

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. 51 Thursday, May 17, 2001 Fifty-first 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 49 Senators present and 1 Senator absent as follows:

PRESENT - 49: 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, Iglioizzi, 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.

ABSENT - 1: Senator Ruggerio.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, May 16,2001 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Gallo and Garabedian, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber members of the Cranston West Hockey Team, 2000-2001 Met-B State Champions, Giovanni Colagiovanni, Steven D'Ercole, Adam Lupino, Marc Lancia, Michael Coletta, Edward Brady, Daniel Cullen,

Christopher Gallo, Glen Lussier, Joseph Spagnoli, Gerald Volino, Joseph Durand, Jack Simeone, Nicholas Pirolli, Jonathan Souza, Matthew Ciresi, Matthew Brannon, Robert Carullo, Scott Boyle, Gregory Pettinarto, and Mr. Craig Sacco, Head Coach, Mr. Wayne Lindberg, Assistant Coach, Mr. Jose Sczerbinski, Assistant Coach and Mr. Mike Pirolli, Assistant Coach.

COMMUNICATION

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

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

His Honor, Charles J. Fogarty

May 17, 2001

lieutenant Governor Room 116, State House
Providence, RI 02903

Dear lieutenant Governor Fogarty:

The following Senators are hereby appointed to the Joint Committee on Economic Development:

Senator Aram G. Garabedian, Chair
Senator Brian M. Hunter, Secretary
Senator David E. Bates
Senator Leo R. Blais

Sincerely,

WILLIAM V. IRONS
Senator Majority Leader

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 5231) An Act relating to health and safety - instructional bracelets for specific terminally ill patients.

Read and to the Committee on Health, Education and Bare.

Also:

(01-H 5236) (Substitute "A" as amended) An Act relating to controlled substances act.

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

Also:

(01-H 5464) (Substitute "A" as amended) An Act relating to elections -- elective meetings.

Read and referred to the Committee on Judiciary.

Also:

(01-H 6416) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Also:

(01-H 6418) An Act relating to the town of North Kingstown.

Read and referred to the Committee on Corporations.

Also:

(01-H 6422) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Also:

(01-H 6423) An Act to incorporate the North Scituate Water District.

Read and referred to the Committee on Corporations.

REPORT OF COMMITTEE

COMMITTEE ON HEALTH, EDUCATION AND WELFARE

Senator Graziano, from the Committee on Health, Education and Welfare, reports back, with recommendation of passage of the following measure:

(01-S 871) An Act relating to lead hazard control and mitigation.

Read and ordered to be placed on the Calendar.

FROM THE DESK

Upon suggestion of Senator DaPonte, and without objection, (01-S 324) An Act relating to motor vehicles - miscellaneous rules, is removed from the Desk and recommitted to the Committee on Judiciary.

NEW BUSINESS

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

Senate Majority Leader Irons presents (01-S 950) Senate Resolution reinstating and restoring forfeited or revoked corporate charters.

Read and ordered to be placed on the Consent Calendar.

Senate Majority Leader Irons and Senators Kelly, Montalbano, Algiere, Coderre and others present (01-S 951) Senate Resolution expressing condolences on the passing of former Chief Family Court Judge William R. Goldberg.

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 Damiani, Polisen, Irons, Cicilline, Coderre and others present (01-S 952) Joint Resolution encouraging the Department of Mental Health, Retardation and Hospitals to work with other agencies in examining the problem of teen use of alcohol and drugs while driving or riding in a motor vehicle.

Read and referred to the Committee on Judiciary.

CALENDAR

In order for the day is taken up as follows:

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".

Senator Roberts moves passage, seconded by Senators Celona, Gallo, Walaska, Lenihan, Damiani and others.

Senator Roberts, seconded by Senators Celona, Cicilline and Gallo, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 437) (Substitute "A")

Mr. President:

I hereby move to amend (01-S 437) (Substitute "A") entitled "AN ACT RELATING TO INSURANCE - PROMPT CLAIMS PROCESSING", as follows:

- On page 2, line 2, by inserting after the word "a" and before the word "claim", the word "complete".
- On page 2, by deleting the word "an" and inserting in its place the words "a complete".
- On page 2, line 6, by inserting before the word "written" the word "complete".
- On page 3, line 24, by deleting the word "complete".
- On page 4, line 14, by inserting after the word "a" and before the word "claim", the word "complete".
- On page 4, line 18, by deleting the word an and by inserting in its place the words "a complete".
- On page 6, line 6, by deleting the word "complete".
- On page 6, line 29, by inserting after the word "a" before the word "claim", the word "complete".
- On page 6, line 33, by deleting the word "an" and by inserting in its place the words "a complete".
- On page 6, line 33, by inserting before the word "written", the word "complete".
- On page 8, line 18, by deleting the word "complete".
- On page 9, line 8, by inserting after the word "a" before the word "claim", the word "complete".
- On page 9, line 12, by deleting the word "an" and by inserting in its place the words "a complete".
- On page 9, line 12, by inserting before the word "written" the word "complete".
- On page 10, line 30, by deleting the word "complete".

Respectfully submitted,

ELIZABETH H. ROBERTS
Senator, District 11

The motion to amend prevails 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, 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, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

Senator Celona discusses the act.

Upon motion of Senator Roberts, seconded by Senators Celona, Connors, Cicilline and others, 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 48 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 48: Senators Algieri, Alves, Badeau, Bates, 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, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

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".

Senator Roberts moves passage, seconded by Senators Celona, Izzo and Gallo.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 49 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 49: 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, Igliozi, 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.

3. (01-S 557) An Act relating to insurance -health maintenance organizations.

Committee on Corporations recommends passage.

Senator Roberts moves passage, seconded by Senators Celona, Montalbano and others.

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

YEAS - 47: 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, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

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".

Senator Roberts moves passage, seconded by Senator Montalbano and many 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 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, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

5. (01-S 590) (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".

Senator Alves moves passage, seconded by Senators Celona, Walaska, Roberts, Damiani and many others.

Senator Roberts discusses the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 49 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 49: 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, Igliozi, 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.

6. (99-S713 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.

Upon suggestion of Senator Roberts, and without objection, ordered to be placed on the Calendar for Thursday, May 24, 2001.

7. (99-S714) (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.

Senator Coderre moves passage, seconded by Senators Celona, Alves, Hunter, Damiani and many others.

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 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 43: Senators Alves, Badeau, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Sheehan, Sosnowski, Tassoni, Walaska, Walton.

NAYS -0.

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.

Senator Felag moves passage, seconded by Senators Connors, Celona, Perry, Roberts and many others.

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 49 Senators voting in the affirmative and 0 Senators voting in the negative

as follows:

YEAS - 49: 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, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

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.

Upon suggestion of Senator Caprio, and without objection, ordered to be placed on the Calendar for Tuesday, May 22, 2001.

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 Polisena announces that the Committee on Judiciary will meet today at the rise of the Senate in Room 313 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 4:30 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of the Honorable William R. Goldberg, former Chief Judge of the Rhode Island Family Court.

RAYMOND T. HOYAS, JR. Secretary of the Senate

Appendix

INVOCATION

SENATOR LEO R. BLAIS

Let us pray that strength and courage abundant be given to all who work for a world of reason and understanding. That the good that lies in each of our hearts may, day by day, be magnified and that we will come to see more clearly not that which divides us, but that which unites us.

Appendix

CONSENT CALENDAR

In order for Tuesday, May 22, 2001:

- 1. (01-S 950) Senate Resolution reinstating and restoring forfeited or revoked corporate charters.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Thursday, May 17, 2001

Appendix

CALENDAR

In order for Tuesday, May 22, 2001:

- 1. (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.

- 2. (99-S248) (Substitute "A" as amended) An Act relating to commercial law - unfair sales practices.

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

- 3. (99-S444) An Act relating to towns and cities - councils and governing bodies.

Committee on Corporations recommends passage.

- 4. (99-S909) An Act relating to the Greenville Water District.

Committee on Corporations recommends passage.

5. (99-S936) An Act to incorporate the North Scituate Water District.

Committee on Corporations recommends passage.

Appendix

CALENDAR

In order for Wednesday, May 23, 2001:

1. (99-S871) An Act relating to lead hazard control and mitigation.

Committee on Health, Education and Welfare recommends passage.

Appendix

CALENDAR

In order for Thursday, May 24, 2001:

1. (99-S713 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.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Thursday, May 17, 2001

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

Thank you for stopping by!

