

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. 50 Wednesday, May 16, 2001 Fiftieth 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, 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, Polisen, Raptakis, Revens, Roberts, Roney, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT - 2: Senators Coderre, Ruggerio.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, May 15, 2001 proceedings is read in part.

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

GUESTS

Upon suggestion of Senate Majority Leader Irons and Senator Kelly, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Rhode Island High School National Gymnastics Team, Meghan K. Hunt of Harrisville, Mariah Raynes of Jamestown, Katherine Steiner of Pawtucket, Jennie-Kay Murphy of Portsmouth,

Nicole Gregoire of Hope, Ashley O'Blenis of Warren, Head Coach Mike Franco and Assistant Coaches Melissa Gendreau and Jane Dickens-Potter.

Upon suggestion of Senator Hunter, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Lincoln Lions Jump Rope Team, who will be representing the State of Rhode Island at the 2001 U.S. National Jump Rope Championship in Orlando, Florida, from June 21-25, 2001, Jenny Baldwin, Nick Forgue, Chelsea Giorgio, Michelle Napolitano, Jenna Masnyk, Jenna Reid, Kayla Tirrell and Coach Byron Kinniburgh.

APPOINTMENT BY THE GOVERNOR

His Honor, the Lieutenant Governor, 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

May 15,2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Article 10, Section 4 of the Rhode Island Constitution, I have made the following appointment as Associate Justice of the Rhode Island Superior Court.

Susan E. McGuirl of Providence
VICE
Associate Justice Richard J. Israel

To this appointment, I request your advice and consent.

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

**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 measure which became effective without the signature of His Excellency, the Governor on May 10, 2001:

(01-S 908) An Act relating to solemnization of marriages.

EDWARD S. INMAN, III

Secretary of State

Received and ordered to be placed on file.

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 909) An Act relating to the Greenville Water District.

Read and ordered to be placed on the Calendar.

(01-S 248 as amended) An Act relating to commercial law - unfair sales practices.

Read and ordered to be placed on the Calendar.

(01-S 444) An Act relating to towns and cities - councils and governing bodies.

Read and ordered to be placed on the Calendar.

(01-S 936) An Act to incorporate the North Scituate Water District.

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.

Senator McDonald presents (01-S 948) An Act relating to the town of Narragansett.

Read and referred to the Committee on Corporations.

Senators Paiva Weed and Cicilline present (01-S 949) Senate Resolution congratulating Captain Bruce B. Fisher on being named "Maritime Man 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.

CALENDAR

In order for the day is taken up as follows:

1. (99-S881) An Act relating to public utilities and carriers - Public Utilities Commission.

Committee on Corporations recommends passage.

Senate Majority Leader Irons moves passage, seconded by Senators Celona, Caprio, Walton, DaPonte, Montalbano, Damiani, Algiere, Roberts, Izzo, Badeau and many others.

Senate Majority Leader Irons, seconded by Senator Celona and many others, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 881)

Mr., President:

I hereby move to amend (01-S 881) entitled "AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS PUBLIC UTILITIES COMMISSION", as follows:

- 1.** On page 11, line 4, by inserting the commas and phrase consistent with the provisions of paragraph (h) below," after the word "rates".
- 2.** On page 11 line 11, by deleting the following language and punctuation: less a discount equal".
- 3.** On page 11, line 12, by deleting the language "to fifty percent (50%) of the difference between the standard offer rate paid by all other standard".
- 4.** On page 11, line 13, by deleting the following language and punctuation "offer customers and such LRS acquisition cost,".
- 5.** On page 11, line 15, by deleting the language "the same as the standard offer rate paid by all other".
- 6.** On page 11, line 16, by deleting the words and period "standard offer customers.", and inserting in place thereof the phrase and period "established by the commission as reasonable, appropriate, and in the public interest."
- 7.** On page 11, after line 16, by inserting the following language and figures:

"(i) No more than once each calendar year after 2001, the commission may issue an order to allow any class or classes of customers to return from last resort service to standard offer service to achieve the purposes of this section, such order shall be issued only following a petition and hearing as set forth below and consistent with the requirements of this paragraph. The division or the electric distribution company may petition the commission to evaluate whether retail competition is adequately serving any class or classes of customers. In such event, the commission shall hold hearings to consider the petition, and if the commission finds that there is not adequate retail competition to serve any class or classes of customers, the commission may issue an order (1) so declaring, (2) allowing any class or classes of customers not being adequately served by retail competition to return from last resort service to standard offer service, and (3) directing the electric distribution company and the division to prepare an RFP to solicit standard offer power supply for such class or classes of customers so identified, and such RFP shall be consistent with the requirements herein set forth. The terms of the RFP shall be designed to accomplish the purposes of this section and to obtain a reliable low cost

supply of power, and may but need not be similar to the terms set forth in paragraphs (b) through (e). The proposed RFP and solicitation strategy shall be submitted by the distribution company and the division to the commission for approval; if the commission shall find the RFP and solicitation strategy reasonable, the distribution company and the division shall implement the solicitation and no further regulatory approvals shall be required, provided however that the provisions of paragraph (I) above shall apply with regard to rejecting bids, resolving disputes selecting the winning bidder or bidders, and awarding contracts. The standard offer rates charged to customers, which result from such solicitation, shall be established by the commission consistent with the public interest and the method set forth in paragraphs (g) and (h) above."

8. On page 11, line 17, by deleting the letter and parenthesis "(i)" and inserting in place thereof the letter and parenthesis

9. On page 11, line 20, by deleting the letter and parenthesis and inserting in place thereof the letter and parenthesis

Respectfully submitted,

WILLIAM V. IRONS
Senator, District 39

Senator Cicilline discusses the amendment.

The motion to amend prevails 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, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Sheehan, SosnowsKi, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

Senators Lenihan, Paiva Weed, Roney and Algiere discuss the act.

Upon motion of Senate Majority Leader Irons, seconded by Senators Celona, Polisena and many others, the act is read and passed as amended, 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, 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, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

2. (99-S885) An Act relating to energy conservation.

Committee on Corporations recommends passage.

Senate Majority Leader Irons moves passage, seconded by Senators Montalbano, Alves, Hunter, Goodwin, Lenihan, Roney, Gibbs, Algiere and many others.

Senate Majority Leader Irons, seconded by Senator Celona and many others, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 885)

Mr. President:

I hereby move to amend (01-S 885) entitled "AN ACT RELATING TO ENERGY CONSERVATION", as follows:

On page 1, line 4, insert the word "optional" before the word "energy".

Respectfully submitted,

WILLIAM V. IRONS
Senator, District 39

The motion to amend prevails 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, Bates, Blais, Breene, Caprio, Celona, Cicilline, 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, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

Senators Garabedian, Cicilline and Senate Majority Leader Irons discuss the act.

Upon motion of Senate Majority Leader Irons, seconded by Senator Celona and many others, the act is read and passed as amended, 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, Bates, Blais, Breene, Caprio, Celona, Cicilline, 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, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

ANNOUNCEMENTS

Senator Felag announces that the Committee on Finance will meet on Thursday, May 17, 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.

TRANSMITTAL

By unanimous consent, all Senate 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 4:50 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

INVOCATION

SENATOR MARYELLEN GOODWIN

O Heavenly Father, we thank You for the privilege of serving in this Assembly. We promise to do the people's business to the best of our ability, with all the insight and foresight that we could apply. Amen.

Appendix

CALENDAR

In order for Thursday, May 17, 2001:

1. (01-S 437) (Substitute "A") An Act relating to insurance- prompt claims processing.

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

2. (99-S438) (Substitute "A") An Act relating to the Board of Dental Examiners.

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

3. (99-S557) An Act relating to insurance -health maintenance organizations.

Committee on Corporations recommends passage.

4. (99-S563) (Substitute "A") An Act relating to regulation of third party health insurance administrators.

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

5. (99-S590) (Substitute "A") An Act relating to health and safety health care services -utilization review act.

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

6. (01-S 713 as amended) An Act relating to unfair competition and deceptive acts and practices in the business of insurance.

Committee on Corporations recommends passage as amended.

7. (01-S 714) (Substitute "A" as amended) An Act relating to zoning ordinances drive-through windows.

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

8. (99-S803) (Substitute "A" as amended) An Act relating to insurance - genetic testing.

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

9. (01-H 5079) (Substitute "A" as amended) An Act making revised appropriations for the support of the State for the fiscal year ending June 30, 2001.

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

Appendix

CALENDAR

In order for Tuesday, May 22, 2001:

1. (99-S248 as amended) An Act relating to commercial law- unfair sales practices.

Committee on Corporations recommends passage as amended.

2. (99-S444) An Act relating to towns and cities - councils and governing bodies.

Committee on Corporations recommends passage.

3. (99-S909) An Act relating to the Greenville Water District.

Committee on Corporations recommends passage.

4. (99-S936) An Act to incorporate the North Scituate Water District.

Committee on Corporations recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Wednesday, May 16, 2001

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

Thank you for stopping by!

