appropriate notation in the Senate Journal.

Thank you for your cooperation.

Sincerely,

DANIEL DaPONTE

Senator District 42

Received and ordered to be placed on file.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

May 19, 2000

To the Honorable, the Senate;

I am hereby withdrawing the March 1, 2000 appointment of William C. Kennedy to the Rhode Island Public Transit Authority.

Sincerely,

LINCOLN ALMOND
Governor

Received and ordered to be placed on file.

APPOINTMENTS 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 19, 2000

To the Honorable, the Senate;

I have the honor to inform you that in accordance with the provisions of Section 42-130-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rural Development Council:

Richard Harrison of Warwick
(Representing the
Southern Rhode Island Conservation District)

for a term expiring June 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 19, 2000

To the Honorable, the Senate;

I have the honor to inform you that in accordance with the provisions of Section 39-18-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Public Transit Authority:

William C. Kennedy of Coventry

VICE

Barry Schiller

for a term expiring April 1, 2002

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 7443) (Substitute "A") An Act relating to businesses and professions health clubs.

Read and referred to the Committee on Corporations.

Also:

(2000-H 7630) An Act relating to businesses and professions electricians.

Read and referred to the Committee on Corporations.

Also:

(2000-H 7715) An Act relating to town and city sealers.

Read and referred to the Committee on Corporations.

Also:

(2000-H 7907) (Substitute "A" as amended) An Act relating to mobile and manufactured homes.

Read and referred to the Committee on Corporations.

Also:

(2000-H 7916) An Act relating to incorporation of United Electric Power Company.

Read and referred to the Committee on Corporations.

Also:

(2000-H 8253) 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.

Also:

(2000-H 7411) An Act relating to school buses.

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

Also:

(2000-H 7415) (Substitute "A" as amended) An Act relating to education.

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

Also:

(2000-H 7838) (Substitute "A" as amended) An Act relating to health and safety - blindness.

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

Also:

(2000-H 7562) (Substitute "A" as amended) An Act relating to automobile excise tax.

Read and referred to the Committee on Finance.

Also:

(2000-H 7381) (Substitute "A" as amended) An Act relating to motor and other vehicles suspension of revocation of licenses.

Read and referred to the Committee on Judiciary.

Also:

(2000-H 7529) (Substitute "A") Joint Resolution creating a special legislative commission to study an enhanced role for probation and parole.

Read and referred to the Committee on Judiciary.

Also:

(2000-H 7919) (Substitute "A") An Act relating to the uniform commercial code.

Read and referred to the Committee on Judiciary.

Also:

(2000-H 7920) (Substitute "A" as amended) An Act relating to the uniform commercial code.

Read and referred to the Committee on Judiciary.

Also:

(2000-H 7938) (Substitute "A") An Act relating to probate practice and procedure -guardianships.

Read and referred to the Committee on Judiciary.

Also:

(2000-H 7163) (Substitute "A" as amended) An Act' relating to motor and other vehicles -lighting equipment and reflectors.

Read and ordered to be held on the Desk.

Also:

(2000-H 7243) (Substitute "A") An Act relating to highways- construction and maintenance.

Read and ordered to be held on the Desk.

Also:

(2000-H 7701) An Act relating to safety -accident reports.

Read and ordered to be held on the Desk.

REPORTS OF COMMITTEES

COMMITTEE ON CORPORATIONS

Senator Irons, from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

(2000-H 6715) An Act relating to taxation.

Read and ordered to be placed on the Calendar.

(2000-H 7011) An Act relating to housing maintenance and occupancy code.

Read and ordered to be placed on the Calendar.

(2000-H 7142) (Substitute "A") An Act relating to deceptive trade practices - appliances.

Read and ordered to be placed on the Calendar.

(2000-H 7172) An Act relating to the town of Scituate property tax assessment.

Read and ordered to be placed on the Calendar.

(2000-H 7312) An Act relating to taxation.

Read and ordered to be placed on the Calendar.

(2000-H 7440) (Substitute "A") Joint Resolution creating a special legislative commission to study the licensing of private detectives.

Read and ordered to be placed on the Calendar.

(2000-H 7634) An Act establishing the Hopkinton Land Trust.

Read and ordered to be placed on the Calendar.

(2000-H 7783) An Act in amendment of and in addition to Chapter 55 of the Public Laws, 1958, as amended, entitled, "An Act authorizing the towns of Charlestown, Richmond and Hopkinton, to join a regional school district, incorporating said regional school district, and providing for the issuance of bonds, construction and operation of a regional school system for the joint use of the participating towns, within said regional school district established by this act" and authorizing the Chariho Regional School District to issue (A) not more than \$12,000,000 bonds and notes for the acquisition, construction, renovation and equipping of two or three new elementary schools (Kindergarten through Grade 5), (B) not more than \$17,000,000 bonds and notes for land acquisition, additions to, renovation and equipping of the existing Chariho High School (Grades 9 through 12), and (C) not more than \$8,500,000 bonds and notes for the renovation and equipping of the existing Ashaway, Charlestown, Hope Valley and Richmond Elementary Schools (Kindergarten through Grade 5).

Read and ordered to be placed on the Calendar.

(2000-H 8034) 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.

(2000-H 8041) 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.

(2000-H 8154) An Act amending the charter of North Providence.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

Senator Paiva Weed, from the Committee on Judiciary, reports back, with recommendation that confirmation of the Senate be given to the following: Appointment of Stephen P. Nugent of Barrington VICE Associate Justice Dominic F. Cresto as Associate Justice of the Rhode Island Superior Court

Read and ordered to be placed on the Calendar.

Appointment of Edward P. Sowa of Lincoln VICE Judge William G. Gilroy as Judge of the Rhode Island Workers' Compensation Court.

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 Committee on Corporations:

(00-S 2922) An Act relating to education private schools.

Read and referred to the Committee on Corporations.

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 Committee on Judiciary:

(2000-H 7139) (Substitute "A" as amended) An Act relating to children, youth and families department.

Read and referred to the Committee on Judiciary.

NEW BUSINESS

Senators Graziano, Parella, Gallo, McCaffrey, Alves and others present (00-S 2983) Senate Resolution supporting a women's health platform that recognizes serious inequities in the health prevention and treatment of women and calls for the elimination of these inequities to improve the health status of women in the state of Rhode Island.

Senator Graziano requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Graziano, 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:

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".

Senator Izzo moves passage, seconded by Senators Sosnowski, Roberts, Gibbs, Goodwin, Cicilline, Damiani and others.

Senator Raptakis discusses the act.

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

NAYS -0

2.(00-S 2910 as amended) An Act relating to taxation - tri-town economic opportunity committee.

Committee on Finance recommends passage as amended.

Senator Tocco moves passage, seconded by Senators Celona, Roberts, Graziano and Igliazzi.

The act is read and passed, as amended, 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, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, 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 Igliazzi, seconded by Senator Tocco, the rules of the Senate are suspended and (00-S 2910 as amended) is reconsidered for the second time by unanimous consent.

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

Committee on Finance recommends passage as amended.

Senator Igliazzi moves passage, seconded by Senator Tocco.

Senator Igliazzi, seconded by Senator Tocco, offers an oral motion to amend.

The motion to amend prevails 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, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Raptakis, Roberts, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

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

NAYS -0

COMMITTEE ON FINANCE

Senator Lenihan requests that in anticipation of passage of

(2000-H 6804) (Substitute "A" as amended) An Act relating to making revised appropriations for the support of the State for the fiscal year ending June 30, 2000, by the Committee on Finance on Wednesday, May 24, 2000, that the full Senate consider the bill on Thursday, May 25, 2000.

Without objection, so ordered.

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 24, 2000, 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 on Wednesday, May 24, 2000, 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.

RECESS

Upon suggestion of Senator Kelly, and by unanimous consent, the Senate stands at recess at 4:50 o'clock P.M. until the call of the chair.

CALLED TO ORDER

The Senate is called to order on Wednesday, May 24, 2000, at 4:06 o'clock P.M.

ADJOURNMENT

Upon motion of Senator Kelly, seconded by Senator Algieri, the Senate adjourns at 4:06 o'clock P.M.

RAYMOND T. HOYAS, JR.
Clerk of the Senate

Appendix

INVOCATION

SENATOR CHARLES D. WALTON

Heavenly Father, we thank you for your blessings of health and strength. We seek your encouragement in using these qualities to their fullest potential. Amen.

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".

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.

Appendix

CALENDAR

In order for Thursday, May 25, 2000:

1. Appointment of Edward P. Sowa of Lincoln VICE Judge William G. Gilroy as Judge of the Rhode Island Workers' Compensation Court.

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

2. Appointment of Stephen P. Nugent of Barrington VICE Associate Justice Dominic F. Cresto as Associate Justice of the Rhode Island Superior Court

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

3. (2000-H 6804) (Substitute "A" as amended) Making revised appropriations for the support of the State for the fiscal year ending June 30, 2000.

Ordered on the Calendar in anticipation of Committee action.

4. (2000-H 6715) An Act relating to taxation.

Committee on Corporations recommends passage in concurrence.

5. (2000-H 7011 as amended) An Act relating to housing maintenance and occupancy code.

Committee on Corporations recommends passage as amended.

6. (2000-H 7142) (Substitute "A") An Act relating to deceptive trade practices - appliances.

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

7. (2000-H 7172) An Act relating to the town of Scituate - property tax assessment.

Committee on Corporations recommends passage in concurrence.

8. (2000-H 7312) An Act relating to taxation.

Committee on Corporations recommends passage in concurrence.

9. (2000-H 7440) (Substitute "A") Joint Resolution creating a special legislative commission to study the licensing of private detectives.

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

10. (2000-H 7634) An Act establishing the Hopkinton Land Trust.

Committee on Corporations recommends passage in concurrence.

11. (2000-H 7783) An Act in amendment of and in addition to Chapter 55 of the Public Laws, 1958, as amended, entitled, "An Act authorizing the towns of Charlestown, Richmond and Hopkinton, to join a regional school district, incorporating said regional school district, and providing for the issuance of bonds, construction and operation of a regional school system for the joint use of the participating towns, within said regional school district established by this act" and authorizing the Chariho Regional School District to issue (A) not more than \$12,000,000 bonds and notes for

the acquisition, construction, renovation and equipping of two or three new elementary schools (Kindergarten through Grade 5), (B) not more than \$17,000,000 bonds and notes for land acquisition, additions to, renovation and equipping of the existing Chariho High School (Grades 9 through 12), and (C) not more than \$8,500,000 bonds and notes for the renovation and equipping of the existing Ashaway, Charlestown Hope Valley and Richmond Elementary Schools (Kindergarten through Grade 5).

Committee on Corporations recommends passage in concurrence.

12.(2000-H 8034) 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 in concurrence.

13. (2000-H 8041) 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 in concurrence.

14.(2000-H 8154) An Act amending the charter of North Providence.

Committee on Corporations recommends passage in concurrence.

RAYMOND T. HOYAS, JR.
Clerk of the Senate
Tuesday, May 23, 2000

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

Thank you for stopping by!

