

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. 32 Tuesday, March 27, 2001 Thirty-second Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:04 o'clock P.M.

The roll is called and a quorum is declared present with 49 Senators present and 1 Senator absent as follows:

PRESENT - 49: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT - 1: Senator Garabedian.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, March 22, 2001 proceedings is read in part.

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

GUEST

Upon suggestion of Senator Celona, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Allen Garzone.

APPROVED BY THE GOVERNOR

His Honor, the Lieutenant Governor, presents an announcement of the receipt by the Secretary of State of the following measure, signed and approved March 26, 2001, by His Excellency, the Governor:

(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.

EDWARD S. INMAN, III
Secretary of State

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 measures which became effective without the signature of His Excellency, the Governor:

(01-S 186) An Act validating and ratifying amendments to the home rule charter of the town of East Greenwich, effective March 15, 2001.

(01-S 168) An Act reinstating and restoring forfeited or revoked corporate charters, effective March 16, 2001.

(01-S 3) An Act relating to levy and assessment of local taxes, effective March 21, 2001.

(01-S 152) An Act relating to the Charlestown Fire District, effective March 21, 2001.

(01-S 400) An Act relating to towns and cities, effective March 21, 2001.

EDWARD S. INMAN, III
Secretary of State

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 6165) 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.

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 measure:

(01-S 761) (Substitute "A" as amended) An Act relating to health and safety places of assembly.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

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

(01-S 432) An Act relating to courts and civil procedure levy and sale on executions.

Read and ordered to be placed on the Calendar.

(01-S 623) An Act relating to jury selection.

Read and ordered to. be placed on the Calendar.

(01-S 625) An Act relating to criminal procedure indictments, informations and complaints.

Read and ordered to be placed on the Calendar.

(01-S 630) An Act relating to courts and civil procedure selection of jury.

Read and ordered to be placed on the Calendar.

(01-S 636 as amended) An Act relating to courts and civil procedure - juror attendance.

Read and ordered to be placed on the Calendar.

COMMITTEE ON FINANCE

Senator Caprio, from the Committee on Finance, reports back, with recommendation of passage of the following measures:

(01-S 371) An Act relating to taxation sales and use taxes- liability and computation.

Read and ordered to be placed on the Calendar.

(01-S 644) An Act relating to taxation sales and use taxes liability and computation.

Read and ordered to be placed on the Calendar.

TRANSFER OF BILLS

Senator Montalbano, from the Committee on Judiciary, in accordance with Senate Rule 6.14, moves to transfer the following bills from the Committee on Judiciary to the Joint Committee on Environment and Energy:

(01-S 424) An Act relating to Coastal Resources Management Council.

Read and referred to the Joint Committee on Environment and Energy.

(01-S 814) An Act relating to waters and navigation.

Read and referred to the Joint Committee on Environment and Energy.

(01-S 270) An Act relating to waters and navigation.

Read and referred to the Joint Committee on Environment and Energy.

(01-S 808) An Act relating to state affairs and government- environmental incentive act.

Read and referred to the Joint Committee on Environment and Energy.

(01-S 604) An Act relating to waters and navigation - Rhode Island Clean Water Finance Agency.

Read and referred to the Joint Committee on Environment and Energy.

(01-S 425) An Act relating to refuse disposal.

Read and referred to the Joint Committee on Environment and Energy.

(01-S 255) An Act relating to health and safety - mosquito abatement.

Read and referred to the Joint Committee on Environment and Energy.

(01-S 429) An Act relating to state affairs and government - Department of Environmental Management.

Read and referred to the Joint Committee on Environment and Energy.

(01-S 316) An Act relating to waters and navigation.

Read and referred to the Joint Committee on Environment and Energy.

NEW BUSINESS

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

Senator Irons presents (01-S 878) An Act reinstating and restoring forfeited or revoked corporate charters.

Senator Irons requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Irons, seconded by Senator Coderre, and by unanimous consent, read and passed, 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, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Gallo, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Perry, Polisena, Raptakis, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walton.

NAYS -0.

Senators Polisena, Graziano and Iglioizzi present (by request) (01-S 879) An Act naming the northeast sector of the intersection of Atwood Avenue and Plainfield Street, Johnston, Rhode Island to Piazza Guglielmo Marconi.

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

Senators Roney, Perry and Irons present (01-S 880) An Act relating to domestic relations -persons eligible to marry.

Read and referred to the Committee on Judiciary.

Senators Irons, Montalbano, Izzo, Celona, Tassoni and others present (01-S 881) An Act relating to public utilities and carriers - Public Utilities Commission.

Read and referred to the Committee on Corporations.

Senators Irons, Montalbano, Izzo, Celona, Tassoni and others present (01-S 882) Senate Resolution respectfully requesting the U.S. Army Corps of Engineers to dredge the Providence River channel and harbor to the authorized forty foot depth.

Read and referred to the Committee on Corporations.

Senators Connors, Cicilline, DaPonte, Alves and Perry present (01-S 883) Senate Resolution respectfully requesting the Director of the Department of Administration initiate a policy that all paper used in the Rhode Island State House be recycled.

Read and referred to the Committee on Special Legislation.

Senators Graziano, Issa, Celona, Montalbano and Goodwin present (01-S 884) An Act relating to the Breast Cancer Act.

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

Senators Irons, Montalbano, Tassoni, Celona, DaPonte and others present (01-S 885) An Act relating to energy conservation.

Read and referred to the Committee on Corporations.

CONSENT CALENDAR

In order for the day is taken up as follows:

- Upon motion of Senator Irons, seconded by Senator Algiere, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, item number 3 in concurrence, upon a voice vote:
1. (01-S 537) (Substitute "A") Joint Resolution creating a special legislative commission to study commuter rail service.
 2. (01-S 538) (Substitute "A") Senate Resolution creating a special Senate commission to study the Rhode Island Farm Plate Law, Section 31- 3-31, "Registration of Farm Vehicles".
 3. (01-H6235) An Act to vacate the forfeiture or revocation of the Charter of Mike's Auto Body, Inc.

CALENDAR

In order for the day is taken up as follows:

1. (99-S351) An Act relating to waters and navigation - regulation of boats.

Committee on Corporations recommends passage.

Upon suggestion of Senator Celona, and without objection, ordered to be placed on the desk.

2. (99-S628) An Act relating to criminal procedure - criminal royalties.

Committee on Judiciary recommends passage.

Upon suggestion of Senator Montalbano, and without objection, ordered to be placed on the Calendar for Wednesday, March 28, 2001.

3. (99-S413) An Act relating to the Public Utilities Commission.

Committee on Corporations recommends passage.

Senator Igliazzi moves passage, seconded by Senators Celona, Felag and Tassoni.

The act is read and passed, by unanimous consent, upon a roll call vote with 48 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 48: Senators Algiere, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

4. (99-S290) An Act relating to employment.

Committee on Labor recommends passage.

Senator Enos moves passage, seconded by Senators Ruggerio and Fogarty.

The act is read and passed, by unanimous consent, upon a roll call vote with 48 Senators voting in the affirmative and 0

Senators voting in the negative as follows:

YEAS - 48: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

5. (01-S 686) An Act relating to labor -employment security.

Committee on Labor recommends passage.

Senator Blais moves passage, seconded by Senator Breene.

The act is read and passed, by unanimous consent, upon a roll call vote with 49 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 49: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

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 Graziano announces that the Committee on Health, Education and Welfare will meet on Wednesday, March 28, 2001, at the rise of the Senate in the Senate Lounge of the State House.

Also:

Senator Ruggerio announces that the Committee on Labor will meet on Wednesday, March 28, 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 28, 2001, at the rise of the Senate in the Room 211 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 4:15 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DAVID V. IGLIOZZI

Lord, with your guidance, may we be Kind in our judgments, diligent in our wisdom, and humble in our power. Amen.

Appendix

CALENDAR

In order for Wednesday, March 28, 2001:

1. (01-S 628) An Act relating to criminal procedure - criminal royalties.

Committee on Judiciary recommends passage.

2. (99-S473) An Act relating to state contracts - prevailing wage.

Committee on Labor recommends passage.

3. (99-S228) An Act relating to sales and use taxes - enforcement and collection.

Committee on Finance recommends passage.

4. (99-S867) An Act relating to state affairs and government.

Committee on Finance recommends passage.

5. (01-H5010) An Act relating to state affairs and government.

Committee on Finance recommends passage in concurrence.

6. (01-H5532) An Act relating to tobacco escrow funds.

Committee on Finance recommends passage in concurrence.

7. (99-S118) (Substitute "A") An Act relating to waters and navigation.

Committee on Special Legislation recommends indefinite postponement of the original bill and passage of Substitute "A". recommends indefinite postponement of the

8. (99-S94) (Substitute "A" as amended) An Act relating to health and safety - safe haven for infants act.

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

Appendix

CALENDAR

In order for Thursday, March 29, 2001:

1. (01-S 499) An Act relating to towns and cities - ordinances.

Committee on Corporations recommends passage.

2. (99-S665) An Act relating to towns and cities - relief of firefighters and police officers.

Committee on Corporations recommends passage.

3. (99-S675) An Act relating to the National Guard.

Committee on Finance recommends passage.

4. (99-S204 as amended) An Act relating to the town of Lincoln- juvenile hearing board.

Committee on Judiciary recommends passage as amended.

5. (99-S761) (Substitute "A" as amended) An Act relating to health and safety - places of assembly.

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

6. (01-S 371) An Act relating to taxation -sales and use taxes- liability and computation.

Committee on Finance recommends passage.

7. (01-S 644) An Act relating to taxation -sales and use taxes- liability and computation. Committee on Finance

recommends passage.

8. (99-S432) An Act relating to courts and civil procedure- levy and sale on executions.

Committee on Judiciary recommends passage.

9. (99-S623) An Act relating to jury selection.

Committee on Judiciary recommends passage.

10. (99-S625) An Act relating to criminal procedure - indictments, informations and complaints.

Committee on Judiciary recommends passage.

11. (99-S630) An Act relating to courts and civil procedure- selection of jury.

Committee on Judiciary recommends passage.

12. (99-S636 as amended) An Act relating to courts and civil procedure - juror attendance.

Committee on Judiciary recommends passage as amended.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Tuesday, March 27, 2001

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

Thank you for stopping by!

