

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 second day of January in the year of Our Lord two thousand and one.

Volume 128, No. 14 Tuesday, February 6, 2001 Fourteenth Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:00 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, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT - 2: Senators Damiani, McCaffrey.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, February 1, 2001 proceedings is read in part.

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

GUESTS

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

Chamber Zachariah Chafee.

COMMUNICATIONS

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

February 1, 2001

His Honor, Charles J. Fogarty
Lieutenant Governor
Room 144, State House Providence, RI 02903

Dear Lt. Governor Fogarty:

Pursuant to the Rules adopted at the Democratic Caucus on November 9, 2000, I am making the following appointment to the Majority Leadership for the 2001-2002 Legislative Session;

William A. Walaska
First Deputy Majority Leader

Sincerely,

WILLIAM V. IRONS
Senate Majority Leader

Received and ordered to be placed on file.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATEHOUSE
PROVIDENCE, RHODE ISLAND 02903 -1196
401-222-2080

Lincoln Almond
Governor

February 5, 2001

To the Honorable, the Senate:

I am hereby withdrawing the January 8, 2001 appointment of John Lyle to the State Board of Elections.

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

January 31, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Housing Resources Act:

Angela V. Lovegrove of Rumford
(Representative of Fair Housing) for a term expiring January 31, 2004.
To this reappointment, 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

January 31, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Housing Resources Act:

Christian L. Stephens of Woonsocket

(Non-Profit Development Corporation)

for a term expiring January 31, 2004.

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

January 31, 2001

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:

Sarah T. Dowling of Narragansett for a term expiring January 31, 2004.

To this appointment, I 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

January 31, 2001

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:

The Honorable Francis X. Flaherty of Warwick for a term expiring January 31, 2004.

To this appointment, I 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

February 1, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-16.1-6 of the Rhode Island General Laws, I have made the following reappointment to the Labor and Training Board of Review:

Thomas J. Daniels of Smithfield
Public Member

for a term expiring February 1, 2007.

To this appointment, I 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:

(01-H 5093 as amended) An Act relating to Pascoag Utility District.

Read and referred to the Committee on Corporations.

REPORTS OF COMMITTEES

COMMITTEE ON CORPORATIONS

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

(01-S 107) An Act relating to the Rhode Island Resource Recovery Corporation.

Read and ordered to be placed on the Calendar.

(01-S 152) An Act relating to the Charlestown Fire District.

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senators Ruggerio, Goodwin, DaPonte, Connors, Montalbano and others present (01-S 225) An Act relating to workers' compensation- benefits.

Read and referred to the Committee on Labor.

Senators Ruggerio, Goodwin, Damiani, DaPonte, Montalbano and others present (01-S 226) An Act relating to labor and labor relations - workers' compensation - benefits.

Read and referred to the Committee on Labor.

Senators Ruggerio, Alves, McCaffrey, Issa, 'Walaska and others present (01-S 227) An Act relating to labor and labor relations- workers' compensation - procedure.

Read and referred to the Committee on Labor.

Senators Badeau, Ruggerio, Igliazzi, Cote, Walaska and others present (01-S 228) An Act relating to sales and use taxes- enforcement and collection.

Read and referred to the Committee on Finance.

Senators Ruggerio, Damiani, DaPonte, Connors, Coderre and others present (01-S 229) An Act relating to workers' compensation.

Read and referred to the Committee on Labor.

Senators Ruggerio, Kells, Walaska, Polisena, Damiani and others present (01-S 230) An Act relating to labor and labor relations workers' compensation - benefits.

Read and referred to the Committee on Labor.

Senators Ruggerio, Igliazzi, Tassoni, Coderre, Damiani and others present (01-S 231) An Act relating to labor and labor relations workers' compensation - benefits.

Read and referred to the Committee on Labor.

Senators Ruggerio, Goodwin, Gallo, Coderre, DaPonte and others present (01-S 232) An Act relating to labor and labor relations- workers' compensation - benefits.

Read and referred to the Committee on Labor.

Senators Ruggerio, Goodwin, Gallo, Coderre, McDonald and others present (01-S 233) An Act relating to labor and labor relations- workers' compensation - benefits.

Read and referred to the Committee on Labor.

Senators Ruggerio, Gallo, Tassoni, Coderre, DaPonte and others present (01-S 234) An Act relating to labor and labor relations- workers' compensation - benefits.

Read and referred to the Committee on Labor.

Senators Walsh, Kelly, Walton, Sosnowski, Lenihan and others present (01-S 235) Joint Resolution requesting the Rhode Island Department of Health to promote annual check-ups and screening for prostate and colorectal cancer.

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

Senators Parella, Bates, Blais, Breene, Algieri and others present (01-S 236) An Act relating to elections - part time poll workers.

Read and referred to the Committee on Judiciary.

Senator Bates presents (by request of the Department of Business Regulation) (01-S 237) An Act relating to insurance.

Read and referred to the Committee on Corporations.

Senators Perry, Walton, Cicilline, Goodwin and Kells present (01-S 238) An Act relating to taxation.

Read and referred to the Committee on Finance.

Senators Graziano, Polisena and McDonald present (01-S 239) An Act relating to animals and husbandry.

Read and referred to the Committee on Special Legislation.

Senators Walsh, Fogarty, Gallo, Algieri, Graziano and others present (01-S 240) An Act relating to sales and use taxes- liability and computation.

Read and referred to the Committee on Finance.

Senators Breene and Algieri present (by request of the National Guard) (01-S 241) An Act relating to military affairs and defense- organization and command of military forces.

Read and referred to the Committee on Finance.

Senator Bates presents (by request of the Department of Business Regulation) (01-S 242) An Act relating to insurance - consumer representation at rate hearings.

Read and referred to the Committee on Corporations.

Senator Bates presents (by request of the Department of Business Regulation) (01-S 243) An Act relating to lending institutions.

Read and referred to the Committee on Judiciary.

Senator Hunter presents (by request) (01-S 244) An Act relating to education - health and safety of pupils.

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

Senator Roney presents (01-S 245) An Act relating to partnerships.

Read and referred to the Committee on Corporations.

Senators DaPonte, Coderre, Igliazzi, Felag, Celona and others present (01-S 246) An Act relating to causes of action.

Read and referred to the Committee on Judiciary.

Senators DaPonte, Coderre, Igliazzi, Felag, Celona and others present (01-S 247) Senate Resolution relating to courts and civil procedure - wrongful death.

Read and referred to the Committee on Judiciary.

Senators Hunter, Tassoni and Issa present (01-S 248) An Act relating to commercial law - unfair sales practices.

Read and referred to the Committee on Corporations.

Senators Kelly, Enos, Walsh, Lenihan, Fogarty and others present (01-S 249) An Act relating to education.

Read and referred to the Committee on Finance.

Senators Hunter, Cicilline, Sheehan and Tassoni present (01-S 250) An Act relating to schools - minimum age to attend kindergarten.

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

Senators Issa, Montalbano, Celona, Alves, DaPonte and others present (01-S 251) An Act relating to courts.

Read and referred to the Committee on Judiciary.

Senators Graziano, Polisena, Tassoni, Gallo, Goodwin and others present (01-S 252) 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.

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

Senators Graziano, Gallo, Polisena, Goodwin, Montalbano and others present (01-S 253) An Act relating to public officers and employees - Rhode Island State Government Pay Equity Act.

Read and referred to the Committee on Finance.

CALENDAR

In order for the day is taken up as follows:

1. Appointment of Edwin J. Gale of Wakefield VICE Associate Justice Thomas H. Needham as Associate Justice of the Rhode Island Superior Court.

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

Senator Sosnowski, seconded by Senate Majority Leader Irons and Senators Montalbano, Caprio, Connors, Perry, Hunter, Kells, Celona, Parella, Bates, McDonald, Cote, Lenihan, Breene, Walaska and many others moves that confirmation of the Senate be given this appointment.

Senator Algieri discusses the confirmation.

By unanimous consent, the confirmation of the Senate is given this appointment, 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, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisen, Raptakis, Revens, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

GUESTS

Upon suggestion of Senator Sosnowski, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Edwin J. Gale of Wakefield, newly confirmed Associate Justice of the Rhode Island Superior Court, along with his wife, Mary Beth Gale, his daughter, Rev. Karen Gale and step-daughters Kati Mather and Becky Mather.

CALENDAR

2. (99-S57 as amended) An Act relating to Pascoag Utility District.

Committee on Corporations recommends passage as amended.

Senator Fogarty moves passage, seconded by Senators Celona and Walaska.

Senator Fogarty, seconded by Senators Kells, Celona and Breene, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 57 as amended)

Mr. President:

I hereby move to amend (01-S 57 as amended) entitled "AN ACT RELATING TO THE PASCOAG UTILITY DISTRICT", as follows:

SECTION 45-58-8

Page 5, lines 20-21 delete cc or Page 7, between lines 5 and 6, insert: "4&,-4s,-8.1 LIMITATION OF POWERS All services provided by the utility district that constitute public utility services within the meaning of §39-1-2(20) or community antennae television systems (CATV) services within the meaning of§ 38-18-1 shall be subject to the applicable jurisdictions of the public utilities commission and the division of public utilities and carriers" SECTION 45-58-11(1)

Page 7, line 43, insert after bonds:

subject to the regulatory jurisdiction of the division of public utilities and carriers in' the manner prescribed in §38-3-16, where applicable". SECTION 45-58-11(6)

Page 9, line 7, after "subdivisions" add:

Notwithstanding the foregoing, nothing in this section shall be deemed to prohibit the division of public utilities and carriers, the public utilities commission and the department of attorney general from assessing the utility in accordance with the provisions of §38-1-23, §38-1-26, §38-19-0 and §38-18-14."

Respectfully submitted,

PAUL W. FOGARTY
Senator, District 27

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, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, RaptakIs, Revens, Roney, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

Upon motion of Senator Fogarty, seconded by Senators Kells, Breene and Celona, read and passed, as amended, by unanimous consent, 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, Celona, Cicilline, Coderre, Cote, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Sheehan, Sosnowski, Walaska, Walsh, Walton.

NAYS -0.

DEADLINE FOR INTRODUCTION OF NEW BUSINESS

Upon suggestion of Senator Irons, and without objection, all requests for legislation must be submitted to Legislative Council by Thursday, February 8,2001 and the deadline for introduction of New Business shall be extended until such

time as the Secretary of the Senate has confirmed receipt of all New Business.

ANNOUNCEMENTS

Senator Walaska announces that the Committee on Corporations will meet on Thursday, February 8, 2001, at the rise of the Senate in Room 212 of the State House.

Also:

Senator Montalbano announces that the Committee on Judiciary will meet today at the rise of the Senate in Room 313 of the State House.

Also:

Senator Coderre announces that the Senate will meet tomorrow at 6:00 o'clock P.M. in order to attend the Governor's Annual State of the State address at 7:00 o'clock P.M.

Also:

Senator Coderre announces that the Senate will not meet on Thursday, February 15, 2001.

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 Senate Majority Leader Irons, seconded by Senator Algieri, and upon suggestion of Senators Cicilline and Paiva Weed, the Senate adjourns at 4:20 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of the Honorable Judge Paul J. DelNero of Newport.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JOHN J. TASSONI, JR.

Lord, we ask you to show us our place in this chamber, to define our duties, to direct our energies for the common good, and to always guide us as we work. Amen.

Appendix

CALENDAR

In order for Thursday, February 8, 2001:

- 1. (99-S107) An Act relating to the Rhode Island Resource Recovery Corporation.

Committee on Corporations recommends passage.

- 2. (99-S152) An Act relating to the Charlestown Fire District.

Committee on Corporations recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Tuesday, February 6, 2001

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

Thank you for stopping by!

