

# 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. 31

Wednesday, March 26, 2008

Thirty-first Day

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The House of Representatives meets at the State House in Providence, Wednesday, March 26, 2008 and is called to order at 4:20 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 68 members present and 7 members absent as follows:

PRESENT - 68: The Honorable Speaker Murphy and Representatives Ajello, 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, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Rice, Rose, Savage, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 7: Representatives Jacquard, Lally, Pacheco, Picard, San Bento, Schadone, Scott.

### **INVOCATION**

The Honorable Speaker presents Representative Brien 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, March 25, 2008 is approved as printed.

**ANNOUNCEMENT**

Representative Roger A. Picard is out of town and therefore unable to attend session Wednesday, March 26, 2008.

**NEW BUSINESS****House Bill No. 8073**

**BY** Ucci, Dennigan, Menard, Fellela, McNamara

**ENTITLED**, AN ACT RELATING TO INSURANCE (prohibit health insurance companies from collecting non-refundable application fees for health insurance) {LC2505/1}

03/26/2008 Introduced, referred to House Corporations

**House Bill No. 8074**

**BY** Gallison, Rice, Loughlin, Amaral

**ENTITLED**, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$350,000 BONDS

**BY** THE TOWN OF PORTSMOUTH TO FINANCE IMPROVEMENTS TO SCHOOL BUILDINGS INCLUDING BUT NOT LIMITED TO BONDS AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION (serve as the enabling act required by Rhode Island General Laws section 16-7-44 in order for the interest on bonds issued in support of school housing projects to be eligible for state housing aid reimbursement) {LC2575/1}

03/26/2008 Introduced, referred to House Finance

**House Bill No. 8075**

**BY** Fellela

**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE (eliminate any copayments by eligible beneficiaries under the medical assistance act) {LC2473/1}

03/26/2008 Introduced, referred to House Finance

**House Bill No. 8076**

**BY** Lally

**ENTITLED**, AN ACT RELATING TO DEPARTMENT OF BUSINESS REGULATION -- DIVISION OF DESIGN PROFESSIONALS (delete language which combined the board of registration for engineers/ land surveyors/examination and registration of architects/examiners of landscape architects into the division of design professionals within the dept of business regulation) {LC2583/1}

03/26/2008 Introduced, referred to House Finance

**House Bill No. 8077**

**BY** Jackson, O'Neill, Palumbo, Sullivan

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- DEPARTMENT OF HEALTH (certain exemptions, set limitations and prohibitions on or after July 1, 2009 regarding the administration and injection of mercury containing vaccines) {LC2581/1}

03/26/2008 Introduced, referred to House H.E.W.

**House Bill No. 8078****BY** Kilmartin

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - HEALTH CARE SERVICES - UTILIZATION REVIEW ACT (require the department of human services to report to the general assembly by the 15th of January each year, and would also extend the sunset provision to July 1, 2011) {LC2490/1}

03/26/2008 Introduced, referred to House H.E.W.

**House Bill No. 8079 (Attorney General)****BY** Brien, Mattiello, Gablinske, Palumbo, Gallison

**ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS -- MOTOR VEHICLE OFFENSES (allow a peace officer to request a search warrant which would allow the taking of blood, breath or urine, or perform a chemical test if probable cause exists that an individual has been driving under the influence of intoxicating liquor or narcotics) {LC372/1}

03/26/2008 Introduced, referred to House Judiciary

**House Bill No. 8080****BY** Palumbo, Trillo, Jacquard, Carter, Long

**ENTITLED,** AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - TRANSFER OF PRISONERS TO FEDERAL PENITENTIARIES (require the director of the department of corrections to determine the legal status of inmates and notify the attorney general and ICE of any illegal aliens) {LC2553/1}

03/26/2008 Introduced, referred to House Judiciary

**House Bill No. 8081****BY** Vaudreuil, Menard

**ENTITLED,** AN ACT RELATING TO TAXATION -- THE TOWN OF CUMBERLAND -- HOMESTEAD EXEMPTION (allow the Cumberland town council to provide a yearly homestead exemption to owners of qualifying residential and mixed use property) {LC2484/1}

03/26/2008 Introduced, referred to House Municipal Government

**House Resolution No. 8082****BY** Fox, Watson

**ENTITLED,** JOINT RESOLUTION INVITING HIS HONOR, THE PRESIDENT OF THE SENATE, AND THE HONORABLE SENATE TO JOIN THE HOUSE OF REPRESENTATIVES IN JOINT SESSION FOR THE PURPOSE OF RECEIVING THE STATE OF THE JUDICIARY ADDRESS OF THE HONORABLE CHIEF JUSTICE FRANK J. WILLIAMS {LC2632/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Watson by unanimous consent, on a voice vote.

**House Bill     No. 8083**

**BY** Fellela, Ucci

**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2562/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Watson on a roll call vote, 58 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Rice, Rose, Savage, Segal, Serpa, Shanley, Silva, Singleton, Slater, Sullivan, Trillo, Ucci, Walsh, Watson, Williams, Williamson.

NAYS - 0.

**House Resolution     No. 8084**

**BY** Church

**ENTITLED,** JOINT RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY YOUTH FINANCIAL EDUCATION {LC2636/1}

Representative Church requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Church seconded by Representative Gorham by unanimous consent, on a voice vote.

**House Resolution     No. 8085**

**BY** McNamara, Trillo, Watson

**ENTITLED,** HOUSE RESOLUTION CELEBRATING MARCH 25, 2008 AS THE 187TH ANNIVERSARY OF GREEK INDEPENDENCE DAY {LC2625/1}

Representative McNamara requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative McNamara seconded by Representative Corvese and several other members of the House by unanimous consent, on a voice vote.

**House Bill No. 8086**

**BY** Costantino

**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- DEBT MANAGEMENT  
{LC2618/1}

03/26/2008 Introduced, referred to House Finance

**TRANSMITTAL**

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

**COMMUNICATION FROM THE SENATE**

A message from the Honorable Senate transmits with announcement of passage, of the following measures:

**Senate Bill No. 2844 SUB A**

**BY** Alves

**ENTITLED**, AN ACT RELATING TO TAXATION {LC2478/1/A}

03/26/2008 Referred to House Finance

**Senate Bill No. 2700**

**BY** Maselli

**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF JOHNSTON TO FINANCE THE DESIGN AND CONSTRUCTION OF SANITARY SEWERS FOR THE MEMORIAL PLAT SEWER PROJECT WHICH INCLUDES ALL OR A PORTION OF MILLS DRIVE, POCOTTE DRIVE, ANROLD DRIVE, MONGONE DRIVE, RICHARDSON DRIVE, HARRINGTON DRIVE, CORRINE DRIVE, PINWOOD AVENUE AND CENTRAL AVENUE; AND FOR THE CHERRY HILL SEWER PROJECT WHICH INCLUDES ALL OR A PORTION OF CHERRY HILL ROAD, OLD CHERRY HILL ROAD, CHRYSANTHY COURT, SETIAN CIRCLE, KERN ACRE DRIVE, CAVALCADE BOULEVARD, BALSAM COURT, HEMLOCK COURT, WOODCREST DRIVE, CYNTHIA DRIVE, WORCESTER AVENUE, PRESCOTT AVENUE, HOLLAND AVENUE, ROWENA DRIVE, BIRCHWOOD DRIVE AND TO ISSUE NOT MORE THAN \$7,100,000 BONDS AND NOTES THEREFOR (provide for the financing by the Town of Johnston to authorize the town of Johnston to finance the design and construction of sanitary sewers for the Memorial Plat Sewer Project) {LC2330/1}  
03/26/2008 Referred to House Municipal Government

**Senate Bill No. 2701**

**BY** Lenihan, Raptakis

**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF EAST GREENWICH TO FINANCE THE CONVERSION OF THE SWIFT GYMNASIUM INTO A SENIOR AND COMMUNITY

CENTER AND THE CONVERSION OF THE FORMER POLICE STATION INTO OFFICES FOR THE PUBLIC WORKS DEPARTMENT, AND THE CONSTRUCTION, RENOVATION, ALTERATION, DEMOLITION, IMPROVEMENT, REHABILITATION, EQUIPPING, FURNISHING AND LANDSCAPING OF SUCH FACILITIES IN THE TOWN AND ALL ATTENDANT EXPENSES, INCLUDING, BUT NOT LIMITED TO ENGINEERING AND ARCHITECTURAL COSTS AND TO ISSUE NOT MORE THAN \$4,000,000 BONDS AND/OR NOTES THEREFOR (authorizes the town of East Greenwich to issue not more than \$4,000,000 bonds and notes to finance the conversion of the swift gymnasium into a senior and community center) {LC2314/1}

03/26/2008 Referred to House Municipal Government

**Senate Bill No. 2695**

**BY** Maselli

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF JOHNSTON TO FINANCE THE DESIGN AND CONSTRUCTION OF A NEW LIBRARY ON THE NORTHWEST QUADRANT OF THE LAND PARCEL IDENTIFIED AS ASSESSOR'S PLAT 53/3 LOT 34 LOCATED ON MEMORIAL AVENUE AND TO ISSUE NOT MORE THAN \$3,000,000 BONDS AND NOTES THEREFOR (provide for the financing by the Town of Johnston to finance the design and construction of a new library on the Northwest quadrant of the land parcel) {LC2329/1}

03/26/2008 Referred to House Municipal Government

**Senate Bill No. 2399**

**BY** Tassoni

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF SMITHFIELD TO ISSUE BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED \$13,500,000 TO FINANCE THE ACQUISITION, CONSTRUCTION, BUILDING, FURNISHING AND EQUIPPING OF A LIBRARY {LC1405/1}

03/26/2008 Referred to House Municipal Government

**Senate Bill No. 2292**

**BY** Tassoni

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF SMITHFIELD TO ESTABLISH **BY** ORDINANCE A TAX EXEMPTION FOR REAL AND PERSONAL PROPERTY OWNED

**BY** THE GRODEN CENTER, INC., LOCATED IN THE TOWN OF SMITHFIELD {LC1387/1}

03/26/2008 Referred to House Municipal Government

**Senate Bill No. 2078**

**BY** Sosnowski

**ENTITLED,** AN ACT RELATING TO THE KINGSTON WATER DISTRICT - BONDS (increase the maximum amount of the Kingston Water District Bonding Authority) {LC404/1}

03/26/2008 Referred to House Municipal Government

**Senate Bill No. 2055****BY** Algiere

**ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- ENABLING WESTERLY TO ENACT ORDINANCES ( would enable the town of Westerly to adopt ordinances which penalize property owners who would fail to complete construction of buildings on their property within a reasonable time as set by the town council) {LC255/1}

03/26/2008 Referred to House Municipal Government

**Senate Bill No. 2054****BY** Algiere

**ENTITLED,** AN ACT AUTHORIZING AN INCREASE IN THE HOLDINGS OF THE WATCH HILL CHAPEL SOCIETY {LC254/1}

03/26/2008 Referred to House Municipal Government

**CALENDAR**

From the Calendar are taken:

**IN ORDER FOR WEDNESDAY, MARCH 26, 2008:****1 2008-H 8072****BY** Ehrhardt

**ENTITLED,** HOUSE RESOLUTION PROCLAIMING APRIL, 2008 AS  
"PARKINSON'S DISEASE AWARENESS MONTH" IN THE STATE  
OF RHODE ISLAND

Ordered on the Calendar

Representative Ehrhardt moves passage of the resolution, seconded by Representatives Rose, Loughlin, Watson, Coaty, Fox, Ferri, McCauley and several other members of the House.

Read and passed, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Gorham, Jackson, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, Palumbo, Petrarca, Rice, Rose, Savage, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Vaudreuil, Walsh, Watson, Williams, Williamson.

NAYS - 0.

**REQUEST**

Representative Ucci requests the journal to reflect that if he had voted on (08-H 8072) he would have voted in the affirmative.

**2 2008-H 8024****BY Story****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

Representative Ajello moves passage of the act, seconded by Representatives Story and Costantino.

Read and passed, on a roll call vote, 58 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, Palumbo, Petrarca, Rice, Rose, Savage, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Vaudreuil, Walsh, Watson, Williams, Williamson.

NAYS - 0.

**REQUEST**

Representative Ucci requests the journal to reflect that if he had voted on (08-H 8024) he would have voted in the affirmative.

**TRANSMITTAL**

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to the Honorable Secretary of State and the Honorable Senate, 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 Corvese announces that the Committee on Labor will meet at the rise of the House, in Room 201 of the State House.

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

Representative Palumbo announces that in the Parenting Magazine, Rhode Island is the #2 safest state in the country for raising children.

Representative Ucci wishes his wife Dina a Happy Birthday.



Representatives Kilmartin and Carter wish the Honorable Speaker Murphy and his wife Stacey a Happy Anniversary.

Representative Carter announces that the Committee on Finance will meet at the rise of the House, in Room 35 of the State House.

Representative Ajello announces that the Committee on Judiciary will meet at the rise of the House, in Room 205 of the State House.

### **STATE OF JUDICIARY ADDRESS**

The Honorable Chief Justice Frank J. Williams will address the members of the Honorable Senate and the Honorable House of Representatives in joint session after adjournment.  
(For Chief Justice Frank J. Williams State of the Judiciary Address see appendix of this Journal.)

### **APPOINTMENTS**

The Honorable Speaker Murphy appoints the following committee to escort the Honorable President of the Senate, and the members of the Honorable Senate, to the House Chamber to meet with the House of Representatives in Joint Session to hear the State of Judiciary Address by Chief Justice Frank J. Williams: Representative Amaral, Representative Gemma, Representative Caprio, Representative Brien, Representative Williams, Representative Baldelli-Hunt, Representative Mumford and Representative Almeida.

### **GUESTS**

Representative Singleton welcomes to the House Chamber as a guest Vickie Almeida, Vice President of the Rhode Island Bar Association.

Representative Moffitt introduces his legislative intern, Michael Fenton, a senior at Providence College.

### **RECESS**

At 4:32 o'clock P.M. the Honorable Speaker Murphy declares the House to be in recess.

### **ORDER**

At 4:33 o'clock P.M. the Honorable Speaker Murphy calls the House to order.

### **ADJOURNMENT**

At 4:33 o'clock P.M. on motion of Representative Fox seconded by Representative Watson the House adjourns, on a voice vote.

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

**APPENDIX****INVOCATION****REPRESENTATIVE JON D. BRIEN**

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

## APPENDIX

## CALENDAR

## IN ORDER FOR THURSDAY, MARCH 27, 2008:

**1 2008-H 7751 SUB A****BY Shanley****ENTITLED,** AN ACT RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS -- PAROLE

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

**2 2008-H 7057 SUB A****BY Lewiss****ENTITLED,** AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE -- COPAYMENTS

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

**3 2008-H 7683****BY Shanley****ENTITLED,** AN ACT RELATING TO GENERAL ASSEMBLY -- PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS

Committee on Judiciary recommends passage.

**4 2008-H 8058****BY Malik****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**5 2008-H 8036 SUB A****BY Costantino****ENTITLED,** AN ACT RELATING TO TAXATION -- DEPRECIATION OF ASSETS

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

**Francis P. McCabe**  
**Clerk of the House**

Wednesday, March 26, 2008

**PROCEEDINGS IN JOINT SESSION**

Wednesday, March 26, 2008

The Honorable President of the Senate, Joseph A. Montalbano, in the Chair.

**CALLED TO ORDER**

The Joint Session is called to order at 4:40 o'clock P.M.

Upon suggestion of the Honorable President, and by unanimous consent, the reading of the roll of the Senate and the roll of the House of Representatives is dispensed with, there being a quorum of the Senate and a quorum of the House of Representatives present, therefore a quorum of the Joint Session.

Upon suggestion of the Honorable President, and by unanimous consent, the reading of the Resolution (08-H 8082) of invitation is dispensed with.

The Honorable President, by unanimous consent, appoints Senators Blais, Goodwin, Levesque and McCaffrey and Representatives Gorham, Jackson, Jacquard, Lewiss, Mattiello, O'Neill, Rice and Ucci and Lima as a Committee, to escort the Honorable members of the Judiciary to the Chamber.

Joint Session attends while members of the Judiciary enter the Chamber.

The Honorable President, by unanimous consent, appoints Senators Bates, Jabour, Pichardo and Tassoni and Representatives Dennigan, DeSimone, Flaherty, Lally, Petrarca, Wasylyk, Watson and Williamson, as a Committee, to escort the Honorable Chief Justice to the Chamber.

Joint Session attends while the Honorable Chief Justice, Frank J. Williams, enters the Chamber.

The Honorable President presents the Honorable Chief Justice, Frank J. Williams, to the Joint Session.

The Chief Justices delivers his State of the Judiciary Address.

(SEE APPENDIX FOR SPEECH)

Upon suggestion of the Honorable President, and by unanimous consent, the Joint Session attends while the committee escorts the Honorable Chief Justice Frank J. Williams, and invited guests from the Chamber.

**ADJOURNMENT**

Upon motion of Speaker Murphy, seconded by Senate Majority Leader Paiva Weed and House Majority Leader Fox, and by unanimous consent, Joint Session adjourns and the two Houses separate at 5:13 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

## APPENDIX

## Seventh Annual State of the Judiciary

## Chief Justice Frank J. Williams

*(This address was delivered to the Rhode Island Senate and the House of Representatives in Joint Session on March 26, 2008.)*

Speaker Murphy; President Montalbano; Leader Fox; Leader Watson; Leader Paiva Weed; Leader Algiere; Honorable members of this General Assembly; my colleagues in the Judicial Branch, and my fellow citizens. I also want to recognize Secretary of State Ralph Mollis and General Treasurer Frank Caprio. I am pleased you are here, and I thank the General Assembly for this opportunity to speak with you this afternoon in the “people’s house.”

This is my seventh annual State of the Judiciary address, and I have much to share with you about our understanding and cooperation in the state’s financial crisis, as well as mention our achievements in 2007 and what we have planned for the days ahead. With your vital support, assistance and understanding of the Judiciary’s mission, there is much that we have accomplished.

But first, we recognize our beloved state is going through sobering financial hardship right now, and I want to bring you up to date about what the Judiciary is doing to assist in this challenging time. All of us in this Chamber – including my fellow judges and my staff who are here this afternoon – know this is a serious problem.

Let there be no mistake – the Judiciary is doing more than its part. We are prepared to sacrifice and will do more with less, but we cannot nor will not compromise our commitment to ensure access to justice for our citizens – your constituents.

For Fiscal Year 2009, we need, in reality, \$90 million from general revenue for our budget to provide the same level of service as the current fiscal year. But we have reduced our request to \$86.1 million, the same amount as the current year. This means level funding with

fewer people and resources. No pay increases in the Judicial Branch, even though the Judiciary ranks 38th out of 41 when compared with other departments of state government for personnel cost increases from Fiscal Year 2008 to Fiscal Year 2009.

This budget request seeks only essential funding for ongoing programs and priorities, plus the fixed costs, which all told represent 80 percent of our budget. We are not asking for more than we need and we hope we will not suffer for running one of the tightest operations in state government. We are committed to doing our part in holding the line. We run the courts like a business and will be frugal through personnel turnover savings, purchasing restrictions, and enhanced use of technology.

In every budget that I have submitted, we have not sought a supplemental allocation, but have lived within our appropriation. And by the way, our budget constitutes just 1.4 percent of the entire state budget.

We are fully aware of the challenges you face as legislators. And it is with the utmost respect for you and what you are confronting that we caution this honorable body that further cuts will limit access to justice. Without access to the courts, access to justice is denied and the rule of law is jeopardized. Laws that you enact and we implement. Felonies, misdemeanors, and traffic offenses. Laws that cover the full spectrum of the human condition in our society today – the people for whom domestic violence, drug addiction, divorce and broken families, juvenile delinquents, child support disputes, and workers' compensation matters are part of everyday life. These are the people whom we serve and you represent.

As part of our fiscal due diligence, we recently identified \$800,000 in arbitration escrow funds that has been turned over to the state treasury. We have also identified \$500,000 in District Court small claims mediation funds that will be turned over as well. In 2007, the Judiciary was

able for the first time to enroll with the state Division of Taxation to intercept refunds for people who have failed to pay court costs and fines. We have recovered nearly \$203,000 from that program in 2007, and we expect to recover a half-million dollars in 2008. In this fiscal year, we expect to collect \$24.3 million, which will be deposited into the state's General Fund. These efforts amount to 30 percent of the Judiciary's budget request.

I pledge to you that we will continue to look for cost efficiencies in these austere times, despite the fact that we are asking for no increase when our fixed costs will actually rise by \$4 million.

Bear in mind we cannot close our doors. Our courts must administer justice no matter how many people walk through the courthouse doors – or arrive in handcuffs and hope to make bail.

Our judiciary is the last refuge of democracy. Those words are inscribed outside the main entrance to our new Kent County Courthouse in Warwick.

The last refuge of democracy guarantees an impartial forum where our citizens who are charged with crimes are presumed innocent. It provides a courtroom where elderly crime victims can safely identify the person who swindled or robbed them. It assures broken families that court-employed advocates will assist our decision-making and help implement our decrees.

From Woonsocket to Westerly, Warren to West Greenwich, each day thousands of families, businesses, and individuals from your communities turn to our courts to resolve civil disputes, respond to criminal complaints, and settle important financial matters. Our high-volume courts regularly help the most vulnerable in our communities, such as battered women seeking protection orders, abused and neglected children, and victims of vandalism and theft. Economic growth and stable business relationships are dependent on a civil justice system that is working

at its best. Our courts also handle probate appeals, landlord-tenant disputes, and small claims.

Our court employees are committed to helping the public understand our procedures. They work tirelessly to carry out the promise of justice for all. Let me give you some examples:

It is the court stenographer who records weeks of testimony in the lead-paint case and then transcribes it into 16,000 pages for the only appeal of its kind in the country.

It is the judge and jury who hear the anguished testimony of a young father who comes home unexpectedly to find the baby-sitter molesting his 17-month-old daughter, and the Supreme Court that follows up on the appeal that ensures the defendant received a fair trial.

It is the young woman of 19 whose drug addiction has taken control of her life and transformed her from a teenager with a promising future to an inmate at the Adult Correctional Institutions. After a rocky start with our Adult Drug Court team, she received one final opportunity to enter treatment and become free of drugs and alcohol. It was no picnic, but with time, discipline and court oversight, she turned the corner. She has been clean and sober for three years now.

None of this could happen without our judges, who work 24/7. They take their cases home not only in their briefcases but in their minds and their hearts as they agonize over the evidence or the sentence to impose. It was part of the bargain and the nature of the job. Because what we all want from our system of justice is to know the truth.

Behind every case, behind every statistic, there is a face, and we never forget that. Always remember that everyday liberties and freedoms – the very definition of life in our great nation – are imperiled when the Judiciary cannot function fairly, robustly, and independently. And so I ask you, the honorable members of this General Assembly, what is the price of these liberties and freedoms for our fellow Rhode Islanders? We think it is priceless and well worth



just 1.4 percent of the state budget. I hope you will agree.

It is precisely now, in these troubled financial times, that state court services – at a minimum – should be maintained to ensure access to justice for everyone because justice is a promise to all.

And in the midst of this, we have six – soon to be eight – judicial vacancies in our courts. Just today I received official word that Superior Court Associate Justice Vincent A. Ragosta will retire at the end of May.

Four of our vacancies are within the District Court alone, which in this past year saw the loss of District Court Associate Judge Richard A. Gonnella after an illness of several months, the retirements of Associate Judges Patricia D. Moore and John M. McLoughlin, and at the end of this month we will see Associate Judge Walter Gorman retire.

Last year also saw the retirements of Family Court Associate Justice Pamela M. Macktaz, as well as Workers' Compensation Court Associate Judge John Rotondi Jr.

I thank Judges Ragosta, Macktaz, Moore, Gorman, McLoughlin, Gonnella, and Rotondi for their service. You know, I have been practicing this State of the Judiciary address for a week now, and I had been planning to once again urge Governor Carcieri to start putting some people on the bench because it was limiting access to our courts. Earlier today the Governor called to announce the nominations of three great candidates with Bennett R. Gallo to the Superior Court; Magistrate Debra E. DiSegna to the Family Court, and our Supreme Court clerk, Pamela Woodcock Pfeiffer, to the District Court. These nominees were selected from a field of excellent candidates. I urge the Senate to act swiftly on these nominations, and while I thank the Governor for these appointments, I encourage him to continue the process of filling the five remaining vacancies in a timely fashion.

I welcome my fellow judges who have joined us here today. Our judges typically are appointed to the bench some 20 to 30 years into their law careers. The average age of our judges when they take the bench is 46 years old. Judges simply do not have time to accrue the pension benefits as other state employees who may begin their careers in their twenties and sometimes in their teens.

It was the wisdom of the General Assembly that structured the judicial pension system differently from the rank-and-file state employee system – with good reason. Judicial pensions simply are different and should remain so.

We thank the General Assembly for its support and passage this past January of the revised magistrate legislation. We appreciate everyone's forbearance while constitutional concerns over the selection of Traffic Tribunal magistrates and other issues were addressed to ensure that this process works correctly. We welcome Bill Guglietta as the new Chief Magistrate, as we thank District Court Chief Judge Albert E. DeRobbio for his leadership at the Traffic Tribunal, starting in 1999 when no one else wanted the responsibility.

In these last few minutes, I want to share with you some of the Judiciary's accomplishments in 2007.

We continue to modernize our technology, which is now positioned to move the Judiciary toward a paperless operation with an electronic filing system similar to several other states and the federal court system. This goal will take four years to achieve, but the benefits are many. The Judiciary's 224,000 new cases each year will be filed and heard fairly and expeditiously, and without paper.

We are proud to announce the number of cases resolved in 2007 in each of the counties that you represent. In Superior, Family and District Courts, for Providence and Bristol Counties

we resolved 54,000 cases; in Kent County, 22,000 cases; in Washington County, 9,300 cases; and in Newport County, 6,300 cases. This is more than 91,000 cases, a little under half of our total dispositions. Most of the remaining cases were handled in our busiest court, the Rhode Island Traffic Tribunal, which disposed of more than 108,000 cases in 2007.

Another of our new technologies involves the electronic traffic citation pilot program with the State Police and municipal departments in Portsmouth, East Providence, Burrillville, North Kingstown, and Narragansett. A total of 27,250 citations were issued during the pilot project, and the biggest measure of success is the accuracy of the citation compared with tickets that were filled out by hand.

We are forever grateful to the General Assembly for the new Kent County Courthouse in Warwick and the Traffic Tribunal in Cranston. These buildings that you gave to the people have free parking and are more accessible and user-friendly. In addition, they provide a better workplace for our employees and the employees of the departments of Attorney General, Public Defender, Probation, Sheriffs, and the Capitol Police who have offices there.

It is because of these benefits that I advocated – and you approved – construction of a Blackstone Valley Courthouse. While I am sensitive to the state's current financial condition, the need to better serve our citizens in northern Rhode Island and to decongest a severely overcrowded Garrahy Judicial Complex is not going to go away. The crowding will only become more acute and the construction costs are only going to increase as time passes. Nevertheless, in recognition of the hardship we all face and despite this long-standing need, I have spoken to the Speaker and the President about deferring this project for another year. And the Governor has indicated his support for construction if we wait another year. Therefore, all have agreed to postpone the construction until Fiscal Year 2010.

I am proud to report that we have increased the number of non-English speaking users that the Office of Court Interpreters served last year.

Our interpreters and the Adult Drug Court were among the court programs highlighted last year in our “Citizens’ Summit” television program on Rhode Island PBS. We continued our outreach into our public and private schools with our Justice Rules program, which aims to educate schoolchildren in your cities and towns about the judicial process, promote positive attitudes about this branch of government, and to promote careers in the Judiciary and related fields.

As always, the Supreme Court went on the road twice in 2007 to “ride circuit” and hear cases in our outlying communities, and our Appellate Mediation Program maintained its resolution rate of 60 percent for the third year in a row with the aid of retired judges.

Our Workers’ Compensation Court also expanded its outreach with its YES-RI program to meet even more young workers and to educate them about their right to a safe workplace.

I am committed to outreach. This has been a hallmark of my administration, designed to help the community understand the Judiciary and the depth of our dedication to the citizens we all serve, and most especially those who seek our services.

Former U.S. Senator and basketball star Bill Bradley said: “We need to get beyond the politics of the moment, the deficit of the hour, the military count of the day, the numbers that rarely shape events. Our long-term interests must be in people and in the values of democracy and individual liberty.”

In closing, I can say to you with confidence that the state of our Rhode Island Judiciary is strong. The beneficiaries of all that we do, and all that you do for us, are your constituents, from our citizens in court for the day to your respective law enforcement agencies who count on an

efficient and effective court system. With your help, we will persevere.

The best thing about the future, Abraham Lincoln said, is that it only comes one day at a time. Thank you for your ongoing support of our mission to deliver access to justice to the people – one day at a time.

May God Bless our beloved state.