

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. 63 Wednesday, May 23, 2001 Fifty-third 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 Algiere, 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, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisen, Raptak, Revers, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT - 1: Senator Kelly. I.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, May 22, 2001 proceedings is read in part.

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

GUEST

Upon suggestion of Senator Coderre, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber his cousin Lisa Coderre.

COMMUNICATION

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

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

May 22, 2001

His Honor, Charles J. Fogarty lieutenant Governor
Room 116, State House
Providence, RI 02903

Dear Lt. 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
- Senator Daniel DaPonte

Sincerely,

WILLIAM V. IRONS
Senate 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 5757) (Substitute "A") An Act relating to motor and other vehicles - use of electronic devices.

Read and referred to the Committee on Corporations.

Also:

(01-H 5975) (Substitute "A") An Act relating to businesses and professions optometrists.

Read and referred to the Committee on Corporations.

Also:

(01-H 5979) An Act relating to food and drugs - uniform controlled substances act.

Read and referred to the Committee on Corporations.

Also:

(01-H 6122 as amended) An Act relating to health and safety.

Read and referred to the Committee on Corporations.

Also:

(01-H 5863) An Act relating to health and safety - amusement ride safety act.

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

Also:

(01-H 5864) An Act relating to mental health, retardation and hospitals licensing of facilities.

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

Also:

(01-H 5883 as amended) An Act relating to health and safety- smoking in public places.

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

Also:

(01-H 5905 as amended) An Act relating to mental health, retardation and hospitals.

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

Also:

(01-H 5925) An Act relating to the Department of Mental Health.

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

Also:

(01-H 5969) An Act relating to mental health.

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

Also:

(01-H 5980) An Act relating to mental health, retardation and hospitals.

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

Also:

(01-H 6146) (Substitute "A") An Act relating to health and safety - maternal and child health services for children with

special health care needs.

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

Also:

(01-H 6209 as amended) An Act relating to state affairs and government - licensing and monitoring of child care providers.

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

Also:

(01-H 6311) (Substitute "A") An Act relating to health and safety - needlestick safety and injury prevention act.

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

Also:

(01-H 6433) 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 Health, Education and Welfare.

Also:

(01-H 5916 as amended) An Act relating to international adoption.

Read and referred to the Committee on Judiciary.

Also:

(01-H 6188) An Act relating to health and safety - rights of the terminally ill.

Read and referred to the Committee on Judiciary.

Also:

(01-H 6446) Joint Resolution memorializing the President of the United States and the United States Congress to impose a moratorium on major airline industry mergers.

Read and referred to the Committee on Special Legislation.

REPORTS OF COMMITTEE

COMMITTEE ON LABOR

Senator Badeau, from the Committee on Labor, reports back, with recommendation of passage of the following measures:

(01-H 5188) Joint Resolution extending the reporting date of the special legislative commission to study the feasibility of allowing unionized classified employees at all higher education institutions to be able to negotiate directly with the

Rhode Island Board of Governors.

Read and ordered to be placed on the Consent Calendar.

(01-S 241) An Act relating to military affairs and defense - organization and command of military forces.

Read and ordered to be placed on the Calendar.

(01-H 5348 as amended) An Act relating to labor and labor relations - workplace violence prevention act.

Read and ordered to be placed on the Calendar.

(01-H 5670 as amended) An Act relating to labor and labor relations.

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 Celona, Montalbano and Graziano present (01-S 957) Senate Resolution congratulating Anna Argenti on her retirement from the North Providence School Department.

Senator Celona requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Lenihan and Sheehan present (01-S 958) Senate Resolution directing the Governor to authorize a bond for Quonset/Davisville Fort and Commerce Park.

Read and referred to the Committee on Finance.

Senators Paiva Weed, Cicilline, Walsh, Coderre and others present (01-S 959) Senate Resolution proclaiming the month of May, 2001 as "Lyme Disease Awareness Month" in the State of Rhode Island.

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 Hunter, Issa, Badeau and Connors present (01-S 960) Senate Resolution proclaiming June 5, 2001 as "Alyssa Silva Day" in the State of Rhode Island.

Senator Hunter requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Polisena, Raptakis, Blais, Damiani and Breene present (01-S 961) An Act relating to motor vehicles - police lieutenant emeritus, town of Johnston.

Read and referred to the Committee on Special Legislation.

Senators Polisena, Montalbano, Damiani, Algieri, Graziano and others present (01-S 962) An Act relating to criminal offenses - children.

Read and referred to the Committee on Judiciary.

CALENDAR

In order for the day is taken up as follows:

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

Committee on Health, Education and Welfare recommends passage.

Senator Izzo moves passage, seconded by Senator Majority Leader Irons and Senators Coderre, Kells, Gallo, Goodwin, McBurney, Roney, Gibbs, Perry and many others.

Senate Majority Leader Irons and Senators Coderre and Igliazzi discuss the act.

Senator Igliazzi, seconded by Senators Donelan and Felag, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 871)

Mr. President:

I hereby move to amend (01-S 871) entitled "AN ACT RELATING TO LEAD HAZARD CONTROL AND MITIGATION", as follows:

(1) On page 3, line 13, by deleting the language "until July 1, 2003".

(2) On page 3, line 19, by deleting the following language: "Effective July 1, 2003 an innocent owner shall be as defined by".

(3) On page 3, line 20, by deleting the following language: "section 23-24.8-4."

(4) On page 5, by deleting all of the language on line 32.

(5) On page 6, by deleting all of the language on lines 1 through 12 inclusive.

- (6) On page 6, line 13, by deleting the numeral "4" and inserting the numeral "3" in place thereof.
- (7) On page 6, line 20, by deleting the numeral "5" and inserting the numeral "4" in place thereof.
- (8) On page 6, line 25, by deleting the numeral "6" and inserting the numeral "5" in place thereof.
- (9) On page 7, line 1, by deleting the numeral "7" and inserting the numeral "6" in place thereof.
- (10) On page 7, line 16, by deleting the numeral "8" and inserting the numeral "7" in place thereof.
- (11) On page 7, line 19, by deleting the numeral "9" and inserting the numeral "8" in place thereof.
- (12) On page 7, line 28, by deleting the numeral "10" and inserting the numeral "9" in place thereof.
- (13) On page 8, line 1, by deleting the numeral "11" and inserting the numeral "10" in place thereof.
- (14) On page 8, line 3, by deleting the numeral "12" and inserting the numeral "11" in place thereof.
- (15) On page 8, line 5, by deleting the numeral "13" and inserting the numeral "12" in place thereof.
- (16) On page 11, by deleting all of the language on lines 30 through 33 inclusive.
- (17) On page 12, by deleting all of the language on lines 1 through 7 inclusive.
- (18) On page 12, line 8, by deleting the numbers "23-24.8-9" and inserting the numbers "23-24.8-8" in place thereof.
- (19) On page 13, line 22, by deleting the numbers "23-24.8-10" and inserting the numbers "23-24.8-9" in place thereof.
- (20) On page 15, line 18, by deleting the numbers "23-24.8-11" and inserting the numbers "23-24.8-10" in place thereof.
- (21) On page 16, line 28, by deleting the numbers "23-24.8-12" and inserting the numbers "23-24.8-11" in place thereof.
- (22) On page 18, line 1, by deleting the numbers "23-24.8-13" and inserting the numbers "23-24.8-12" in place thereof.
- (23) On page 19, line 15, by deleting the numbers "23-24.8-14" and inserting the numbers "23-24.8-13" in place thereof.
- (24) On page 14, by deleting the language beginning with the word "Liability" on line 3, through and including the word "fees." on line 10.
- (25) On page 14, line 24, by deleting the word "may," and inserting a comma before the word "if".

Respectfully submitted,

DAVID V. IGLIOZZI
Senator, District 7

Senators Izzo, Roney, Iglioizzi and Cote discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 6 Senators voting in the affirmative and 40 Senators voting in the negative as follows:

YEAS - 6: Senators Donelan, Felag, Iglioizzi, McCaffrey, McDonald, Roney.

NAYS - 40: Senators Algiere, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Enos, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Irons, Issa, Izzo, Kells, Lenihan, McBurney, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, SosnowsKi, Tassoni, Walaska, Walsh, Walton.

Senators Gibbs, Cicilline, Walton, Roberts, Sheehan and Roney discuss the act.

The act is read and passed, upon a roll call vote with 47 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 47: Senators Algiere, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, SosnowsKi, Tassoni, Walaska, Walsh, Walton.

NAYS - 1: Senator Igliazzi.

FROM THE DESK

Upon suggestion of Senator Coderre, and without objection, the following act is removed from the desk and placed on the Calendar for Wednesday, May 30, 2001:

(01-S 351) An Act relating to waters and navigation - regulation of boats.

ANNOUNCEMENTS

Senator Damiani announces that the Committee on Corporations will meet on Tuesday, May 29, 2001, at 3:00 o'clock P.M. in Room 212 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.

Also:

Senator Goodwin announces that the Committee on Special Legislation will meet today at the rise of the Senate in Room 211 of the State House.

CONGRATULATIONS

Senator Coderre extends congratulations and best wishes to Senator Issa on the special occasion of his birthday this week.

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 5:00 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR WALTER S. FELAG

Memorial/Veterans Day Prayer

Heavenly Father, this weekend we gather to honor the fallen, to honor the heroes who gave their last full measure in a storm of adversity. We celebrate their devotion to our countries ideals, allowing future generations to remember that the freedom we so readily enjoy today, did not come without a price. We are all very proud of those who served.Amen.

Appendix

CONSENT CALENDAR

In order for Tuesday, May 29, 2001:

1. (01-H 5188) Joint Resolution extending the reporting date of the special legislative commission to study the feasibility of allowing unionized classified employees at all higher education institutions to be able to negotiate directly with the Rhode Island Board of Governors.

Committee on Labor recommends passage in concurrence.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Wednesday, May 23, 2001

Appendix

CALENDAR

In order for Tuesday, May 29, 2001:

1. (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.

2. (99-S828) (Substitute "A") An Act relating to towns and cities - general powers.

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

Appendix

CALENDAR

In order for Wednesday, May 30, 2001:

1. (99-S273 as amended) An Act relating to insurance.

Ordered on the Calendar.

2. (99-S351) An Act relating to waters and navigation - regulation of boats.

Ordered on the Calendar.

3. (99-S241) An Act relating to military affairs and defense - organization and command of military forces.

Committee on Labor recommends passage.

4. (01-H5348 as amended) An Act relating to labor and labor relations - workplace violence prevention act.

Committee on Labor recommends passage as amended in concurrence.

5. (01-H5670 as amended) An Act relating to labor and labor relations.

Committee on Labor recommends passage as amended.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Wednesday, May 23, 2001

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

Thank you for stopping by!

