

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 first day of January in the year of Our Lord two thousand and two.

Volume 129, No. 12 Wednesday, January 30, 2002 Twelfth 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 48 Senators present and 2 Senators absent as follows:

PRESENT - 48: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglizzi, 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 - 2: Senators Celona, Ruggerio.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CORRECTION

The Senate Journal of Tuesday, January 29, 2002, shall be corrected on page 5, column 1, line 1, by deleting Senator Badeau's name and inserting Senator Blais' name.

APPROVAL OF RECORD

The Senate Journal of Tuesday, January 29, 2002 proceedings is read in part.

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

GUESTS

Upon suggestion of Senate Majority Leader Irons and Senator Sheehan, and by unanimous consent,

His Honor, the Lieutenant Governor, welcomes to the Chamber Roberta Hunter, wife of Senator Hunter.

Upon suggestion of Senator Lenihan, and by unanimous consent,

His Honor, the Lieutenant Governor, welcomes to the Chamber members of Girl Scout Troop 95 East Greenwich.

FROM THE

HOUSE OF REPRESENTATIVES

A message from the House of Representatives transmits with announcement of passage:

(02-H 7055) An Act relating to the town of North Providence - tax incentive program.

Read and referred to the Committee on Corporations.

Also:

(02-H 6793) An Act relating to education.

Read and referred to the Committee on Corporations.

NEW BUSINESS

Senators Hunter, Bates and Issa present (02-S 2348) An Act relating to commercial law - general regulatory provisions - deceptive trade practices.

Read and referred to the Committee on Corporations.

Senators Breene, Blais and Algiere present (02-S 2349) An Act relating to health and safety.

Read and referred to the Committee on Judiciary.

Senator Tassoni presents (02-S 2350) An Act relating to waters and navigation - personal watercraft safety act.

Read and referred to the Committee on Corporations.

Senators Roney, Gibbs, Goodwin, Kells and others present (02-S 2351) An Act relating to levy and assessment of local taxes.

Read and referred to the Committee on Corporations.

Senators Ruggerio, Damiani, Irons, Perry and Walsh present (02-S 2352) An Act relating to motor and other vehicles -

registration of vehicles.

Read and referred to the Committee on Corporations.

Senators Polisena, Graziano and Iglioizzi present (02-S 2353) An Act relating to Rhode Island Resource Recovery Corporation.

Read and referred to the Committee on Corporations.

Senator Paiva Weed presents (02-S 2354) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Senators Perry, Walsh, Sosnowski, Roberts and Walton present (02-S 2355) An Act relating to public assistance act - medical assistance and abortions.

Read and referred to the Committee on Finance.

Senators Perry, Walsh, McDonald, Sosnowski, Fogarty and others present (02-S 2356) An Act relating to divorce and separation - domestic violence.

Read and referred to the Committee on Judiciary.

Senators Perry, Coderre, Fogarty, Kells, Gallo and others present (02-S 2357) An Act relating to animals and animal husbandry.

Read and referred to the Committee on Judiciary.

Senators Hunter, Montalbano and Celona present (02-S 2358) An Act authorizing the town of Lincoln to issue general obligation bonds and notes in an amount not to exceed \$35,000,000 for the acquisition of land for schools and school facilities, the construction of a new school and/or additions to existing schools, and the renovation, rehabilitation, repair, improvements, furnishing and equipping of schools and school facilities, and other public buildings in the town.

Read and referred to the Committee on Corporations.

Senators Graziano, Polisena, McDonald, Iglioizzi and Tassoni present (by request of the Attorney General) (02-S 2359) An Act relating to health and safety - pain assessment act of 2002.

Read and referred to the Committee on Corporations.

Senators Coderre, Gallo, Enos, Graziano and Parella present (02-S 2360) An Act relating to nurses.

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

Senators Issa, Hunter, Coderre, Cicilline, Connors and others present (02-S 2361) An Act relating to state affairs and government - pharmaceutical assistance to the elderly act.

Read and referred to the Committee on Finance.

Senators Fogarty, Kelly, Walaska, Gallo and Tassoni present (02-S 2362) An Act relating to waters and navigation.

Read and referred to the Committee on Corporations.

Senators Graziano, Polisena, McDonald, Igliazzi and Tassoni present (02-S 2363) An Act relating to education - rights and duties of teachers.

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

Senators Graziano, McDonald, Polisena, Igliazzi and Tassoni present (02-S 2364) An Act relating to businesses and professions - intractable pain treatment.

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

Senator Gibbs presents (by request of the Department of Human Services) (02-S 2365) An Act relating to the public assistance act.

Read and referred to the Committee on Judiciary.

Senators Blais and Breene present (by request of the Department of Economic Development) (02-S 2366) An Act relating to taxation - business corporation tax - net operating loss carry forward.

Read and referred to the Committee on Finance.

Senators Blais and Breene present (by request of the Department of Economic Development) (02-S 2367) An Act relating to the Rhode Island Economic Development Corporation.

Read and referred to the Committee on Finance.

Senators Blais, Parella and Gibbs present (by request of the Governor) (02-S 2368) An Act relating to state affairs and government - video lottery terminal.

Read and referred to the Committee on Special Legislation.

Senators Paiva Weed, McCaffrey, Caprio, Algiere and Donelan present (02-S 2369) An Act relating to probate practice and procedure.

Read and referred to the Committee on Judiciary.

Senators Felag, Gallo, Igliazzi and Walton present (02-S 2370) An Act relating to teachers' retirement.

Read and referred to the Committee on Finance.

Senators Felag, Bates, Garabedian, Issa, Algiere and others present (02-S 2371) An Act relating to the Rhode Island Veterans' Home.

Read and referred to the Committee on Finance.

Senators Felag, Garabedian, Igliazzi, Gallo, Bates and others present (02-S 2372) An Act relating to military affairs and defense - Rhode Island Veterans' Home.

Read and referred to the Committee on Finance.

Senators Felag, Cicilline, Bates, Paiva Weed, Enos and others present (02-S 2373) An Act relating to highways - construction and maintenance of state roads.

Read and referred to the Committee on Corporations.

Senator Bates presents (by request of the Department of Business Regulation) (02-S 2374) An Act relating to corporations, associations and partnerships - corporations - general provisions - insurance.

Read and referred to the Committee on Corporations.

Senator Blais presents (by request of the Department of Business Regulation) (02-S 2375) An Act relating to financial institutions - licensed activities.

Read and referred to the Committee on Corporations.

Senators Algieri and Parella present (by request of the Department of E-911 Uniform Telephone System Division) (02-S 2376) An Act relating to E-911 Uniform Telephone System Division.

Read and referred to the Committee on Corporations.

Senator Blais presents (by request of the Department of Labor and Training) (02-S 2377) An Act relating to labor and labor relations - employment security - Indian tribes.

Read and referred to the Committee on Labor.

Senators Igliazzi, Tassoni, Graziano, Raptakis, Polisena and others present (02-S 2378) Senate Resolution urging the Providence-based New England Gas Company to allow union employees to return to work under their old contract.

Read and referred to the Committee on Labor.

Senators Badeau, Walaska, Bates, Hunter and Felag present (02-S 2379) An Act relating to workers' compensation - general provisions.

Read and referred to the Committee on Labor.

Senator Bates presents (by request of the Department of Environmental Management) (02-S 2380) An Act relating to motors and other vehicles - motor vehicle emissions inspection program.

Read and referred to the Committee on Corporations.

Senator Blais presents (by request of the Department of Business Regulation) (02-S 2381) An Act relating to the Rhode Island Uniform Securities Act.

Read and referred to the Committee on Judiciary.

Senator Bates presents (by request of the Department of Business Regulation) (02-S 2382) An Act relating to state affairs and government.

Read and referred to the Committee on Judiciary.

Senators Igliazzi, Felag, McDonald, Polisena, McCaffrey and others present (02-S 2383) An Act relating to the District Court.

Read and referred to the Committee on Judiciary.

Senator Bates presents (by request of the Governor, the Department of Transportation and the State Police) (02-S 2384) An Act relating to miscellaneous rules - seat belt use.

Read and referred to the Committee on Judiciary.

Senators Badeau, Walaska, Bates, Hunter and Felag present (02-S 2385) An Act relating to workers' compensation - procedure.

Read and referred to the Committee on Corporations.

Senator Blais presents (by request of the Department of Business Regulation) (02-S 2386) An Act relating to the Rhode Island Uniform Securities Act.

Read and referred to the Committee on Corporations.

Senators Badeau, Cote, Bates, Hunter and Felag present (02-S 2387) An Act relating to labor and labor relations - worker compensation procedure.

Read and referred to the Committee on Labor.

Senators Badeau, Walaska, Bates, Hunter and Felag present (02-S 2388) An Act relating to labor and training.

Read and referred to the Committee on Corporations.

Senators Paiva Weed, Felag and Enos present (02-S 2389) An Act relating to the Rhode Island student investment initiative.

Read and referred to the Committee on Finance.

Senators Hunter, Issa and Tassoni present (02-S 2390) An Act relating to public utilities and carriers - excavation near underground utility facilities.

Read and referred to the Committee on Corporations.

Senators Izzo, Roberts, Roney, Walsh, Sosnowski and others present (02-S 2391) An Act relating to education - health and safety of pupils.

Read and referred to the Committee on Judiciary.

Senators Issa, Roberts, Gallo and Goodwin present (02-S 2392) An Act relating to professional service corporations.

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

Senator Izzo presents (02-S 2393) An Act relating to state affairs and government - children's cabinet.

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

Senators Alves and DaPonte present (02-S 2394) An Act relating to commercial law - general regulatory provisions - unfair sales and practices.

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

Senators Alves and DaPonte present (02-S 2395) An Act relating to health and safety - smoking in public places.

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

Senators Alves and DaPonte present (02-S 2396) An Act relating to criminal offenses - children.

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

Senators Alves, DaPonte, Paiva Weed and Donelan present (02-S 2397) An Act relating to medical assistance - rates of payment to nursing facilities.

Read and referred to the Committee on Finance.

Senator Blais presents (by request of the Department of Health) (02-S 2398) An Act relating to domestic relations.

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

Senators Blais, Sosnowski and Breene present (02-S 2399) An Act relating to state affairs and government - outdoor lighting control.

Read and referred to the Joint Committee on Environment and Energy.

Senator Blais presents (02-S 2400) An Act relating to sales and use tax - exemptions.

Read and referred to the Committee on Finance.

Senators Blais, Parella and Roney present (02-S 2401) An Act relating to criminal procedure - indictments, informations and complaints.

Read and referred to the Committee on Judiciary.

Senators Badeau, Walaska, Bates, Hunter and Felag present (02-S 2402) An Act relating to criminal procedure - sentence and execution.

Read and referred to the Committee on Judiciary.

Senators Blais, Breene, Raptakis and Roney present (02-S 2403) An Act relating to motor vehicles - special registration plate - Coventry - police chief emeritus.

Read and referred to the Committee on Special Legislation.

Senators Badeau, Walaska, Bates, Hunter and Felag present (02-S 2404) An Act relating to workers' compensation.

Read and referred to the Committee on Labor.

Senators Blais and Gibbs present (by request of the Governor) (02-S 2405) Joint Resolution to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (electing a Governor and a Lieutenant Governor on the same ballot at the same time).

Read and referred to the Committee on Special Legislation.

Senators Badeau, Cote, Walaska, Bates, Hunter and others present (02-S 2406) An Act relating to workers' compensation - procedure.

Read and referred to the Committee on Labor.

Senators Badeau, Cote, Walaska, Bates, Hunter and others present (02-S 2407) An Act relating to labor and labor relations - workers' compensation benefits.

Read and referred to the Committee on Labor.

Senators Badeau, Cote, Walaska, Bates, Hunter and others present (02-S 2408) An Act relating to labor and labor relations - workers' compensation - benefits.

Read and referred to the Committee on Labor.

Senator Blais presents (by request of the Department of Administration) (02-S 2409) An Act relating to labor and labor relations.

Read and referred to the Committee on Labor.

Senators Badeau, Cote, Walaska, Bates, Hunter and others present (02-S 2410) An Act relating to workers' compensation - benefits.

Read and referred to the Committee on Labor.

Senator Blais presents (by request of the National Guard) (02-S 2411) An Act relating to military affairs and defense.

Read and referred to the Committee on Corporations.

Senators Badeau, Cote, Walaska, Bates, Hunter and others present (02-S 2412) An Act relating to labor and labor relations - workers' compensation benefits.

Read and referred to the Committee on Labor.

Senators Walsh, Fogarty and Breene present (02-S 2413) An Act relating to education - school district funding.

Read and referred to the Committee on Finance.

Senators Badeau, Cote, Walaska, Bates, Hunter and others present (02-S 2414) An Act relating to businesses and professions - septic system installers.

Read and referred to the Committee on Corporations.

Senators Paiva Weed and Cicilline present (02-S 2415) An Act relating to labor.

Read and referred to the Committee on Labor.

Senators Damiani, Polisena, Walaska, Coderre and Bates present (02-S 2416) An Act relating to waters and navigation - regulation of boats.

Read and referred to the Joint Committee on Environment and Energy.

Senators Damiani, Polisena, DaPonte, Walaska, Coderre and others present (02-S 2417) An Act relating to towns and cities - relief of injured and deceased firefighters and police officers.

Read and referred to the Committee on Finance.

Senators Polisena, Graziano, Fogarty, Connors and Goodwin present (by request of the Lieutenant Governor) (02-S 2418) Joint Resolution memorializing Congress to approve for passage the ``Nursing Employment and Education Development Act" (NEED Act).

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

Senators Izzo, Fogarty, Roberts, Alves and Connors present (by request of the Lieutenant Governor) (02-S 2419) An Act relating to the pharmaceutical assistance to the elderly act.

Read and referred to the Committee on Finance.

Senators Hunter, Paiva Weed, Tassoni and Raptakis present (02-S 2420) An Act relating to elections - secretary of state.

Read and referred to the Committee on Judiciary.

Senator Garabedian presents (02-S 2421) An Act relating to property - residential landlord and tenant act.

Read and referred to the Committee on Corporations.

Senators Felag, Hunter, Walaska, Sheehan and McCaffrey present (02-S 2422) An Act relating to education.

Read and referred to the Committee on Finance.

Senator Garabedian presents (02-S 2423) An Act relating to elections - political parties.

Read and referred to the Committee on Judiciary.

Senator Garabedian presents (02-S 2424) An Act relating to elections - Rhode Island campaign contributions and expenditures reporting.

Read and referred to the Committee on Judiciary.

Senators Garabedian and Polisena present (02-S 2425) An Act relating to state affairs and government - central landfill region oversight council.

Read and referred to the Committee on Corporations.

Senator Garabedian presents (02-S 2426) An Act relating to health and safety - nursing home inspections.

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

Senator Garabedian presents (02-S 2427) An Act relating to elections - local canvassing authorities.

Read and referred to the Committee on Judiciary.

Senator Garabedian presents (02-S 2428) Senate Resolution respectfully urging Governor Almond to expeditiously appoint the eleven (11) member citizens advisory board to the Rhode Island Resource Recovery Corporation.

Read and referred to the Committee on Corporations.

Senator Garabedian presents (02-S 2429) An Act relating to elections - mail ballots.

Read and referred to the Committee on Judiciary.

Senator Garabedian presents (02-S 2430) An Act relating to false personation.

Read and referred to the Committee on Judiciary.

Senator Garabedian presents (02-S 2431) An Act relating to presidential electors.

Read and referred to the Committee on Judiciary.

Senator Garabedian presents (02-S 2432) An Act relating to health and safety - explosives.

Read and referred to the Committee on Corporations.

Senator Garabedian presents (02-S 2433) An Act relating to taxation - business corporation tax.

Read and referred to the Committee on Finance.

Senator Garabedian presents (02-S 2434) An Act relating to property - residential landlord and tenant act.

Read and referred to the Committee on Corporations.

Senator Garabedian presents (02-S 2435) An Act relating to property - residential landlord and tenant act.

Read and referred to the Committee on Corporations.

Senators Tassoni, Breene, Gibbs and Igliazzi present (02-S 2436) An Act relating to public property and works.

Read and referred to the Committee on Corporations.

Senators Tassoni, Breene and Igliazzi present (02-S 2437) An Act relating to waters and navigation - personal watercraft safety act.

Read and referred to the Committee on Corporations.

Senators Kelly, Lenihan, Enos and Walaska present (02-S 2438) An Act relating to public officers and employees - merit system.

Read and referred to the Committee on Judiciary.

Senators Alves, DaPonte, Paiva Weed and Donelan present (02-S 2439) An Act relating to human services - medical assistance.

Read and referred to the Committee on Corporations.

Senators Algiere, Gibbs, Breene, Bates, Parella and others present (02-S 2440) Joint Resolution to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (separation of powers).

Read and referred to the Committee on Special Legislation.

Senator Blais presents (by request of the Department of Business Regulation) (02-S 2441) An Act relating to corporations, associations and partnerships - Rhode Island Uniform Securities act.

Read and referred to the Committee on Corporations.

Senators Blais and Breene present (by request of the Department of Economic Development) (02-S 2442) An Act relating to employee stock options - biotechnology and medical technology companies.

Read and referred to the Committee on Corporations.

ANNOUNCEMENT

Senator Felag announces that the Committee on Finance will meet today at the rise of the Senate in Room 313 of the State House.

TRANSMITTAL

By unanimous consent, all 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 Senator Coderre, seconded by Senator Algieri, the Senate adjourns at 4:22 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR BRIAN M. HUNTER

Almighty God, we thank You for this day. We thank You for awakening us with a renewed spirit and the vigor to live each day to the fullest. We thank you for the love, comfort and impenetrable bond we share with our families and with Your divine spirit.

We ask, You to help us gain a better understanding of Your will and for that which we cannot control, to inspire us with Your truth and fill us with Your grace. Teach us the ways of compassion and devotion, so that we may convey these emotions to those who are closest in our lives.

And on this day, we ask You to bestow on us Your blessing - of strength and of courage, of hope and of faith. But most of all, of Love.

Amen.

Appendix

CALENDAR

In order for Thursday, January 31, 2002:

1. Appointment of Jane A. Hayward of Narragansett VICE Christine Ferguson (retired) as Director of the Department of Human Services.

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

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Wednesday, January 30, 2002

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

Thank you for stopping by!

