

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. 37 Thursday, April 5, 2001 Thirty-seventh Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Rhoda E. Perry, Deputy President Pro Tempore, at 4:06 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, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT 2: Senators Goodwin, Revens.

INVOCATION

The Honorable Deputy President Pro Tempore, by unanimous consent, presents Senator Raptakis, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable Deputy President Pro Tempore, by unanimous consent, presents Senator Raptakis, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of Wednesday, April 4, 2001 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Fogarty, and by unanimous consent, the Honorable Deputy President Pro Tempore, welcomes to the Chamber the Honorable Wally Lees, Burrillville Town Council President, Mike Wool, Town Manager,

and the Honorable Lorraine O'Conner, Gloucester School Committee Member.

Also:

Upon suggestion of Senator Hunter, and by unanimous consent, the Honorable Deputy President Pro Tempore, welcomes to the Chamber Amy Issa, daughter of Senator Issa.

Also:

Upon suggestion of Senator DaPonte, and by unanimous consent, the Honorable Deputy President Pro Tempore, welcomes to the Chamber students from the Prout School, Caitlyn Rogers, Courtney Creta, Molly Gordon, Michael Amoruso, Hate Dolan, Todd Townsend, Beth Walsh, Ryan McGovern, Kevan Abedi, Johna Feldbauer, Emily Cicero, Shawna Swift, Ryan Porter, Jessica Kindelan, Erin Shaw, Tiffany Hayes, Joel Powers, Colin Foote, TJ Capalbo, Michele Cavolo, Kristen Biello, David Duhammel, Tana Fatkin, Abbey Forcier, Dean Myllymaki, Jessica St. John, and Prout teacher Donna Burke.

Also:

Upon suggestion of Senator Coderre, and by unanimous consent, the Honorable Deputy President Pro Tempore, welcomes to the Chamber Daniel Evangelista, Executive Director, Vietnam Era Veterans Association.

Also:

Upon suggestion of Senator Issa, and by unanimous consent, the Honorable Deputy President Pro Tempore, welcomes to the Chamber Robert Cembor, Firefighter of the Year for the Grantley Fire Company in York County, Pennsylvania.

Also:

Upon suggestion of Senator Izzo, and by unanimous consent, the Honorable Deputy President Pro Tempore, welcomes to the Chamber Marilyn Drummond of Opportunities Unlimited.

Also:

Upon suggestion of Senator Garabedian, and by unanimous consent, the Honorable Deputy President Pro Tempore, welcomes to the Chamber Dr. Rita Zhamgaryan of Armenia, Dr. Gurgin Davityan, Coleen Foley and David Gagnon.

EFFECTIVE WITHOUT THE SIGNATURE OF THE GOVERNOR

The Honorable Deputy President Pro Tempore, 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 on April 4, 2001:

(01-S 45) An Act validating and ratifying amendments to the Home Rule Charter of the town of Smithfield.

(01-S 57 as amended) An Act relating the Pascoag Utility District.

(01-S 683) An Act to vacate the forfeiture or revocation of the charter of Orisonte Lounge, Inc.

(01-S 361) An Act reinstating and restoring forfeited or revoked corporate charters.

(01-S 362) An Act reinstating and restoring forfeited or revoked corporate charters.

EDWARD S. INMAN, III Secretary of State

Received and ordered to be placed on file.

APPOINTMENT BY THE GOVERNOR

The Honorable Deputy President Pro Tempore, presents the following communication from His Excellency, the Governor, transmitting the following appointment and requesting the advice and consent of the Senate thereto:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

April 3, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 36-3-6 of the Rhode Island General Laws, I have made the following reappointment to the Personnel Appeal Board:

Anthony W. Cofone, Esquire of Cranston for a term expiring April 1, 2007.

To this reappointment 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

February 14, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-63-6 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Economic Development Corporation:

Mr. Charles A. Swartz of Smithfield
VICE Edwin Furtado (resigned)

for a term expiring February 1, 2003.

To this appointment, 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 5043) An Act relating to criminal procedure - payment of traffic fines.

Read and referred to the Committee on Judiciary.

Also:

(01-H 5146) An Act relating to criminal offenses - assault.

Read and referred to the Committee on Judiciary.

Also:

(01-H 5328) An Act relating to criminal offenses theft detection shielding devices.

Read and referred to the Committee on Judiciary.

Also:

(01-H 6008) An Act relating to state affairs and government corrections department.

Read and referred to the Committee on Judiciary.

REPORT OF COMMITTEE

COMMITTEE ON SPECIAL LEGISLATION

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

(01-S 853) An Act relating to public buildings.

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 Damiani, Irons, DaPonte and Bates present (01-S 903) Senate Resolution respectfully requesting the State Traffic Commission to impose "no parking" restrictions in the city of East Providence.

Read and referred to the Joint Committee on Highway Safety.

Senators Damiani, Irons, DaPonte and Bates present (01-S 904) Senate Resolution respectfully requesting the State Traffic Commission to impose a four hour parking restriction for all commercial vehicles on state roadways in the city of East Providence.

Read and referred to the Joint Committee on Highway Safety.

Senators Irons, Polisena, Montalbano, Issa, Celona and others present (01-S 905) Senate Resolution congratulating Senator John J. Tassoni, Jr. on being honored by the Smithfield Lodge #2359 of the Benevolent and Protective Order of Elks as "Citizens of the Year".

Senator Irons requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Alves, Raptakis and Garabedian present (01-S 906) An Act relating to taxation -levy and assessment of local taxes.

Read and referred to the Committee on Corporations.

Senator Sosnowski presents (01-S 907) An Act relating to underground storage tanks.

Read and referred to the Committee on Corporations.

CALENDAR

In order for the day is taken up as follows:

1. (99-S414) An Act relating to state affairs and government- expedited permit process.

Committee on Corporations recommends passage.

Senator Algiere moves passage, seconded by Senators Blais and Celona.

The act is read and passed, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 43: Senators Algiere, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells Lenihan,

McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

2. (99-S558) An Act relating to credit card lending.

Committee on Corporations recommends passage.

Upon suggestion of Senator Cote, and without objection, ordered to be placed on the Calendar for Tuesday, April 10, 2001.

COMMUNICATION

The Honorable Deputy President Pro Tempore, presents the following communication:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

STATEMENT OF POTENTIAL CONFLICT

To the Honorable Senate:

I, Dennis L. Algiere, under oath depose and say:

- 1.** I am a duly elected member of the Rhode Island Senate.
- 2.** This statement is made in accord with Rhode Island General Law section 36-14-6.
- 3.** In my official capacity, I may be expected or required to vote or participate in the deliberations of bill (01-S 593), now pending before the Senate or a committee thereof.
- 4.** I request that I be excused from voting, deliberating or taking action on the matter.
- 5.** I do not desire to vote or deliberate because I have a conflict of interest as follows.

I am an employee of The Washington Trust Company.

- 6.** This statement is true to the best of my knowledge.

DENNIS L. ALGIERE
Senator, District 26

Subscribed and sworn to before me this 5th day of April, 2001.

JEFFREY A. LANPHEAR
Notary Public

Ordered to be placed on file.

CALENDAR

3. (0(1-S 593) An Act relating to financial institutions.

Committee on Corporations recommends passage.

Senator Alves moves passage, seconded by Senators DaPonte, Cicilline, Gallo, Connors and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 42 Senators voting in the affirmative, 0 Senators voting in the negative, and 1 Senator abstaining as follows:

YEAS - 42: Senators Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS -0.

ABSTAINED 1: Senator Algiere.

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

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

Senator Felag moves passage, seconded by Senators Issa and Alves.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS 45: Senators Algiere, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS -0.

5. (99-S837) An Act relating to the joint municipal planning commission.

Committee on Corporations recommends passage.

Senator Algiere moves passage, seconded by Senators Blais and Sosnowski.

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 Algiere, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS -0.

6. (99-S839) An Act relating to incorporation of the Dunns Corners Fire District.

Committee on Corporations recommends passage.

Senator Algieri moves passage, seconded by Senator Blais.

The act is read and passed, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 45: Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS -0.

7. (01-H5783) An Act relating to insurance.

Committee on Corporations recommends passage in concurrence.

Senator Bates moves passage, seconded by Senators Celona, Hunter, Blais and Cote.

The act is read and passed, in concurrence, 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, Bates, Blais, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS -0.

8. (99-S575) An Act relating to elections.

Committee on Judiciary recommends passage.

Senator Polisena moves passage, seconded by Senators Montalbano, Tassoni, Igliazzi and Damiani.

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, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Izzo, Kells, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS -0.

9. (99-S579) An Act relating to employment security - appeals.

Committee on Judiciary recommends passage.

Senator Blais moves passage, seconded by Senators McBurney, Roney, Algieri and Breene.

The act is read and passed, by unanimous consent, 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, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS -0.

10. (99-S865) An Act relating to racketeer influenced and corrupt organizations.

Committee on Judiciary recommends passage.

Senator Paiva Weed moves passage, seconded by Senators Cicilline, Damiani, Polisena, Roberts, Roney, Graziano and McDonald.

The act is read and passed, by unanimous consent, 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, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS -0.

11. (01-H6237) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

Senator Montalbano moves passage, seconded by Senators Enos and Coderre.

The act is read and passed, in concurrence, by unanimous consent, 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, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS -0.

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.

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 Polisena 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 Friday, April 6, 2001, at 2:00 o'clock P.M. in the Senate Lounge of the State House.

ADJOURNMENT

Upon motion of Senate Majority Leader Irons, seconded by Senator Algieri, the Senate adjourns at 4:35 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR LEONIDAS P. RAPTAKIS

Lord, as we continue your work here in this chamber, let us be reminded of the words spoken long ago by Abraham Lincoln that still ring true today. "Determine the thing that can and shall be done, and then we shall find a way." Amen.

Appendix

CALENDAR

In order for Tuesday, April 10, 2001:

1. (99-S558) An Act relating to credit card lending.

Committee on Corporations recommends passage.

2. (99-S336) An Act relating to domestic relations - adoption of children.

Committee on Judiciary recommends passage.

3. (99-S894) Senate Resolution amending the rules of the Senate for the years 2001-2002.

Ordered on the Calendar.

4. (99-S144) An Act relating to towns and cities - district management authorities.

Committee on Corporations recommends passage.

5. (99-S339) An Act relating to health and safety.

Committee on Corporations recommends passage.

6. (01-S 408) An Act relating to corporations, associations and partnerships - limited liability partnerships and the Rhode Island Limited Liability Company Act.

Committee on Corporations recommends passage.

7. (99-S415) An Act relating to businesses and professions- athlete agents.

Committee on Corporations recommends passage.

8. (99-S482) An Act relating to businesses and professions- public accountancy.

Committee on Corporations recommends passage.

9. (99-S751) An Act relating to waters and navigation - Narragansett Bay Commission.

Committee on Corporations recommends passage.

10. (99-S759 as amended) An Act relating to uniform commercial code - leases.

Committee on Corporations recommends passage as amended.

11. (01-H5421) An Act relating to taxation -new real estate construction - Tiverton.

Committee on Corporations recommends passage in concurrence.

12. (99-S473) (Substitute "A") An Act relating to state contracts- prevailing wage.

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

Appendix

CALENDAR

In order for Wednesday, April 11, 2001:

1. (99-S228) An Act relating to sales and use taxes - enforcement and collection.

Committee on Finance recommends passage.

2. (01-S 90) (Substitute "A") Joint Resolution creating a special legislative task force to evaluate schools on an individual basis and develop a comprehensive strategy to deal with the threat of school violence.

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

3. (99-S163) (Substitute "A") An Act relating to mental health.

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

4. (01-S 374) An Act relating to taxation -sales and use taxes- liability and computation.

Committee on Finance recommends passage.

5. (01-S 446) An Act relating to taxation -sales and use tax- equipment used in research and development.

Committee on Finance recommends passage.

6. (99-S461) An Act relating to state affairs and government- mill building and economic revitalization act.

Committee on Finance recommends passage.

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

Committee on Finance recommends passage.

8. (99-S853) An Act relating to public buildings.

Committee on Special Legislation recommends passage.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Thursday, April 5, 2001

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

Thank you for stopping by!

