

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. 24 Thursday, March 7, 2002 Twenty-fourth Day

The Senate meets pursuant to adjournment and is called to order by
His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:07 o'clock P.M.

The roll is called and a quorum is declared present with 43 Senators present and 7 Senators absent as follows:

PRESENT - 43: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT - 7: Senators DaPonte, Donelan, Graziano, Kells, Montalbano, Polisena, Roney.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, March 6, 2002 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Cote, Senate Majority Leader Irons, Senators Kelly and Perry, and by unanimous consent,

His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable Susan Menard, Mayor of the City of Woonsocket.

Upon suggestion of Senators Walsh and Kelly, and by unanimous consent,

His Honor, the Lieutenant Governor, welcomes to the Chamber David Noble, Campaign Chair for the Myrth York Campaign for Governor.

**FROM THE
HOUSE OF REPRESENTATIVES**

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

(02-H 7283) An Act to vacate the forfeiture or revocation of the charter of Cornerstone Communications Group, Inc.

Read and ordered to be placed on the Consent Calendar.

Also:

(02-H 7284) An Act to vacate the forfeiture or revocation of the charter of Rosa Associates Fine Foods, Inc.

Read and ordered to be placed on the Consent Calendar.

Also:

(02-H 7330) An Act to vacate the forfeiture or revocation of the charter of Asselin Realty, Inc.

Read and ordered to be placed on the Consent Calendar.

Also:

(02-H 7333) An Act to vacate the forfeiture or revocation of the charter of the West Bay Village Condominium Association, Inc.

Read and ordered to be placed on the Consent Calendar.

Also:

(02-H 7102) An Act relating to the Shelter Harbor Fire District.

Read and referred to the Committee on Corporations.

Also:

(02-H 7133) (Substitute "A" as amended) An Act relating to public utilities and carriers - duties of utilities and carriers.

Read and referred to the Committee on Corporations.

Also:

(02-H 7843) Joint Resolution making an appropriation of \$200.00 to pay a bonus in the case of John A. Tomasso Jr. of 70 Lincoln Avenue, Cranston, RI who served in the United States Army during the Vietnam War, under serial number

US51478544.

Read and referred to the Committee on Finance.

REPORTS OF COMMITTEES 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 Finance:

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

Read and referred to the Committee on Finance.

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:

(02-S 2164) An Act relating to miscellaneous rules.

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

Senator Caprio, from the Committee on Finance, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Finance to the Committee on Corporations:

(02-S 2553) An Act relating to motor and other vehicles - definitions and general code provisions.

Read and referred to the Committee on Corporations.

NEW BUSINESS

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

Senators Polisena and Damiani present (02-S 2856) An Act relating to criminal offenses - children.

Read and referred to the Committee on Judiciary.

Senator Montalbano presents (02-S 2857) An Act relating to domestic relations - solemnization of marriages.

Read and referred to the Committee on Judiciary.

Senators Roberts, Izzo, Graziano and Celona present (02-S 2858) An Act relating to public officers and employees.

Read and referred to the Committee on Corporations.

Senators Tassoni and Irons present (02-S 2859) An Act relating to health and safety - mercury reduction and education act.

Read and referred to the Committee on Judiciary.

Senator McCaffrey presents (02-S 2860) An Act relating to taxation - historic structures - tax credit.

Read and referred to the Committee on Finance.

Senator McCaffrey presents (02-S 2861) An Act relating to adjudication of traffic offenses.

Read and referred to the Committee on Judiciary.

Senator Sosnowski presents (02-S 2862) Senate Resolution congratulating Kenny Mars on his retirement after more than 40 years of outstanding and dedicated service to the University of Rhode Island.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Iglioizzi, Graziano, Caprio, Kells and Walton present (02-S 2863) An Act authorizing the city of Providence to own certain property absent deed restrictions.

Read and referred to the Committee on Corporations.

Senators Iglioizzi, Graziano, Caprio, Kells and Walton present (02-S 2864) An Act relating to the city of Providence.

Read and referred to the Committee on Corporations.

Senators Tassoni, Irons, Celona, Montalbano and Caprio present (02-S 2865) An Act relating to military affairs and defense - emergency health powers act.

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

Senator Caprio presents (02-S 2866) An Act relating to taxation - exclusion for qualifying options.

Read and referred to the Committee on Finance.

Senators Irons, Caprio and Coderre present (02-S 2867) An Act relating to the General Assembly - organization of the Senate.

Read and referred to the Committee on Judiciary.

Senator Blais presents (by request of the Department of Business Regulation) (02-S 2868) An Act relating to licensed activities and regulating oversight.

Read and referred to the Committee on Corporations.

Senator Blais presents (by request of the Department of Business Regulation) (02-S 2869) An Act relating to insurance companies.

Read and referred to the Committee on Corporations.

Senators Fogarty, Kelly, Badeau, Enos and Tassoni present (02-S 2870) An Act relating to state affairs and government energy facility siting act.

Read and referred to the Committee on Corporations.

Senators Fogarty, Kelly, Badeau, Enos and Tassoni present (02-S 2871) An Act relating to towns and cities - Burrillville - optional retirement for police/firefighters.

Read and referred to the Committee on Corporations.

Senators Goodwin, Irons, Coderre, Ruggerio, Sheehan and others present (02-S 2872) Senate Resolution expressing condolences on the passing of Russell J. Boyle.

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senator Badeau, seconded by Senator Coderre, the following measure on today's Consent Calendar, by unanimous consent, is read and ordered to be placed on the Desk:

(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.

CALENDAR

In order for the day is taken up as follows:

3. (02-S2014) Joint Resolution respectfully requesting the Governor to rescind the freeze on monies appropriated for the Neighborhood Opportunities Program.

Committee on Finance recommends passage.

Senator Garabedian moves passage, seconded by Senators Coderre, Lenihan, Walsh, Ruggerio, Parella, Hunter, Felag, Connors, Paiva Weed, Gallo, Algieri, Gibbs and many others.

Senator Cicilline discusses the act.

The resolution is read and passed, by unanimous consent, upon a roll call vote with 42 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 42: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

4. (02-S2093 as amended) An Act relating to military affairs and defense.

Committee on Special Legislation recommends passage as amended.

Upon suggestion of Senator Celona, and without objection, ordered to be placed on the Calendar for Thursday, March 14, 2002.

5. (02-S2170) An Act relating to motor vehicles - police major emeritus.

Committee on Special Legislation recommends passage.

Senator Damiani moves passage, seconded by Senate Majority Leader Irons and Senators Gallo, Walton, Parella and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 35: Senators Badeau, Blais, Breene, Caprio, Celona, Coderre, Connors, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McCaffrey, Paiva Weed, Parella, Perry, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

6. (02-S2403) An Act relating to motor vehicles - special registration plate - Coventry - police chief emeritus.

Committee on Special Legislation recommends passage.

Senator Blais moves passage, seconded by Senators Breene, Damiani, Gibbs and Raptakis.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 36: Senators Alves, Badeau, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliazzi, Irons, Izzo, Kelly, McCaffrey, Paiva Weed, Parella, Perry, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

1. (02-S2082) (Substitute "A") 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.

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

Senator Caprio moves passage, seconded by Senate Majority Leader Irons and Senators Coderre, Kelly, Badeau, Garabedian and others.

Senator Cote, seconded by Senators Badeau, Kelly, Caprio, Coderre and Senate Majority Leader Irons, offers the following written motion to amend:

FLOOR AMENDMENT

TO
(02-S 2082) (Substitute "A")

Mr. President:

I hereby move to amend (02-S 2082) (Substitute "A") entitled "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", as follows:

- (1) On page 3, line 12, by inserting the word "pension" between the words "reorganized" and "investment".
- (2) On page 3, line 12, after the word "advisor", by inserting the language "who shall be approved by the State Investment Commission".

Respectfully submitted,

MARC A. COTE
Senator, District 31

The motion to amend prevails upon a roll call vote with 39 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 39: Senators Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McCaffrey, Paiva Weed, Parella, Perry, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

Senator Cote, seconded by Senators Badeau, Kelly, Caprio and Senate Majority Leader Irons, offers the following written motion to amend:

FLOOR AMENDMENT
TO
(02-S 2082) (Substitute "A")

Mr. President:

I hereby move to amend (02-S 2082) (Substitute "A") entitled "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", as follows:

- (1) On page 3, between lines 5 and 6, by inserting the following language: "SECTION 3. CAPITALIZED INTEREST. - Proceeds of the pension obligation bonds may be used to capitalize interest on the pension obligation bonds subject to the following limitations: (a) a municipality is authorized to capitalize interest in an aggregate amount not to exceed twelve (12) months of interest expense on the pension obligation bonds; and (b) capitalized interest shall be applied to payment of debt service in such a manner that not more than fifty percent (50%) of any interest payment shall be funded with capitalized interest."

- (2) On page 3, line 6, by striking the number "3", and inserting the number "4".
- (3) On page 3, line 19, by striking the number "4", and inserting the number "5".
- (4) On page 3, line 29, by striking the number "5", and inserting the number "6".
- (5) On page 4, line 5, by striking the number "6", and inserting the number "7".
- (6) On page 4, line 9, by striking the number "7", and inserting the number "8".
- (7) On page 5, line 22, by striking the number "8", and inserting the number "9".
- (8) On page 5, line 28, by striking the number "9", and inserting the number "10".
- (9) On page 6, line 2, by striking the number "10", and inserting the number "11".
- (10) On page 6, line 8, by striking the number "11", and inserting the number "12".
- (11) On page 6, line 11, by striking the number "12", and inserting the number "13".
- (12) On page 6, line 19, by striking the number "13", and inserting the number "14".
- (13) On page 6, line 22, by striking the number "14", and inserting the number "15".
- (14) On page 6, line 33, by striking the number "15", and inserting the number "16".
- (15) On page 7, line 2, by striking the number "16", and inserting the number "17".

Respectfully submitted,

MARC A. COTE
Senator, District 31

Senators Paiva Weed, Cote, Caprio and Blais discuss the amendment.

The motion to amend prevails upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 37: Senators Badeau, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McCaffrey, Paiva Weed, Parella, Perry, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walton.

NAYS - 0.

Senator Cote, seconded by Senators Badeau, Kelly, Caprio and Senate Majority Leader Irons, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-S 2082) (Substitute "A")

Mr. President:

I hereby move to amend (02-S 2082) (Substitute "A") entitled "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", as follows:

On page 3, line 26, after the sentence ending "therefor.", by inserting the following language: "Proceeds shall not be used to reimburse the municipality for previous contributions to the system or any prior costs associated with the system."

Respectfully submitted,

MARC A. COTE
Senator, District 31

Senators Blais and Cote discuss the amendment.

The motion to amend prevails upon a roll call vote with 39 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 39: Senators Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McCaffrey, Paiva Weed, Parella, Perry, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

Senator Cote, seconded by Senators Kelly, Badeau, Caprio and Senate Majority Leader Irons, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-S 2082) (Substitute "A")

Mr. President:

I hereby move to amend (02-S 2082) (Substitute "A") entitled "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", as follows:

(1) On page 4, line 27, following the period (.) after the word "bonds", strike all language through the word "hereunder" on line 30 and insert the following language:

"The city of Woonsocket shall not issue pension obligation bonds prior to nor more than six (6) months, subsequent to the approval of the voters of the city of Woonsocket unless another public hearing is held. The city of Woonsocket shall renotify the voters of its intention to issue pension obligation bonds and provide the voters through public hearing with updated information and documentation in the manner and as described above, if more than six (6) months will elapse between the date of the voter approval and the proposed date of issuance of the pension obligation bonds."

Respectfully submitted,

MARC A. COTE
Senator, District 31

Senators Paiva Weed and Cote discuss the amendment.

The motion to amend prevails upon a roll call vote with 39 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 39: Senators Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McCaffrey, Paiva Weed, Parella, Perry, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

Senators Lenihan, Kelly and Cote discuss the act.

Upon motion of Senator Cote, seconded by Senators Badeau, Kelly, Caprio and Senate Majority Leader Irons, the bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, upon a roll call vote with 39 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 39: Senators Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, McCaffrey, Paiva Weed, Parella, Perry, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 1: Senator Lenihan.

2. (02-H6784) (Substitute "A") 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.

Ordered on the Calendar.

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

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.

ANNOUNCEMENTS

Senator Damiani announces that the Committee on Corporations will meet on Tuesday, March 12, 2002, at 3:00 o'clock P.M. in Room 212 of the State House.

Also:

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

ADJOURNMENT

Upon motion of Senator Coderre, seconded by Senator Algiere, and upon suggestion of Senator Goodwin, the Senate adjourns at 5:42 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of the Honorable Russell J. Boyle, former City Councilman from Providence, one of the city's legendary Irish-American political leaders, affectionately known as the Mayor of Smith Hill. He will be greatly missed and always remembered.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR WALTER S. FELAG, JR.

Dear God, we thank Thee for the gift of this new day with its opportunities for growth in nobility of character and in service to others. Amen.

Appendix

CONSENT CALENDAR

In order for Tuesday, March 12, 2002:

1. (02-H7283) An Act to vacate the forfeiture or revocation of the charter of Cornerstone Communications Group, Inc.

Ordered to be placed on the Consent Calendar.

2. (02-H7284) An Act to vacate the forfeiture or revocation of the charter of Rosa Associates Fine Foods, Inc.

Ordered to be placed on the Consent Calendar.

3. (02-H7330) An Act to vacate the forfeiture or revocation of the charter of Asselin Realty, Inc.

Ordered to be placed on the Consent Calendar.

4. (02-H7333) An Act to vacate the forfeiture or revocation of the charter of the West Bay Village Condominium Association, Inc.

Ordered to be placed on the Consent Calendar.

RAYMOND T. HOYAS, JR.

Secretary of the Senate
Thursday, March 7, 2002

Appendix

CALENDAR

In order for Tuesday, March 12, 2002:

1. (02-S2343) An Act relating to cities and towns.

Committee on Corporations recommends passage.

2. (02-S2205) An Act relating to financial institutions.

Committee on Corporations recommends passage.

3. (02-S2286) An Act relating to the uniform commercial code.

Committee on Corporations recommends passage.

4. (02-S2263) An Act relating to employment.

Committee on Labor recommends passage.

5. (02-S2267) An Act relating to employment security - appeals.

Committee on Labor recommends passage.

Appendix

CALENDAR

In order for Thursday, March 14, 2002:

1. (02-S2093 as amended) An Act relating to military affairs and defense.

Committee on Special Legislation recommends passage as amended.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Thursday, March 7, 2002

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



Thank you for stopping by!