

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. 59 Thursday, June 7, 2001 Fifty-ninth 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 47 Senators present and 3 Senators absent as follows:

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

ABSENT - 3; Senators Graziano, Kelly, RaptaKis

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, June 6, 2001 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Montalbano, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable Frank Williams, Chief Justice of the Rhode Island Supreme Court.

Also:

Upon suggestion of Senator Walaska, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Patrick Fogarty, son of Senator Fogarty.

Also:

Upon suggestion of Senator Montalbano, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber John Hardiman, Public Defender.

Also:

Upon suggestion of Senator Polisena, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber William Reardon, Site Director of the Girls & Boys Town of Rhode Island.

Also:

Upon suggestion of Senator Coderre, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Frankie Stratis of Pawtucket, who will be graduating from the Rhode Island School of Design this weekend.

APPOINTMENTS BY THE GOVERNOR

His Honor, the Lieutenant Governor, presents the following communication from His Excellency, the Governor, transmitting the following appointments and requesting the advice and consent of the Senate thereto:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

June 1, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-63-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Economic Development Corporation;

Leo R. Charpentier of North Kingstown
VICE
Edwin Furtado
(Resigned)

for a term expiring February 1, 2003.

To this appointment, I respectfully request your advice and consent.

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

May 31, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-63-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Economic Development Corporation:

Joshua Miller of Cranston
VICE
Robert A. Antignano
(Resigned)

for a term expiring February 1, 2004.

To this appointment, I respectfully request your advice and consent.

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

May 16, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Glenn Dusablon of North Smithfield (Electrical Inspectors)

for a term expiring May 1, 2004.

To this appointment, I respectfully 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 measures which became effective without the signature of His Excellency, the Governor on June 6, 2001:

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

(01-S 583) (Substitute "A") An Act relating to public utilities and carriers - CATV.

(01-S 139) An Act relating to corporations, association and partnerships.

(01-S 487 as amended) An Act relating to fire safety - inspection fees.

EDWARD S. INMAN, III
Secretary of State

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 414 as amended) An Act relating to state affairs and government - expedited permit process.

Read and ordered to be placed on the Calendar.

Also:

(01-S 475 as amended) An Act relating to labor and labor relations- workplace violence prevention act.

Read and ordered to be placed on the Calendar.

Also:

(01-H 5478) (Substitute "A" as amended) An Act relating to insurance coverage for serious mental illness.

Read and referred to the Committee on Corporations.

Also:

(01-H 5885) (Substitute "A" as amended) An Act relating to licensing of nursing home facilities.

Read and referred to the Committee on Corporations.

Also:

(01-H 6330) An Act relating to underground storage tanks.

Read and referred to the Committee on Corporations.

Also:

(01-H 6411) An Act relating to incorporation of the Dunns Corner Fire District.

Read and referred to the Committee on Corporations.

Also:

(01-H 5072) An Act relating to Board of Regents for Elementary and Secondary Education.

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

Also:

(01-H 6405) An Act relating to nurses.

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

Also:

(01-H 5998) An Act relating to levy and assessment of local taxes.

Read and referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

COMMITTEE ON SPECIAL LEGISLATION

Senator Goodwin, from the Committee on Special Legislation, reports back, with recommendation of passage of the following measures:

(01-S 961) An Act relating to motor vehicles -Police Lieutenant Emeritus, Town of Johnston.

Read and ordered to be placed on the Calendar.

(01-H 5629) An Act relating to motor and other vehicles - registration of vehicles.

Read and ordered to be placed on the Calendar.

(01-S 944) 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 ordered to be placed on the Consent Calendar.

(01-H 5076 as amended) Joint Resolution creating a special legislative commission to study and update the Historic District Commission.

Read and ordered to be placed on the Consent Calendar.

(01-H 6178) Joint Resolution memorializing the President and Congress to take whatever action necessary to obtain the release of Americans being held against their will in North Korea, China, Russia and Vietnam.

Read and ordered to be placed on the Consent Calendar.

(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 ordered to be placed on the Consent Calendar.

COMMITTEE ON FINANCE

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

(01-S 565) An Act relating to the Rhode Island Resource Recovery Corporation.

Read and ordered to be placed on the Calendar.

(01-S 758) (Substitute "A") An Act relating to taxation.

Read and ordered to be placed on the Calendar.

(01-S 788) An Act relating to the licensing of health care facilities.

Read and ordered to be placed on the Calendar.

(01-S 829) (Substitute "A") An Act relating to taxation.

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 Tassoni presents (01-S 985) An Act relating to the town of Smithfield.

Read and referred to the Committee on Corporations.

Senator Celona presents (01-S 986) An Act reinstating and restoring forfeited or revoked corporate charters.

Read and ordered to be placed on the Consent Calendar.

Senators Fogarty, Walaska, Kells, McCaffrey and Hunter present (01-S 987) An Act relating to the town of Burrillville - zoning.

Read and referred to the Committee on Corporations.

Senator Lenihan presents (01-S 988) An Act relating to police officers - commission on standards and training.

Read and referred to the Committee on Judiciary.

Senators Polisena, Graziano, Damiani, Igliozi, Tassoni and others present (01-S 989) Senate Resolution commemorating the 10th Anniversary of Girls and Boys Town of New England.

Senator Polisena requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Polisena, 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-S935 as amended) An Act relating to state affair's and government - notaries public and justices of the peace.

Committee on Judiciary recommends passage as amended.

Senator McBurney moves passage, seconded by Senators Cicilline, Damiani, Felag and others.

Senator Blais, seconded by Senator Bates, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 935 as amended)

Mr. President:

I hereby move to amend (01-S 935 as amended) by adding the following after the word "provided." on line 7 of page 1:

"Two police officers from each state and local police department, as identified in writing by the chief of police, shall, upon completion of certificate of engagement as set forth in section 42-30-4, have the power to act as a notary public as in this chapter provided."

Respectfully submitted,

LEO R. BLAIS
Senator, District 21

The motion to amend prevails upon a roll call vote with 35 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 36: Senators Algieri, Badeau, Bates, Blais, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Perry, Polisena, Ruggerio, Sosnowski, Tassoni, Walaska, Walton.

NAYS - 1: Senator Walsh.

Upon motion of Senator McBurney, seconded by Senator Cicilline, read and passed, as amended, 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 Algieri, Badeau, Bates, Blais, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

2. (01-H5592) (Substitute "A") An Act relating to statutes and statutory construction.

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

Upon suggestion of Senate Majority Leader Irons, and without objection, ordered to be recommitted to the Committee on Judiciary.

3. (01-H5602) (Substitute "A") An Act relating to criminal procedure - witness protection.

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

Senator Montalbano moves passage, seconded by Senators Celona, Gallo, Damiani and Polisena.

Senator Montalbano, seconded by Senator Celona, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-H 5602) (Substitute "A")

Mr. President:

I hereby move to amend (01-H 5602) (Substitute "A") entitled "AN ACT RELATING TO CRIMINAL PROCEDURE WITNESS PROTECTION", as follows:

- (1) DELETE all text beginning on Page 2 at Line 16 and continuing up to and including Page 3 up to the end of Line 13.
- (2) At Page 3 Line 14 Renumber "SECTION 4" as "SECTION 3"

Respectfully submitted,

JOSEPH A. MONTALBANO
Senator, District 37

Senators Roberts and Montalbano discuss the amendment.

The motion to amend prevails 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, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

Upon motion of Senator Montalbano, seconded by Senator Celona, 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 47 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

- 4. (99-S262) An Act relating to sovereign immunity.

Committee on Judiciary recommends passage.

Senator Donelan moves passage, seconded by Senate Majority Leader Irons and Senators Cicilline, Walton, Celona, Connors, Roney, McCaffrey, Walsh, Perry, Kells and Paiva Weed.

Senators Cicilline, Montalbano and Walton discuss the act.

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:

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, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

- 5. (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".

Senator Ruggerio moves passage, seconded by Senators Hunter, Celona, Goodwin, Fogarty, Walaska and 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 47 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

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 Montalbano 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, and upon suggestion of Senator Walsh, 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 George Hibbard, former Charlestown Building Inspector and Town Administrator.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DANIEL DaPONTE

Dear Lord, show us how to cooperate with each other in sharing our individual talents. Remind us that working together in a unified effort provides strength and produces the desired results. Amen.

CONSENT CALENDAR

In order for Tuesday, June 12, 2001:

- 1. (01-S 944) Joint Resolution memorializing the President of the United States and the United States Congress to impose a moratorium on major airline industry mergers.

Committee on Special Legislation recommends passage.

- 2. (01-H5076 as amended) Joint Resolution creating a special legislative commission to study and update the Historic District Commission.

Committee on Special Legislation recommends passage as amended.

- 3. (01-H 6178) Joint Resolution memorializing the President and Congress to take whatever action necessary to obtain the release of Americans being held against their will in North Korea, China, Russia and Vietnam.

Committee on Special Legislation recommends passage in concurrence.

- 4. (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.

Committee on Special Legislation recommends passage in concurrence.

- 5. (99-S986) An Act reinstating and restoring forfeited or revoked corporate charters.

Ordered to be placed on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Thursday, June 7, 2001

Appendix

CALENDAR

In order for Tuesday, June 12, 2001:

- 1. (99-S36) An Act relating to fish and wildlife - general provisions.

Committee on Corporations recommends passage.

- 2. (01-S 966) An Act authorizing the town of East Greenwich to finance the acquisition of open space and/or recreation development projects and to issue not more than \$1,000,000 bonds and/or notes therefor.

Committee on Corporations recommends passage.

3. (99-S967) An Act relating to the town of North Kingstown.

Committee on Corporations recommends passage.

4. (99-S971) An Act amending the charter of the Hope Valley/Wyoming Fire District.

Committee on Corporations recommends passage.

5. (01-H5358) (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" in concurrence.

6. (01-H5505) An Act relating to corporations, associations and partnerships.

Committee on Corporations recommends passage in concurrence.

7. (01-H5727) (Substitute "A" as amended) An Act relating to public utilities and carriers -CATV.

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

8. (01-H5752) (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" in concurrence.

9. (01-H5804) An Act relating to taxation -property tax classification Providence.

Committee on Corporations recommends passage in concurrence.

10. (01-H5810 as amended) An Act relating to state affairs and government - expedited permit process.

Committee on Corporations recommends passage as amended in concurrence.

11. (01-H5954 as amended) An Act relating to public utilities and carriers - public transit authority.

Committee on Corporations recommends passage as amended.

12. (01-H5992) (Substitute "A") An Act relating to waters and navigation.

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

13. (01-H6418) An Act relating to the town of North Kingstown.

Committee on Corporations recommends passage in concurrence.

14. (99-S755) (Substitute "A") An Act relating to motor and other vehicles - registration of vehicles.

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

15. (01-H5860) (Substitute "A") An Act relating to elections.

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

Appendix

CALENDAR

In order for Wednesday, June 13, 2001:

1. (99-S414 as amended) An Act relating to state affairs and government - expedited permit process.

Ordered to be placed on the Calendar.

2. (99-S475 as amended) An Act relating to labor and labor relations - workplace violence prevention act.

Ordered to be placed on the Calendar.

3. (99-S565) An Act relating to the Rhode Island Resource Recovery Corporation.

Committee on Finance recommends passage.

4. (99-S758) (Substitute "A") An Act relating to taxation.

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

5. (99-S788) An Act relating to the licensing of health care facilities.

Committee on Finance recommends passage.

6. (99-S829) (Substitute "A") An Act relating to taxation.

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

7. (99-S961) An Act relating to motor vehicles - Police Lieutenant Emeritus, Town of Johnston. Committee on Special Legislation recommends passage.

8. (01-H5629) An Act relating to motor and other vehicles registration of vehicles.

Committee on Special Legislation recommends passage in concurrence.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Thursday, June 7, 2001

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



Thank you for stopping by!