

**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 second day of January in the year of Our Lord two thousand and seven.

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Volume 134, No. 18

Tuesday, February 27, 2007

Eighteenth Day

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The House of Representatives meets at the State House in Providence, Tuesday, February 27, 2007 and is called to order at 4:05 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 Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

**ABSENT - 6:** Representatives Amaral, Coderre, Crowley, Long, Singleton, Trillo.

**INVOCATION**

The Honorable Speaker presents Representative Pacheco 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, February 13, 2007 is approved as printed.

**ANNOUNCEMENTS**

Representative Elaine Coderre will be unable to attend session Tuesday, February 27 through Thursday, March 1, 2007. She is out of town on family business.

Representative Joseph Trillo will be unable to attend session Tuesday, February 27 through Thursday, March 1, 2007. He is out of state on business.

Representative Richard Singleton will be unable to attend session Tuesday, February 27.

**NEW BUSINESS**

**House Bill No. 5430** (by request)

**BY** Ginaitt

**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES (not limit food and beverage rebates to one per household) {LC1805/1}  
02/27/2007 Introduced, referred to House Corporations

**House Bill No. 5431**

**BY** McNamara

**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNIT PRICING ( require all consumer commodities offered for sale to have the correct price including any advertised sale price offered to the individual uni/authorize the ag to conduct inspections and assess fines for violations of pricing laws) {LC176/1}  
02/27/2007 Introduced, referred to House Corporations

**House Bill No. 5432**

**BY** Picard

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- RESIDENTIAL REAL ESTATE TRANSACTIONS (amend the law regarding agency relationships in residential real estate transactions) {LC2053/1}  
02/27/2007 Introduced, referred to House Corporations

**House Bill No. 5433** (OHIC)

**BY** McNamara, Corvese

**ENTITLED**, AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER HEALTH INSURANCE (allow a small employer health insurance carrier to vary adjusted community rates based upon tobacco usage) {LC1812/1}  
02/27/2007 Introduced, referred to House Corporations

**House Bill No. 5434**

**BY** Malik

**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- DECEPTIVE TRADE PRACTICES (repeal the provision permitting use of a copy or a facsimile of a sales slip in seeking a manufacturer's rebate) {LC1697/1}  
02/27/2007 Introduced, referred to House Corporations

**House Bill No. 5435****BY** Rice, Caprio D, Ginaitt, Segal, Lima**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RETAIL SALE OF GASOLINE (end fractional pricing of gasoline by requiring whole -cent pricing)

{LC1608/1}

02/27/2007 Introduced, referred to House Corporations

**House Bill No. 5436****BY** Shanley, Lewiss, Baldelli-Hunt, Kennedy, Lally**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS (require electric transmission and electric distribution

companies to conduct periodic equipment inspections) {LC63/1}

02/27/2007 Introduced, referred to House Corporations

**House Bill No. 5437****BY** Shanley, Lewiss, Lally**ENTITLED**, AN ACT RELATING TO AGRICULTURE AND FORESTRY --

NOTIFICATIONS TO FARMERS (require the division of agriculture to establish a list by city and town of agricultural operations by March 1 of each year/provide a copy to each city and town by April 15 of each year) {LC2060/1}

02/27/2007 Introduced, referred to House Environment and Natural Resources

**House Bill No. 5438****BY** Ginaitt, Naughton, Menard**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLE --

REGISTRATION OF VEHICLES ( provide for the issuance of a special mv registration plate for any mv plate for any vehicle having a gross weight of less than 10,000 pounds to all active and retired IAFF firefighters) {LC1856/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5439****BY** Ginaitt, Menard, Handy, Naughton**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --

REGISTRATION OF VEHICLES {LC1644/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5440****BY** Segal, Ginaitt, Almeida, Diaz, Baldelli-Hunt**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE

{LC1538/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5441****BY** San Bento, Gemma, Ginaitt, Naughton**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES {LC1919/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5442** (by request)**BY** Pacheco, Church**ENTITLED**, AN ACT MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES {LC1369/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5443****BY** Loughlin, Moffitt, Long**ENTITLED**, AN ACT RELATING TO STATE AID {LC235/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5444****BY** Segal, Handy, Ajello, Pacheco**ENTITLED**, AN ACT RELATING TO TAXATION {LC812/1}

02/27/2007 Introduced, referred to House Finance

**House Resolution No. 5445****BY** Loughlin, Singleton, Moffitt, Long**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE METHOD OF DETERMINING LOCAL PROPERTY TAXES AND TO INVESTIGATE ALTERNATIVE METHODS THAT WOULD BE MORE EQUITABLE TO PROPERTY OWNERS {LC357/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5446****BY** Loughlin, Singleton, Moffitt, Long**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- ACTIVE DUTY DECAL {LC236/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5447****BY** Loughlin, Long, Singleton, Moffitt, Gorham**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES {LC239/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5448****BY** Story, Gorham, Ajello, Savage, Singleton**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- JOINT COMMITTEE ON LEGISLATIVE SERVICES {LC921/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5449****BY** Picard**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - PUBLIC TRANSIT AUTHORITY {LC1871/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5450****BY** Loughlin, Story, Moffitt, Long**ENTITLED**, AN ACT RELATING TO EDUCATION {LC234/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5451****BY** Loughlin, Singleton, Moffitt, Long**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS {LC246/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5452****BY** Walsh, Scott**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND RESOURCE RECOVERY CORPORATION {LC1710/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5453****BY** Moffitt, Savage, Gallison, Trillo, McManus**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ESTABLISHING AN OFFICE OF INSPECTOR GENERAL {LC1184/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5454****BY** Palumbo, Malik, Ucci, Trillo, Singleton**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES {LC1178/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5455****BY** Shanley, Lally, Lewiss, Pacheco, Scott**ENTITLED**, AN ACT RELATING TO EDUCATION -- THE UNIVERSITY OF RHODE ISLAND RESEARCH FOUNDATION {LC1703/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5456****BY** Diaz, Almeida, San Bento, Giannini, Ajello**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX -- EARNED INCOME CREDIT {LC529/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5457****BY** Giannini, Lewiss, Naughton**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- EMERGENCY MEDICAL TRANSPORTATION SERVICES {LC1553/1}

02/27/2007 Introduced, referred to House H.E.W.

**House Bill No. 5458****BY** McNamara**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS - CONTROLLED SUBSTANCES - PRESCRIPTIONS {LC1062/1}

02/27/2007 Introduced, referred to House H.E.W.

**House Bill No. 5459****BY** McNamara**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- INTRACTABLE PAIN TREATMENT {LC1063/1}

02/27/2007 Introduced, referred to House H.E.W.

**House Bill No. 5460****BY** Walsh, Ajello, Scott**ENTITLED**, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS {LC1669/1}

02/27/2007 Introduced, referred to House H.E.W.

**House Bill No. 5461****BY** Loughlin, McNamara, Ginaitt, Menard, Singleton**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES {LC244/1}

02/27/2007 Introduced, referred to House H.E.W.

**House Bill No. 5462****BY** Walsh, Rice, Ajello, Segal**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- REPRODUCTIVE HEALTH CARE {LC1390/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5463****BY** Palumbo, Malik, Ucci, Trillo, Singleton**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- PUBLIC PROPERTY AND WORKS -- EMPLOYEE STATUS VERIFICATION ACT {LC1136/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5464****BY** Singleton, Story, Gorham, Menard, Loughlin**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES {LC1192/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5465****BY** Singleton, Scott, Menard, Loughlin, Palumbo**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- SMUGGLING OF HUMAN BEINGS {LC1215/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5466****BY** Malik**ENTITLED**, AN ACT RELATING TO ELECTIONS -- GENERAL PROVISIONS {LC1851/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5467****BY** Singleton, Gorham, Scott, Menard, Loughlin**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- THEFT, EMBEZZLEMENT -- MISAPPROPRIATION {LC1186/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5468****BY** Singleton, Long, Gorham, Scott, Menard**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATOR'S AND CHAUFFEURS LICENSES {LC1210/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5469****BY** Singleton, Gorham, Scott, Menard, Palumbo**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST {LC1199/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5470****BY** Rice, Segal, Ajello, Pacheco, Lima**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - CHILD DELINQUENCY {LC1976/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5471****BY** Singleton, Gorham, Scott, Menard, Loughlin**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING {LC1196/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5472****BY** Singleton, Long, Story, Gorham, Scott**ENTITLED**, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS {LC1185/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5473****BY** Ginaitt, Lewiss, Ajello, Naughton, Fox**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - FUNERAL DIRECTOR/EMBALMER FUNERAL SERVICE ESTABLISHMENTS {LC1859/1}

02/27/2007 Introduced, referred to House Judiciary

**House Resolution No. 5474****BY** Gemma, San Bento, Rose, Scott, Fox**ENTITLED**, JOINT RESOLUTION OPPOSING THE IMPLEMENTATION OF THE REAL ID ACT OF 2005 {LC1868/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5475****BY** Gemma, San Bento, Lewiss, Rose, Scott**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- DOMESTIC VIOLENCE PREVENTION ACT {LC1640/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5476****BY** Ucci, Fellela, Lima, Melo, Palumbo**ENTITLED**, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN - PROCEEDINGS IN FAMILY COURT {LC763/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5477****BY** Naughton**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE IN PARTICULAR ACTIONS -- JOINT AND SEVERAL LIABILITY {LC1515/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5478****BY** Ajello, Rice, Church, Dennigan, McManus**ENTITLED**, AN ACT RELATING TO ELECTIONS - CONDUCT OF ELECTION {LC987/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5479****BY** O'Neill, Lewiss, Jackson, Brien, Church**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES {LC215/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5480****BY** Singleton, Gorham, Scott, Menard, Loughlin**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY BENEFITS {LC1207/1}

02/27/2007 Introduced, referred to House Labor



**House Bill No. 5481****BY** Singleton, Gorham, Scott, Menard, Loughlin**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS --  
PROHIBITING THE EMPLOYMENT OF ALIENS WHO ARE NOT**ENTITLED** TO LAWFULLY RESIDE OR WORK IN THE UNITED STATES {LC1212/1}

02/27/2007 Introduced, referred to House Labor

**House Bill No. 5482****BY** Corvese**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - WORKERS'  
COMPENSATION - GENERAL PROVISIONS {LC1751/1}

02/27/2007 Introduced, referred to House Labor

**House Bill No. 5483****BY** Ginaitt, Naughton**ENTITLED**, AN ACT RELATING TO PROPERTY {LC2047/1}

02/27/2007 Introduced, referred to House Municipal Government

**House Bill No. 5484****BY** Fellela, Lewiss, Lima, Segal, Gallison**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX  
{LC208/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5485****BY** McCauley**ENTITLED**, AN ACT RELATING TO PROPERTY -- RHODE ISLAND HOME LOAN  
PROTECTION ACT {LC1695/1}

02/27/2007 Introduced, referred to House Corporations

**House Bill No. 5486** (Attorney General)**BY** Serpa, Kilmartin, Melo, Moffitt, Sullivan**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY  
PROVISIONS -- PURCHASE AND SALE OF PRECIOUS METALS {LC965/1}

02/27/2007 Introduced, referred to House Corporations

**House Bill No. 5487****BY** Rice**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
TOURISM AND DEVELOPMENT {LC1581/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5488****BY** Church, Walsh, Malik, Pacheco, Melo**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- TIPPING FEES AT  
THE LANDFILL {LC1668/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5489** (by request)**BY** Rice, Gallison**ENTITLED**, AN ACT RELATING TO TAXATION {LC2091/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5490****BY** Diaz, Almeida, Slater**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT OF DEBTS BY CONTRACTORS {LC1866/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5491****BY** Shanley, Lewiss, Lally, Naughton**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- THE STATE BUDGET {LC1661/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5492****BY** Pacheco, Church, Slater, Shanley, Moffitt**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - RETIREMENT SYSTEM - CONTRIBUTIONS AND BENEFITS {LC1378/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5493****BY** Naughton, Slater, San Bento, Ginaitt, Handy**ENTITLED**, AN ACT RELATING TO PUBLIC ASSISTANCE -- APPROPRIATION {LC1913/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5494****BY** Naughton, Slater, San Bento, Ginaitt, Handy**ENTITLED**, AN ACT RELATING TO EDUCATION -- LOAN REPAYMENT PROGRAM {LC1512/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5495****BY** Almeida, Segal**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - FAMILY INDEPENDENCE ACT {LC1401/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5496****BY** Singleton, Long, Story, Scott, Loughlin**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- INSURANCE BENEFITS {LC1058/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5497****BY** Singleton, Story, Scott**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTIONS AND BENEFITS {LC1193/1}

02/27/2007 Introduced, referred to House Finance

**House Resolution No. 5498****BY** Story, Rice, Diaz, Slater**ENTITLED**, JOINT RESOLUTION AMENDING THE JOINT RESOLUTION CREATING A PERMANENT LEGISLATIVE COMMISSION ON CHILD CARE IN RHODE ISLAND {LC2062/1}

02/27/2007 Introduced, referred to House H.E.W.

**House Bill No. 5499****BY** Singleton, Story, Long, Scott**ENTITLED**, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS {LC1831/1}

02/27/2007 Introduced, referred to House H.E.W.

**House Resolution No. 5500****BY** Church, Pacheco, Mattiello, Malik, Naughton**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO MAKE A COMPREHENSIVE STUDY OF THE IMPACT OF MANDATES ON RHODE ISLAND'S SCHOOL DISTRICTS {LC2041/1}

02/27/2007 Introduced, referred to House H.E.W.

**House Bill No. 5501****BY** Serpa, Fellela, Lima, Melo, Lewiss**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - ANIMAL CARE {LC1818/1}

02/27/2007 Introduced, referred to House H.E.W.

**House Bill No. 5502****BY** Church, Melo, Gallison, Fellela, Serpa**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - OPEN MEETINGS -- SCHOOL COMMITTEES {LC2075/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5503****BY** Segal, Almeida, Slater, Williams, Handy**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - SENTENCE AND EXECUTION {LC813/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5504****BY** Story, Savage, Singleton, Mumford, McManus**ENTITLED**, AN ACT RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT AND SUPPLIES {LC1060/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5505****BY** Story, Long, Malik, Savage, Mumford**ENTITLED**, AN ACT RELATING TO PROPERTY - PROPERTY BY POSSESSION AND PRESCRIPTION {LC1829/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5506****BY** Story, Gemma**ENTITLED**, AN ACT RELATING TO PROPERTY -- ADVERSE POSSESSION {LC929/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5507****BY** Segal, Almeida, Slater, Williams, Handy**ENTITLED**, AN ACT RELATING TO ELECTIONS -- RHODE ISLAND RESTORATION OF VOTING RIGHTS ACT {LC1318/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5508****BY** Story, Trillo, McManus, Moffitt, Amaral**ENTITLED**, AN ACT RELATING TO ELECTIONS -- ELECTION/VOTING EQUIPMENT AND SUPPLIES -- PARTY LEVERS {LC938/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5509****BY** Segal, Williamson, Almeida, Pacheco, Slater**ENTITLED**, AN ACT RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PROTECTION ACT {LC811/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5510****BY** Story**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYEES' RIGHT TO CERTAIN INVENTIONS {LC926/1}

02/27/2007 Introduced, referred to House Labor

**House Bill No. 5511****BY** Story, Trillo, Watson, Singleton**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MINIMUM WAGES {LC1630/1}

02/27/2007 Introduced, referred to House Labor

**House Bill No. 5512****BY** Singleton, Gorham, Scott, Menard**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - CRIMINAL LAW, STATE, FEDERAL AND LOCAL COOPERATION {LC1206/1}

02/27/2007 Introduced, referred to House Municipal Government

**House Bill No. 5513****BY** Singleton, Scott**ENTITLED**, AN ACT RELATING TO LABOR RELATIONS - MUNICIPAL POLICE ARBITRATION {LC1852/1}

02/27/2007 Introduced, referred to House Municipal Government

**House Bill No. 5514****BY** Fox**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES {LC1882/1}

02/27/2007 Introduced, referred to House Corporations

**House Bill No. 5515****BY** Lally, Williamson, Jackson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- INDIGENT DEFENSE SERVICES AND CIVIL PROCEDURES {LC1229/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5516****BY** Lally, Jackson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - SALARIES AND TRAVEL EXPENSES {LC1226/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5517****BY** Lally, Jackson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COLLECTION OF FINES AND COSTS {LC1227/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5518****BY** Lally, Jackson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - FAMILY COURT {LC1233/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5519****BY** Lally, Williamson, Jackson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - JUDICIAL PENSIONS {LC1237/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5520****BY** McCauley**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- AUTOMATED TRAFFIC VIOLATIONS MONITORING SYSTEMS {LC1772/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5521****BY** Lally, Williamson, Jackson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - STATE COURT ADMINISTRATION {LC1231/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5522****BY** Lally, Williamson, Jackson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES {LC1232/1}

02/27/2007 Introduced, referred to House Finance

**House Bill No. 5523****BY** Kennedy**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS {LC120/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5524****BY** Lally, Williamson, Jackson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS {LC1234/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5525****BY** Lally, Williamson, Jackson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - SUPREME COURT {LC1228/1}

02/27/2007 Introduced, referred to House Judiciary

**House Bill No. 5526****BY** McNamara**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- EVIDENCE {LC1686/1}

02/27/2007 Introduced, referred to House H.E.W.

**House Bill No. 5527****BY** Lally, O'Neill**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MUNICIPAL EMPLOYEES ARBITRATION {LC795/1}

02/27/2007 Introduced, referred to House Labor

**House Bill No. 5528****BY** San Bento, Gemma**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- THE DIVISION OF FIRE SAFETY {LC2044/1}

02/27/2007 Introduced, referred to House Separation of Powers

**House Bill No. 5529****BY** Lally, Williamson, Jackson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COMMISSION ON JUDICIAL TENURE AND DISCIPLINE {LC1235/1}

02/27/2007 Introduced, referred to House Separation of Powers

**House Resolution No. 5530****BY** Fox**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 {LC2418/1}

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.

**TRANSMITTAL**

By unanimous consent, (07-H 5530), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

**House Resolution No. 5531****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2411/1}

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 Resolution No. 5532****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2410/1}

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 rising vote.

**House Resolution No. 5533**

**BY** Murphy, Fox, Lima, Kilmartin, Carter

**ENTITLED**, HOUSE RESOLUTION EXPRESSING ITS DEEPEST CONDOLENCES ON THE PASSING OF THOMAS J. FLANAGAN {LC2395/1}

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 rising vote.

**House Resolution No. 5534**

**BY** Fox, Murphy

**ENTITLED**, HOUSE RESOLUTION HONORING STEPHEN P. MCALLISTER ON HIS OUTSTANDING AND DEDICATED SERVICE TO THE STATE OF RHODE ISLAND {LC2136/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

**House Resolution No. 5535**

**BY** Gallison, Gablinske

**ENTITLED**, HOUSE RESOLUTION CONGRATULATING KURTIS CHUBBUCK ON ATTAINING THE RANK OF EAGLE SCOUT {LC2281/1}

Representative Gallison requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Gallison seconded by Representatives Menard, Malik, and Loughlin by unanimous consent, on a voice vote.



**House Bill No. 5536****BY** Ehrhardt, Carter, Lally**ENTITLED**, AN ACT CONCERNING TAX RELIEF FOR THE ELDERLY CITIZENS OF NORTH KINGSTOWN {LC2401/1}

Representative Carter requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Carter seconded by Representatives Ehrhardt and Lally on a roll call vote, 60 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Lally, Lewiss, Lima, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Ucci, Vaudreuil, Watson, Williamson, Winfield.

NAYS - 0.

**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.

**House Resolution No. 5537****BY** Diaz, Slater, Segal, Almeida, Lima**ENTITLED**, HOUSE RESOLUTION COMMEMORATING THE 163RD ANNIVERSARY OF DOMINICAN REPUBLIC INDEPENDENCE ON FEBRUARY 27, 2007 {LC2109/1}

Representative Diaz requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Diaz seconded by Representatives Segal and Slater by unanimous consent, on a voice vote.

**COMMUNICATION FROM THE SENATE**

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

**Senate Bill No. 95****BY** Algieri

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Reverend Peter Monahan to join Kelly Chapman and Jonathan Davis in marriage) {LC622/1}  
02/27/2007 Referred to House Judiciary

**Senate Bill No. 203****BY** Felag, Bates

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Richard Huddleston Baker to join Amanda Green and Andrew Helming in ma) {LC975/1}  
02/27/2007 Referred to House Judiciary

**Senate Bill No. 245****BY** Lenihan, Sheehan

**ENTITLED**, AN ACT AMENDING CHAPTERS 425 AND 530 OF THE PUBLIC LAWS OF 2006 AND AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO FINANCE RENOVATIONS, ALTERATIONS, ADDITIONS AND OTHER IMPROVEMENTS AND/OR RELATED EQUIPMENT FOR THE WICKFORD MIDDLE AND THE DAVISVILLE ELEMENTARY SCHOOLS AND TO ISSUE NOT MORE THAN \$20,100,000 BONDS AND NOTES THEREFOR {LC959/1}  
02/27/2007 Referred to House Municipal Government

**CALENDAR**

From the Calendar are taken:

**IN ORDER FOR TUESDAY, FEBRUARY 27, 2007:****1 2007-H 5190 SUB A****BY** Naughton

**ENTITLED**, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2007-2008

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

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, February 28, 2007.

**2 2007-H 5429****BY** Mattiello

**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO MAKE A COMPREHENSIVE STUDY OF THE EFFECT STATE AND FEDERAL MANDATES HAVE ON THE EDUCATION AND FINANCES OF SCHOOL DISTRICTS IN THE STATE OF RHODE ISLAND

Ordered on the Calendar

Representative Mattiello moves passage of the resolution, seconded by Representatives Giannini, Gemma, Almeida, Watson, Scott, Rose, Story, Savage, Loughlin, Carter, Melo, Serpa, Sullivan and Wasylyk.

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, Brien, Caprio, Carter, Church, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Loughlin, Malik, Mattiello, McManus, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Ucci, Vaudreuil, Walsh, Wasylyk, Watson.

NAYS - 0.

**3 2007-H 5239**

**BY Ehrhardt**

**ENTITLED,** AN ACT AMENDING CHAPTERS 425 AND 530 OF THE PUBLIC LAWS OF 2006 AND AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO FINANCE RENOVATIONS, ALTERATIONS, ADDITIONS AND OTHER IMPROVEMENTS AND/OR RELATED EQUIPMENT FOR THE WICKFORD MIDDLE AND THE DAVISVILLE ELEMENTARY SCHOOLS AND TO ISSUE NOT MORE THAN \$20,100,000 BONDS AND NOTES THEREFOR

Committee on Municipal Government recommends passage.

Representative Ehrhardt moves passage of the act seconded by Representatives Carter and Lally.

Representative Carter discusses the act.

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, Caprio, Carter, Church, Corvese, DeSimone, Diaz, Ehrhardt, Fellela, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williamson, Winfield.

NAYS - 0.

**REQUEST**

Representative Williams requests the journal to reflect that if she had voted on (07-H 5239), she 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.

**4 2007-S 146****BY Sosnowski****ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WAKEFIELD BUILDING & INVESTMENT CORP.**

Committee on Corporations recommends passage in concurrence.

Representative Kennedy moves passage of the act, seconded by Representatives Scott, Shanley and Lally.

Read and passed, in concurrence, on a roll call vote, 59 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 59: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Lally, Lewiss, Lima, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Walsh, Wasylyk, Watson, Williamson, Winfield.

NAYS - 0.

**REQUESTS**

Representatives Ucci and Williams request the journal to reflect that if they had voted on (07-S 146 in concurrence), they would have voted in the affirmative.

**TRANSMITTAL**

By unanimous consent, (07-S 146), on the Clerk's desk is ordered to be transmitted to His Excellency the Governor forthwith.

**ANNOUNCEMENTS**

Majority Leader Fox announces with the agreement of the Speaker, the last day for bill introduction will be extended to the close of business tomorrow.

Representative Costantino announces that the Committee on Finance will meet at the rise of the Joint Session, in Room 35 of the State House

**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 Savage, Representative Slater, Representative Williams, Representative Ajello, Representative Gemma, Representative Ginaitt and Representative Almeida.

**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.)

**ADJOURNMENT**

At 4:34 o'clock P.M. on motion of Representative Giannini, and as a further mark of respect to the memory of John J. Casey, Jr.; on motion of Representative Fellela, and as a further mark of respect to the memory of Joseph Petrocchi on motion of Representative Caprio and as a further mark of respect to the memory of Joseph Formicola; on motion of Representative Gemma, and as a further mark of respect to the memory of Andrew Bramley, father of former Representative Russell Bramley; on motion of Representative Mattiello, and as a further mark of respect to the memories of Harold C. Pierce and Joaquim Ilidio Costa; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE EDWIN R. PACHECO**

Thank you God for Your presence here with us and Your blessings on this Assembly today and every day. Amen.

APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, FEBRUARY 28, 2007:

**1 2007-H 5190 SUB A**

**BY Naughton**

**ENTITLED,** HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2007-2008

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

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

Tuesday, February 27, 2007

**TRANSMITTED TO THE GOVERNOR**

**Senate Bill No. 146**

**BY** Sosnowski

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WAKEFIELD BUILDING & INVESTMENT CORP. {LC895/1}



**PROCEEDINGS IN JOINT SESSION**

Tuesday, February 27, 2007

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

**CALLED TO ORDER**

The Joint Session is called to order at 4:47 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 (07-H 5530) of invitation is dispensed with.

The Honorable President, by unanimous consent, appoints Senators Bates, Gallo, McCaffrey, Metts, Moura and Tassoni and Representatives Gorham, Jackson, Jacquard, Lewiss, Mattiello, O'Neill, Rice and Ucci 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 Blais, Breene, Connors, Jabour, Maselli and Sosnowski 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.

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 5:20 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Sixth 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 February 27, 2007.)*

Mr. Speaker; Mr. President; Majority Leader Fox; Minority Leader Watson; Majority Leader Paiva Weed; Minority Leader Algieri; Honorable members of the General Assembly; my colleagues in the Judicial branch, and guests. I am also pleased to have with us Lieutenant Governor Elizabeth Roberts, General Treasurer Frank Caprio, and Attorney General Patrick Lynch. Thank you for being here today.

Once again, it is my honor and privilege to stand before you in joint session to present my sixth annual State of the Judiciary Address. It was six years ago yesterday that I began working as your Chief Justice after receiving unanimous confirmation from both the House and the Senate.

I am as grateful to you now as I was then for your trust and confidence in me to lead the third co-equal branch of government

I want to extend a special greeting to the new legislators who were elected in November. Thank you for joining us in service to the people of Rhode Island. Several of you participated in our biannual Legislators' Law Day last month, and I hope it provided some insight into the work that our dedicated judges - many of whom are here this afternoon - and court staff do day in and day out to administer justice effectively and fairly. I applaud their commitment and I am proud to be counted among them.

It is appropriate here to pause and comment on the passing of Superior Court Associate Justice William A. Dimitri Jr., who died in 2006 after battling cancer. Bill Dimitri was a luminary among the men and women of the bench and bar. His gentlemanly demeanor, keen

perceptions about life and his belief that the law should be tempered by compassion and common sense are his legacy. We miss him.

I also want to say a word of thanks to Superior Court Associate Justice Stephen Fortunato, who retired last month, on his 65<sup>th</sup> birthday, after many years of service to the state. We wish him well.

We welcome Superior Court Justice-designate Bill Carnes, who will join us to replace Justice Dimitri, and we look forward to an expeditious nomination and confirmation of a successor to Justice Fortunato.

I am grateful for this opportunity to speak to you about our Judiciary and to highlight for you what we have accomplished together this past year, and how we may improve our shared vision of state courts that are accountable, accessible, and efficient in serving our fellow citizens.

It is my belief that when interacting with the courts - whether as jurors, witnesses, the accused, or as a party in a lawsuit - the public expects and deserves judicial excellence. We meet that expectation every day by striving to make our courts affordable, secure, transparent and just. An important first step in this process is a user-friendly courthouse.

In the past year, with your support, Rhode Island witnessed the opening of two new courthouses - the new Kent County Courthouse in Warwick, which opened last August, and our brand new Traffic Tribunal, which opened last month. We are proud of these facilities and grateful for your support and the support of Governor Carcieri and former Governor Almond.

The new Kent County Courthouse will meet our needs for many years to come. In this facility, with its ample and convenient parking, litigants have access to the latest advances in court technology. Jurors, who are essential to our system of justice, have comfortable and secure

quarters. Our judges and judicial staff are able to serve the public in a courthouse that supports our mission.

Two weeks from today, on March 13th, we will mark the official opening of the Traffic Tribunal. We request the honor of your presence for this special occasion. We are mindful that the Traffic Tribunal is the arm of the Judiciary that the majority of our citizens first encounter, over 115,000 citizens a year. It was critical that we provide the public with a facility that is efficient and safe, and where free parking is plentiful. I am pleased to report that this facility has given rise to a new atmosphere of civility and professionalism by the litigants, the lawyers and our staff.

In addition to seven courtrooms, the Traffic Tribunal building will be the new headquarters for the Rhode Island Sheriff's Department. By the way, the Judiciary continues to provide permanent office space at all of our courthouses for several other departments in the executive branch, such as the Attorney General, the Public Defender, Probation, and DCYF. Providing this space at our expense is just one way the Judiciary helps to share the costs of our state government.

At the Traffic Tribunal and at Kent County, display monitors have been installed in the lobbies and outside each courtroom to help members of the public find where they need to go. And, as with all of our courthouses, help desks are staffed every morning.

Through the joint effort of our judges and staff, we were able to relocate operations from the old buildings and open these two new courthouses in a five-and-a-half-month span with no disruption in court services. We acknowledge and appreciate the tireless endeavors and countless hours put in by our devoted staff that made this happen so seamlessly.

Yet, our need to better serve our citizens in northern Rhode Island and decongest the Garrahy Judicial Complex remains as acute today as it was six years ago.

On March 12th, the Judiciary will honor more than 100 members of our staff and several retirees in our fifth annual Employee Awards Ceremony.

I stand here proud to report that our courts have performed admirably:

This year, we will bring Alternative Dispute Resolution and mediation services to our new court buildings, as an expansion of our successful program in Providence. Mediation reduces the cost of continuing litigation, relieves emotional trauma and provides much-needed remedies. Alternative Dispute Resolution works.

At the appellate mediation level, we have reached a resolution rate of 60 percent, up from 50 percent a year ago. Keep in mind, these are cases that have already been tried in the lower courts with judgments and litigants already locked into their points of view.

In the Superior Court, the annual Settlement Week - in which cases are mediated before trial - produced a resolution rate of more than 65 percent.

We have reached these milestones against the backdrop of our total case volume. In 2006, our six state courts took in more than 233,000 new cases and disposed of more than 227,000. That is one case for almost every four Rhode Islanders. And we did this within our budget that comprises only 1.4 percent of the entire state budget.

As our population has changed and become more diverse, so, too, has our need for court interpreter services. With your support, last year our Office of Court Interpreters assisted 6,150 people in its second full year of operation. That is more than double the number of people in the prior year. While most of the need has existed in our Providence courthouses, we have assigned a full-time interpreter to Kent County.

Our Judicial Technology Center had a busy year; the new courthouses are operational with the newest technology and we also completed the conversion of our computer system. With the funds you are providing annually over the next several years, we will be able to continue to update our networks.

We continue to seek grants to supplement our programs and to lower the amount of funds we request from you. We recently received a \$70,000 Champlin grant to restore the dome in the John E. Fogarty Judicial Building on Weybosset Street, or, as we say in Rhode Island, the old Custom House.

When I began my tenure as Chief Justice, I promised an independent, effective and respected Judiciary, and although our task is far from complete, I am pleased to report that all of us - my staff and the hard-working judges you see here today - have worked for cost effectiveness, improved communication, increased education, resolute and effective administration, construction and renovation of our facilities and, of particular importance to me, increased court security. I am grateful for your continued support and encouragement.

On a personal note, I am pleased to report that our state Supreme Court has been blessed with the stability of a full complement of justices for three full terms after experiencing a historic number of vacancies.

The Supreme Court heard 343 cases in 2006. This is more than three times the number of cases heard by the United States Supreme Court during the same period. As we have no intermediate court of appeals, our Supreme Court hears all appeals.

Outreach has remained a priority. The Supreme Court has continued its twice-yearly practice of riding the circuit to hear cases in the counties. Last year we sat at Warwick City Hall

and at Providence Country Day School in East Providence. Tomorrow morning, we will sit in Bristol at the Roger Williams University School of Law.

Our Citizens' Summit television program on Channel 36 is now in its third year. In the past year, Citizens' Summit has put the spotlight on our new courthouses, the Superior Court business calendar, and our Justice Rules program. Justice Rules continues its important educational programs, career fairs and the hosting of court tours from schools in your cities and towns.

We are proud of the accomplishments of the Superior Court - dispositions there are up, and civil caseloads have been reduced. The Superior Court business calendar, managed by Associate Justice Michael A. Silverstein, continues to be an efficient alternative for complex business cases. It is a model for the nation. The lead-paint and Station nightclub fire cases brought national media attention to our courts in 2006, and our judges and staff rose to the occasion. We are all grateful for their service, and I wish to extend our appreciation to Superior Court Associate Justice Francis J. Darigan Jr. for his work in the face of such great sorrow and tragedy.

The Family Court has reallocated resources to expand its Domestic Violence Court to Kent County. The Family Treatment Drug Court was expanded to Washington County in 2006.

There were 69,000 cases heard last year in our District Court, where civil complaints and small claims were up appreciably.

The Workers' Compensation Court saw a slight increase in caseload last year, and broadened its outreach to schools for the benefit of young workers statewide.

I am mindful that it is you, the Honorable members of the General Assembly, who have understood our goals, acknowledged our accomplishments and made commitments to our future.



I recognize that the state's finances pose severe obstacles in the current and upcoming fiscal years. One might be tempted to ask: "How much justice can we afford?"

George Washington, who was neither a lawyer nor a judge, said: "The administration of justice is the firmest pillar of government."

The Judiciary and the General Assembly need to continue our very candid dialog about finances in this very difficult year. While the Governor's budget proposals for the Judiciary may be understandable in his effort to curtail spending in all of state government, I respectfully submit they are unnecessary and unworkable for the courts and would in the end prevent the fair administration of justice.

Because our spending represents just 1.4 percent of the entire state budget, our needs are actuarially insignificant. Our budget request of \$87.2 million from general revenues does little more than maintain our current levels of service.

I gave you my word that we would do our part to be fiscally responsible. I say it now from the vantage point of our having lived within our budget for five straight years. That's right; we have not come back to you with a supplemental budget request for five consecutive years. While the Judiciary budget has increased over the years, most of the increase represents fixed costs. We are doing more with less.

Here are some of the additional steps we are taking to keep costs down:

With two new courthouses, we believe our maintenance and repair costs will drop and we have budgeted \$1 million less for these expenses. We have reduced our purchased services by \$300,000; travel and education by \$170,000; we anticipate saving \$175,000 with an improved phone system, and \$100,000 with more efficient contracts for our law libraries. All told, the efficiencies I have just estimated add up to \$1.75 million for the coming fiscal year.

We cannot - and will not - participate in the seven-day furlough proposed for the executive branch, as we are constitutionally and statutorily precluded from closing our courts. To do so would deny our citizens access to justice, including delays in the release on bail of arrestees held at the Adult Correctional Institutions. Nevertheless, I have informed the Governor, as I promise to you now, of our continued commitment to reduce expenses and save costs.

We will continue to run a tight ship, but we will not compromise our duties with respect to our obligations to the public.

We must never lose sight that the effectiveness of our system of justice is measured by its impact on individual lives. A vast number of people come to our courts because their families are troubled. When there are issues such as drug abuse, domestic violence, physical abuse, and dysfunction, we cannot always gauge success in terms of case dispositions. Rather, we must measure success in human terms: a drug-dependent mother reunited with her child after successful treatment, a battered spouse able to start a new life, a willful child saved from the brink of chronic delinquency, and the victim who witnesses a just result.

As an independent branch of government, we remain committed to separation of powers and respectfully request passage of our legislative package.

We again seek to transfer the Domestic Violence Training and Monitoring Unit to the executive branch, where it belongs.

We also seek to transfer responsibility for compensating lawyers for indigent defense services. We are convinced there is an opportunity for real savings if this service was administered by the executive branch. These services are just not a judicial function.

The Senate has already passed our collections bill, which we crafted to enhance our receipts of court fines, fees, and costs, a goal we set with you last year. In 2006, we collected

more than \$26 million in this category, and this measure, which has the Governor's and your support, should help us improve our collection rate.

Since then, we have collaborated with the Division of Motor Vehicles and the state Division of Taxation to assist us with a program to intercept tax refunds from people who owe the courts money.

Although we are not the revenue-raising branch of government, we have done well with collections, and we want to do better and raise more money for the state. We recently solicited requests for proposals from private vendors to see how that might help us increase revenues.

It was Henry Ford who said: "Coming together is a beginning. Keeping together is progress. Working together is success."

In my six years as Chief Justice, there is no doubt that we have forged and maintained a positive working relationship with you that also recognizes our distinct and separate responsibilities. Let us continue this cooperation in these difficult times and work for continued success for the good of the citizens we serve.

Thank you for welcoming me into the people's house this afternoon and for this opportunity to address you in joint session. May God bless you and all the people of our beloved state.