

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. 39 Wednesday, April 11, 2001 Thirty-ninth Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:03 o'clock P.M.

The roll is called and a quorum is declared present with 46 Senators present and 4 Senators absent as follows:

PRESENT - 46: Senators Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT - 4: Senators Algieri, Connors, Izzo, Kelly.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, April 10, 2001 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Tassoni, Fogarty and Celona, and by unanimous consent, His Honor, the Lieutenant

Governor, welcomes to the Chamber the Northern Rhode Island Vikings Senior Hockey Association, Craig Angarella, Karl Bush, Cory Canavan, Michael DiCenso, Brian Luther, Evan Randle, Josh Rogers, John Ryan, Sam Tridenti, David Sidoti, Tyler Rendine, Stephen Bucu, Rajetan Kurpiewski, John Guay, Derek Rogala, James McAllister, Head Coach Steven Rendine, and Assistant Coaches Ron Bucu and Mark Luther.

Upon suggestion of Senators Felag, Parella, Enos and Senate Majority Leader Irons, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Bristol-Warren Junior Huskies, Danny "Skip" Egan, Nathan Gallison, Nick Ambrose, Steve Morra, Matt Rencurell, Bobby Larisa, Jim DeCastro, Brett Morra, Matt Ciociola, Adam Cabral, Matt Urban, Amy Costa, Tyler Tannock, Corey Sousa, Ben Costa, Ryan Anderson, John Cruz, Chris O'Brien, Nick Teixeira, Coach Chuck Cruz, Coach Joe Tavares, Coach Steve Sousa, Coach Rick Sousa, Michael Dennis, Tony Ferreira and Rob Andreozzi. Also recognized are the parents seated in the balcony.

Upon suggestion of Senator Iglioizzi, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Scott Scungio of Johnston.

COMMUNICATION

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

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

April 11, 2001

His Honor, Charles J. Fogarty
Lieutenant Governor
Rhode Island Senate Chamber StateHouse
Providence, RI 02903

Dear Lieutenant Governor Fogarty:

Please be advised that I will be absent from the Senate session from Wednesday, April 11, 2001 as I will be out of state on Senate business.

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

Thank you.

Sincerely,

THOMAS J. IZZO
Senator, District 13

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-S 815) (Substitute An Act authorizing the Chariho Regional School District to issue not to exceed in the aggregate \$55,160,000 general obligation bonds and/or notes to finance the construction or renovations (as set forth below) and the improvement, alteration, repair, furnishing and equipping of the following schools and school facilities in the Regional School District: (I) not to exceed \$40,500,000 to finance the construction of a new high school, (II) not to exceed \$4,360,000 to finance the renovation of a portion of the existing high school to convert the high school into an elementary school, (III) not to exceed \$2,500,000 to finance additions to and renovations of the Ashaway School, (IV) not to exceed \$2,800,000 to finance additions to and renovations of the Hope Valley School, (V) not to exceed \$2,900,000 to finance the renovation of the Charlestown School, (VI) not to exceed \$2,100,000 to finance the renovation of the Richmond School and repealing section 13(1) of the regional school district's enabling legislation, which assures certain students matriculation in certain elementary schools in the Regional School District.

Senator Walsh requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Walsh moves passage, seconded by Senator Celona.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, 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 Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Kells, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS -0.

Also:

(01-S 478) (Substitute "A") An Act relating to insurance - workers' compensation insurance. Senate Majority Leader Irons requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted. Senate Majority Leader Irons moves passage, seconded by Senators Coderre, Polisena, Hunter, Blais, Badeau and many others.

Senator Roney and Senate Majority Leader Irons discuss the act.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, 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 Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Kells, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

Also:

(01-H 5246) An Act relating to the Department of Corrections.

Read and referred to the Committee on Judiciary.

REPORTS OF COMMITTEE

COMMITTEE ON CORPORATIONS

Senator Celona, from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

(01-S 63) An Act relating to state purchases.

Read and ordered to be placed on the Calendar.

(01-S 217) An Act relating to commercial law - interest and usury.

Read and ordered to be placed on the Calendar.

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

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 332) An Act relating to food and drugs - uniform controlled substances act.

Read and ordered to be placed on the Calendar.

(01-S 401) (Substitute "A") An Act relating to insurance flexible rating for non-business automobile insurance policies.

Read and ordered to be placed on the Calendar.

(01-S 402) (Substitute "A") An Act relating to businesses and professions.

Read and ordered to be placed on the Calendar.

(01-S 407) An Act relating to sewage charges.

Read and ordered to be placed on the Calendar.

(01-S 434) (Substitute "A" as amended) An Act relating to health and safety - safety and health programs for fire departments.

Read and ordered to be placed on the Calendar.

(01-S 497) An Act relating to motor vehicles -regulation of business practices among motor vehicle dealers.

Read and ordered to be placed on the Calendar.

(01-S 554) (Substitute "A") An Act relating to insurance.

Read and ordered to be placed on the Calendar.

(01-S 585) (Substitute "A") An Act relating to the uniform commercial code.

Read and ordered to be placed on the Calendar.

(01-S 641) (Substitute "A") An Act relating to financial institutions.

Read and ordered to be placed on the Calendar.

(01-S 718 as amended) An Act relating to the Rhode Island Public Transit Authority.

Read and ordered to be placed on the Calendar.

(01-S 805) (Substitute "A") An Act relating to businesses and professions - irrigation contractors.

Read and ordered to be placed on the Calendar.

(01-S 881) An Act relating to public utilities and carriers- Public Utilities Commission.

Read and ordered to be placed on the Calendar.

(01-S 882) Senate Resolution respectfully requesting the U.S. Army Corp of Engineers to dredge the Providence River Channel and Harbor to the authorized forty foot depth.

Read and ordered to be placed on the Consent Calendar.

(01-S 885) An Act relating to energy conservation.

Read and ordered to be placed on the Calendar.

(01-H 6165) (Substitute "A") An Act authorizing the Chariho Regional School District to issue not to exceed in the aggregate \$55,160,000 general obligation bonds and/or notes to finance the construction or renovations (as set forth below) and the improvement, alteration, repair, furnishing and equipping of the following schools and school facilities in the Regional School District: (I) not to exceed \$40,500,000 to finance the construction of a new high school, (II) not to exceed \$4,360,000 to finance the renovation of a portion of the existing high school to convert the high school into an elementary school, (III) not to exceed \$2,500,000 to finance additions to and renovations of the Ashaway School, (IV) not to exceed \$2,800,000 to finance additions to and renovations of the Hope Valley School, (V) not to exceed \$2,900,000 to finance the renovation of the Charlestown School, (VI) not to exceed \$2,100,000 to finance the renovation of the Richmond School and repealing section 13(1) of the regional school district's enabling legislation, which assures certain students matriculation in certain elementary schools in the Regional School District.

Senator Celona requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Celona moves passage, seconded by Senator Walsh.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 38: Senators Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Cote, Damiani, DaPonte, Donelan,

Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Kells, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS -0.

NEW BUSINESS

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

Senator Tassoni presents (01-S 909) An Act relating to the Greenville Water District.

Read and referred to the Committee on Corporations.

Senators Kells, Walton, Perry and Cicilline present (01-S 910) Senate Resolution recognizing National Minority Cancer Awareness Week from April 15-21, 2001.

Senator Kells requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Montalbano and Celona present (01-S 911) An Act to vacate the forfeiture or revocation of the charter of Naturally Beautiful Nails, Inc.

Senator Montalbano requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Montalbano moves passage, seconded by Senator Celona.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 36: Senators Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Kells, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Roney, Ruggerio, Sosnowski, Tassoni, Walsh.

NAYS -0.

Senators Irons, Cicilline, Graziano, Issa, McCaffrey and others present (01-S 912) Senate Resolution expressing condolences on the passing of Charles Rogers, Jr.

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 rising vote.

Senators DaPonte, Irons, Damiani and Bates present (01-S 913) An Act relating to the General Assembly.

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

ANNOUNCEMENT

Senator Goodwin announces that the Committee on Special Legislation will meet today 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 PATRICK T. McDONALD VACATION BREAK

Lord, we ask you to keep us safe and healthy over the vacation break, and allow us to return refreshed so we may continue to serve in the best interest of our constituents. Amen.

Appendix

CONSENT CALENDAR

In order for Tuesday, April 24, 2001:

1. (01-S 882) Senate Resolution respectfully requesting the U.S. Army Corp of Engineers to dredge the Providence River Channel and Harbor to the authorized forty foot depth.

Committee on Corporations recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Wednesday, April 11, 2001

Appendix

CALENDAR

In order for Tuesday, April 24, 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. (99-S408) 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".

13. (99-S228) An Act relating to sales and use taxes - enforcement and collection.

Committee on Finance recommends passage.

14. (99-S90) (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".

15. (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".

16. (99-S374) An Act relating to taxation -sales and use taxes liability and computation.

Committee on Finance recommends passage.

17. (99-S446) An Act relating to taxation -sales and use tax equipment used in research and development.

Committee on Finance recommends passage.

18. (99-S461) An Act relating to state affairs and government- mill building and economic revitalization act.

Committee on Finance recommends passage.

19. (99-S419) An Act relating to taxation -business corporation tax.

Committee on Finance recommends passage.

20. (99-S853) An Act relating to public buildings.

Committee on Special Legislation recommends passage.

21. (99-S139) An Act relating to corporations, associations and partnerships.

Committee on Corporations recommends passage.

22. (99-S399) (Substitute "A") An Act relating to financial institutions - creation and expansion.

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

23. (99-S433) (Substitute "A") An Act relating to the Rhode Island Resource Recovery Corporation.

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

24. (99-S487) An Act relating to fire safety inspection fees.

Committee on Corporations recommends passage.

25. (99-S489) (Substitute "A") An Act relating to businesses and professions contractors' registration.

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

26. (99-S494) (Substitute "A") An Act relating to businesses and professions contractors' restrictions.

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

27. (99-S495) An Act relating to corporations, associations and partnerships - the Rhode Island limited liability company act.

Committee on Corporations recommends passage.

28. (99-S863) An Act relating to zoning.

Committee on Corporations recommends passage.

29. (01-S 875) An Act in amendment of Sections 4 and 5 of Chapter 905 of the Public Laws of 1912, entitled "An Act to incorporate the Chepachet Fire District", as amended.

Committee on Corporations recommends passage.

30. (99-S331) (Substitute "A" as amended) An Act relating to education - Rhode Island Certification Standards Board.

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 Wednesday, April 25, 2001:

1. (99-S63) An Act relating to state purchases.

Committee on Corporations recommends passage.

2. (99-S217) An Act relating to commercial law - interest and usury.

Committee on Corporations recommends passage.

3. (99-S273 as amended) An Act relating to insurance.

Committee on Corporations recommends passage as amended.

4. (99-S278) An Act relating to uniform relocation payments.

Committee on Corporations recommends passage.

5. (99-S332) An Act relating to food and drugs - uniform controlled substances act.

Committee on Corporations recommends passage.

6. (99-S401) (Substitute "A") An Act relating to insurance - flexible rating for non-business automobile insurance policies.

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

7. (99-S402) (Substitute "A") An Act relating to businesses and professions.

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

8. (99-S407) An Act relating to sewage charges.

Committee on Corporations recommends passage.

9. (99-S434) (Substitute "A" as amended) An Act relating to health and safety - safety and health programs for fire departments.

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

10. (99-S497) An Act relating to motor vehicles - regulation of business practices among motor vehicle dealers.

Committee on Corporations recommends passage.

11. (99-S554) (Substitute "A") An Act relating to insurance.

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

12. (99-S585) (Substitute "A") An Act relating to the uniform commercial code.

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

13. (99-S641) (Substitute "A") An Act relating to financial institutions.

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

14. (99-S718 as amended) An Act relating to the Rhode Island Public Transit Authority.

Committee on Corporations recommends passage as amended.

15. (99-S805) (Substitute "A") An Act relating to businesses and professions - irrigation contractors.

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

16. (99-S881) An Act relating to public utilities and carriers- Public Utilities Commission.

Committee on Corporations recommends passage.

17. (99-S885) An Act relating to energy conservation.

Committee on Corporations recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Wednesday, April 11, 2001

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

Thank you for stopping by!

