

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.

Volume129, No. 14 Tuesday, February 5, 2002 Fourteenth 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 46 Senators present and 4 Senators absent as follows:

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

ABSENT - 4: Senators Coderre, Connors, DaPonte, Garabedian.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, January 31, 2002 proceedings is read in part.

Upon suggestion ofSenate Majority Leader Irons, and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

GUESTS

Upon suggestion of Senator Polisena, and by unanimous consent,

His Honor, the Lieutenant Governor, welcomes to the Chamber Ferve Ozturk, intern for Senator Polisena.

Upon suggestion of Senator Caprio, and by unanimous consent,

His Honor, the Lieutenant Governor, welcomes to the Chamber Lydia M. Rivera, Puerto Rican Parade of Rhode Island Director, Enid DeLeon, Public Relations Director, and Stephanie Rivera, granddaughter of Lydia Rivera.

Upon suggestion of Senator Polisena, and by unanimous consent,

His Honor, the Lieutenant Governor, welcomes to the Chamber from the American Heart Association, Nicholas Oliver, Rhode Island Advocacy Director, Lawrence Sadwin, National Chair of the Board, David Chatel, New England Senior Vice President of Field Health Initiatives, Tina Zuk, New England Vice President of Advocacy, Miriam Plitt, Rhode Island Division Board Member, Mary Cate, Rhode Island Advocacy Associate, and William Koconis, Vice President of Southern New England Operations.

COMMUNICATION

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

SENATE CHAMBER

February 5, 2002 The Honorable Charles J. Fogarty President of the Senate 116 State House Providence, RI Dear Mr. President, Please be advised and let the record reflect that I will be absent from the chamber on Tuesday, February 5, 2002 as I will be out of town on a business matter. I would appreciate your recording my letter in the appropriate Senate Journal. Thank you for your attention to this matter.

Sincerely,

DANIEL DaPONTE
Senator, District 42

Received and ordered to be placed on file.

REPORTS OF COMMITTEES

COMMITTEE ON CORPORATIONS

Senator Celona, from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

(02-S 2121) An Act relating to education - establishment of regional school districts.

Read and ordered to be placed on the Calendar.

(02-H 6816 as amended) An Act relating to towns and cities - zoning ordinances.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

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

(02-S 2123) An Act relating to towns and cities - general powers.

Read and ordered to be placed on the Calendar.

(02-S 2197) An Act relating to solemnization of marriages.

Read and ordered to be placed on the Calendar.

(02-S 2199) An Act relating to solemnization of marriages.

Read and ordered to be placed on the Calendar.

(02-H 6814) An Act relating to solemnization of marriages.

Read and ordered to be placed on the Calendar.

(02-H 6935) An Act relating to solemnization of marriages.

Read and ordered to be placed on the Calendar.

(02-S 2155) (Substitute ``A") An Act relating to solemnization of marriages.

Read and ordered to be placed on the Calendar.

(02-S 2258) An Act relating to redistricting of the General Assembly.

Read and ordered to be placed on the Calendar.

TRANSFER OF BILL

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 Finance:

(02-S 2082) An Act authorizing the city of Woonsocket to finance the unfunded pension liability of the city of Woonsocket, by the issuance of not more than \$90,000,000 bonds therefor.

Read and referred to the Committee on Finance.

NEW BUSINESS

Senators Montalbano and McCaffrey present (02-S 2488) An Act relating to towns and cities - audits.

Read and referred to the Committee on Corporations.

Senators Graziano, Polisena, Tassoni and Iglionzi present (02-S 2489) An Act relating to health and safety - hospital

mediation act.

Read and referred to the Committee on Corporations.

Senators Celona and Tassoni present (02-S 2490) An Act relating to insurance.

Read and referred to the Committee on Corporations.

Senator Celona presents (02-S 2491) An Act relating to businesses and professions - contractors' registration.

Read and referred to the Committee on Corporations.

Senator Celona presents (02-S 2492) An Act relating to businesses and professions - contractors' registrants home inspection.

Read and referred to the Committee on Corporations.

Senators Graziano, Igliozi, Tassoni and Polisena present (02-S 2493) An Act relating to health and safety - child product safety.

Read and referred to the Committee on Corporations.

Senator Blais presents (by request of the Department of Administration) (02-S 2494) An Act relating to bonds posted by motor vehicle dealers.

Read and referred to the Committee on Corporations.

Senators Perry, Paiva Weed, Cicilline, Montalbano and Roberts present (02-S 2495) An Act relating to weapons.

Read and referred to the Committee on Judiciary.

Senators Paiva Weed, Montalbano, McCaffrey, Donelan and Walton present (02-S 2496) An Act relating to miscellaneous rules.

Read and referred to the Committee on Judiciary.

Senator Montalbano presents (02-S 2497) An Act relating to jurors - fees.

Read and referred to the Committee on Judiciary.

Senators Perry, Gallo, Goodwin, Connors, Felag and others present (02-S 2498) An Act relating to sexual assault.

Read and referred to the Committee on Judiciary.

Senators Polisena, Graziano, Alves, Celona and Damiani present (02-S 2499) An Act relating to state acquisition of land.

Read and referred to the Committee on Judiciary.

Senators Ruggerio, Kells, Tassoni, Caprio, Montalbano and others present (02-S 2500) An Act relating to labor and labor relations - workers' compensation benefit.

Read and referred to the Committee on Labor.

Senators Ruggerio, Damiani, Iglionzi, DaPonte, Felag and others present (02-S 2501) An Act relating to labor and labor relations - workers' compensation - benefits.

Read and referred to the Committee on Labor.

Senators Ruggerio, Tassoni, Gallo, Polisena, Celona and others present (02-S 2502) An Act relating to workers' compensation - medical services.

Read and referred to the Committee on Labor.

Senators Ruggerio, Polisena, McBurney, McCaffrey, Gallo and others present (02-S 2503) An Act relating to workers' compensation - jurisdiction.

Read and referred to the Committee on Labor.

Senators Ruggerio, Goodwin, Fogarty, Gallo, Damiani and others present (02-S 2504) An Act relating to labor and labor relations - workers' compensation benefits.

Read and referred to the Committee on Labor.

Senators Ruggerio, Gallo, Damiani, DaPonte, Perry and others present (02-S 2505) An Act relating to workers' compensation.

Read and referred to the Committee on Labor.

Senators Ruggerio, Tassoni, Iglionzi, Fogarty, Damiani and others present (02-S 2506) An Act relating to labor and labor relations - workers' compensation - benefits.

Read and referred to the Committee on Labor.

Senators Ruggerio, Walton, DaPonte, Perry, McCaffrey and others present (02-S 2507) An Act relating to workers' compensation benefits - definitions.

Read and referred to the Committee on Labor.

Senators Ruggerio, Celona, Damiani, Connors, DaPonte and others present (02-S 2508) An Act relating to workers' compensation - benefits.

Read and referred to the Committee on Labor.

Senators Izzo, Walsh, Lenihan, Roberts, Sosnowski and others present (02-S 2509) An Act relating to resolution of school teacher disputes.

Read and referred to the Committee on Labor.

Senators Walton, Felag, McCaffrey, Cicilline, Goodwin and others present (02-S 2510) An Act relating to labor and labor relations - minimum wages.

Read and referred to the Committee on Labor.

Senators Ruggerio, Tassoni, Walaska, Fogarty, Celona and others present (02-S 2511) An Act relating to labor and labor relations workers' compensation - procedure.

Read and referred to the Committee on Labor.

Senators Ruggerio, Goodwin, Fogarty, Gallo, Damiani and others present (02-S 2512) An Act relating to labor and labor relations - workers' compensation - benefits.

Read and referred to the Committee on Labor.

Senators Perry, Walton, Graziano and Cicilline present (02-S 2513) An Act relating to criminal procedure - grand juries.

Read and referred to the Committee on Judiciary.

Senators Perry, Walton, Roney and Graziano present (02-S 2514) An Act relating to criminal procedure - arrest.

Read and referred to the Committee on Judiciary.

Senator Blais presents (by request of the Governor) (02-S 2515) An Act relating to public officers and employees - code of ethics.

Read and referred to the Committee on Judiciary.

Senators Izzo, Roberts and Garabedian present (02-S 2516) An Act relating to the licensing of health care facilities.

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

Senators Graziano, Polisena and Iglioizzi present (02-S 2517) An Act relating to health and safety - abuse in health care facilities.

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

Senators Walsh, Algieri and Sosnowski present (02-S 2518) An Act relating to waters and navigation - Pawcatuck River System.

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

Senators Walsh, Paiva Weed, Parella, Sheehan and Breene present (02-S 2519) An Act relating to health and safety - Rhode Island Cesspool Phase Out Act of 2002.

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

Senator Parella presents (by request of the Governor) (02-S 2520) 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 McBurney presents (02-S 2521) An Act relating to alcoholic beverages - regulations.

Read and referred to the Committee on Special Legislation.

Senators Alves, Raptakis and Ruggerio present (02-S 2522) An Act relating to taxation.

Read and referred to the Committee on Finance.

Senators Alves, Paiva Weed, McCaffrey, Roberts, Izzo and others present (02-S 2523) An Act relating to libraries.

Read and referred to the Committee on Finance.

Senator Blais presents (by request of the Department of Economic Development) (02-S 2524) An Act relating to state affairs and government - jobs development.

Read and referred to the Committee on Finance.

Senators Donelan, Paiva Weed, McCaffrey and Montalbano present (02-S 2525) An Act relating to education.

Read and referred to the Committee on Finance.

Senators Tassoni, Ruggerio, Igliazzi and Badeau present (02-S 2526) An Act relating to Rhode Island Public Transit Authority - privatization of services.

Read and referred to the Committee on Finance.

Senators Celona and McCaffrey present (02-S 2527) An Act relating to taxation.

Read and referred to the Committee on Finance.

Senators Algieri, Blais and Breene present (by request of the Governor and the Department of Economic Development) (02-S 2528) An Act relating to redevelopment of Brownfields.

Read and referred to the Committee on Finance.

Senators Badeau, Ruggerio, Tassoni and Igliazzi present (02-S 2529) An Act relating to video lottery terminals - distribution of revenue to municipalities.

Read and referred to the Committee on Finance.

Senators Izzo and Sosnowski present (02-S 2530) An Act relating to the Board of Governors for Higher Education.

Read and referred to the Committee on Finance.

Senators Polisena, Damiani and Graziano present (02-S 2531) An Act relating to medical assistance.

Read and referred to the Committee on Finance.

Senator Alves presents (02-S 2532) An Act relating to health and safety.

Read and referred to the Committee on Corporations.

Senators Perry, Walsh, Sosnowski and Izzo present (02-S 2533) An Act relating to towns and cities - Rhode Island Comprehensive Planning and Land Use Act.

Read and referred to the Committee on Corporations.

Senators Celona, Hunter, Tassoni and Bates present (02-S 2534) An Act relating to businesses and professions.

Read and referred to the Committee on Corporations.

Senators Alves and Raptakis present (02-S 2535) An Act relating to West Warwick elderly tax exemptions.

Read and referred to the Committee on Corporations.

Senators Cicilline, Polisena and Damiani present (02-S 2536) An Act relating to relief of fire fighters and police officers.

Read and referred to the Committee on Corporations.

Senators Cicilline and Polisena present (02-S 2537) An Act relating to towns and cities - benefits for fire fighters.

Read and referred to the Committee on Corporations.

Senators Cicilline, Polisena and Damiani present (02-S 2538) An Act relating to towns and cities - benefits for fire fighters.

Read and referred to the Committee on Corporations.

Senators Montalbano, McCaffrey and Alves present (02-S 2539) An Act relating to businesses and professions and financial institutions.

Read and referred to the Committee on Corporations.

Senators Cicilline and Damiani present (02-S 2540) An Act relating to state affairs and government - the Rhode Island Law Enforcement Accreditation Commission.

Read and referred to the Committee on Judiciary.

Senators Cicilline and Damiani present (02-S 2541) An Act relating to state affairs and government - law enforcement standards and training.

Read and referred to the Committee on Judiciary.

Senators Montalbano and Donelan present (02-S 2542) An Act relating to motor and other vehicles.

Read and referred to the Joint Committee on Highway Safety.

Senators Izzo, Igliazzi, Alves, Roberts, Gibbs and others present (02-S 2543) An Act relating to the Rhode Island Student Investment Initiative.

Read and referred to the Committee on Finance.

Senators Perry, Felag, Cicilline and Kells present (02-S 2544) Senate Resolution creating a special Senate commission to study electronic recording of real estate instruments.

Read and referred to the Committee on Judiciary.

Senators Polisena and Damiani present (by request of the Attorney General) (02-S 2545) An Act relating to the Department of the Attorney General.

Read and referred to the Committee on Judiciary.

Senators Breene, Blais and Sosnowski present (02-S 2546) An Act relating to fish and wildlife - general provisions.

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

Senators Breene and Lenihan present (02-S 2547) An Act relating to taxation - property subject to taxation.

Read and referred to the Committee on Corporations.

Senators Damiani, Polisena, Celona, Montalbano and Algiere present (by request of the Attorney General) (02-S 2548) An Act relating to towns and cities - emergency police power.

Read and referred to the Committee on Corporations.

Senators Celona, Montalbano and Goodwin present (02-S 2549) An Act relating to access to public records.

Read and referred to the Committee on Judiciary.

Senators Celona and Goodwin present (02-S 2550) An Act relating to the contractors' registration board.

Read and referred to the Committee on Corporations.

Senators McCaffrey and Walton present (02-S 2551) An Act relating to motor and other vehicles - registration of vehicles.

Read and referred to the Committee on Corporations.

Senators McCaffrey, Walaska, Revens, Donelan and Paiva Weed present (02-S 2552) An Act relating to taxation - situs and ownership of taxable property.

Read and referred to the Committee on Corporations.

Senators Sosnowski, Breene, Walsh, Fogarty, Blais and others present (02-S 2553) An Act relating to motor and other vehicles - definitions and general code provisions.

Read and referred to the Committee on Finance.

Senators Sosnowski, Revens and Irons present (02-S 2554) An Act relating to deer hunting.

Read and referred to the Committee on Corporations.

Senators Sosnowski, Revens and Irons present (02-S 2555) An Act relating to levy and assessment of local taxes.

Read and referred to the Committee on Corporations.

Senators Fogarty, Tassoni, Walaska, Goodwin and Ruggerio present (02-S 2556) An Act relating to commercial law - unit pricing.

Read and referred to the Committee on Judiciary.

Senators Bates, Hunter, Walaska, Goodwin and Tassoni present (02-S 2557) An Act relating to insurance - motor vehicle insurance rate penalties.

Read and referred to the Committee on Corporations.

Senators Enos, Parella, Algiere, Walsh, Gibbs and others present (02-S 2558) An Act relating to Rhode Island Resource Recovery Corporation - Eco-Depot.

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

Senators Celona, Irons, Alves, Paiva Weed, Walaska and others present (02-S 2559) Senate Resolution congratulating the New England Patriots for their Super Bowl victory.

Senator Celona requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Celona moves passage, seconded by the entire Senate. The Resolution is read and passed, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 43: Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

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 measure on today's Consent Calendar, by unanimous consent, is read and passed, upon a voice vote:

1. (02-S2443) An Act reinstating and restoring forfeited or revoked corporate charters.

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 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 4:17 o'clock P.M.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Appendix

INVOCATION

SENATOR PAUL W. FOGARTY

Dear God, we have so much for which we are thankful; for this beautiful state which we live in, for the resources you have given us, for your protection and guidance of all the members of this Senate, as we strive for the public's welfare. Amen.

Appendix

CALENDAR

In order for Thursday, February 7, 2002:

1. (02-S2121) An Act relating to education - establishment of regional school districts.

Committee on Corporations recommends passage.

2. (02-H6816 as amended) An Act relating to towns and cities - zoning ordinances.

Committee on Corporations recommends passage as amended.

3. (02-S2123) An Act relating to towns and cities - general powers.

Committee on Judiciary recommends passage.

4. (02-S2155) (Substitute ``A") An Act relating to solemnization of marriages.

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

5. (02-S2197) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage.

6. (02-S2199) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage.

7. (02-S2258) An Act relating to redistricting of the General Assembly.

Committee on Judiciary recommends passage.

8. (02-H6814) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

9. (02-H6935) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Tuesday, February 5, 2002

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

Thank you for stopping by!

