

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. 26 Tuesday, March 13, 2001 Twenty-sixth Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:05 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, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT - 2: Senators Connors, Perry.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, March 8, 2001 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Polisena and Graziano, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Ferri Middle School Girls Basketball Team, who have won the title of 2001 East Division Champions and are the 2001 State of Rhode Island Champions: Christina Hebert, Simi Solanri, Charly Villareal, Kayla

Smith, Krista Clayton, Stefanie Marta, Chelsea Marandola, Jessica Saccoccio, April Maccurone, Megan Jaswell, Kristen Izzo, and Alyssa Integlia.

Also:

Upon suggestion of Senator Hunter and Senate Majority Leader Irons, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable Jonathan Oster, Lincoln Town Administrator and former State Senator from Lincoln.

SPECIAL ANNOUNCEMENT

Senator Kelly announces that he has recently made a presentation of a Senate Citation to John C. Charest of Troop 1139 Slatersville in recognition of his attaining the rank of Eagle Scout. Senator Kelly also notes that John's father Richard, was also an Eagle Scout and his mother Christine is Chairperson of the North Smithfield School Committee.

COMMUNICATION

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

SENATE CHAMBER

March 13, 2001

His Honor, Charles, I. Fogarty
Lieutenant Governor
Rhode Island Senate Chamber
State House
Providence, RI 02903

Dear Lt. Governor Fogarty;

Please be advised that I will be absent from the Senate session from Tuesday, March 13, 2001 through Thursday, March 15, 2001.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you.

Sincerely,

RHODA E. PERRY
Senator, District 3

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 March 7, 2001:

(01-S 365) An Act relating to the Exeter-West Greenwich School District.

EDWARD S. INMAN, III
Secretary of State

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

March 6, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 46-15.1-2 of the Rhode Island General Laws, I have made the following reappointment to the Water Resources Board:

William Penn of Block Island
(Public Member)

for a term expiring March 1, 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

March 7, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island State Council on the Arts;

Stuart B. Giannini of Lincoln
VICE
Constance Bumgarner Gee
(resigned)

for a term expiring March 1, 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

March 6,2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 29-3.1-2.2 of the Rhode Island General Laws, I have made the following reappointment to the Library Board of Rhode Island:

Jay Litman of Barrington
(General Public/Library User)

for a term expiring December 31, 2003.

To this reappointment, 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:

(01-H 5342) An Act validating and ratifying amendments to the home rule charter of the town of Smithfield.

Read and referred to the Committee on Corporations.

Also:

(01-H 5421) An Act relating to taxation - new real estate construction Tiverton.

Read and referred to the Committee on Corporations.

Also:

(01-H 5783) An Act relating to insurance.

Read and referred to the Committee on Corporations.

Also:

(01-H 6099) An Act relating to the General Assembly - establishing a permanent joint committee.

Read and referred to the Committee on Judiciary.

REPORTS OF COMMITTEE

COMMITTEE ON JUDICIARY

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

(01-S 136) An Act relating to criminal procedure public defender.

Read and ordered to be placed on the Calendar.

(01-S 143) An Act relating to courts and civil procedure - levy and sale on execution.

Read and ordered to be placed on the Calendar.

(01-S 251) An Act relating to the courts.

Read and ordered to be placed on the Calendar.

(01-S 300) An Act relating to criminal offenses - public utilities.

Read and ordered to be placed on the Calendar.

(01-S 303) An Act relating to judicial selection.

Read and ordered to be placed on the Calendar.

(01-S 777 as amended) An Act relating to the General Assembly - establishing a permanent joint committee.

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.

Senate Majority Leader Irons and Senators Coderre, Fogarty, Alves, Kelly and others present (01-S 851) Senate Resolution congratulating John S. Baxter (Senate Reading Clerk) and Stephanie R. Baxter on the joyous occasion of the birth of their first child John Cameron Baxter.

Senate Majority Leader Irons requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Felag, Walton, McCaffrey, Enos and Parella present (01-S 852) An Act relating to taxation.

Read and referred to the Committee on Finance.

Senators Blais, Irons, Breene, Gibbs, Polisena and others present (01-S 853) An Act relating to public buildings.

Read and referred to the Committee on Special Legislation.

Senators Montalbano, Celona, Goodwin and Caprio present (01-S 854) An Act relating to criminal procedure - domestic violence.

Read and referred to the Committee on Judiciary.

Senators Coderre and Goodwin present (01-S 855) Senate Resolution memorializing Congress to amend Title Ten, United States Code, relating to the compensation of retired military.

Read and referred to the Joint Committee on Veteran's Affairs.

Senator Coderre presents (01-S 856) An Act relating to public utilities and carriers - regulatory powers of administration.

Read and referred to the Committee on Corporations.

Senators Fogarty, Walaska, Kells, McCaffrey, Walton and others present (01-S 857) An Act relating to state affairs and government.

Read and referred to the Committee on Corporations.

Senators Irons, Sosnowski and Walsh present (01-S 858) An Act relating to fish and wildlife -marine fisheries council.

Read and referred to the Committee on Special Legislation.

Senators Sosnowski, Bates and Irons present (01-S 859) An Act relating to state affairs and government - state emblems.

Read and referred to the Committee on Special Legislation.

Senators Irons and Montalbano present (01-S 860) An Act relating to public property and works - contractors' bonds.

Read and referred to the Committee on Corporations.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Irons, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, item 3 in concurrence, upon a voice vote:

- 1. (99-S841) An Act reinstating and restoring forfeited or revoked corporate charters.
- 2. (99-S842) An Act reinstating and restoring forfeited or revoked corporate charters.
- 3. (01-H6157) An Act to vacate the forfeiture or revocation of the charter of Furniture Express, Inc.

SPECIAL PRESENTATION

Senator Lenihan presents the following medals to Patrolman James C. Woodward for receiving the American Police Hall of Fame Silver Star for Bravery and to Mr. Anthony E. Curcio for receiving the American Police Hall of Fame LifeSaving Award.

Senate Majority Leader Irons presents Senate Citations to Patrolman Woodward and Mr. Curcio and commends them for their exceptional assistance in coming to the aid of those in need. Senate Majority Leader Irons points out that these two gentlemen are part of all that is good about Rhode Island.

CONGRATULATIONS

Senate Majority Leader Irons extends congratulations and best wishes to Senator Issa and his wife Claire on the very special occasion of their 25th wedding anniversary. The entire Senate joins in wishing them continued health and happiness.

ANNOUNCEMENTS

Senator Damiani announces that the Committee on Corporations will meet today at the rise of the Senate in Room 212 of the State House.

Also:

Senator Felag announces that the Committee on Finance will meet today at the rise of the Senate in Room 211 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 Ruggerio announces that the Committee on Labor will meet on Wednesday, March 14, 2001, at 3:00 o'clock P.M. in Room 212 of the State House.

Also:

Senator Goodwin announces that the Committee on Special Legislation will meet on Wednesday, March 14, 2001, 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.

ADJOURNMENT

Upon motion of Senate Majority Leader Irons, seconded by Senator Algieri, the Senate adjourns at 4:30 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR MARY A. PARELLA

Heavenly Father, may we undertake our tasks in the spirit of selfless service and unrestrained devotion. May something of Your gentle ways and sensitivity be implanted in us and expressed in all our actions. Amen.

Appendix

CALENDAR

In order for Thursday, March 15, 2001:

1. (01-S 136) An Act relating to criminal procedure - public defender.

Committee on Judiciary recommends passage.

2. (99-S143) An Act relating to courts and civil procedure- levy and sale on execution.

Committee on Judiciary recommends passage.

3. (99-S251) An Act relating to the courts.

Committee on Judiciary recommends passage.

4. (99-S300) An Act relating to criminal offenses - public utilities.

Committee on Judiciary recommends passage.

5. (99-S303) An Act relating to judicial selection.

Committee on Judiciary recommends passage.

6. (99-S777 as amended) An Act relating to the General Assembly- establishing a permanent joint committee.

Committee on Judiciary recommends passage as amended.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Tuesday, March 13, 2001

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

Thank you for stopping by!

