

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. 15 Wednesday, February 7, 2001 Fifteenth Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 6:05 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, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McDonald, Paiva Weed, Parella, Perry, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, SosnowsKi, Tassoni, Walaska, Walsh, Walton.

ABSENT - 3: Senators McCaffrey, Montalbano, Polisena.

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 Tuesday, February 6, 2001 proceedings is read in part.

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

GUESTS

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

Chamber the Honorable Geoffrey Kousselle, President of the West Warwick Town Council.

Also:

Upon suggestion of Senator Goodwin, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Brendan Fogarty, son of Senator Fogarty.

FROM THE
HOUSE OF REPRESENTATIVES

A message from the House of Representatives transmits with announcement of passage:

(01-H 5483) Joint Resolution inviting His Honor, the Presiding Officer of the Senate, and the Honorable Senate to join the House of Representatives in Joint Session for the purpose of receiving the State of the State address of His excellency, the Governor.

Senator Irons requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

REPORT OF COMMITTEE
COMMITTEE ON JUDICIARY

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

(01-S 110) An Act relating to uniform premarital agreement act.

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senators Hunter and Tassoni present (01-S 254) An Act relating to motor and other vehicles -motor fuel tax.

Read and referred to the Committee on Finance.

Senators Algieri and Blais present (by request of the Governor and the Department of Environmental Management) (01-S 255) An Act relating to health and safety - mosquito abatement.

Read and referred to the Committee on Finance.

Senator Blais presents (by request of the Governor and the Department of Health) (01-S 256) An Act relating to health and safety.

Read and referred to the Committee on Judiciary.

Senator Blais presents (by request of the Governor, the Department of Transportation and the State Police) (01-S 257) An Act relating to miscellaneous rules.

Read and referred to the Committee on Judiciary.

Senators Perry, Tassoni, Walsh and Cicilline present (01-S 258) An Act relating to housing and open space.

Read and referred to the Committee on Finance.

Senators Breene and Sosnowski present (01-S 259) Senate Resolution proclaiming February 7, 2001 to be "Food Check Out Day".

Senator Breene requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senator Gibbs presents (by request of the Department of Environmental Management) (01-S 260) An Act relating to waters and navigation.

Read and referred to the Committee on Judiciary.

Senator Bates presents (by request of the Department of Business Regulation) (01-S 261) An Act relating to financial institutions.

Read and referred to the Committee on Corporations.

Senators Donelan, Ruggerio, Graziano, Perry, DaPonte and others present (01-S 262) An Act relating to sovereign immunity.

Read and referred to the Committee on Judiciary.

Senators Walton, Felag, Issa, Kells, Perry and others present (01-S 263) An Act relating to state affairs and government-prompt payment by Department of Administration.

Read and referred to the Committee on Finance.

Senators Walton, Felag, Issa, Perry, Cicilline and others present (01-S 264) An Act relating to insurance.

Read and referred to the Committee on Corporations.

Senators Walton, Perry, Cicilline and Goodwin present (01-S 265) An Act relating to criminal offenses - liability for discharge of firearms.

Read and referred to the Committee on Judiciary.

Senator Breene presents (by request of the Department of Corrections) (01-S 266) An Act relating to criminal offenses.

Read and referred to the Committee on Judiciary.

Senator Breene presents (by request of the Department of Business Regulation) (01-S 267) An Act relating to corporations, associations and partnerships - Rhode Island Uniform Securities Act.

Read and referred to the Committee on Corporations.

Senators Blais and Gibbs present (by request of the Department of Environmental Management) (01-S 268) An Act relating to state affairs and government - Department of Environmental Management.

Read and referred to the Committee on Judiciary.

Senator Bates presents (by request of the Department of Business Regulation) (01-S 269) An Act relating to financial institutions- licensed activities.

Read and referred to the Committee on Corporations.

Senators Blais and Breene present (by request of the Governor and the Department of Environmental Management) (01-S 270) An Act relating to waters and navigation.

Read and referred to the Committee on Judiciary.

Senator Hunter presents (by request) (01-S 271) An Act relating to zoning ordinances.

Read and referred to the Committee on Judiciary.

Senators Cicilline, Perry, Izzo and Roberts present (01-S 272) An Act relating to health and safety - health care services- utilization review act.

Read and referred to the Committee on Corporations.

Senators Ruggerio, Polisena, DaPonte, Gallo and Coderre present (01-S 273) An Act relating to insurance.

Read and referred to the Committee on Corporations.

Senators Graziano, Polisena and Tassoni present (01-S 274) An Act relating to businesses and professions - physician employment contracts.

Read and referred to the Committee on Corporations.

Senators Ruggerio, Polisena, DaPonte, Gallo and Coderre present (01-S 275) An Act relating to insurance.

Read and referred to the Committee on Corporations.

Senators Ruggerio, Tassoni, Graziano, Goodwin, DaPonte and others present (01-S 276) An Act relating to insurance - unfair competition and practices.

Read and referred to the Committee on Corporations.

Senators Felag, Walton, Enos, McDonald, Iglioizzi and others present (01-S 277) Joint Resolution making an appropriation of \$430,000 for the "Rhode to Maintain Independence" Project.

Read and referred to the Committee on Finance.

Senators Felag, Issa, McBurney, Irons, Alves and others present (01-S 278) An Act relating to uniform relocation payments.

Read and referred to the Committee on Finance.

Senators Felag, Enos, Kells, McDonald, Igliozi and others present (01-S 279) An Act relating to the Persian Gulf Commission.

Read and referred to the Committee on Finance.

Senator Roney presents (01-S 280) An Act relating to fiduciaries.

Read and referred to the Committee on Judiciary.

Senators Igliozi, Walsh, Graziano, McDonald, Izzo and others present (01-S 281) An Act relating to health and safety - health care accessibility and quality assurance act.

Read and referred to the Committee on Corporations.

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, the Senate adjourns at 6:11 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DAVID E. BATES

Almighty Father, let your spirit of wisdom transcend upon the leaders of our State. Tonight, as our Governor delivers his annual message, we look to you to guide his heart and the hearts of all the members of this legislature as we strive to work for justice and equality for all the citizens of Rhode Island. Amen.

Appendix

CALENDAR

In order for Thursday, February 8, 2001:

- 1. (01-S 107) 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.

Appendix

CALENDAR

In order for Tuesday, February 13, 2001:

- 1. (01-S 110) An Act relating to uniform premarital agreement act.

Committee on Judiciary recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Wednesday, February 7, 2001

Appendix

PROCEEDINGS IN JOINT SESSION

Wednesday, February 7, 2001

His Honor, the Lieutenant Governor, Charles J. Fogarty, in the Chair.

CALLED TO ORDER

The Joint Session is called to order at 6:50 o'clock P.M.

Upon suggestion of His Honor, the Lieutenant Governor, and by unanimous consent, the reading of the roll of the Senate and the roll of the House of Representatives is dispensed with, there being a quorum of the Senate and a quorum

of the House of Representatives present, therefore a quorum of the Joint Session.

Upon suggestion of His Honor, the Lieutenant Governor, and by unanimous consent, the reading of the Resolution (2001-H 5483) of invitation is dispensed with.

His Honor, the Lieutenant Governor, by unanimous consent, appoints Senators Sosnowski, Hunter, Tassoni and Breene, and Representatives Callahan, Shanley, Anguilla and Coogan, a Committee to escort His Excellency, the Governor, Lincoln Almond and guests to the Chamber.

Joint Session attends while the State University and College Presidents enter the Chamber.

Joint Session attends while the Mayors, Town Administrators and Local City and Town Officials enter the Chamber.

Joint Session attends while the Directors of the Executive Departments and invited guests enter the Chamber.

Joint Session attends while members of the Judiciary enter the Chamber.

Joint Session attends while the Honorable Edward S. Inman, Secretary of State, the Honorable Sheldon Whitehouse, Attorney General, and the Honorable Paul J. Tavares, General Treasurer, enter the Chamber.

AT EASE

Upon suggestion of His Honor, the Lieutenant Governor, and by unanimous consent, Joint Session is declared at ease at 6:58 o'clock P.M. until the call of the chair.

CALLED TO ORDER

Joint Session is called to order at 7:00 o'clock P.M.

Joint Session attends while His Excellency, the Governor, Lincoln Almond, and his wife, enter the Chamber.

His Honor, the Lieutenant Governor, presents His Excellency, the Governor, Lincoln Almond, to the Joint Session. The Governor delivers his Budget Message.

(See Appendix for Budget Message.)

Upon suggestion of His Honor, the Lieutenant Governor, and by unanimous consent, the Joint Session attends while the committee escorts His Excellency, the Governor, Lincoln Almond, members of the Governor's family and invited guests from the Chamber.

ADJOURNMENT

Upon motion of Speaker Harwood, seconded by Senator Majority Leader Irons, and by unanimous consent, Joint

Session adjourns and the two Houses separate at 7:32 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

Governor Lincoln Almond Remarks State of the State Address

February 7, 2001

Mr. Speaker, Lieutenant Governor Fogarty; Majority Leader Irons; Majority Leader Martineau; Members of the General Assembly; My fellow General Officers; Members of the Judiciary; Distinguished Guests;

This is the seventh time I have stood before you to chart a course for Rhode Island for the year ahead. What a remarkable transformation our state has seen over the past six years,--- from the economy to health care, from education to child care, from our environment to transportation.

We've made our state more and more competitive. And it shows. Money Magazine cited Providence as the best place to live in the East. And just think. We have more people calling Rhode Island home than ever before.

Unemployment remains below the national average. A greater number of our residents are working, and they're bringing home bigger paychecks. In fact, according to the United States Census Bureau, we had the largest increase in median household income in the entire country. And we're being nationally recognized for enhancing our business climate.

Without question, we've brought the new economy to Rhode Island. We know that. We see it every single day.

It's in Northern Rhode Island with our booming financial services industry with Fidelity and Fleet, and with the addition of Dow Pharmaceuticals. It's in Aquidneck Island where we have one of the highest concentrations of electrical engineers in the United States.

It's in Quonset with plans to bring the latest broadband technology and with our vision for a full-service port. It's in our capital city with "smart buildings" and dot.com companies cropping up.

It's moving its way down the tracks to Warwick with our vision for a train station and future economic development. Not only has the new economy come to Rhode Island, it's here to stay. By continuing to join forces, we can keep it, nurture it, and grow it.

Some of you may remember the days when I first took office. Our economy was in decline. We had budget deficits, and we were borrowing to pay our bills. I wondered if I'd ever see the day when we could cut taxes and be competitive with neighboring states. Now we've wiped out 494 million dollars worth of DEPCO debt. It's gone. Long gone.

And we've strengthened our economy. That's enabled us to cut the income tax for the fourth year in a row and we'll do it again this year. All told, we'll ease the tax burden on families by 204 million dollars. And when you tally up all of the incentives we've put in place for business, it's over 121 million dollars. That's encouraging existing companies to expand, and it's attracting new investment to our state.

Another reason business comes here is because of our thriving cultural center. Together we doubled our commitment to the Arts Council. That has meant more funding for arts organizations in all corners of our state-from Newport to Pawtucket, from Westerly to Providence.

Tonight I am pleased to recognize an individual whose artistic genius and leadership have brought Trinity Repertory Company even greater national acclaim. He's committed to raising the curtain on a new era for Trinity Rep. How fortunate we are that he is staying in our state to realize his vision. Oskar Eustis will you and your family please stand and accept our thanks?

While we're doing all that we can to create a more diversified economy, we're also investing in our human infrastructure. Rhode Island is number one in the United States for having the highest percentage of residents with health coverage.

We're one of our nation's leaders in providing quality, safe, affordable child care for working families. And we're making strides with full-day kindergarten. We set the foundation and the communities are responding. This year alone, we've seen a 45 percent increase in the number of children enrolled in full-day kindergarten.

We're also seeing more students applying to our public colleges and university. By building and renovating structures, we continue to change the face of our institutions of higher education.

Just think. This commitment is expanding our Community College in Warwick and it will bring us a campus in Newport. We have a new Performing Arts Center at Rhode Island College, and we broke ground on the Convocation Center at the University of Rhode Island. We've renovated Barlow Hall and Weldin Hall at the University. And we've even begun work on Bressler Hall where I spent my first year.

We're also updating dorms at Rhode Island College. And construction work will continue on our campuses because last November voters supported making our colleges the most competitive in the region.

They also approved our vision to preserve our state's natural beauty. That means thousands of acres of open space, miles of bikepaths, and clean water for fishing and recreation.

And if you take a drive to the beach, to a state park or to work, you'll see that we have well paved roads and safe bridges. We've made historic investments in our infrastructure. And we're doing it the right way---without incurring additional debt.

With the budget I will be submitting next week, we will have moved over 145 million dollars from the gas tax into transportation projects. We are literally building the road to a better Rhode Island.

And to ensure that we can all live in harmony, the Rhode Island Commission on Race and Police Relations is doing its part.

Without question, our state has changed dramatically. We've created a whole new image for ourselves. What an image it is--it's progressive. It's robust. It's bold.

Ladies and Gentlemen I am pleased to report that the State of the State is stronger and more vibrant than it has been in decades.

We've enhanced our quality of life in every way imaginable. And I see more dynamic changes on the horizon. Tonight, I would like to focus upon the economy and developing greater opportunity for all to prosper.

I am pleased to announce that we have a number of new companies opening their doors in Rhode Island this month.

AXIOS Systems, a British Software Company, is among them. They chose Rhode Island as the headquarters for their United States operations.

Please join me in recognizing David Senerchia of Axios, for investing in our state. This company is yet another sign that we're moving our state forward.

We have to keep the momentum going and continue to give Rhode Island an even greater competitive edge. One way to do that is to strengthen our state's tax policies. Ten years ago, our high taxes hurt our economy. During my administration, we've cut the income tax, and we've made targeted business tax cuts.

We've seen the positive results. We can't stop now. That's why I am proposing that we eliminate the capital gains tax. This tax affects a large number of Rhode Islanders. We want to encourage residents to stay in Rhode Island while investing and saving for their future. We want companies here and outside of Rhode Island to invest in our state. That's why we must make the capital gains tax a thing of the past.

We have the opportunity to be a leader in the new economy. Let's seize it. That also means building our workforce. It's estimated that there will be approximately 2000 Information Technology jobs available this year and thereafter.

That's why we need to team up with the Human Resources Investment Council, with institutions of higher education, and with members of the technology industry to establish an Information Technology Center at the Community College. Through this joint venture, we will be creating a statewide network to develop a pool of employees for the technology industry. Whether you're a high school senior, whether you're a welfare recipient or whether you're looking for a new job opportunity, we will assess your abilities and refer you to the best entry point in the training network.

Our future economic well-being depends upon our ability to have enough highly trained employees to support the industries of tomorrow. That's why I am proposing 525 thousand dollars for an IT Center.

As we look to create jobs for the next generation of Rhode Islanders, we must invest in industries that push new frontiers and bring innovative ideas from the laboratory into the marketplace.

That's exactly what we're doing by investing 9 million dollars in our Slater Centers over the past 3 years. That has leveraged 23 million dollars in federal and private funds including venture capital.

We had the vision to create and attract venture capital funding and it's paying off. It's a driving force behind new business development. To build upon our accomplishments, I am proposing that we invest one million dollars to help support a Slater Center for Progressive Manufacturing. Through this Center, we'll get more companies to participate in the new wave of manufacturing.

While we have advanced technology in our business community, that's only half the equation. We have to get state government up to speed. That means investing in E-government to keep business and our state more competitive. I have a plan to get us there. First I am targeting 8 point 4 million dollars to improve government efficiency and enhance customer service.

Rhode Islanders should be able to logon to one convenient website and renew their drivers' license, bid on state proposals and even apply for a new fishing license. Our investment will pave the way for this to happen in the years to come.

This is all about saving people time and money. It's about making state government more responsive to the needs of Rhode Islanders. Second, I am proposing to establish a targeted revenue source within the state budget for information technology. The Rhode Island Egovernment Fund will be the state's first major commitment to staying ahead of the technology curve.

Now that the new economy is here, we must bring everyone along. That means continuing to generate opportunity for all. There are three keys areas that we need to focus upon in this legislative session---education, urban development and housing.

We must do all that we can to give our children the foundation they need to take full advantage of the new global economy. That's why we must give them the best education possible. That's a journey that begins in this Chamber and continues in our classrooms with our teachers. Look how far we've come. We've placed an emphasis on early childhood initiatives to ensure that all kids enter school ready to learn. We've raised standards and accountability. Test scores for

fourth graders are up. Through Information Works, we're collecting data on every single school in our state so parents will know exactly how their child's school performs. And we have a system in place to intervene in situations where schools aren't measuring up.

Let's make one thing crystal clear. For children to succeed, they must have a good education. Therefore, we will not tolerate failing schools. We expect results; otherwise, there will be consequences.

Last year I formed an Education Finance Task Force to establish a coherent, equitable financing system. The Task Force recommended that we increase education funding by 7 point 5 percent each year. That's a tall order that we must strive to achieve.

In the budget I am submitting next week, I will be proposing a significant investment in education. I hope that when additional revenues become available in May, we will meet the 7 point 5 percent increase that the Task Force has called for. We continue to direct the bulk of our education dollars in our urban communities and we will do it again this year:

As we invest in public education, we must ensure that all of our Career and Technical Schools have high standards, prepare students for lifelong learning as well as high performance jobs. And we must have the business community providing input on the curriculum. That's what the Task Force on Career and Technical Schools recommended, and that's what we're doing. We want to duplicate the success we've seen at Davies at all of our Career and Technical Schools. That's why I have submitted legislation to make that happen.

No matter what school you attend, the most important relationship is the one between student and teacher. No one can measure the impact teachers have upon our students, upon our schools and upon our community at-large. That's why we must give teachers effective support programs to better prepare them for the challenges of the 21st century classroom.

Last month I unveiled my plan to establish a Master Teachers program by investing 400 thousand dollars. This initiative will enable teachers to work with college faculty to bring the latest teaching methods back to our public schools. Additionally, teachers will work with students at our institutions of higher education to share their knowledge. What better way to prepare student teachers.

We now have a strong partnership between Elementary and Secondary Education and Higher Education. Let's bring that relationship to the next level by investing in the Master Teachers program. Teachers want more opportunities to further hone their skills. And we're committed to providing them. We already have a host of mentoring programs throughout our state.

We have the Central Falls Practice School where teachers work together to acquire insights on teaching methods. We have a new Teaching and Learning Center in Coventry. Just last week, I went to Lincoln High School to learn more about their district's mentoring program.

I saw how teachers are sharing their expertise with one another. And they're doing it to improve student achievement.

They know that developing excellence in teaching is an ongoing process. And they're committed to expanding their horizons and to assisting their colleagues. Tonight we have three teachers who are Professional Development Chairs in Lincoln.

Please join me in applauding Amy DeFarno, Fred Hoppe, and Hilda Potrzeba who represent so many others.

When you pair veteran teachers with those who are new to the profession, you create a great support system. That's why I am proposing 250 thousand dollars to help our mentoring programs thrive. As we work to enhance education, we also need to redouble our efforts to revitalize our urban areas. Through our enterprise zone program we have begun to stimulate business and increase employment.

To boost economic development in South Providence, I am proposing 3 point 5 million dollars to create the Southside Urban Revitalization Fund. We will be renovating blighted properties, creating jobs for local residents, and improving

housing. It's time to spur economic development back into the South side of our capital city. Let's do it.

We also want our residents to feel the sense of pride, security and independence that home ownership brings. Our greatest need is affordable housing. Tonight I am pleased to announce that I am proposing a 25 million dollar bond to assist cities and towns in revitalizing neighborhoods by increasing home ownership opportunities. Through this bond issue, the state will be able to leverage federal and private funding.

This will mark the first significant state investment in housing. It will give those who never thought they could buy a house, a chance to do so. Homes are where family traditions begin. They are where values are built---where children take their first steps and where holidays are celebrated.

Let's set the foundation for more affordable housing by approving this bond. This evening we have an individual here who knows how important it is to invest in our urban centers and in housing programs. As the Executive Director of West Elmwood Housing, she has worked tirelessly to help low-income families purchase or improve their homes.

For all that she has done to strengthen the fabric of our community, let's recognize Sharon Conard-Wells. In a state where the motto is hope, let's continue to have high hopes for a robust economy with more advanced-technology jobs than ever before, for thriving urban centers, for a public education system where we have the best and brightest teaching our children and where every student is challenged. Let's have high hopes for more open space, for pristine waters and for all to achieve the American Dream of home ownership.

In speaking about hope, I'd like to express my sincere gratitude to all Rhode Islanders for their hopes for my speedy recovery. Marilyn and I can't thank you enough for your overwhelming show of support and for your kindness. Thank you and good evening.

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

Thank you for stopping by!

