

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.38 Thursday, April 11, 2002 Thirty-eighth Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:03 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 Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

ABSENT - 7: Senators Bates, Coderre, Connors, Graziano, Kelly, Montalbano, Walaska.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, April 10, 2002 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Sosnowski, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Trevor McCombe from Block Island, who will be serving as an intern in the Lieutenant Governor's office.

Upon suggestion of Senator Blais, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Kym Hill, Director of Corporate Membership, American Legislative Exchange Council, and Alison Laboissonniere, Intern, G-Tech Corporation.

Upon suggestion of Senate Majority Leader Irons and Senator Celona, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Larissa Downing of North Providence, who is one of many children at the State House today to pay tribute to their heroes on behalf of the Rhode Island Child Abuse Prevention.

Upon suggestion of Senator Blais, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Nadine Lilly and Beth Capron, members of Rhode Island Child Abuse Prevention Network, and attendees of the Celebration of Heroes Ceremony, Christine Cocklin of West Warwick, Larissa Downing of North Providence, Melody Cassidy of Johnston, Andrea O'Brien of West Warwick, Alyssa Patton of Providence, and Sukurat Olalekan of Providence.

APPOINTMENT BY THE GOVERNOR

His Honor, the Lieutenant Governor, presents the following communication from His Excellency, the Governor, transmitting the following appointment and requesting the advice and consent of the Senate thereto:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE**

Lincoln Almond
Governor

April 8, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 29-3.1-2.2 of the Rhode Island General Laws, I have made the following appointment to the Library Board of Rhode Island: William J. Allen of Cumberland (Representing General Public) VICE Madelyn Rumowicz (Resigned) for a term expiring December 31, 2002.

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

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

APPROVED BY THE GOVERNOR

His Honor, the Lieutenant Governor, presents an announcement of the receipt by the Secretary of State of the following measure, signed and approved April 10, 2002, by His Excellency, the Governor:

(02-S 2883) An Act authorizing the town of East Greenwich to finance the construction, renovation, alteration, repair, improvement, equipping and furnishing of, and/or additions to, public schools and school facilities in the town and to issue not more than \$34,000,000 bonds and/or notes therefor.

EDWARD S.INMAN, III
Secretary of State

Received and ordered to be placed on file.

FROM THE HOUSE OF REPRESENTATIVES

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

(02-H 6801) (Substitute "A") An Act relating to the National Guard.

Read and referred to the Committee on Special Legislation.

Also:

(02-H 6618) An Act relating to animals and animal husbandry - dogs.

Read and referred to the Committee on Special Legislation.

Also:

(02-H 7768 as amended) Joint Resolution to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (eligibility to vote).

Read and referred to the Committee on Special Legislation.

Also:

(02-H 6755) An Act relating to commercial law - general regulatory provisions - sale of oils.

Read and referred to the Committee on Corporations.

Also:

(02-H 6757) An Act relating to corporations, associations and partnerships - limited liability partnerships and the Rhode Island limited liability company act.

Read and referred to the Committee on Corporations.

Also:

(02-H 6778 as amended) An Act relating to E-911 uniform emergency telephone system division.

Read and referred to the Committee on Corporations.

Also:

(02-H 6803) (Substitute "A") An Act relating to health insurance coverage.

Read and referred to the Committee on Corporations.

Also:

(02-H 6836) An Act commercial law - general regulatory procedures - unfair sales practices.

Read and referred to the Committee on Corporations.

Also:

(02-H 6837) (Substitute "A" as amended) An Act relating to financial institutions - community obligations and banking offenses.

Read and referred to the Committee on Corporations.

Also:

(02-H 7006) An Act relating to cities and towns.

Read and referred to the Committee on Corporations.

Also:

(02-H 7080) An Act relating to zoning ordinances.

Read and referred to the Committee on Corporations.

Also:

(02-H 7106) (Substitute "A" as amended) An Act relating to taxation - property subject to taxation.

Read and referred to the Committee on Corporations.

Also:

(02-H 7238) An Act relating to businesses and professions - hawkers and peddlers.

Read and referred to the Committee on Corporations.

Also:

(02-H 7282) (Substitute "A" as amended) An Act relating to the airport corporation.

Read and referred to the Committee on Corporations.

Also:

(02-H 7384) An Act relating to retail licenses.

Read and referred to the Committee on Corporations.

Also:

(02-H 7926 as amended) An Act relating to mortgages.

Read and referred to the Committee on Corporations.

Also:

(02-H 6924) An Act relating to miscellaneous rules.

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

Also:

(02-H 6981) An Act relating to health and safety - vaccine shortage protection act.

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

Also:

(02-H 7140) 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.

Also:

(02-H 7143 as amended) An Act relating to education - school committees and superintendents.

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

Also:

(02-H 7177) An Act relating to board of regents - elementary and secondary education.

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

Also:

(02-H 7223) An Act relating to health and safety - quarantine of vessels.

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

Also:

(02-H 7302) An Act relating to mental health, retardation and hospitals - Department of Mental Health, Retardation and Hospitals.

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

Also:

(02-H 7303) An Act relating to the Department of Mental Health, Retardation and Hospitals.

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

Also:

(02-H 7304) An Act relating to curative services.

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

Also:

(02-H 7351) An Act relating to mental health, retardation and hospitals.

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

Also:

(02-H 7352) An Act relating to mental health, retardation and hospitals.

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

Also:

(02-H 7296) Joint Resolution memorializing Congress to enact a nationwide criminal background check and registry for long-term care workers.

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

Also:

(02-H 7791) Joint Resolution memorializing Congress to address the inequities in Medicare reimbursements for mental health services.

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

Also:

(02-H 6641) An Act relating to elections - voting districts and officials.

Read and referred to the Committee on Judiciary.

Also:

(02-H 6838) An Act relating to alcoholic beverages - licenses generally.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7018) An Act relating to towns and cities - general powers.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7086) (Substitute "A") An Act relating to divorce and separation - domestic violence.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7268) An Act relating to criminal offenses - impersonation and identity fraud.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7269) An Act relating to state affairs and government - Department of Environmental Management.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7380) An Act relating to elections - referenda elections.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7389) (Substitute "A") An Act relating to elections - voting districts and officials.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7445) An Act relating to property.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7458) An Act relating to courts and civil procedure - particular actions - death by wrongful act.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7778) An Act relating to elections - general provisions.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7816) An Act relating to divorce and separation.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7868) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7879) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7890) (Substitute "A") An Act relating to criminal offenses - law practice.

Read and referred to the Committee on Judiciary.

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 2297) An Act relating to veterans' tax exemption - Exeter.

Read and ordered to be placed on the Calendar.

(02-S 2444) (Substitute "A") An Act relating to food and drugs.

Read and ordered to be placed on the Calendar.

(02-S 2488) (Substitute "A") An Act relating to towns and cities - audits.

Read and ordered to be placed on the Calendar.

(02-S 2831) An Act relating to taxation - new construction - Foster.

Read and ordered to be placed on the Calendar.

(02-S 2842) An Act relating to towns and cities - redevelopment agencies.

Read and ordered to be placed on the Calendar.

(02-S 2848) An Act relating to primary elections - city of East Providence.

Read and ordered to be placed on the Calendar.

(02-S 2878) An Act relating to New Shoreham - affordable housing board.

Read and ordered to be placed on the Calendar.

(02-S 2884) An Act relating to taxation - property tax exemption for persons over 65 - East Greenwich.

Read and ordered to be placed on the Calendar.

(02-S 2903) An Act relating to the small employer health insurance availability act.

Read and ordered to be placed on the Calendar.

(02-H 6751) An Act authorizing the town of East Greenwich to reduce the assessed value of real estate upon the removal of a damaged structure.

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 Joint Committee on Environment and Energy:

(02-S 2703) An Act relating to health insurance coverage.

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

CALENDAR

In order for the day is taken up as follows:

1. (02-H7133) (Substitute "A" as amended) An Act relating to public utilities and carriers - duties of utilities and carriers.

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

Senate Majority Leader Irons moves passage, seconded by Senators Celona, Polisena, DaPonte, McCaffrey, Parella, Revens, Fogarty, Gallo, Caprio, Tassoni, McDonald, Gibbs, Roberts and many more.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, 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 Algiere, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Iglionzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 0.

2. (02-S2652) An Act relating to public officers and employees - organization of state employees.

Committee on Labor recommends passage.

Senator Ruggerio moves passage, seconded by Senators Damiani, Walsh, Goodwin, Felag, Perry, Sheehan and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 40: Senators Algiere, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 0.

3. (02-S2748) An Act relating to labor and labor relations - municipal employees' arbitration.

Committee on Labor recommends passage.

Senator Ruggerio moves passage, seconded by Senators Tassoni, Sheehan, Fogarty and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 40: Senators Algiere, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 0.

4. (02-S2305) An Act relating to hunting and fishing safety.

Committee on Special Legislation recommends passage.

Senator Walsh moves passage, seconded by Senators McDonald, Goodwin, Damiani and Fogarty.

Senator Walsh, seconded by Senator Sosnowski, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-S 2305)

Mr. President:

I hereby move to amend (02-S 2305) entitled "AN ACT RELATING TO HUNTING AND FISHING SAFETY", as follows:

On page 1, line 8, by deleting the word "waterfoul" and inserting in place thereof the word "waterfowl".

Respectfully submitted,

DONNA WALSH

Senator, District 25

The motion to amend prevails upon a roll call vote with 37 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 37: Senators Algieri, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Cote, Damiani, DaPonte, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliozi, Irons, Issa, Izzo, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 1: Senator Kells.

Senators Enos and Roberts discuss the act.

Upon motion of Senator Walsh, seconded by Senator Sosnowski, the act is read and passed, as amended, upon a roll call vote with 27 Senators voting in the affirmative and 14 Senators voting in the negative as follows:

YEAS - 27: Senators Algieri, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Cote, Damiani, Fogarty, Goodwin, Hunter, Igliozi, Irons, Issa, McBurney, McCaffrey, McDonald, Paiva Weed, Perry, Polisena, Raptakis, Roney, Ruggerio, Sosnowski, Tassoni, Walsh.

NAYS - 14: Senators Alves, DaPonte, Enos, Felag, Garabedian, Gibbs, Izzo, Kells, Lenihan, Parella, Revens, Roberts, Sheehan, Walton.

5. (02-H7993 as amended) An Act relating to public property and works - leases and concessions.

Ordered on the Calendar.

Senator Blais moves passage, seconded by Senators Breene, Fogarty and others.

The act is read and passed, as amended, in concurrence, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 40: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, 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.

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 ofSenate Majority Leader Irons, seconded by Senator Algieri, and upon suggestion of Senator McDonald, the Senate adjourns at 4:38 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of Linda M. Timpson of Narragansett, a first-grade teacher at the West Kingston Elementary School.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

VACATION BREAK

SENATOR MARY A. PARELLA

Lord, we ask you to keep us safe and healthy over the vacation break, and allow us to return refreshed so we may continue to serve in the best interests of our people. Amen.

Appendix

CALENDAR

In order for Tuesday, April 23, 2002:

1. (02-S2374) (Substitute "A") An Act relating to corporations, associations and partnerships - corporations - general provisions - insurance.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A".
2. (02-S2553) (Substitute "A" as amended) An Act relating to motor and other vehicles - definitions and general code provisions.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.
3. (02-S2587) (Substitute "A" as amended) An Act relating to motor vehicle insurance - motor vehicle body replacement parts.

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

4. (02-S2682) (Substitute "A") An Act relating to credit card lending.

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

5. (02-S2753) (Substitute "A" as amended) An Act relating to public utilities and carriers.

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

6. (02-S2754) (Substitute "A") An Act to amend the insurance law to provide for the voluntary restructuring of solvent domestic property and casualty insurers and reinsurers.

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

7. (02-S2419) An Act relating to the pharmaceutical assistance to the elderly act.

Committee on Finance recommends passage.

8. (02-S2522 as amended) An Act relating to taxation.

Committee on Finance recommends passage as amended.

9. (02-S2527) An Act relating to taxation.

Committee on Finance recommends passage.

10. (02-S2280) (Substitute "A") An Act relating to corrections department.

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

Appendix

CALENDAR

In order for Wednesday, April 24, 2002:

1. (02-S2297) An Act relating to veterans' tax exemption - Exeter.

Committee on Corporations recommends passage.

2. (02-S2444) (Substitute "A") An Act relating to food and drugs.

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

3. (02-S2488) (Substitute "A") An Act relating to towns and cities - audits.

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

4. (02-S2831) An Act relating to taxation - new construction - Foster.

Committee on Corporations recommends passage.

5. (02-S2842) An Act relating to towns and cities - redevelopment agencies.

Committee on Corporations recommends passage.

6. (02-S2848) An Act relating to primary elections - city of East Providence.

Committee on Corporations recommends passage.

7. (02-S2878) An Act relating to New Shoreham - affordable housing board.

Committee on Corporations recommends passage.

8. (02-S2884) An Act relating to taxation - property tax exemption for persons over 65 - East Greenwich.

Committee on Corporations recommends passage.

9. (02-S2903) An Act relating to the small employer health insurance availability act.

Committee on Corporations recommends passage.

10. (02-H6751) An Act authorizing the town of East Greenwich to reduce the assessed value of real estate upon the removal of a damaged structure.

Committee on Corporations recommends passage.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Thursday, April 11, 2002

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

Thank you for stopping by!

