

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. 61 Wednesday, June 13, 2001 Sixty-first Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:00 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, Igl.iozzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisen.a, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, SosnowsKi, Tassoni, Walaska, Walsh, Walton.

ABSENT - 1. Senator Kelly.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CORRECTION

The Senate Journal of Tuesday, May 12, 2001 shall be corrected by recording (01-S 993) An Act relating to business and professions- pharmacy, as being referred to the Senate Committee on Corporations.

APPROVAL OF RECORD

The Senate Journal of Tuesday, June 12, 2001 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Fogarty, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Gloucester Lions, 2001 Gloucester Little League Champions, Sean Condon, Pat Fogarty, Brendan Fogarty, Ethan Babcock, Andrew Kay, Sara Donahue, Kelsey DeCorte, Steve Chella, Doug Drexel, Jesse Tucker, Whyatt Heston, and parents Marge Tucker, Robin Babcock, Cindy Donahue, Denise Drexel, Peggy Chella, David Kay, Al DeCorte and Nancy Fogarty.

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 5, 2001

To the Honorable, the Senate;

I have the honor to inform you that in accordance with the provisions of Section 39-18-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Public Transit Authority;

Sharon Conard-Wells of Warwick
VICE
Daniel Baudouin

for a term expiring April 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

February 14, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Housing Resources Act;

Judith Thompson of Bristol
(Representative of the Homeless)
VICE
Anthony Patrick

for a term expiring January 31, 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

June 7, 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:

Jose V. Monteiro, Jr. of Providence
VICE
Dorothy Reynolds

for a term expiring February 1, 2005.

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

June 7, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 17-7-3 of the Rhode Island General Laws, I have made the following appointment to the State Board of Elections;

Robert B. Holbrook of East Greenwich
VICE
Jonathan Farnum
(resigned)

for a term expiring June 1, 2015.

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

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

COMMITTEE ON JUDICIARY

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

(01-H 5247) An Act relating to criminal procedure - peace officers.

Read and ordered to be placed on the Calendar.

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

Read and ordered to be placed on the Calendar.

COMMITTEE ON LABOR

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

(01-S 476) (Substitute "A" as amended) An Act relating to labor and labor relations - workers' compensation - benefits.

Read and ordered to be placed on the Calendar.

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 measures:

(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 ordered to be placed on the Consent Calendar.

(01-H 6199 as amended) Joint Resolution requesting the Director of the Department of Human Services to conduct a feasibility study of adding smoking cessation therapy as a Medicaid benefit.

Read and ordered to be placed on the Consent Calendar.

(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 ordered to be placed on the Consent Calendar.

(01-H 5378) (Substitute "A" as amended) An Act relating to education - student identification numbers.

Read and ordered to be placed on the Calendar.

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

Read and ordered to be placed on the Calendar.

(01-H 5876) An Act relating to the illegal sale of tobacco products to children.

Read and ordered to be placed on the Calendar.

(01-H 5889) An Act relating to mental health, retardation and hospitals - licensing of facilities and programs.

Read and ordered to be placed on the Calendar.

(01-H 5890) An Act relating to parental succession - retarded persons.

Read and ordered to be placed on the Calendar.

(01-H 5891) An Act relating to mental health, retardation and hospitals.

Read and ordered to be placed on the Calendar.

(01-H 5900 as amended) An Act relating to health and safety- home care patient rights.

Read and ordered to be placed on the Calendar.

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

Read and ordered to be placed on the Calendar.

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

Read and ordered to be placed on the Calendar.

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

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 Montalbano presents (01-S 994) An Act to vacate the forfeiture or revocation of the charter of Inter-City Towing, Inc.

Read and ordered to be placed on the Consent Calendar.

Senators Walsh and Sosnowski present (01-S 995) An Act relating to the Chariho Regional School District.

Read and referred to the Committee on Corporations.

Senators Roberts and Issa present (01-S 996) Senate Resolution congratulating Viola Davis on receiving a Tony Award for Best Featured Actress in August Wilson's play, King Hedley II.

Senator Roberts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Alves, DaPonte, Montalbano, Celona, Goodwin and others present (01-S 997) An Act relating to higher education.

Read and referred to the Committee on Finance.

Senators Hunter and Celona present (01-S 998) An Act relating to taxation.

Read and referred to the Committee on Corporations.

Senators McDonald, Irons, Cicilline, Paiva Weed, Fogarty and others present (01-S 999) Senate Resolution extending condolences on the passing of Domenic A. DiSandro Jr.

Senator McDonald requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

CALENDAR

In order for the day is taken up as follows:

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

Ordered on the Calendar.

Senator Algieri moves passage, seconded by Senators Celona, Blais and Breene.

The act is read and passed, as amended, in concurrence, 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, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

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

Ordered on the Calendar.

Senator Gallo moves passage, seconded by Senator Fogarty and Goodwin.

The act is read and passed, as amended, 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, 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-S565) An Act relating to the Rhode Island Resource Recovery Corporation.

Committee on Finance recommends passage.

Upon suggestion of Senator Polisena, and without objection, ordered to be recommitted to the Committee on Finance.

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".

Senator Ruggerio moves passage, seconded by Senators Caprio, Goodwin and Alves.

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

Committee on Finance recommends passage.

Senator Coderre moves passage, seconded by Senators Issa, Caprio, Blais, Roberts, Gibbs, Cicilline and others.

The act is read and passed, 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, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

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."

Senator Alves moves passage, seconded by Senators Goodwin, Cicilline, Celona, Raptakis and others.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, upon a roll call vote with 45 Senators voting in the affirmative and 1 Senators voting in the negative as follows:

YEAS - 45; Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Gallo, 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 Garabedian.

7. (99-S961) An Act relating to motor vehicles - Police Lieutenant Emeritus, Town of Johnston.

Committee on Special Legislation recommends passage.

Senator Polisena moves passage, seconded by Senators Raptakis, Goodwin, Celona, Montalbano, Ruggerio, Blais and many others.

The act is read and passed, 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, 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-H5629) An Act relating to motor and other vehicles- registration of vehicles.

Committee on Special Legislation recommends passage in concurrence.

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

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, Caprio, Celona, Cicilline, Coderre, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Gallo, Garabedian, 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, Walsh, Walton.

NAYS -0.

BIRTHDAY WISHES

Senator Algieri extends congratulations and best wishes to Senator Gibbs on the special occasion of her birthday. The entire Senate joins in extending best wishes to Senator Gibbs.

ANNOUNCEMENTS

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.

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 McDonald, the Senate adjourns at 4:20 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of Domenic A. DiSandro, Jr. of Narragansett.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR WILLIAM ENOS

Dear God, forgive our sins, overrule our mistakes, correct our errors, complete our inadequacies, and renew us in mind and heart. Give us Thy higher wisdom for our daily duties.Amen.

Appendix

CONSENT CALENDAR

In order for Thursday, June 14, 2001:

- 1. (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.

Committee on Health, Education and Welfare recommends passage.
- 2. (01-H 6199 as amended) Joint Resolution requesting the Director of the Department of Human Services to conduct a feasibility study of adding smoking cessation therapy as a Medicaid benefit.

Committee on Health, Education and Welfare recommends passage as amended in concurrence.
- 3. (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.

Committee on Health, Education and Welfare recommends passage in concurrence.
- 4. (99-S994) An Act to vacate the forfeiture or revocation of the charter of Inter-City Towing, Inc.

Ordered to be placed on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Wednesday, June 13, 2001

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 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" in concurrence.

Appendix

CALENDAR

In order for Tuesday, June 19, 2001:

1. (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.

2. (01-H5378) (Substitute "A" as amended) An Act relating to education - student identification numbers.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A" as amended in concurrence.

3. (01-H5864) An Act relating to mental health, retardation and hospitals - licensing of facilities.

Committee on Health, Education and Welfare recommends passage in concurrence.

4. (01-H5876) An Act relating to the illegal sale of tobacco products to children.

Committee on Health, Education and Welfare recommends passage in concurrence.

5. (01-H5889) An Act relating to mental health, retardation and hospitals - licensing of facilities and programs.

Committee on Health, Education and Welfare recommends passage in concurrence.

6. (01-H5890) An Act relating to parental succession - retarded persons.

Committee on Health, Education and Welfare recommends passage in concurrence.

7. (01-H5891) An Act relating to mental health, retardation and hospitals.

Committee on Health, Education and Welfare recommends passage in concurrence.

8. (01-H5900 as amended) An Act relating to health and safety- home care patient rights.

Committee on Health, Education and Welfare recommends passage as amended in concurrence.

9. (01-H5905) (Substitute "A") An Act relating to mental health, retardation and hospitals.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

10. (01-H5925) An Act relating to the Department of Mental Health.

Committee on Health, Education and Welfare recommends passage in concurrence.

11. (01-H5980) An Act relating to mental health, retardation and hospitals.

Committee on Health, Education and Welfare recommends passage in concurrence.

12. (01-H5247) An Act relating to criminal procedure peace officers.

Committee on Judiciary recommends passage in concurrence.

13. (01-H6188) An Act relating to health and safety - rights of the terminally ill.

Committee on Judiciary recommends passage in concurrence.

14. (99-S476) (Substitute "A" as amended) An Act relating to labor and labor relations -workers' compensation - benefits.

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

Appendix

CALENDAR

In order for Thursday, June 21, 2001:

1. (0 1-H 5752) (Substitute 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

Wednesday, June 13, 2001

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

Thank you for stopping by!

