

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. 46 Tuesday, May 8, 2001 Forty-sixth 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 50 Senators present and 0 Senators absent as follows:

PRESENT - 50; Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, 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-O.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, May 3, 2001 proceedings is read in part.

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

GUEST

Upon suggestion of Senator Parella, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Michael J. Aguiar of Warren.

FROM THE
HOUSE OF REPRESENTATIVES

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

(01-H 6400) Joint Resolution inviting His Honor, the Presiding Officer of the Senate, and the Honorable Senate to join the House of Representatives in Joint Session for the purpose of receiving an address. by the Commissioner of Elementary and Secondary Education regarding the Rhode Island Student Investment Initiative.

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, in concurrence, under suspension of the rules, upon a voice vote.

REPORTS OF COMMITTEES
COMMITTEE ON FINANCE

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

(01-S 207 as amended) An Act relating to education - teachers' retirement.

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 184) (Substitute "A") An Act relating to criminal offenses.

Read and ordered to be placed on the Calendar.

(01-S 247) (Substitute "A") An Act relating to courts and civil procedure - wrongful death.

Read and ordered to be placed on the Calendar.

(01-S 323 as amended) An Act relating to the adoption of children.

Read and ordered to be placed on the Calendar.

(01-S 582) (Substitute "A" as amended) An Act relating to elections.

Read and ordered to be placed on the Calendar.

(01-S 854) (Substitute "A") An Act relating to criminal procedure- domestic violence.

Read and ordered to be placed on the Calendar.

(01-H 5607) An Act relating to courts and civil procedure- causes of action.

Read and ordered to be placed on the Calendar.

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

Read and ordered to be placed on the Calendar.

(01-H 6099) (Substitute "A") An Act relating to the General Assembly - establishing a permanent joint committee.

Read and ordered to be placed on the Calendar.

TRANSFER OF BILL

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

(01-S 260) An Act relating to waters and navigation.

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

NEW BUSINESS

Senators Paiva Weed, Cicilline, Gibbs, Perry, Graziano and others present (01-S 940) Senate Resolution congratulating Ruth Barge Thumbtzen on being named "2001 Woman of the Year".

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Izzo, Irons, Gibbs, Roberts, Raptakis and others present (01-S 941) Joint Resolution respectfully encouraging the Rhode Island congressional delegation to support a smaller tax cut in order to fund programs that would reduce child abuse and neglect.

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 voice vote.

Senators McCaffrey, Walton, Donelan and Walaska present (01-S 942) Senate Resolution congratulating the Mental Health Association of Rhode Island on their 85th Anniversary of service to the State of Rhode Island.

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Raptakis, Graziano, Paiva Weed, Blais, Breene and others present (01-S 943) Senate Resolution congratulating Ann Claire Assumpico on receiving the 2001 "Women of the Year Award".

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

CALENDAR

In order for the day is taken up as follows:

1. (99-S341 as amended) An Act relating to taxation.

Committee on Finance recommends passage as amended.

Senator Caprio moves passage, seconded by Senators Montalbano, Celona, Tassoni, Goodwin, Senate Majority Leader Irons and many others.

Senators Cicilline, Fogarty, Caprio, Roberts, Perry, Blais, Roney, Sheehan, Garabedian, Kells, Cote, Lenihan, Kelly, Connors, Igliazzi, Raptakis, Graziano, Algiere, Izzo and Senate Majority Leader Irons discuss the act.

The act is read and passed, as amended, upon a roll call vote with 46 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

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

NAYS 2: Senators Cicilline, Perry.

2. (99-S455) An Act relating to employment security Indian tribes.

Committee on Finance recommends passage.

Senator Breene moves passage, seconded by Senators Blais and Ruggerio.

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

NAYS -O.

3. (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".

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

4. (99-S804) An Act relating to owns and cities - award of municipal contracts in North Smithfield.

Committee on Corporations recommends passage.

Senator Kelly moves passage, seconded by Senator Badeau.

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, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS -O.

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

Committee on Corporations recommends passage.

Senator Lenihan moves passage, seconded by Senator Celona.

The act is read and passed, by unanimous consent, upon a roll call vote with 39 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 38: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McDonald, Parella, Perry, Polisena, Raptakis, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS -O.

6. (99-S906) An Act relating to taxation - levy and assessment of local taxes.

Committee on Corporations recommends passage.

Senator Alves moves passage, seconded by Senators Cicilline, Garabedian and Raptakis.

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, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roney, Ruggerio, Sheehan,

Sosnowski, Tassoni, Walsh, Walton.

NAYS -O.

7. (99-S907) An Act relating to underground storage tanks.

Committee on Corporations recommends passage.

Senator Sosnowski moves passage, seconded by Senator Cote.

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 Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, SosnowsKi, Tassoni, Walsh, Walton.

NAYS -O.

8. (01-H5093 as amended) An Act relating to Pascoag Utility District.

Committee on Corporations recommends passage as amended in concurrence.

Senator Fogarty moves passage, seconded by Senator Celona.

The act is read and passed, as amended, 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, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS -O.

9. (01-H 5342) An Act validating and ratifying amendments to the home rule charter of the town of Smithfield.

Committee on Corporations recommends passage in concurrence.

Senator Tassoni moves passage, seconded by Senator Celona.

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, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS -O.

10. (01-H5343) An Act establishing the Smithfield Land Trust.

Committee on Corporations recommends passage in concurrence.

Senator Tassoni moves passage, seconded by Senators Hunter and Fogarty.

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, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS -0.

11. (01-H6066) An Act relating to the Exeter-West Greenwich School District.

Committee on Corporations recommends passage in concurrence.

Senator Breene moves passage, seconded by Senator Blais.

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, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS -0.

12. (01-H6067) An Act relating to towns and cities - local planning board or commission.

Committee on Corporations recommends passage in concurrence.

Senator Lenihan moves passage, seconded by Senators Celona and Breene.

The act is read and passed, in concurrence, 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 Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Fell, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walton.

NAYS -0.

13. (01-H6180) An Act relating to land trust for the town of Richmond.

Committee on Corporations recommends passage in concurrence.

Senator Walsh moves passage, seconded by Senators Sosnowski and Celona.

The act is read and passed, in concurrence, 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, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Lenihan, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

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.

ADJOURNMENT

Upon motion of Senate Majority Leader Irons, seconded by Senator Algiere, and upon suggestion of Senator Sosnowski, the Senate adjourns at 5:45 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of Denis G. Nickel, formerly of Rhode Island.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JUNE N. GIBBS

Bless our nation, O God,
founded in liberty, independence, and freedom
established on the principles of truth
Save us from pride and arrogance,
and from every evil way.
Defend our liberties,
and in time of trouble,
cause wisdom and reason to reign.
Help us to celebrate our differences
and not be frightened by them;
to rejoice in the gifts of our diversities
and not be threatened by them.
May Justice be something we work for,
and mercy something we strive for.
Teach us how to love each other.

Appendix

CALENDAR

In order for Wednesday, May 9, 2001:

- 1. (01-S 673) An Act relating to taxation.

Committee on Corporations recommends passage.

- 2. (99-S881) An Act relating to public utilities and carriers- Public Utilities Commission.

Committee on Corporations recommends passage.

- 3. (99-S885) An Act relating to energy conservation.

Committee on Corporations recommends passage.

- 4. (99-S859) An Act relating to state affairs and government- state emblems.

Committee on Special Legislation recommends passage.

Appendix

CALENDAR

In order for Thursday, May 10, 2001:

- 1. (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".

- 2. (99-S207 as amended) An Act relating to education - teachers' retirement.

Committee on Finance recommends passage as amended.

- 3. (99-S184) (Substitute "A") An Act relating to criminal offenses.

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

- 4. (99-S247) (Substitute "A") An Act relating to courts and civil procedure - wrongful death.

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

- 5. (99-S323 as amended) An Act relating to the adoption of children.

Committee on Judiciary recommends passage as amended.

- 6. (99-S582) (Substitute "A" as amended) An Act relating to elections.

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

amended.

7. (99-S854) (Substitute "A") An Act relating to criminal procedure - domestic violence.

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

8. (01-H5607) An Act relating to courts and civil procedure- causes of action.

Committee on Judiciary recommends passage in concurrence.

9. (01-H6008) An Act relating to state affairs and government- corrections department.

Committee on Judiciary recommends passage in concurrence.

10. (01-H6099) (Substitute "A") An Act relating to the General Assembly - establishing a permanent joint committee.

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

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Tuesday, May 8, 2001

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

Thank you for stopping by!

