

# State of Rhode Island and Providence Plantations

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## **JOURNAL** -OF THE- **HOUSE OF REPRESENTATIVES**

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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 first day of January in the year of Our Lord two thousand and eight.

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Volume 135, No. 13

Wednesday, January 30, 2008

Thirteenth Day

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The House of Representatives meets at the State House in Providence, Wednesday, January 30, 2008 and is called to order at 4:17 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 69 members present and 6 members absent as follows:

PRESENT - 69: The Honorable Speaker Murphy and Representatives Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 6: Representatives Ajello, Kilmartin, McManus, San Bento, Singleton, Slater.

### **INVOCATION**

The Honorable Speaker presents Representative Moffitt who delivers the Invocation and leads the membership in the Pledge of Allegiance to the Flag.

(For Invocation, see Appendix, this Journal.)

### **APPROVAL OF RECORD**

By unanimous consent, the House Journal of Tuesday, January 29, 2008 is approved as printed.

**ANNOUNCEMENT**

Representative William San Bento will be unable to attend session Wednesday, January 30, 2008.

**NEW BUSINESS****House Bill No. 7301**

**BY** McCauley, Schadone, Caprio D, Petrarca, Palumbo

**ENTITLED**, AN ACT RELATING TO SPORTS RACING AND ATHLETICS -- MIXED MARTIAL ARTS (permit mixed martial arts matches in Rhode Island and provides the rules, regulations and guidelines for such matches) {LC622/1}

01/30/2008 Introduced, referred to House Corporations

**House Bill No. 7302**

**BY** Moffitt, Coaty, Loughlin, Watson, Ehrhardt

**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- LIABILITY AND COMPUTATION (reduce the sales tax to five percent (5%) {LC1100/1}

01/30/2008 Introduced, referred to House Finance

**House Bill No. 7303**

**BY** Palumbo, Corvese

**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- FAMILY INDEPENDENCE ACT (limit public assistance to twenty-four (24) months in a continuous sixty (60) month period) {LC54/1}

01/30/2008 Introduced, referred to House Finance

**House Bill No. 7304**

**BY** Giannini

**ENTITLED**, AN ACT RELATING TO TAXATION - PROVIDENCE FREEZE OF CERTAIN TAX (freeze the taxes on owner occupied residential real estate for persons 65 years of age or older, disabled, or veterans of the armed services of the US of America, having not more than \$25,000 household income for 2008) {LC213/1}

01/30/2008 Introduced, referred to House Finance

**House Bill No. 7305**

**BY** Petrarca, DeSimone, O'Neill, Ucci, Caprio D

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF HEALTH (create two (2) hearing officer positions to hear matters relating to the department of health) {LC734/1}

01/30/2008 Introduced, referred to House Finance

**House Bill No. 7306 (by request)**

**BY** Long, Kennedy, Lally, Trillo, Story

**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- CAUSES OF ACTION (provide that no person who gratuitously renders emergency assistance in the nature of cardiopulmonary resuscitation or automated external defibrillation to a person/not liable for civil damages for any personal injuries) {LC771/1}

01/30/2008 Introduced, referred to House Judiciary

**House Bill No. 7307****BY** Coderre E, Walsh, Williams, Giannini, Naughton**ENTITLED**, AN ACT RELATING TO DOMESTIC VIOLENCE PREVENTION ACT

(include convictions for petty misdemeanors involving domestic violence when determining if the defendant qualifies for enhanced penalties for domestic violence offenses subsequent to a first conviction for domestic violence offense) {LC39/1}

01/30/2008 Introduced, referred to House Judiciary

**House Bill No. 7308****BY** Petrarca, Corvese, Palumbo, Dennigan**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --

PHYSICIANS (grant physicians immunity from ordinary negligence when they offer free care in free clinics for the poor) {LC1178/1}

01/30/2008 Introduced, referred to House Judiciary

**House Bill No. 7309****BY** Vaudreuil, Silva, Serpa, Gallison, Mattiello**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER

REGISTRATION (require that the director of the dept of corrections verify that the sex offender board of review and other state agencies have complied with all requirements prior to the release of any individual subject to sexual offender notification) {LC1076/1}

01/30/2008 Introduced, referred to House Judiciary

**House Bill No. 7310****BY** Almeida**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS --

APPRENTICESHIP PROGRAMS IN TRADE AND INDUSTRY (allow a properly licensed registered apprentice to work with and under the supervision of a licensed journeyman) {LC1057/1}

01/30/2008 Introduced, referred to House Labor

**House Resolution No. 7311****BY** Naughton, Church, Coderre E, McCauley**ENTITLED**, HOUSE RESOLUTION HONORING RAY CARROLL ON THE OCCASION OF HIS RETIREMENT {LC1143/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representatives Church, Coderre, Dennigan and Gallison by unanimous consent, on a voice vote.

By unanimous consent, Representative Fox moves to take up #1 (08-H 7141) on tomorrow's Calendar today. There is no objection.

**CALENDAR**

From the Calendar is taken:

**IN ORDER FOR THURSDAY, JANUARY 31, 2008:****1 2008-H 7141****BY Murphy****ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL HOUSE  
COMMISSION TO STUDY ALL ASPECTS OF THE STATE  
PENSION OR RETIREMENT SYSTEM

Committee on Finance recommends passage.

Representative Costantino moves passage of the resolution, seconded by Representatives Coderre, Fox, Church, Gemma, Lewiss, Rose, Mumford, Story, Jackson, Malik, Corvese, Ucci, Carter, Melo, Handy, Giannini, Almeida, Williams and Mattiello

Read and passed on a roll call vote, 61 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Murphy and Representatives Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson.

NAYS - 0.

**TRANSMITTAL**

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to the Honorable Secretary of State, forthwith.

**ANNOUNCEMENTS**

Representative Diaz announces that the Committee on Health, Education and Welfare will meet at the rise of the House, in Room 135 of the State House.

Representative Picard announces that the Committee on Corporations will meet at the rise of the House, in Room 203 of the State House

Representative Lima announces Jason Gramitt from the Ethics Commission will be available in the House Lounge at the Rise to answer any questions.

**ADJOURNMENT**

At 4:30 o'clock P.M. on motion of Representative Jackson, and as a further mark of respect to the memory of Joseph M. Hattub; on motion of Representative Gallison, and as a further mark of respect to the memory of Lydia Miserandino; on motion of Representative Coaty and as a further mark of respect to the memory of Ellen Murphy; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

**Linda M. McElroy**  
**Recording Clerk**

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE VICTOR G. MOFFITT**

Almighty God, whose statutes are good and gracious and whose law is truth, grant that we may enact only such just and equitable laws as are pleasing to thee. Amen.

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, JANUARY 31, 2008:

1 2008-H 7007 SUB A

BY Williamson

ENTITLED, AN ACT AMENDING THE DISTRESSED AREAS ECONOMIC  
REVITALIZATION ACT

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

Francis P. McCabe  
Clerk of the House

Wednesday, January 30, 2008