

**State of Rhode Island and Providence Plantations**

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**Journal of the Senate**

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**JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the sixth day of January in the year of Our Lord two thousand and four.**

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Volume 131, No. 8

Wednesday, January 21, 2004

Eighth Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:10 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

**PRESENT** – 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 3: Senators Damiani, Irons, Ruggiero.

**INVOCATION**

The Honorable President, by unanimous consent, presents Senate Majority Leader Paiva-Weed, to deliver the invocation.

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

The Honorable President, by unanimous consent, presents Senate Majority Leader Paiva-Weed, to lead the Senate in the pledge of allegiance to the flag.

**APPROVAL OF RECORD**

The Senate Journal of Tuesday, January 20, 2004 proceedings is read in part.

Upon suggestion of Senate Majority Leader Paiva-Weed, and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

**GUESTS**

Upon suggestion of Senators Tassoni, Fogarty and Cote and by unanimous consent, the Honorable President welcomes to the Chamber Head Coach: Robin Beschi, Assistant Coaches: Ann Drewniak, Chris Martinelli, Denise Baker, Cheer Coordinator: Sharon Marchand, Captain: Stacey Stevenin, Co-Captains: Lindsey Beschi, Sarah Chambliss, Cheerleaders: Erika Baker, Angeleah Bergeron, Jody Bergeron, Katie Blackledge, Amanda Choiniere, Lauren Curry, Stephanie Drewniak, Katie Dutremble, Chelsea Figuerido, Shanna Fontaine, Stephanie Forget, Briana Grenon, Julia Hartley, Stephanie Houle, Trisha Hroszowy, Natalia Kmiecik, Kayla Larue, Meagan Marchand, Stephanie Martinelli, Kerry McLaughlin, Jordan Menard, Melissa Mercier, Courtney Mitchell, Amanda Poirier, Lindsay Richard, Catherine Shaw, Sarah Turcotte.

Upon suggestion of Senator Lenihan and by unanimous consent, the Honorable President welcomes to the Chamber Sandra Spina.

**COMMUNICATION**

The Honorable President presents the following communications:

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

January 21, 2004

Honorable Joseph A. Montalbano  
President of the Senate  
317 State House  
Providence, RI 02903

Dear Mr. President:

While returning from a meeting on Tuesday afternoon, I became involved in a heavy traffic jam on Route 195 west. Unfortunately, this caused my absence from the Senate session. I would appreciate that the reason for my absence be recorded in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,

Leo R. Blais

DEPUTY PRESIDENT PRO TEMPORE – MINORITY

Read and ordered to be placed on file.

Also:

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

January 20, 2004

Honorable Joseph A. Montalbano  
President of the Senate  
317 State House  
Providence, RI 02903

Dear Mr. President:

Please be advised that I will be absent from the Senate session on Thursday, January 22, 2004 as I will be out of state on a business trip. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,

David E. Bates  
DEPUTY MINORITY LEADER

Read and ordered to be placed on file.

**NEW BUSINESS**

**Senate Bill No. 2132**

**BY** Senator Sosnowski

**ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION -- SOUTH KINGSTOWN

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government.

Also:

**Senate Bill No. 2133**

**BY** Senators Walaska, Gallo, Fogarty P, McCaffrey

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LONG-TERM CARE -- COMMUNITY LIVING OPTIONS

Read and referred to the Senate Committee on Health and Human Services.

Also:

**Senate Bill No. 2134**

**BY** Senators Polisena, McCaffrey, Tassoni, Ciccone, Badeau  
**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - NURSES

Read and referred to the Senate Committee on Health and Human Services.

Also:

**Senate Bill No. 2135**

**BY** Senators Tassoni, Celona, Fogarty P, Sosnowski  
**ENTITLED**, AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS -  
PAROLE

Read and referred to the Senate Committee on Judiciary.

Also:

**Senate Bill No. 2136**

**BY** Senators Tassoni, Celona, Fogarty P, Sosnowski, Felag  
**ENTITLED**, AN ACT RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS --  
PAROLE

Read and referred to the Senate Committee on Judiciary.

Also:

**Senate Bill No. 2137**

**BY** Senators Felag, Cote, Paiva-Weed, McBurney, Algieri  
**ENTITLED**, AN ACT RELATING TO ELECTIONS -- RHODE ISLAND CAMPAIGN  
CONTRIBUTIONS AND EXPENDITURES REPORTING

Read and referred to the Senate Committee on Judiciary.

**Senate Resolution No. 2138**

**BY** Senators McBurney, Montalbano J, Issa, Parella, Tassoni  
**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF  
SISTER MARTHA M. SERBST

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McBurney moves passage, seconded by the entire Senate.

The resolution is read and passed, upon a rising vote.

**CONSENT CALENDAR**

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Paiva-Weed, seconded by Senator Algieri, the following measure on today's Consent Calendar, by unanimous consent, is read and passed, upon a voice vote:

**Senate Bill No. 2124****BY** Senators Ruggerio**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF G. PAOLINO, INC.**CALENDAR**

In order for the day is taken up as follows:

**Senate Bill No. 2012 SUB A****BY** Senators Tassoni, Polisena, Connors, Felag, Fogarty P**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING

Committee on Commerce, Housing and Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Tassoni, moves passage, seconded by Senators Fogarty, Gallo, Walaska, Felag, Sosnowski, Celona, Roberts, Algieri, Breene, Blais, Bates, Gibbs, DaPonte, Connors, Raptakis, Badeau and many others.

Senator Polisena, seconded by Senators Blais and Breene offers the following written motion to amend.

**F L O O R   A M E N D M E N T**  
**TO**  
**2004 -- S 2012 SUBSTITUTE A**

AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING

Mr. President:

I hereby move to amend 2004 -- S 2012 SUBSTITUTE A, entitled "AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING", as follows:

(1) On page 2, line 22, by adding the following words after the word "profit": " and nonprofit".

(2) On page 2, line 24, by deleting the words and figures "January 31, 2005" and inserting in place thereof the words and figures "June 30, 2005".

Respectfully submitted,

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SENATOR POLISENA

Senators Polisena, Blais, Parella, Issa, Sosnowski, Raptakis, Gibbs, Breene, and Tassoni discuss the Amendment.

The motion to amend fails of passage upon a roll call vote with 6 Senators voting in the affirmative and 25 Senators voting in the negative as follows:

YEAS - 6: Senators Blais, Breene, Connors, Felag, Polisena, Raptakis.

NAYS - 25: Senators Algieri, Badeau, Bates, Caprio, Celona, Cote, DaPonte, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Pichardo, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

Senators Lenihan and Tassoni discuss the Act.

The bill marked Substitute A is read and passed, and the original bill indefinitely postponed, By unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

**REPORTS OF COMMITTEES****TRANSFER OF BILLS**

Senator Tassoni, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Commerce, Housing and Municipal Government to the Committee on Constitutional and Gaming Issues.

Senate Resolution   **No.**   2024

**ENTITLED,** SENATE RESOLUTION STRONGLY URGING THE UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION TO INSTITUTE A POLICY REQUIRING ALL MATTRESSES AND BEDDING TO BE FIRE RETARDANT

Read and referred to the Committee on Constitutional and Gaming Issues.

Also:

**TRANSFER OF BILLS**

Senator Tassoni, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Commerce, Housing and Municipal Government to the Committee on Financial Services, Technology and Regulatory Issues.

Senate Bill       **No.** 2082

**ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- RENEWABLE ENERGY STANDARD

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

**TRANSMITTAL**

By unanimous consent, all matters on the Clerk's desk with the exception of (S-2012)(Sub A) are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

**ADJOURNMENT**

Upon motion of Senator DaPonte seconded by Senator Algieri, and upon suggestion of Senator McBurney, the Senate adjourns at 4:49 o'clock P.M. in memory of Sister Martha M. Serbst of Pawtucket. Her bright light will shine on forever.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATE MAJORITY LEADER M. TERESA PAIVA-WEED**

Father in heaven, enlighten our minds and touch our hearts so that we may carry on the best traditions of our Senate's history. Remembering always that it is the people's government, made by the people and