

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. 33 Wednesday, March 28, 2001 Thirty-third 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, Connors, Cote, Damiani, 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 - 2: Senators DaPonte, Garabedian.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, March 27, 2001 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Fogarty and Kelly, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the following guests who are here as part of Zambarano Day, Frank Beazley, Debbie Gray, Rita Saltonstall, Judy Oliveria, Bert Lafrenier, Lois Simpson, Debra Stockwell, Irene Nichlos, Steve Westerman,

Raymond Vadeboncoeur, Representative Scott Rabideau, Paul Dupre, Richard Freeman and Cindy Lussien.

Also:

Upon suggestion of Senator Sosnowski and Senate Majority Leader Irons, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Ed Stapans and Chris Heisler of Matunuck.

Also:

Upon suggestion of Senators Cicilline, Felag, Ruggerio, Graziano and Senate Majority Leader Irons, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the La Salle Academy football team, 2000 Division I Providence Journal Super Bowl Champions, Matthew Richards, Michael Malik, Joe Ben, Eddie Pricolo, Teddy Awuah, Chris Almonte, Tomi Okunfalmi, Herlin Perry, Howie Brown, Toyin Bamisile, Jon-Erik Schneiderhan, Matt Dunham, Timothy Roque, Matthew McGinn, Matthew Astphan, and Head Coach Tim Coen.

COMMUNICATION

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

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

March 28, 2001

His Honor, Charles J. 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 Wednesday, March 28, 2001.

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

Thank you.

Sincerely,

DANIEL DaPONTE
Senator, District 42

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 6265) An Act to vacate the forfeiture or revocation of the charter of Pioneer Construction Company, Inc.

Read and ordered to be placed on the Consent Calendar.

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 199) An Act relating to taxation.

Read and ordered to be placed on the Calendar.

(01-S 218) (Substitute "A") An Act relating to mortgages.

Read and ordered to be placed on the Calendar.

(01-S 278) An Act relating to uniform relocation payments,

Read and ordered to be placed on the Calendar.

(01-S 459) An Act relating to taxation - levy and assessment of local taxes.

Read and ordered to be placed on the Calendar.

(01-S 485 as amended) An Act relating to health and safety- amusement ride safety act.

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 374) An Act relating to taxation - sales and use taxes- liability and computation.

Read and ordered to be placed on the Calendar.

(01-S 419) An Act relating to taxation -business corporation tax.

Read and ordered to be placed on the Calendar.

(01-S 446) An Act relating to taxation - sales and use tax equipment used in research and development.

Read and ordered to be placed on the Calendar.

(01-S 461) An Act relating to state affairs and government - mill building and economic revitalization act.

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.

Senators Igliozi, Ruggerio, Badeau, Damiani, Polisena and others present (01-S 886) Joint Resolution memorializing the President and Congress to take whatever action necessary to obtain the release of Americans being held against their will in North Korea, China, Russia and Vietnam.

Read and referred to the Committee on Special Legislation.

Senators Igliozi, Ruggerio, Badeau, Damiani, Polisena and others present (01-S 887) Senate Resolution memorializing Congress to increase funding for special education to meet the federal commitment under the Individuals with Disabilities Education Act.

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

Senators Fogarty, Irons, Kelly, Tassoni and Walaska present (01-S 888) Senate Resolution congratulating the Eleanor Slater Hospital/ Zambarano Unit on the recognition of Zambarano Day.

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senator Lenihan presents (01-S 889) An Act relating to taxation- property subject to taxation.

Read and referred to the Committee on Corporations.

CALENDAR

In order for the day is taken up as follows:

- 1. (99-S628) An Act relating to criminal procedure - criminal royalties.

Committee on Judiciary recommends passage.

Senator Revens moves passage, seconded by Senator Montalbano.

Senator Revens, seconded by Senator Montalbano, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 628)

Mr. President:

I hereby move to amend (01-S 628) entitled "AN ACT RELATING TO CRIMINAL PROCEDURE - CRIMINAL ROYALTIES," as follows:

(1) On page 2, lines 32 and 33 by deleting the words "After civil judgment has been obtained against the criminally responsible person, a" and inserting in place thereof the word "A".

Respectfully submitted,

JOHN C. REVENS, JR.
Senator, District 18

The motion to amend prevails upon a roll call vote with 44 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS -0.

Upon motion of Senator Revens, seconded by Senator Montalbano, read and passed as amended, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, 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, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

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

Committee on Labor recommends passage.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be recommitted to the Committee on Labor.

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

Committee on Finance recommends passage.

Upon suggestion of Senate Majority Leader Irons, and without objection, ordered to be placed on the Calendar for Wednesday, April 4, 2001.

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

Committee on Finance recommends passage.

Senator Caprio moves passage, seconded by Senators Coderre, Alves, Issa, Algiere, Kelly, Raptakis and others.

Senators Kelly, Cicilline, Paiva Weed and Walaska discuss the act.

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, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, 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-H5010) An Act relating to state affairs and government.

Committee on Finance recommends passage in concurrence.

Senator Caprio moves passage, seconded by Senators Ruggerio and Cicilline.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 47 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 47: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

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

Committee on Finance recommends passage in concurrence.

Senator Caprio moves passage, seconded by Senators Celona, Felag, Polisena and Roberts.

The act is read and passed, in concurrence, 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, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, 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.

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".

Senator Damiani moves passage, seconded by Senators Goodwin, Tassoni and others.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 47 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 47: Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, 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.

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.

Senator Graziano moves passage, seconded by Senate Majority Leader Irons and Senators Badeau, Cote, Ruggerio, Roberts, Montalbano, Hunter, Issa, Kells, Cicilline, Alves and many others.

Senator Montalbano and Senate Majority Leader Irons discuss the act.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 47 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 47: Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, 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 on Thursday, March 29, 2001, 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 Thursday, March 29, 2001, at 3:00 o'clock P.M. in Room 211 of the State House.

Also:

Senator Graziano announces that the Committee on Health, Education and Welfare will meet today at the rise of the Senate in the Senate Lounge of the State House.

Also:

Senator Goodwin announces that the Committee on Special Legislation will meet today 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, with the exception of (01-H 5010), 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 4:40 o'clock P.M.

RAYMOND T. HOYAS, JR. Secretary of the Senate

Appendix

INVOCATION

SENATOR CATHERINE E. GRAZIANO

Almighty Father, when tasks become tedious and duties irksome, inspire us with a fresh vision of what it means to serve rather than be served. Amen.

Appendix

CONSENT CALENDAR

In order for Thursday, March 29, 2001:

- 1. (01-H 6265) An Act to vacate the forfeiture or revocation of the charter of Pioneer Construction Company, Inc.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Wednesday, March 28, 2001

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

Committee on Judiciary recommends passage.

11. (01-S 630) An Act relating to courts and civil procedure selection of jury.

Committee on Judiciary recommends passage.

12. (01-S 636 as amended) An Act relating to courts and civil procedure juror attendance.

Committee on Judiciary recommends passage as amended.

Appendix

CALENDAR

In order for Thursday, March 29, 2001:

1. (01-S 199) An Act relating to taxation.

Committee on Corporations recommends passage.

2. (99-S218) (Substitute "A") An Act relating to mortgages.

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

3. (99-S278) An Act relating to uniform relocation payments.

Committee on Corporations recommends passage.

4. (99-S459) An Act relating to taxation - levy and assessment of local taxes.

Committee on Corporations recommends passage.

5. (99-S485 as amended) An Act relating to health and safety- amusement ride safety act.

Committee on Corporations recommends passage as amended.

6. (01-S 374) An Act relating to taxation -sales and use taxes- liability and computation.

Committee on Finance recommends passage.

7. (01-S 419) An Act relating to taxation -business corporation tax.

Committee on Finance recommends passage.

8. (01-S 446) An Act relating to taxation -sales and use tax- equipment used in research and development.

Committee on Finance recommends passage.

9. (99-S461) An Act relating to state affairs and government- mill building and economic revitalization act.

Committee on Finance recommends passage.

Appendix

CALENDAR

In order for Wednesday, April 4, 2001:

1. (01-S 228) An Act relating to sales and use taxes - enforcement and collection.

Committee on Finance recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Wednesday, March 28, 2001

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

Thank you for stopping by!

