

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. 28 Thursday, March 15, 2001 Twenty-eighth 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 47 Senators present and 3 Senators absent as follows:

PRESENT - 47: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliazzi, 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 - 3: Senators Connors, Graziano, Perry.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, March 14, 2001 proceedings is read in part.

Upon suggestion of Senator Badeau, 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 Senate Majority Leader Irons, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Florence and Johnny Corte, lifetime residents of North Providence.

Mrs. CoKe is Mary Irons' paternal aunt and the matriarch of the Durand family. Mr. Corte is a decorated veteran of World War II and the Normandy invasion.

COMMUNICATION

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

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER**

March 14, 2001

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

Dear Lieutenant Governor Fogarty;

Please be advised that I will not be in attendance for the Senate Session on Thursday, March 16, 2001, due to a NCSL Conference I will be attending in Chicago.

Thank you.

Sincerely,

CATHERINE E. GRAZIANO
Senator, DistrictS

Received and ordered to be placed on file.

FROM THE

HOUSE OF REPRESENTATIVES

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

(01-H 5346) An Act to vacate the forfeiture or revocation of the charter of Soldi Manufacturing, Inc.

Read and ordered to be placed on the Consent Calendar.

Also:

(01-H 5403 as amended) An Act relating to Plum Beach Lighthouse.

Read and referred to the Committee on Finance.

Also:

(01-H 5532) An Act relating to tobacco escrow funds.

Read and referred to the Committee on Finance.

Also:

(01-H 6205) An Act to vacate the forfeiture or revocation of the charter of 5 & K Realty, Inc.

Read and ordered to be placed on the Consent Calendar.

REPORTS OF COMMITTEES
COMMITTEE OF HEALTH, EDUCATION AND WELFARE

Senator Graziano, from the Committee on Health, Education and Welfare, reports back, with recommendation of passage of the following measures:

(01-S 17 as amended) An Act relating to certification of child care personnel.

Read and ordered to be placed on the Calendar.

(01-S 18) (Substitute "A") Senate Resolution respectfully requesting the Department of Health to create a plan for pediatric psychiatric admissions.

Read and ordered to be placed on the Consent Calendar.

(01-S 167) (Substitute "A" as amended) An Act relating to motor and other vehicles.

Read and ordered to be placed on the Calendar.

(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 ordered to be placed on the Consent Calendar.

(01-S 252) Senate Resolution supporting a women's health platform that recognizes the 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 ordered to be placed on the Consent Calendar.

(01-S 469) An Act relating to health and safety.

Read and ordered to be placed on the Calendar.

COMMITTEE ON SPECIAL LEGISLATION

Senator Goodwin, from the Committee on Special Legislation, reports back, with recommendation of passage of the following measures:

(01-S 182) An Act relating to personal watercraft regulations.

Read and ordered to be placed on the Calendar.

(01-S 539) An Act relating to commission on the deaf and hard of hearing.

Read and ordered to be placed on the Calendar.

TRANSFER OF BILLS

Senator Celona, from the Committee on Corporations, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Corporations to the Committee on Finance:

(01-S 741) An Act relating to indebtedness of towns and cities- pension fund refinancing bonds.

Read and referred to the Committee on Finance.

Senator Celona, from the Committee on Corporations, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Corporations to the Committee on Judiciary:

(01-S 273) An Act relating to insurance.

Read and referred to the Committee on Judiciary.

(01-S 275) An Act relating to insurance.

Read and referred to the Committee on Judiciary.

NEW BUSINESS

The following item s are received and referred to committee pending any objection of the body on the next legislative day.

Senators Alves and Raptakis present (01-S 861) An Act authorizing the town of West Warwick to issue not more than \$10,500,000 bonds and notes to finance the construction, furnishing and equipping of an elementary school and playgrounds and athletic fields in the town and the renovation, furnishing and equipping of existing elementary schools.

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Alves, seconded by Senators Coderre, and by unanimous consent, read and passed, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 40: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Revens, Roberts, Roney, Ruggerio, Tassoni, Walaska, Walsh.

NAYS -0.

Senators Walsh, Breene and Algiere present (01-S 862) An Act relating to towns and cities -payments to fire companies.

Read and referred to the Committee on Finance.

Senators Fogarty, Felag, Walaska, Kells and Breene present (01-S 863) An Act relating to zoning.

Read and referred to the Committee on Corporations.

Senator McDonald presents (01-S 864) An Act relating to renaming state highways.

Read and referred to the Joint Committee on Naming State Constructions.

Senators Paiva Weed and Roney present (01-S 865) An Act relating to racketeer influenced and corrupt organizations.

Read and referred to the Committee on Judiciary.

Senators Coderre and Caprio present (01-S 866) An Act reinstating and restoring forfeited or revoked corporate charters.

Read and ordered to be placed on the Consent Calendar.

Senators Caprio, Goodwin, Alves, Felag and McCaffrey present (01-S 867) An Act relating to state affairs and government.

Read and referred to the Committee on Finance.

Senators DaPonte, Alves, Paiva Weed, Enos and Irons present (01-S 868) Senate Resolution honoring the Portuguese Heritage Choral on the occasion of their 25th Anniversary.

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senator Roney presents (01-S 869) Senate Resolution congratulating Daniel W. Varin on the joyous occasion of his 70th birthday.

Senator Roney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senator Goodwin presents (by request) (01-S 870) An Act relating to medical records.

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

Senators Izzo, Irons, Kells, Walton, Cicilline and others present (01-S 871) An Act relating to lead hazard control and mitigation.

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

CALENDAR

In order for the day is taken up as follows:

1. (99-S136) An Act relating to criminal procedure - public defender.

Committee on Judiciary recommends passage.

Senator Roney moves passage, seconded by Senators Walsh, Paiva Weed, Revens and Senate Majority Leader Irons.

The act is read and passed, upon a roll call vote with 39 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 39: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Hunter, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Revens, Roberts, Roney, Ruggerio, Tassoni, Walaska, Walsh.

NAYS - 1: Senator Garabedian.

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

Committee on Judiciary recommends passage.

Senator Roney moves passage, seconded by Senators McDonald, Walsh and Lenihan.

The act is read and passed, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 40: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Revens, Roberts, Honey, Ruggerio, Tassoni, Walaska, Walsh.

NAYS -0(

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

Committee on Judiciary recommends passage.

Senator Issa moves passage, seconded by Senators Montalbano, Roney, Ruggerio and many others.

The act is read and passed, 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 Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Revens, Roberts, Roney, Ruggerio, Tassoni, Walaska, Walsh.

NAYS -0.

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

Committee on Judiciary recommends passage.

Senator McDonald moves passage, seconded by Senators Enos and Polisena.

Senators Kells and McDonald discuss the act.

The act is read and passed, upon a roll call vote with 39 Senators voting in the affirmative and 5 Senators voting in the negative as follows:

YEAS - 39: Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Irons, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Roberts, Roney, Ruggerio, Tassoni, Walaska, Walsh.

NAYS - 5: Senators Blais, Issa, Kells, Revens, Walton.

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

Committee on Judiciary recommends passage.

Upon suggestion of Senator McDonald, and without objection, ordered to be placed on the Calendar for Wednesday, March 21, 2001.

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

Committee on Judiciary recommends passage as amended.

Senate Majority Leader Irons moves passage, seconded by Senators Coderre, Caprio, DaPonte, Hunter, Celona, Garabedian, Walsh and many others.

Senate Majority Leader Irons, seconded by Senators Coderre, Hunter, Damiani and others, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 777 as amended)

Mr. President:

I hereby move to amend (01-S 777 as amended) entitled "AN ACT RELATING TO THE GENERAL ASSEMBLY ESTABLISHING A PERMANENT JOINT COMMITTEE", as follows:

On page 2, insert the following language at the end of line 11:

"Provided, however, the joint committee shall not act on any bill that has a fiscal impact. The joint committee shall transfer any bill with a fiscal impact to the finance committee of the branch of the legislature from which the bill originated."

Respectfully submitted,

WILLIAM V. IRONS
Senator, District 39

Senator Cote and Senate Majority Leader Irons discuss the amendment.

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, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

Senators Enos, Irons, Sheehan and Kelly discuss the act, as amended.

Upon motion of Senate Majority Leader Irons, seconded by Senator Coderre, read and passed as amended, upon a roll call vote with 44 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 44: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, Damiani, DaPonte, Donelan, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roberts, Honey, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 1: Senator Enos.

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 on Tuesday, March 20, 2001, at 3:00 o'clock P.M. in Room 211 of the State House.

Also:

Senator Montalbano announces that the Committee on Judiciary will meet on Monday, March 19, 2001, at 3:00 o'clock P.M. in Room 313 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 ROGER R. BADEAU

Dear God, keep alive our faith in You as we endeavor to perform our duties in order to ensure a better state of Rhode Island. Amen.

Appendix

CONSENT CALENDAR

In order for Wednesday, March 21, 2001:

- 1. (01-S 866) An Act reinstating and restoring forfeited or revoked corporate charters. Ordered to be placed on the Consent Calendar.
- 2. (01-S 18) (Substitute "A") Senate Resolution respectfully requesting the Department of Health to create a plan for pediatric psychiatric admissions.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

- 3. (01-S 235) Joint Resolution requesting the Rhode Island Department of Health to promote annual check-ups and screening for prostate and colorectal cancer.

Committee on Health, Education and Welfare recommends passage.

- 4. (01-S 252) Senate Resolution supporting a women's health platform that recognizes the 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.

Committee on Health, Education and Welfare recommends passage.

- 5. (01-H5346)** An Act to vacate the forfeiture or revocation of the charter of Soldi Manufacturing, Inc. Ordered to be placed on the Consent Calendar.
- 6. (01-H6205)** An Act to vacate the forfeiture or revocation of the charter of S & K Realty, Inc. Ordered to be placed on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Thursday, March 15, 2001

Appendix

CALENDAR

In order for Wednesday, March 21, 2001:

- 1. (01-S 411 as amended)** An Act relating to motor and other vehicles - public motor vehicles.

Committee on Corporations recommends passage as amended.

- 2. (99-S413)** An Act relating to the Public Utilities Commission.

Committee on Corporations recommends passage.

- 3. (99-S445 as amended)** An Act relating to health and safety- state building code.

Committee on Corporations recommends passage as amended.

- 4. (99-S667)** An Act relating to public utilities and carriers- Public Utilities Commission.

Committee on Corporations recommends passage.

- 5. (99-S716)** An Act relating to health and safety - state building code - existing structures.

Committee on Corporations recommends passage.

- 6. (01-S 815)** An Act authorizing the Chariho Regional School District to issue not to exceed \$55,160,000 general obligation bonds and/or notes to finance the construction of a new high school, the renovation of a portion of the existing high school to convert the high school into an elementary school, additions to and renovations of the Ashaway School and the Hope Valley School, the renovation of the Charlestown School and the Richmond School and the improvement, alteration, repair, furnishing and equipping of such facilities and repealing section 13(1) of the regional school districts enabling legislation.

Committee on Corporations recommends passage.

- 7. (99-S96)** An Act relating to waters and navigation Coastal Estuary Habitat Restoration Program and Trust Fund.

Committee on Finance recommends passage.

8. (99-S172) An Act relating to labor and labor relations - sexual harassment, education and training in the workplace.

Committee on Labor recommends passage.

9. (99-S309) An Act relating to insurance -workers' compensation insurance fund.

Committee on Labor recommends passage.

10. (99-S473) An Act relating to state contracts - prevailing wage.

Committee on Labor recommends passage.

11. (99-S475) An Act relating to labor and labor relations- Workplace Violence Prevention Act.

Committee on Labor recommends passage.

12. (99-S17 as amended) An Act relating to certification of child care personnel.

Committee on Health, Education and Welfare recommends passage as amended.

13. (99-S167) (Substitute "A" as amended) An Act relating to motor and other vehicles.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

14. (99-S469) An Act relating to health and safety.

Committee on Health, Education and Welfare recommends passage.

15. (99-S182) An Act relating to personal watercraft regulations.

Committee on Special Legislation recommends passage.

16. (99-S539) An Act relating to commission on the deaf and hard of hearing.

Committee on Special Legislation recommends passage.

17. (99-S303) An Act relating to judicial selection.

Committee on Judiciary recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Thursday, March 15, 2001

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

Thank you for stopping by!

