

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. 60	Tuesday, June 12, 2001	Sixtieth Day
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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, Celona, Cicilline, Coderre, 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, Pea, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, SosnowsKi, Tassoni, Walaska, Walsh, Walton.

ABSENT - 3: Senators Caprio, Connors, Kelly

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, June 7, 2001 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Goodwin, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber her cousin, Megan Grady who has been selected to participate in the World Scholar-Athlete Games.

Also:

Upon suggestion of Senator Parella, McBurney and Coderre, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber several students who are participating in the school based health centers.

COMMUNICATION

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

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

June 12,2001

His Honor, Charles J. Fogarty

lieutenant Governor
116 State House
Providence, RI 02903

Dear Lt. Governor Fogarty:

Please be advised that I will be out of state on Thursday, June 14, 2001, and, therefore, will not be present for the Senate session on that day.

Thank you for your assistance in this matter.

All best wishes.

Sincerely,

PAUL W. FOGARTY
Senator, District 27

Received and ordered to be placed on file.

REPORTS OF COMMITTEES

COMMITTEE ON JUDICIARY

Senator Montalbano, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

Appointment of George T. Salem, Jr. of Providence VICE Associate Judge Carmine A. Rao as Associate Judge of the Rhode Island Workers' Compensation Court.

Read and ordered to be placed on the Calendar.

Reappointment of John J. Hardiman, Esquire of Providence as Public Defender for a term expiring February 1, 2004.

Read and ordered to be placed on the Calendar.

(01-H 6104) (Substitute "A") An Act relating to education - school committees and superintendents.

Read and ordered to be placed on the Calendar.

TRANSFER OF BILLS

Senator Celona, from the Committee on Corporations, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Corporations to the Committee on Health, Education and Welfare:

(01-H 5855) (Substitute "A" as amended) An Act relating to licensing of nursing home facilities.

Read and referred to the Committee on Corporations.

NEW BUSINESS

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

Senator DaPonte presents (01-S 990) Joint Resolution making an appropriation to pay certain claims.

Read and ordered to be placed on the Calendar.

Senator Iglioizzi presents (01-S 991) Senate Resolution expressing condolences on the passing of Lola E. Santine Del Sesto.

Senator Iglioizzi requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators DaPonte, Coderre, McCaffrey and Walaska present (01-S 992) An Act relating to state and municipal notice and advertising.

Read and referred to the Committee on Judiciary.

Senators Celona, Garabedian, Irons, DaPonte and Algieri present (01-S 993) An Act relating to business and professions - pharmacy.

Read and referred to the Committee on Judiciary.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Irons, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed upon a voice vote:

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.
2. (01-H5076 as amended) Joint Resolution creating a special legislative commission to study and update the Historic District Commission.
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 "all in North Korea, China, Russia and Vietnam.
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.
5. (99-S986) An Act reinstating and restoring forfeited or revoked corporate charters.

CALENDAR

In order for the day is taken up as follows:

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

Committee on Corporations recommends passage.

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

The act is read and passed, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS -0.

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.

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

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, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, bag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, 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 -0.

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

Committee on Corporations recommends passage.

Senator Lenihan moves passage, seconded by Senator Sheehan.

Senators Blais and Lenihan discuss the act.

The act is read and passed, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Aide, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, 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, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

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

Committee on Corporations recommends passage.

Senator Walsh moves passage, seconded by Senators Algieri and Parella.

The act is read and passed, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Cote, Damiani, DaPonte, Donelan, Enos, Fell, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, 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 -0.

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.

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

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS 45: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Cote, 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

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

Committee on Corporations recommends passage in concurrence.

Senator Roney moves passage, seconded by Senator Celona.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS -0.

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.

Senator DaPonte moves passage, 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 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, 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 -0.

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.

Upon suggestion of Senator Coderre, and without objection, ordered to be placed on the Calendar for Thursday, June 21, 2001.

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

Committee on Corporations recommends passage in concurrence.

Senator Celona moves passage, seconded by Senators Goodwin, Ruggerio and Damiani.

The act is read and passed, in concurrence, 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, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, 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 -0.

10. (01-H 5810 as amended) An Act relating to state affairs and government - expedited permit process.

Committee on Corporations recommends passage as amended in concurrence.

Senator Algieri moves passage, seconded by Senator Celona.

Senators Paiva Weed and Algieri discuss the act.

The act is read and passed, as amended, in concurrence, 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, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, 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 -0.

11. (01-H 5954 as amended) An Act relating to public utilities and carriers - public transit authority.

Committee on Corporations recommends passage as amended.

Senator Celona moves passage, seconded by Senators DaPonte and Hunter.

The act is read and passed, as amended, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS -0.

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.

Upon suggestion of Senator Coderre, and without objection, ordered to be placed on the Calendar for Tuesday, June 19, 2001.

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

Committee on Corporations recommends passage in concurrence.

Senator Lenihan moves passage, seconded by Senator Sheehan.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Cote, Damiani, DaPonte,

Donelan, Enos, Fell, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, 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 -0.

14. (01-S 755) (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".

Senator Ruggerio moves passage, seconded by Senators Hunter, Cote, Goodwin and Celona.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 45: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

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.

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

The bill marked Substitute "A" is read and passed, in concurrence, 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, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, 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 -0.

ANNOUNCEMENT

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, and upon suggestion of Senator Lenihan, the Senate adjourns at 4:25 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of John Botelho.

RAYMOND T. HOYAS, JR. Secretary of the Senate

Appendix

INVOCATION

SENATOR JAMES M. DONELAN

Almighty God, we thank You for this day. With Your guidance, may this legislative week begin, continue, and end in a conscientious manner. May it lead us to a prompt and worthy adjournment of this session. Amen.

Appendix

CALENDAR

In order for Wednesday, June 13, 2001:

- 1. (01-S 414 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

- 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.

Appendix

CALENDAR

In order for Thursday, June 14, 2001:

1. Appointment of George T. Salem, Jr. of Providence VICE Associate Judge Carmine A. Rao as Associate Judge of the Rhode Island Workers' Compensation Court.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

2. Reappointment of John J. Hardiman, Esquire of Providence as Public Defender for a term expiring February 1, 2004.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this reappointment.

3. (99-S990) Joint Resolution making an appropriation to pay certain claims.

Ordered to be placed on the Calendar.

4. (01-H6104) (Substitute "A") An Act relating to education- school committees and superintendents.

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

Appendix

CALENDAR

In order for Tuesday, June 19, 2001:

1. (01-H 5992) (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.

Appendix

CALENDAR In order for Thursday, June 21, 2001:

1. (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.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Tuesday, June 12, 2001

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

Thank you for stopping by!

