

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.50	Thursday, May 16, 2002	Fiftieth Day
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The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:20 o'clock P.M.

The roll is called and a quorum is declared present with 47 Senators present and 3 Senators absent as follows:

PRESENT - 47: Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisen, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

ABSENT - 3: Senators Badeau, Damiani, Walton.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journals of Tuesday, May 14, 2002 and Wednesday, May 15, 2002 proceedings are read in part.

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

GUESTS

Upon suggestion of Senators Parella, McBurney, Coderre and Roberts, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber from School Based Health Centers, Kerrie Jone Clark, Executive Director, Rhode Island Health Center Association, Carol Frisina, Rhode Island Health Center Association, Celia Gomes McGillivray, Rhode Island Health Care Center Association, Sonia Rodriguez, Kids Count/Covering Kids, Merrill Thomas, Executive Director, Providence Community Health Centers, Sharon Garber, Mount Pleasant High and Phyllis

Renz, Mount Pleasant High.

Upon suggestion of Senator Issa, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber from the Central Falls School Based Health Center and Blackstone Valley Community Health Care Janet Roccabello, Site Administrator and Mickey Dair, Nurse Practitioner.

Upon suggestion of Senator Garabedian, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber David Gagnon, National Perinatal Information Center, Women & Infants Hospital, Michael Etton from Barrington, Interpreter, Aram Galstyan, MD, Chief Psychiatrist, Sevan Region, Armenia, Arusyak Galstyan, RN from Armenia, and Liana Mikaelyan, RN from Armenia.

Upon suggestion of Senator Cote, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Cara Henry, Family Resources, Tracey Dorsy, Nurse Teacher, Woonsocket Middle School, Cynthia Buckley, Nurse Practitioner, Woonsocket Middle School, Amy Lague, Nutritionist, WIC Program, Lory Austin, WIC Manager, Yvette Ortiz, Woonsocket Middle School, Evelyn Rosario, Health Hut, Carol Morris, Coleman Elementary School, Lauren Nocera, Thundermist Health, and Therese Curtin, Connecting for Children and Families.

Upon suggestion of Senator McBurney, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber from Shea High School, Sabrina Solares, Jen Gleason, Catharine Cote, Kenny Howard, Jason Smith, Thomas Tenny, Ashley Gaye, Jonathan Crawford, Isatou Jeng, Afshan Ajmiri, Nina Gammer and Alexandra Caldron. Accompanying them today are Mr. Green, Parent, and staff members Beth Velas, Psychologist, Leslie Dealy, Clinical Counselor, Carol Joseph, Coordinator, and Judy Mendes, Nurse Practitioner.

Upon suggestion of Senate Majority Leader Irons and Senator DaPonte, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Jay McNally, President of IBUS and leader of the Rhode Island Technology Council.

REPORTS OF COMMITTEES

**COMMITTEE ON
HEALTH, EDUCATION AND WELFARE**

Senator Graziano, from the Committee on Health, Education and Welfare, reports back, with recommendation of passage of the following measures:

(02-S 2979) Senate Resolution respectfully requesting the Departments of Human Services and Elderly Affairs to implement additional approved assisted living waiver services.

Read and ordered to be placed on the Consent Calendar.

(02-S 2393) (Substitute "A") An Act relating to state affairs and government - Children's Cabinet.

Read and ordered to be placed on the Calendar.

(02-S 2677) (Substitute "A") An Act relating to assisted living.

Read and ordered to be placed on the Calendar.

(02-S 2813) (Substitute "A" as amended) An Act relating to health - lead hazard mitigation.

Read and ordered to be placed on the Calendar.

**JOINT COMMITTEE
ON ACCOUNTS AND CLAIMS**

Senator DaPonte, from the Joint Committee on Accounts and Claims, reports back, with recommendation of passage of the following measure:

(02-S 2245) (Substitute "A" as amended) An Act authorizing suit against the city of Warwick by Phyllis Marciano and making an appropriation to satisfy any judgment entered.

Read and ordered to be placed on the Calendar.

NEW BUSINESS

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

Senator Sosnowski presents (02-S 3015) An Act relating to labor and labor relations.

Read and referred to the Committee on Corporations.

Senators DaPonte and Ruggerio present (02-S 3016) Joint Resolution making an appropriation to pay certain claims.

Read and ordered to be placed on the Consent Calendar.

CALENDAR

In order for the day is taken up as follows:

1. (02-S2144) An Act relating to commercial law - interest and usury.

Committee on Corporations recommends passage.

Upon suggestion of Senator Blais, and without objection, ordered to be placed on the Calendar for Thursday, May 23, 2002.

2. (02-S2630) (Substitute "A" as amended) An Act relating to delinquent and dependent children - proceedings in Family Court.

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

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

3. (02-S2461) (Substitute "A" as amended) An Act relating to towns and cities - low and moderate income housing.

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

Senator Revens moves passage, seconded by Senators Celona, Cote, Issa and many others.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, 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, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS - 0.

4. (02-S2867) An Act relating to the General Assembly - organization of the Senate.

Committee on Judiciary recommends passage.

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

Senators Enos and Montalbano discuss the act.

The act is read and passed, upon a roll call vote with 46 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, DaPonte, Donelan, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, 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.

NAYS - 1: Senator Enos.

5. (02-S2332) An Act relating to waters and navigation - Water Resources Board.

Joint Committee on Water Resources recommends passage.

Senator Blais moves passage, seconded by Senator Breene.

The act is read and passed, by unanimous consent, upon a roll call vote with 47 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 47: Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, 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.

NAYS - 0.

FROM THE DESK

The following act is removed from the desk and acted upon as follows:

(02-S 2542) (Substitute "A") An Act relating to motor and other vehicles.

Upon suggestion of Senator Montalbano, and without objection, ordered to be placed on the Calendar for Wednesday, May 22, 2002.

ANNOUNCEMENTS

Senator DaPonte announces that the Committee on Corporations will meet on Tuesday, May 21, 2002, at 3:00 o'clock P.M. in Room 212 of the State House.

Also:

Senator Polisena announces that the Committee on Judiciary will meet on Tuesday, May 21, 2002, 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 4:40 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR THOMAS J. IZZO

Almighty God, touch our minds with light, create in us a clearer insight, a just and true spirit that we may be led to sound conclusions. Grant us mutual trust and good will. Amen.

Appendix

CONSENT CALENDAR

In order for Tuesday, May 21, 2002:

1. (02-S2979) Senate Resolution respectfully requesting the Departments of Human Services and Elderly Affairs to implement additional approved assisted living waiver services.

Committee on Health, Education and Welfare recommends passage.

2. (02-S3016) Joint Resolution making an appropriation to pay certain claims.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Thursday, May 16, 2002

Appendix

CALENDAR

In order for Tuesday, May 21, 2002:

1. (02-S2552) An Act relating to taxation - situs and ownership of taxable property.

Committee on Finance recommends passage.

2. (02-S2721) (Substitute "A") An Act relating to courts and civil procedure - particular actions - post conviction remedy.

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

3. (02-S2799) An Act relating to motor and other vehicles - driver's license notification of selective registration requirement.

Committee on Judiciary recommends passage.

4. (02-S2259) (Substitute "A") An Act relating to motor and other vehicles - rental vehicles.

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

5. (02-S2436) (Substitute "A") An Act relating to public officers and employees - salaries and traveling expenses.

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

6. (02-S2533) (Substitute "A") An Act relating to towns and cities - Rhode Island comprehensive planning and land use act.

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

7. (02-S2697) An Act relating to motor and other vehicles - public motor vehicles.

Committee on Corporations recommends passage.

8. (02-S2874) An Act relating to animals and animal husbandry - dogs.

Committee on Corporations recommends passage.

9. (02-S2942) An Act relating to establishing the Westerly Municipal Land Trust.

Committee on Corporations recommends passage.

10. (02-S2953) An Act relating to taxation.

Committee on Corporations recommends passage.

11. (02-S2954) An Act relating to state affairs and government - distressed areas economic revitalization act.

Committee on Corporations recommends passage.

12. (02-H8001) An Act relating to the small employer health insurance availability act.

Committee on Corporations recommends passage in concurrence.

13. (02-S2379) (Substitute "A" as amended) An Act relating to workers' compensation - general provisions.

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

14. (02-S2782) (Substitute "A" as amended) An Act relating to electricians.

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

15. (02-H6909) (Substitute "A") An Act relating to whistleblowers' protection.

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

16. (02-H7048 as amended) An Act relating to labor and labor relations - inspection of personnel files.

Committee on Labor recommends passage in concurrence.

17. (02-H7149) (Substitute "A" as amended) An Act relating to labor and labor relations - genetic testing as a condition of employment.

Committee on Labor recommends passage in concurrence.

Appendix

CALENDAR

In order for Wednesday, May 22, 2002:

1. (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".

2. (02-S2393) (Substitute "A") An Act relating to state affairs and government - Children's Cabinet.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

3. (02-S2677) (Substitute "A") An Act relating to assisted living.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

4. (02-S2813) (Substitute "A" as amended) An Act relating to health - lead hazard mitigation.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

5. (02-S2245) (Substitute "A" as amended) An Act authorizing suit against the city of Warwick by Phyllis Marciano and making an appropriation to satisfy any judgment entered.

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

Appendix

CALENDAR

In order for Thursday, May 23, 2002:

1. (02-S2144) An Act relating to commercial law - interest and usury.

Committee on Corporations recommends passage.

2. (02-S2548) (Substitute "A") An Act relating to towns and cities - emergency police power.

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

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Thursday, May 16, 2002

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

Thank you for stopping by!

