

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. 28 Tuesday, March 19, 2002 Twenty-eighth 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 45 Senators present and 5 Senators absent as follows:

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

ABSENT - 5: Senators Bates, DaPonte, Garabedian, Kells, Roberts.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, March 14, 2002 proceedings is read in part.

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

GUESTS

Upon suggestion ofSenate Majority Leader Irons, and by unanimous consent,

His Honor, the Lieutenant Governor, welcomes to the Chamber from eGO Vehicles, Inc., Andrew Kalifelz, President,

and James Hamann, Founder of the company, which is moving from Alabama to Rhode Island.

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

March 11, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island State Council on the Arts: Azim Mazagonwalla of Providence VICE Rose Weaver (resigned) for a term expiring March 1, 2003.

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

March 11, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island State Council on the Arts: Kenneth J. Carpenter VICE Peter Lewiss for a term expiring March 1, 2003.

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

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

COMMUNICATIONS

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

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

March 14, 2002

Raymond T. Hoyas, Jr.
Secretary of the Senate
318 State House
Providence, RI 02903

RE: 2002-S 2519

Dear Mr. Secretary:

Please be advised that pursuant to Senate Rule 4.1, I hereby elect to have my name disassociated from Senate Bill 02-S 2519.

Sincerely,

KEVIN A. BREENE
Senate Minority Whip

Received and ordered to be placed on file.

Also:

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

March 13, 2002

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 during the week of March 18-22 and, therefore, will be absent from the Senate sessions held that week. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your assistance.

Sincerely,

DAVID E. BATES
Deputy Minority Leader

Received and ordered to be placed on file.

**EFFECTIVE WITHOUT
THE SIGNATURE OF THE GOVERNOR**

His Honor, the Lieutenant Governor, presents an announcement of the receipt by the Secretary of State of the following measures, which became effective without the signature of His Excellency, the Governor:

(02-S 2155) (Substitute "A") An Act relating to solemnization of marriages. (Effective March 14, 2002)

(02-S 2199) An Act relating to solemnization of marriages. (Effective March 14, 2002)

(02-S 2847) An Act relating to solemnization of marriages. (Effective March 15, 2002)

EDWARD S.INMAN, III
Secretary of State

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 2005) (Substitute "A") An Act relating to the Homestead Estate Exemption.

Read and ordered to be placed on the Calendar.

(02-S 2112) An Act relating to insurance - active duty military auto insurance.

Read and ordered to be placed on the Calendar.

(02-S 2174) An Act relating to accident reports.

Read and ordered to be placed on the Calendar.

(02-S 2211) An Act relating to elections - voting districts and officials.

Read and ordered to be placed on the Calendar.

(02-S 2843) An Act amending Chapter 268 of the 1986 Public Laws, entitled "An Act relating to the preservation of farm land and open space in the Town of New Shoreham and establishing a land trust.

Read and ordered to be placed on the Calendar.

(02-S 2845) An Act relating to elections - school closings - Town of New Shoreham.

Read and ordered to be placed on the Calendar.

TRANSFER OF BILLS

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

(02-S 2841) An Act relating to health and safety - establishment of Fire Academy.

Read and referred to the Committee on Finance.

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

(02-S 2568) An Act relating to health care accessibility and quality assurance act.

Read and referred to the Committee on Corporations.

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 2858) An Act relating to public officers and employees.

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

NEW BUSINESS

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

Senators Tassoni, Graziano, Celona, Fogarty and Hunter present (02-S 2894) An Act relating to labor and labor relations.

Read and referred to the Committee on Labor.

Senators Algieri and Walsh present (02-S 2895) An Act relating to water disinfection in the town of Westerly.

Read and referred to the Committee on Corporations.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion ofSenate 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. Appointment of Michael M. Tikoian of Narragansett (Public Member - Representing a Coastal Community) VICE Robert Ellis Smith to the Coastal Resources Management Council for a term expiring January 31, 2005.
- 2. (02-S2544) Senate Resolution creating a special Senate commission to study electronic recording of real estate instruments.
- 3. (02-S2888) An Act to vacate the forfeiture or revocation of the charter of Eastern Vision Group, Inc.
- 4. (02-S2890) An Act to vacate the forfeiture or revocation of the charter of the Chaminade Club of Providence, Rhode Island.

CALENDAR

In order for the day is taken up as follows:

- 1. (02-S2490) An Act relating to insurance.

Committee on Corporations recommends passage.

Senator Celona moves passage, seconded by Senators Damiani, Hunter, Roney and others.

The act is read and passed, 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, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

- 2. (02-S2085) (Substitute "A") An Act relating to E-911 Uniform Emergency Telephone System Division.

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

Senator Polisena moves passage, seconded by Senators Damiani, Connors, McDonald and others.

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, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

3. (02-S2694) An Act relating to public utilities and carriers - taxicabs and limited public motor vehicles.

Committee on Corporations recommends passage.

Senator Felag moves passage, seconded by Senators Celona and Polisena.

The act is read and passed, 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, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

COMMUNICATIONS

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

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

STATEMENT OF POTENTIAL CONFLICT

To the Honorable Senate:

I, Dennis L. Algieri, under oath depose and say:

- 1.** I am a duly elected member of the Rhode Island Senate.
- 2.** This statement is made in accord with Rhode Island General Law section 36-14-6.
- 3.** In my official capacity, I may be expected or required to vote or participate in the deliberations of bill (01-S 2695) (Substitute "A"), now pending before the Senate or a committee thereof.
- 4.** I request that I be excused from voting, deliberating or taking action on the matter.
- 5.** I do not desire to vote or deliberate because I have a conflict of interest as follows.

I am an employee of The Washington Trust Company.

6. This statement is true to the best of my knowledge.

DENNIS L. ALGIERE
Senator, District 26

Subscribed and sworn to before me this 19th day of March, 2002.

JEFFREY A. LANPHEAR
Notary Public

Ordered to be placed on file.

Also:

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

STATEMENT OF POTENTIAL CONFLICT

To the Honorable Senate:

I, Leo R. Blais, under oath depose and say:

- 1. I am a duly elected member of the Rhode Island Senate.
- 2. This statement is made in accord with Rhode Island General Law section 36-14-6.
- 3. In my official capacity, I may be expected or required to vote or participate in the deliberations of bill (01-S 2695) (Substitute "A"), now pending before the Senate or a committee thereof.
- 4. I request that I be excused from voting, deliberating or taking action on the matter.
- 5. I do not desire to vote or deliberate because I have a conflict of interest as follows.

I am a director of the Coventry Credit Union.

6. This statement is true to the best of my knowledge.

LEO R. BLAIS
Senator, District 21

Subscribed and sworn to before me this 19th day of March, 2002.

JEFFREY A. LANPHEAR
Notary Public

Ordered to be placed on file.

CALENDAR

In order for the day is taken up as follows:

4. (02-S2695) (Substitute "A") An Act relating to financial institutions - powers and operations.

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

Senator Montalbano moves passage, seconded by Senators Celona and McDonald.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative, 0 Senators voting in the negative and 2 Senators abstaining as follows:

YEAS - 43: Senators Alves, Badeau, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

ABSTAINED - 2: Senators Algieri, Blais.

5. (02-S2755) (Substitute "A") An Act relating to selling or leasing goods via the internet.

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

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

6. (02-S2321 as amended) An Act relating to employment security - general provisions.

Committee on Labor recommends passage as amended.

Upon suggestion of Senator Blais, and without objection, ordered to be placed on the Calendar for Wednesday, March 27, 2002.

7. (02-S2377) An Act relating to labor and labor relations - employment security - Indian tribes.

Committee on Labor recommends passage.

Upon suggestion of Senator Blais, and without objection, ordered to be placed on the Calendar for Wednesday, March 27, 2002.

8. (02-S2752) An Act relating to employment security - worksharing.

Committee on Labor recommends passage.

Senate Majority Leader Irons moves passage, seconded by Senators Celona, Felag, Walsh, Cote and others.

The act is read and passed, 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 Algiere, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

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 Felag announces that the Committee on Finance will meet today at the rise of the Senate in Room 211 of the State House.

Also:

Senator Graziano announces that the Committee on Health, Education and Welfare will meet on Wednesday, March 20, 2002, at the rise of the Senate in the Senate Lounge of the State House.

Also:

Senator Ruggerio announces that the Committee on Labor will meet on Wednesday, March 20, 2002, at 2:00 o'clock P.M. in Room 212 of the State House.

Also:

Senator Goodwin announces that the Committee on Special Legislation will meet on Wednesday, March 20, 2002, at the rise of the Senate in Room 211 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 Algiere, the Senate adjourns at 4:20 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SAINT JOSEPH'S DAY

SENATOR JOSEPH A. MONTALBANO

Blessed Saint Joseph, your intercession can make possible the impossible things. Come to help us in these moments of contention and conflict. Take under your protection the difficult tasks and situations we commend to you, so they have a happy solution according to God's will. As our protector, fill us with your internal spirit of peace, silence, honest work and prayer so that we may serve others as you have served us. Amen.

Appendix

CALENDAR

In order for Wednesday, March 20, 2002:

- 1. (02-S2244) An Act relating to probate practice.

Committee on Judiciary recommends passage.

- 2. (02-S2714) An Act relating to taxation - tax sales.

Committee on Judiciary recommends passage.

- 3. (02-S2542) (Substitute "A") An Act relating to motor and other vehicles. Joint Committee on Highway Safety recommends indefinite postponement of the original bill and passage of Substitute "A".

Appendix

CALENDAR

In order for Thursday, March 21, 2002:

- 1. (02-S2005) (Substitute "A") An Act relating to the Homestead Estate Exemption.

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

- 2. (02-S2112) An Act relating to insurance - active duty military auto insurance.

Committee on Corporations recommends passage.

3. (02-S2174) An Act relating to accident reports.

Committee on Corporations recommends passage.

4. (02-S2211) An Act relating to elections - voting districts and officials.

Committee on Corporations recommends passage.

5. (02-S2843) An Act amending Chapter 268 of the 1986 Public Laws, entitled "An Act relating to the preservation of farm land and open space in the Town of New Shoreham and establishing a land trust.

Committee on Corporations recommends passage.

6. (02-S2845) An Act relating to elections - school closings - Town of New Shoreham.

Committee on Corporations recommends passage.

Appendix

CALENDAR

In order for Wednesday, March 27, 2002:

1. (02-S2321 as amended) An Act relating to employment security - general provisions.

Committee on Labor recommends passage as amended.

2. (02-S2377) An Act relating to labor and labor relations - employment security - Indian tribes.

Committee on Labor recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Tuesday, March 19, 2002

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

Thank you for stopping by!

