

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 sixth day of January in the year of Our Lord two thousand and four.

Volume 131, No. 14

Thursday, February 5, 2004

Fourteenth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:05 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

PRESENT – 36: 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Damiani, Irons.

INVOCATION

The Honorable President, by unanimous consent, presents Senator Issa, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable President, by unanimous consent, presents Senator Issa, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of Wednesday, February 4, 2004 proceedings is read in part.

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

REPORTS OF COMMITTEES**COMMITTEE ON FINANCIAL SERVICES, TECHNOLOGY AND REGULATORY ISSUES**

Senator Walaska, from the Committee on Financial Services, Technology and Regulatory Issues, reports back, with recommendation of passage of the following measure:

Senate Bill No. 2164 SUB A

BY Senator Blais

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - INTEREST AND USURY

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Bill No. 2237**

BY Senators Revens, McCaffrey, Walaska

ENTITLED, AN ACT RELATING TO AERONAUTICS -- UNIFORM AERONAUTICAL REGULATORY ACT.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2238

BY Senators Tassoni, Perry, Gibbs, Roberts, Ciccone

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- SPOUSAL NOTICE FOR ABORTION.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2239

BY Senators Tassoni, Cote, Badeau, Bates

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- ADOPTION OF CHILDREN.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2240

(State Police)

BY Senator Algieri

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE REPARATIONS ACT.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2241

(by request)

BY Senator Cote

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2242

(Dept. Children Youth and Families)

BY Senator Algieri

ENTITLED, AN ACT RELATING TO JAILS AND PRISONS.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2243

(State Police)

BY Senator Bates

ENTITLED, AN ACT RELATING TO FINANCIAL TRANSACTIONS -- MONEY LAUNDERING.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2244

(Transportation)

BY Senator Blais

ENTITLED, AN ACT RELATING TO PROPERTY -- MARKETABLE RECORD TITLE.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2245

BY Senators Lanzi, Badeau, Polisen, Tassoni, DaPonte
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2246

(by request)
BY Senator Cote
ENTITLED, AN ACT RELATING TO COURTS -- JOINT AND SEVERAL LIABILITY.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2247

(Dept. of Corrections)
BY Senator Blais
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - CORRECTIONS DEPARTMENT.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2248

(Dept. of Children, Youth and Families)
BY Senator Algieri
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - JAILS AND PRISONS.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2249

(Dept. Children, Youth and Families)
BY Senators Blais, Parella
ENTITLED, AN ACT RELATING TO CHILDREN, YOUTH AND FAMILIES DEPARTMENT -- CONFIDENTIALITY OF RECORDS.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2250

(State Police)

BY Senator Algieri

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- AGGRESSIVE DRIVING.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2251

BY Senators Lanzi, Tassoni, Ciccone, Badeau, Lenihan

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- ADOPTION OF CHILDREN - - CITIES AND TOWNS -- RESIDENCY.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2252

(Dept. of Children, Youth and Families)

BY Senators Blais, Breene, Polisena

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- JAILS AND PRISONS.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2253

(Transportation)

BY Senators Blais, Breene

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - - ACQUISITION OF LAND.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2254

(Corrections)

BY Senators Blais, Breene

ENTITLED, AN ACT RELATING TO CORRECTIONS DEPARTMENT.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2255

BY Senators McCaffrey, Issa, Celona, Paiva-Weed, Caprio F
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE
GENERALLY (juror's fees in Superior Court)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2256

BY Senators McCaffrey, Issa, Celona
ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- SOLEMNIZATION OF
MARRIAGES

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2257

BY Senators Gibbs, Parella, Bates, Paiva-Weed, Perry
ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- FAMILY INDEPENDENCE ACT.

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2258

BY Senator Blais
ENTITLED, AN ACT RELATING TO STATE PURCHASES - PRIVATE ATTORNEY
CONTRACTS

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2259

BY Senators Perry, Goodwin, Sosnowski, Parella, Connors
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE HOUSING
FIRST, ENDING HOMELESSNESS INITIATIVE.

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2260

BY Senators Paiva-Weed, Walaska, Felag, Sosnowski, McCaffrey
ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- OIL SPILL
PREVENTION, ADMINISTRATION AND RESPONSE FUND.

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2261

BY Senators Gibbs, Parella, Paiva-Weed, Perry
ENTITLED, AN ACT RELATING TO HUMAN SERVICES - CHILD CARE - STATE SUBSIDIES.

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2262

BY Senators Parella, Algieri, Perry
ENTITLED, AN ACT RELATING TO THE NATIONAL GUARD.

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2263

BY Senators Walaska, Bates, Alves, Blais
ENTITLED, AN ACT RELATING TO SALES AND USE TAXES.

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2264

BY Senators Fogarty P, Alves, Tassoni, Goodwin, Gallo
ENTITLED, AN ACT RELATING TO STATE AID.

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2265

BY Senators Fogarty P, Gallo, Walaska, Tassoni
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - DIVISION OF MOTOR
VEHICLES (Burrillville office hours).

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2266

BY Senators McCaffrey, Ruggerio, Issa, Celona

ENTITLED, AN ACT RELATING TO TAXATION -- YOUTH APPRENTICESHIP TAX CREDIT

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2267

BY Senator McBurney

ENTITLED, AN ACT RELATING TO MILITARY SERVICE AND VETERANS.

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2268

BY Senators Ruggerio, Badeau, McCaffrey, Algieri, DaPonte

ENTITLED, AN ACT RELATING TO TAXATION (tax credits for contributions to scholarship organizations)

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2269

(Dept. of Environmental Management)

BY Senators Breene, Gibbs

ENTITLED, AN ACT RELATING TO TAXATION (pollution control tax).

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2270

(Dept. of Transportation)

BY Senator Algieri

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- OPERATION OF BICYCLES.

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

Also:

Senate Bill No. 2271

BY Senators Fogarty P, Walaska, Tassoni, Perry, Goodwin

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- BURRILLVILLE.

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

Also:

Senate Bill No. 2272

BY Senator Celona

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

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

Also:

Senate Bill No. 2273

BY Senators Tassoni, Issa, Roberts, Gibbs

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- DEPARTMENT OF TRANSPORTATION.

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

Also:

Senate Bill No. 2274

BY Senators McCaffrey, Issa, Celona

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- TRUTH IN LENDING AND RETAIL SELLING

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

Also:

Senate Resolution No. 2275

BY Senator Celona

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION TO UTILIZE WARNING MESSAGE BOARDS ON STATE HIGHWAYS FOR ADVERTISING.

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

Also:

Senate Bill No. 2276

BY Senators Polisena, Felag, Sosnowski, Blais, Raptakis
ENTITLED, AN ACT RELATED TO LOW INCOME HOUSING.

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

Also:

Senate Bill No. 2277

(Dept. of Transportation)

BY Senators Breene, Algieri, Bates, Gibbs
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- BICYCLE FACILITIES.

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

Also:

Senate Bill No. 2278

BY Senators Perry, Goodwin, Alves, Paiva-Weed, Pichardo
ENTITLED, AN ACT RELATING TO MEDICAL ASSISTANCE.

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

Also:

Senate Bill No. 2279

BY Senators Alves, Walaska, Gallo, Perry, McCaffrey
ENTITLED, AN ACT RELATING TO HEALTH INSURANCE COVERAGE -- MANDATED HEARING AID COVERAGE.

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

Also:

Senate Bill No. 2280

BY Senators Gibbs, Goodwin, Roberts, Parella, Blais
ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- HEALTH CARE FOR WORKING PEOPLE FOR WORKING PEOPLE WITH DISABILITIES.

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

Also:

Senate Bill No. 2281

BY Senators Perry, Goodwin, Alves, Paiva-Weed, Pichardo
ENTITLED, AN ACT RELATING TO INSURANCE.

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

Also:

Senate Bill No. 2282

(Health)

BY Senator Parella

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS.

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

Also:

Senate Bill No. 2283

(Lieutenant Governor)

BY Senators Tassoni, Polisena, Roberts, Perry

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
CATASTROPHIC HEALTH INSURANCE PLAN ACT.

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

Also:

Senate Bill No. 2284

BY Senators Polisena, Roberts, Goodwin, McCaffrey, Issa

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - - HEALTH CLUBS

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

Also:

Senate Bill No. 2285

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO PATIENT NOTIFICATION

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

Also:

Senate Bill No. 2286

BY Senators Lanzi, Ciccone, Badeau, DaPonte, Ruggerio

ENTITLED, AN ACT RELATING TO FIREFIGHTERS' ARBITRATION.

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 2287

(Corrections)

BY Senator Breene

ENTITLED, AN ACT RELATING TO LABOR -- WAGES -- OVERTIME.

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 2288

(Labor and Training)

BY Senator Bates

ENTITLED, AN ACT RELATING TO MECHANICAL TRADES.

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 2289

(State Police)

BY Senators Blais, Breene

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - LIE DETECTOR TESTS AS CONDITIONS OF EMPLOYMENT.

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 2290

BY Senators Gibbs, Parella, Perry, Goodwin, Caprio F

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS.

Read and referred to the Senate Committee on Education.

Also:

Senate Bill No. 2291

(by request)

BY Senator Gallo

ENTITLED, AN ACT RELATING TO EDUCATION -- CURRICULUM.

Read and referred to the Senate Committee on Education.

Also:

Senate Bill No. 2292

BY Senators Sosnowski, Issa, Paiva-Weed, Walaska, Revens
ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - SHELLFISH.

Read and referred to the Senate Committee on Environment and Agriculture.

Also:

Senate Bill No. 2293

(Environmental Management)

BY Senators Bates, Blais
ENTITLED, AN ACT RELATING TO CITIES AND TOWNS -- DAM MANAGEMENT DISTRICTS.

Read and referred to the Senate Committee on Environment and Agriculture.

Also:

Senate Bill No. 2294

BY Senators Lanzi, Ciccone, Badeau, Connors, DaPonte
ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY REVIEW ACT.

Read and referred to the Senate Committee on Government Oversight.

Also:

Senate Bill No. 2295

BY Senators Sosnowski, Gibbs, Bates, Parella, Paiva-Weed
ENTITLED, AN ACT RELATING TO REGISTRATION OF VEHICLES.

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

Also:

Senate Resolution No. 2296

BY Senators Parella, Gibbs, Sheehan, Lenihan, Cote
ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE FEASIBILITY OF ESTABLISHING THE OFFICE OF INSPECTOR GENERAL

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

Also:

Senate Resolution No. 2297**BY** Senators Issa, Tassoni, Fogarty P, Sosnowski**ENTITLED**, SENATE RESOLUTION RESPECTFULLY REQUESTING THE PRESIDENT OF THE UNITED STATES OF AMERICA TO ORDER THE PENTAGON TO ISSUE CAMPAIGN-SPECIFIC MEDALS FOR OPERATION IRAQI FREEDOM AND THE CAMPAIGN IN AFGHANISTAN.

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

Also:

Senate Resolution No. 2298**BY** Senator Celona**ENTITLED**, SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY THE IMPACT AND FEASIBILITY OF MOVING REGULATORY AUTHORITY FOR THE AUTO BODY INDUSTRY FROM THE DEPARTMENT OF BUSINESS REGULATION TO THE PUBLIC UTILITIES COMMISSION.

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

Also:

Senate Bill No. 2299**BY** Senators Blais, Walaska, DaPonte**ENTITLED**, AN ACT RELATING TO ADMINISTRATIVE PROCEDURES

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

Also:

Senate Bill No. 2300

(Elderly Affairs)

BY Senator Breene**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- COMMUNITY OBLIGATIONS AND BANKING OFFENSES.

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

Also:

Senate Resolution No. 2301**BY** Senators Cote, Montalbano J, Paiva-Weed, Lenihan, Badeau**ENTITLED**, SENATE RESOLUTION PROPOSING A "REAL-TIME BILL TRACKING SYSTEM".

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

Also:

Senate Bill No. 2302

BY Senators McCaffrey, Issa

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- COMMUNITY OBLIGATIONS AND BANKING OFFENSES

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

Also:

Senate Bill No. 2303

(State Police)

BY Senator Breene

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS.

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

Also:

Senate Bill No. 2304

BY Senators Walaska, Bates, Alves, McCaffrey, Ruggerio

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- DECEPTIVE TRADE PRACTICES.

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

Also:

Senate Bill No. 2305

(Health)

BY Senators Blais, Gibbs

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - BARBERS, HAIRDRESSERS, COSMETICIANS, MANICURIST AND ESTHETICIANS.

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

Also:

Senate Resolution No. 2306

BY Senators Gallo, Fogarty P, Roberts, Goodwin, McCaffrey
ENTITLED, SENATE RESOLUTION PROCLAIMING 2004 AS "THE YEAR OF POLIO AWARENESS".

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by the entire Senate.

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

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President welcomes to the Chamber Steven Carrera of Cranston.

NEW BUSINESS**Senate Resolution No. 2307**

BY Senator Lanzi
ENTITLED, SENATE RESOLUTION PROCLAIMING FEBRUARY 2-6, 2004 AS "SCHOOL COUNSELING WEEK" IN THE STATE OF RHODE ISLAND.

Senator Lanzi requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lanzi moves passage, seconded by the entire Senate.

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

FROM THE DESK

Without objection, the following acts are removed from the desk and acted on as follows:

Senate Bill No. 2139 as amended

BY Senators Tassoni, Polisena, Connors, Felag, Fogarty P
ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING.

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni, moves passage, seconded by Senator Connors.

Senator Tassoni, seconded by Senator Connors, offers the following written motion to amend.

FLOOR AMENDMENT
TO
2004 -- S 2139 AS AMENDED

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

Mr. President:

I hereby move to amend 2004 -- S 2139 AS AMENDED, entitled "AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING", as follows:

On page 3, of the act as amended by floor amendment, between lines 11 and 12, prior to Section 2, by inserting the following language:

"(d) If any provision of this act or the application thereof shall for any reason be judged invalid, such judgment shall not affect, impair, or invalidate the remainder of this act or of any other provision of chapter 45-53 of the general laws, but shall be confined in its effect to the provision or application directly involved in the controversy giving rise to the judgment, and a moratorium on the applications of for-profit developers pursuant to chapter 45-53 of the general laws shall remain and continue to be in effect for the period commencing on the day this act becomes law and continue until it shall expire on January 31, 2005 or until amended further."

Respectfully submitted,
SENATOR TASSONI

Senators Polisena and Tassoni discusses the amendment.

The motion to amend prevails upon a roll call vote with 35 Senators in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Sheehan

Senator Tassoni, moves passage of the act as amended, seconded by Senator Connors.

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

YEAS- 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

House Bill No. 7437 as amended

BY Senators Menard, Petrarca, Winfield, Gallison, Malik

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

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni, moves passage, seconded by Senators Connors and Polisena.

Senator Tassoni, seconded by Senators Badeau, Connors, Polisena and Raptakis, offers the following written motion to amend.

F L O O R A M E N D M E N T
T O
2004 -- H 7437

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

Mr. President:

I hereby move to amend 2004 -- H 7437, entitled "AN ACT AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING", as follows:

On page 3, following line 5, by inserting the following additional language:

"(d) If any provision of this act or the application thereof shall for any reason be judged invalid, such judgment shall not affect, impair, or invalidate the remainder of this act or of any other provision of chapter 45-53 of the general laws, but shall be confined in its effect to the provision or application directly involved in the controversy giving rise to the judgment, and a moratorium on the applications of for-profit developers pursuant to chapter 45-53 of the general laws shall remain and continue to be in effect for the period commencing on the day this act becomes law and continue until it shall expire on January 31, 2005 or until amended further."

Respectfully submitted,
SENATOR TASSONI

The motion to amend prevails upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Tassoni, moves passage of the act as amended, seconded by Senators Badeau, Connors, Polisena and Raptakis, discusses the act.

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

YEAS- 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ANNOUNCEMENTS

Senator Polisena announces that the Committee on Judiciary will meet today, 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 DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:18 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR DANIEL J. ISSA**

Almighty and Most Merciful Father, We ask you that you send down your strength in order for these men and woman to better serve this state and the constituents which whom they represent. We also ask for your continued guidance all the days of this Legislative Session. Amen.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, FEBRUARY 11, 2004:****1 2004-S 2164 SUB A****BY Blais****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW - GENERAL
REGULATORY PROVISIONS - INTEREST AND USURY

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A.

Raymond T. Hoyas, Jr.
Secretary of the Senate