

State of Rhode Island and Providence Plantations

JOURNAL
-OF THE-
HOUSE OF REPRESENTATIVES

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

Volume 133, No. 23

Thursday March 2, 2006

Twenty-third Day

The House of Representatives meets at the State House in Providence, Thursday, March 2, 2006 and is called to order at 4:13 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 56 members present and 19 members absent as follows:

PRESENT - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Brien, Caprio, Church, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Laroche, Lewiss, Lima, Loughlin, Malik, McCauley, McManus, McNamara, Menard, Moran, Moura, Mumford, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Shanley, Slater, Smith, Story, Ucci, Watson, Williams, Williamson, Winfield.

ABSENT – 19: Representatives Anguilla, Carter, Coderre, Crowley, Davey, Gallison, Landroche, Long, McHugh, Melo, Moffitt, Naughton, San Bento, Scott, Singleton, Sullivan, Trillo, Voccola, Wasylyk.

INVOCATION

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

(For Invocation, see Appendix, this Journal.)

CORRECTIONS

By unanimous consent, the House Journal of Wednesday, March 1, 2006 is hereby corrected on page 3, lines 30 and 36, by deleting “03/01/2006” and inserting “02/16/2006”; and on page 4, line 4, by deleting “03/01/2006” and inserting “02/16/2006”, therefore.

APPROVAL OF RECORD

By unanimous consent, the House Journal of Wednesday, March 1, 2006 is approved as corrected.

ANNOUNCEMENTS

Representative Helio Melo will be unable to attend session Thursday, March 2, 2006. He is at a funeral.

Representative Kenneth Carter will be unable to attend session Thursday, March 2, 2006 due to illness.

Representative William San Bento will be unable to attend session Thursday, March 2, 2006. He has a doctor's appointment.

Representative Matthew McHugh will be unable to attend session Thursday, March 2, 2006.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of passage:

Senate Bill No. 2012**BY** Gibbs

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- EXEMPTING FROM TAXATION CERTAIN PROPERTY OF THE MIDDLETOWN HISTORICAL SOCIETY INC. (town of Middletown to grant retroactive tax exemptions back to December 31, 2003 to any property owned or leased by the Middletown Historical Society, Inc.) {LC16/1}
03/02/2006 Placed on House Calendar

Senate Bill No. 2192**BY** Montalbano J, Connors

ENTITLED, AN ACT IN AMENDMENT OF THE ACT, PASSED AT THE JANUARY SESSION, A.D. 1948,

ENTITLED "AN ACT TO INCORPORATE THE LIME ROCK FIRE DISTRICT IN THE TOWN OF LINCOLN," AS AMENDED (increase the borrowing limit of the Lime Rock Fire District) {LC1076/1}

03/02/2006 Placed on House Calendar

COMMITTEE ON HEALTH, EDUCATION AND WELFARE

Representative McNamara, for the Committee on Health, Education and Welfare, reports back the following measures, with recommendation of passage:

House Resolution No. 7068 (Lieutenant Governor)**BY** Ginaitt, Naughton, McNamara, Long, Amaral**ENTITLED**, JOINT RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS AND PRESIDENT BUSH TO ADDRESS CONCERNS WITH THE MEDICARE PART D PROGRAM AND ADOPT THE SPECIFIC CHANGES AS LISTED {LC1345/1}

03/02/2006 Placed on House Calendar

NEW BUSINESS**House Bill No. 7830****BY** Ehrhardt, Long, Watson**ENTITLED**, AN ACT RELATING TO INITIATIVE AND REFERENDUM (detailed process by which a proponent of a voter initiative and referendum proposal would present the proposal to the secretary of state, the general assembly and the governor) {LC2065/1}

02/16/2006 Introduced, referred to House Judiciary

House Resolution No. 7831**BY** Palumbo, Moura, Jacquard, Lima, McCauley**ENTITLED**, HOUSE RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PERMANENTLY BRING THE USS JOHN F. KENNEDY TO THE STATE OF RHODE ISLAND {LC2685/1}

Representative Palumbo requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Palumbo seconded by Representative Moura, Ehrhardt, Laroche by unanimous consent, on a voice vote.

House Bill No. 7832**BY** Sullivan, Murphy, Landroche, Moffitt**ENTITLED**, AN ACT RELATING TO AN AMENDMENT OF CHAPTER 330 OF THE PUBLIC LAWS OF 1997 ENTITLED "AN ACT TO CREATE A SEWER AUTHORITY FOR THE TOWN OF COVENTRY AND TO AUTHORIZE SAID TOWN TO PLAN, CONSTRUCT, FINANCE, OPERATE AND MAINTAIN SEWAGE WORKS" {LC2653/1}

03/02/2006 Introduced, referred to House Corporations

House Bill No. 7833**BY** Almeida, Diaz, Williams**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS {LC2586/1}

03/02/2006 Introduced, referred to House Judiciary

House Bill No. 7834**BY** McHugh**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2663/1}

03/02/2006 Introduced, referred to House Judiciary

House Resolution No. 7835**BY** McHugh**ENTITLED**, HOUSE RESOLUTION MEMORIALIZING THE STATE TREASURER TO STUDY THE STATE PENSION SYSTEM {LC2444/1}

03/02/2006 Introduced, referred to House Finance

House Bill No. 7836**BY** Singleton, Trillo, Ehrhardt, Scott**ENTITLED**, AN ACT RELATING TO CITIES AND TOWNS - MUNICIPAL EMPLOYEES BENEFITS {LC1221/1}

03/02/2006 Introduced, referred to House Finance

House Bill No. 7837**BY** Singleton, Long, Gorham, Story, Davey**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - EMPLOYEE HEALTH COVERAGE {LC1228/1}

03/02/2006 Introduced, referred to House Finance

TRANSMITTAL

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to His Excellency, the Governor, 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. 2072 as amended (Attorney General/Governor)**BY** Polisen, Damiani, Algiere, McCaffrey, Sosnowski**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES (penalties for failure to submit to a chemical test) {LC90/1}

03/02/2006 Referred to House Judiciary

Senate Bill No. 2156**BY** Raptakis, Sosnowski**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Jennifer Samantha Hoffman and Jeffrey Charles Meigel) {LC20/1}

03/02/2006 Referred to House Judiciary

Senate Bill No. 2157**BY** Lanzi**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Danielle M. Cardi and Robert M. Fagan) {LC763/1}

03/02/2006 Referred to House Judiciary

Senate Bill No. 2158**BY** Cote**ENTITLED**, AN ACT RELATING TO THE SOLEMNIZATION OF MARRIAGES (Robert Peter Melville II and Kelly Lee Desrosiers) {LC968/1}

03/02/2006 Referred to House Judiciary

Senate Bill No. 2271**BY** Lenihan**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1255/1}

03/02/2006 Referred to House Judiciary

Senate Bill No. 2274**BY** Paiva-Weed, Gibbs**ENTITLED**, AN ACT AUTHORIZING THE CITY OF NEWPORT TO FINANCE THE DESIGN, CONSTRUCTION, REPAIR, REHABILITATION AND IMPROVEMENT OF STREETS AND SIDEWALKS IN THE CITY, INCLUDING, BUT NOT LIMITED TO, TRAFFIC CONTROL DEVICES, LANDSCAPING AND CONSTRUCTION MANAGEMENT SERVICES, BY THE ISSUANCE OF NOT MORE THAN \$12,000,000 BONDS AND/OR NOTES THEREFOR {LC1406/1}

03/02/2006 Referred to House Finance

Senate Bill No. 2342**BY** Paiva-Weed**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2010/1}

03/02/2006 Referred to House Judiciary

Senate Bill No. 2344**BY** Paiva-Weed**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Brooke Means and Benjamin Drew) {LC1978/1}

03/02/2006 Referred to House Judiciary

Senate Bill No. 2362**BY** Levesque C**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join David A. Camirand, Jr. and Dr. Lauren A. Heroux) {LC1754/1}

03/02/2006 Referred to House Judiciary

Senate Bill No. 2445**BY** Felag**ENTITLED**, AN ACT RELATING SOLEMNIZATION OF MARRIAGES (join Holly Costar and Timothy Olesniewicz) {LC2008/1}

03/02/2006 Referred to House Judiciary

Senate Bill No. 2447**BY** Montalbano J**ENTITLED**, AN ACT SOLEMNIZATION OF MARRIAGES (join Fritz R. Owens and Anna E. Cowles) {LC1780/1}

03/02/2006 Referred to House Judiciary

Senate Bill No. 2141 SUB A**BY** Sosnowski, Paiva-Weed, Raptakis, Gibbs, Breene**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS (remove legislators and legislative appointees from various boards and commissions) {LC400/1/A}

03/02/2006 Referred to House Separation of Powers

Senate Bill No. 2138 SUB A**BY** Connors, Perry, Polisena, McCaffrey**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS (remove legislators and legislative appointees from certain boards and commissions in accord with the recent amendments to the state constitution) {LC406/1/A}

03/02/2006 Referred to House Separation of Powers

Senate Bill No. 2143 as amended**BY** Roberts, Walaska, Levesque C**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD {LC402/1}

03/02/2006 Referred to House Separation of Powers

Senate Bill No. 2140 SUB A**BY** Lenihan, Metts, Damiani, Bates, Breene**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS (remove legislators and legislative appointees from various boards and commissions) {LC401/1/A}

03/02/2006 Referred to House Separation of Powers

Senate Bill No. 2142 as amended
BY Gallo, Paiva-Weed, Tassoni, Ruggerio
ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS -- EDUCATION
(relating to education) {LC404/1}
03/02/2006 Referred to House Separation of Powers

Senate Bill No. 2056
BY Montalbano J, Roberts, Walaska
ENTITLED, AN ACT RELATING TO INSURANCE - NONPROFIT HOSPITAL AND
MEDICAL SERVICE CORPORATIONS (allow a person who is a licensee subject to regulation
by the depart of health, to be a public appointee to the board of directors of a nonprofit hospital
and/or medical service corporation, provided they are not state employees or elected state official
{LC104/1}
03/02/2006 Referred to House Corporations

Senate Bill No. 2464
BY Algieri
ENTITLED, AN ACT RELATING TO AIRPORT AND LANDING FIELDS (authorize the RI
Airport Corp to lease the land at the Westerly Airport land to the town of Westerly for a period
not to exceed 99 years) {LC1870/1}
03/02/2006 Referred to House Finance

Senate Resolution No. 2199
BY Sosnowski, Alves, Paiva-Weed, Revens, Lenihan
ENTITLED, JOINT RESOLUTION RELATING TO RHODE ISLAND PUBLIC
CORPORATION DEBT MANAGEMENT ACT JOINT RESOLUTIONS {LC1008/1}
03/02/2006 Referred to House Finance

Senate Bill No. 2681 as amended
BY Alves
ENTITLED, AN ACT RELATING TO REGULATORY POWERS OF ADMINISTRATION -
- KENT COUNTY WATER AUTHORITY (provide water to qualified biotechnology
manufacturing facilities located within the Kent County Water District) {LC2435/1}
03/02/2006 Referred to House Corporations

Senate Resolution No. 2885
BY Issa, Walaska
ENTITLED, JOINT RESOLUTION SUPPORTING THE APPLICATION OF THE
REPUBLIC OF CHINA (TAIWAN) FOR OBSERVER STATUS AT THE WORLD HEALTH
ORGANIZATION {LC2620/1}
03/02/2006 Referred to House H.E.W.

House Bill No. 6754 SUB A
BY Coderre E, Crowley, Kilmartin, Davey, Gallison
ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS (remove legislators and
legislative appointees from certain boards and commissions in accord with the recent
amendments to the state constitution){LC332/1/A}
03/02/2006 Referred to House Separation of Powers

ADDRESS TO HOUSE MEMBERS

Representative Amaral addresses the members of the House on concerns in the Judicial System.

ANNOUNCEMENTS

Representative Faria announces that the Committee on Labor will not meet today, at the rise of the State of Judiciary Address, in Room 201 of the State House.

Representative Lima wishes Representative Joseph Faria and his wife Virginia a Happy Anniversary.

Representative Caprio congratulates the Honorable Speaker and the leadership for landing another film production here in Rhode Island.

Representative Moura commends the House for the vision in supporting the film tax credits in Rhode Island and being successful in getting movie stars to the state of Rhode Island.

Majority Leader Fox announces that the Chief Justice Frank J. Williams will address the House in joint session with the Senate at 5:00 P.M., and the Senate will join the House at 4:45P.M. Leader Fox announces the House will be at ease until 4:40 o'clock P.M..

AT EASE

At 4:30 o'clock P.M. the Honorable Speaker Murphy declares the House to be at ease.

ORDER

At 4:47 o'clock P.M. the Honorable Speaker Murphy calls the House to order.

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 McManus, Representative Slater, Representative Amaral, Representative Ajello, Representative Gemma, Representative Ginaitt, and Representative Malik.

STATE OF JUDICIARY ADDRESS

Chief Justice Frank J. Williams will address the members of the House of Representatives after adjournment.

(For Chief Justice Frank J. Williams State of the Judiciary Address see appendix of this Journal.)

ADJOURNMENT

At 4:50 o'clock P.M. on motion of Representative Brien, and as a further mark of respect to the memory of Rita Farrow; on motion of Representative Giannini, and as a further mark of respect to the memory of Paul Norton; on motion of Representative Jackson and as a further mark of respect to the memory of Catherine "Kay" M. Martins; on motion of Representative Ucci, and as a further mark of respect to the memory of Victoria Mary Fasciano, seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOSEPH M. McNAMARA

Heavenly Father, look with favor on our deliberation and assist us by your grace to do what is just and wise. Amen.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, MARCH 7, 2006:

1 2006-H 7137**BY Crowley****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
Committee on Judiciary recommends passage.**2 2006-H 7115****BY O'Neill****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
Committee on Judiciary recommends passage.**3 2006-H 7474****BY Story****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE
Committee on Judiciary recommends passage.**4 2006-H 7338****BY Murphy****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
Committee on Judiciary recommends passage.

IN ORDER FOR WEDNESDAY, MARCH 8, 2006:

1 2006-H 7068**BY Ginaitt****ENTITLED,** JOINT RESOLUTION RESPECTFULLY REQUESTING THE
UNITED STATES CONGRESS AND PRESIDENT BUSH TO
ADDRESS CONCERNS WITH THE MEDICARE PART D PROGRAM
AND ADOPT THE SPECIFIC CHANGES AS LISTED
Committee on Health, Education & Welfare recommends passage.**2 2006-S 2012****BY Gibbs****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- EXEMPTING
FROM TAXATION CERTAIN PROPERTY OF THE MIDDLETOWN
HISTORICAL SOCIETY INC.
Committee on Corporations recommends passage in concurrence.

3 2006-S 2192

BY Montalbano J

ENTITLED, AN ACT IN AMENDMENT OF THE ACT, PASSED AT THE
JANUARY SESSION, A.D. 1948, ENTITLED "AN ACT TO
INCORPORATE THE LIME ROCK FIRE DISTRICT IN THE TOWN
OF LINCOLN," AS AMENDED

Committee on Corporations recommends passage in concurrence.

Francis P. McCabe
Clerk of the House

Thursday, March 2, 2006

PROCEEDINGS IN JOINT SESSION

Thursday, March 2, 2006

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

CALLED TO ORDER

The Joint Session is called to order at 4:53 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 (06-H 7825) of invitation is dispensed with.

The Honorable President, by unanimous consent, appoints Senators Ruggerio, Ciccone, Tassoni, Felag, Doyle, Sheehan and Representatives O'Neill, Lewiss, Jacquard, Jackson, Rice, Loughlin and Mumford 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 Paiva Weed, McCaffrey, Caprio, Bates and Representatives Dennigan, Williamson, Lally, Story, and Gorham as a Committee to escort the Honorable Chief Justice to the Chamber.

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

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 5:31 o'clock P.M.

Raymond T. Hoyas, Jr.
Secretary of the Senate

Gabriel Rei
Deputy Clerk of the Senate

Chief Justice Frank J. Williams
Fifth Annual State of the Judiciary
March 2, 2006

Thank you very much.

Mr. President, Mr. Speaker, honorable members of the General Assembly, my colleagues in the Judicial branch, and distinguished guests: It is an honor and a privilege to stand before you in our first joint session this afternoon to deliver my fifth annual State of the Judiciary Address.

We have come a long way together since 2001, and we have accomplished much collectively, thanks to your willingness to share in our vision of justice for all.

As I entered these chambers, I was greeted by your doorkeepers, who serve you with distinction. And it reminded me of how, in a sense, we are all doorkeepers. You in the General Assembly are the keepers of the doors that ensure legislative initiatives. We in the Judiciary are the keepers of the doors to justice. But we are not just keeping those doors – we are opening them further. And we both seek to keep the doors open for the independence of our respective branches of government.

Together over these past five years, we have opened new doors to accessible and more user-friendly courts. We have opened new doors with our education initiatives in the schools. New doors to procedures and practices. New doors to technology. And new doors to judicial independence.

Shortly before I took the oath as your Chief Justice, I said I believed I had ten good years left as a judge, with one good war left in me, and that I hoped I could make a difference. I have had five good years so far, with a few battles along the way. There is no doubt in my mind that together we have advanced the cause of justice in Rhode Island.

In our technological advancements, perhaps no large-scale accomplishment of the past year will have more of an impact than the decommissioning of our antiquated and inefficient WANG computer system. We accomplished that only a few weeks ago. With the \$6 million you provided over several years, we have brought our data-processing capabilities through the portal and into the 21st century. Thank you!

The judicial staff from all our courts worked diligently throughout the year and over the course of several weekends to make this transition. We converted the Supreme, Superior, Family, and Workers' Compensation Courts, the central registry, disciplinary counsel, and the court appointment panel.

These civil-case conversions represent the majority of the workload for our Judiciary. We entered the names of more than 444,000 parties into the system and we added more than 233,000 cases. By any stretch, this was a massive effort by our staff. We still face implementation for District Court civil cases, which were never on the WANG system to begin with.

The Judiciary continues to distribute refurbished computer equipment to agencies in need. As you may know, the courts have donated equipment in the past to school districts including Pawtucket, Woonsocket and Central Falls, as part of our Operation Phoenix program.

And now for some breaking news. We may have found a home for the antiquated WANG system. The New Orleans juvenile court had a WANG system that was wiped out by Hurricane Katrina. We learned just last week that officials from Louisiana were desperate for WANG equipment, and I am happy to report that our Judicial Technology Center is now working to get it to Louisiana.

In addition to our technological advancements, our community outreach accomplishments continue to grow. Our "Justice Rules" program puts teams of lawyers, judges, and judicial staff into classrooms across the state to teach our youth about the basic principles of the legal system, to cultivate positive attitudes about the third branch of government, and to promote interest about careers in the Judiciary. We are now in 28 of your cities and towns, reaching more than 50,000 school children from kindergarten to Grade 12.

Now in its second year, our Citizens' Summit television program on Channels 36 and 12 added to the success of its inaugural show on the Truancy Court by putting the spotlight on jury service, the Supreme Court, and the important mission of the Workers' Compensation Court. The jury may still be out on our television ratings, but we are far more informative than Judge Judy.

A video co-produced by the Judiciary with students from the Hugh B. Bain Middle School in Cranston on the landmark 1954 *Brown v. Board of Education* case, earned a major honor, a 2005 Public, Educational, and Governmental Award for best educational video, as well as the John Notte Award for outstanding achievement in public access television.

The Supreme Court continues to ride the circuit to conduct oral arguments of actual cases in the counties where we sit. During our last term, we sat in Smithfield, at Bryant University, and in Kingston, at the University of Rhode Island. Next month the Supreme Court will sit and hear cases at Warwick City Hall and will invite more than 100 high school students to our oral arguments as well as legislators, public officials, and citizens from the area.

Our appellate mediation program, with the service of eight retired justices and judges sitting as mediators, has had remarkable success. In 2004, 36 percent of the cases were resolved through mediation. I can now report a successful mediation rate of 50 percent in 2005. This percentage was my goal from the start, and while we have now realized it, I expect this success rate to continue to grow.

Last year, more than 230,000 cases were filed or heard in the Judiciary. In turn, we disposed of more than 227,000 cases. And we did this, in part, utilizing only 1.3 percent of the state's entire budget.

I am proud to report that our courts and the state's judges continue to work diligently and carefully as they attend to their judicial responsibilities.

Joining me this afternoon are my judicial colleagues and staff from each of our six state courts. Tomorrow the Judiciary will honor 125 members of our judicial staff in our fourth annual Employee Awards Day. It is their dedication and commitment that make us succeed. Because of them, we are able to get up and make the doughnuts each and every day.

In the Supreme Court, we heard 464 cases in 2005. It may interest you to know that the United States Supreme Court, by comparison, heard 87 cases in its most recent term.

With no intermediate appellate court in Rhode Island, the Supreme Court receives all the appeals from the trial courts. We deal with a vast array of cases, from constitutional issues, to all criminal appeals, to the heart-rending termination of parental rights.

The gun calendar in our Superior Court disposed of 192 cases within an average of 177 days. The Adult Drug Court offers services to eligible people facing criminal charges statewide. The program developed from a pilot initiative that began with about 40 people to a full-time program with more than 115 active participants.

In the Family Court, we have expanded our Truancy Court into 200 schools and in 33 of our cities and towns. With the assistance of Congressman Patrick Kennedy, a \$400,000 grant has been secured to implement a Mental Health Clinic within the Family Court. This program will provide timely assessments for children and families that have suspected mental health issues and it will make the appropriate referrals.

The District Court has continued its rollout of the criminal complaint interface with state and local police departments. This will allow police personnel to transfer criminal data back and forth with the courts.

Last fall, the Workers' Compensation Court unveiled its YES-RI initiative, a program conceived by Chief Judge George Healy, Jr. to educate our youngest workers about safety and their rights in the workplace.

Our Traffic Tribunal continues to be the state's busiest court, processing more than half the Judiciary's caseload and continuing to erase backlog by disposing of more cases than it takes in.

But for all that we have achieved since 2001, and for all that we must continue to do, I am alarmed at the Governor's proposed budget that expects the courts to balance the Judiciary's books on the backs of the very people we serve. This plan would turn the Judiciary into a collection agency. We cannot collect enough fines and court costs to pay our way, nor should we be expected to do so. The Judiciary is not the revenue raising branch of state government.

The Governor's recommendation of \$50.8 million represents a \$35.9 million reduction from our request of \$86.8 million – a 41 percent cut. The Governor's proposal assumes the Judicial branch would collect \$22.4 million in costs, fines, and fees – as we did last year – with an additional \$7.7 million to be collected in Fiscal Year 2007, while recommending that we do so with 21 fewer employees available for revenue enhancement. In addition, \$5.3 million in court technology cuts has been targeted, which would further inhibit our daily operations.

This pay-as-you-go approach is not only inadvisable, it raises serious constitutional issues. The United States Supreme Court has twice struck down this kind of budgetary funding. Specifically, the highest court in the land has found that a person who is subject to legal proceedings must appear before a disinterested and impartial judicial officer.

I do not often say this, but today I will. YOU be the judge: The Governor's budget would hardly leave our courts disinterested if we are forced to collect fines and costs for our operating revenue. The Judiciary should continue to exist to administer justice fairly and evenly, to all who come before it.

The Judiciary is not part of the Executive branch. Like you, we are an independent arm of government, and the Governor's budget would roll back our respective independence. As a separate, co-equal branch of government, we find this unacceptable and unfair to the very people who appear in our courts on a daily basis.

You in the General Assembly are the appropriating authority, as required by our Constitution and separation of powers, and we ask that our Fiscal Year 2007 funding request of \$86.8 million be approved to allow us to continue to function efficiently and effectively. Quite simply, this amount is what the Judiciary needs to operate the courts at current levels of service.

We recognize the hard economic times we live in, yet we continue to hold our spending to just 1.3 percent of the state's entire budget. Despite a built-in budget shortfall last year of \$3.2 million, we lived within your appropriation, but not without sacrifice. We need to be made whole again.

Since I took over the responsibilities of overseeing our state courts, I have not come back to you with a supplemental budget request for four straight years. I promised I would not do that, and I have kept my word. Please understand, we put a lot of effort into formulating our budget request. There is still a lot of pain in it, but the number we have given you is REAL and it is ESSENTIAL, and without it we would be crippled.

As you know, technology is a force that is constantly changing. We cannot afford to sit idly by and incur sustained cuts to this program. That is what caused the crisis that you and I were forced to confront five years ago, and I am confident you do not want us to lose the ground that we gained with your help.

Our Judicial Technology Center has become a nationally recognized resource and it is relied upon by many Rhode Island agencies other than the courts, such as: the Department of the Attorney General, the Department of Corrections, the Public Defender's Office, and our state and local police departments. Indeed, some 60 percent of our registered database users are from outside the Judiciary. This service is vital to our state.

Ladies and gentlemen, the citizens of our great state are fortunate that you, the General Assembly, recognize the need for improvements in our infrastructure.

This spring, we will open the doors to our beautiful new courthouse in Kent County. This facility will house a state-of-the-art data center with multiple backup and disaster-recovery capabilities and will provide a safe and secure facility for the people of Kent County.

The Traffic Tribunal, on the grounds of the John O. Pastore Center in Cranston, is expected to open by year's end. Included in our budget request for 2007 are the annualized costs for the operations of these courthouses, as well as the funds necessary for critical facility upgrades in our existing judicial buildings. I wish to emphasize, we plan to open these facilities with minimal adjustments to our staffing levels.

We appreciate your continued support for construction of a badly needed courthouse in Blackstone Valley. Thanks to your efforts over the past two years, we were able to finance the necessary preliminary work, and we are happy to report that our task force of legislators, lawyers, and citizens has provided a design for a functional, user-friendly courthouse to reflect this historic region's rich manufacturing heritage and culture.

Not only will this structure provide a more convenient and more accessible courthouse for the residents in the northern part of our state, it will relieve the overcrowding and overflow of cases now being handled in the Garrahy Judicial Complex in downtown Providence. The Garrahy building is 25 years old and it is used by over 3,000 people a day – twice the number it was designed to accommodate.

When the timing is right, and the Governor has approved it, we will seek your approval of a Kushner letter authorizing us to go forward, consistent with the state's fiscal condition.

As we continue to strive for more accessibility and understanding, we seek an expansion of one of our most successful initiatives – that of our court interpreter program. In its first full year of operation in 2005, this program assisted more than 3,000 people in our courts. That is a far cry from the days when a judge solicited volunteers in the courtroom to help non-English speaking litigants gain access to justice.

This competent and highly motivated group of six Spanish-speaking interpreters provides assistance that ranges from directing citizens to the proper courtroom at help desks, to translating delicate matters such as parental rights, custody battles, and trials. Judges and interpreters have appeared on Spanish radio shows to inform this growing population of this service in the Judiciary. Last year, you supported our move to add interpreters in Southeast Asian, Cape Verdean, and Portuguese languages. These were unfunded FTEs and I hope to find the funds to have them on board this year.

We continue our commitment to separation of powers by asking your support for our legislative package this year, which includes a bill to transfer the Domestic Violence Training and Monitoring Unit to the Executive branch, where it belongs.

We also seek to remove the payment of indigent defense services from the Judiciary to the Executive branch. Not one other New England state requires that this service come from the Judiciary. Of course, the FTEs and funding for these functions would also be transferred.

Another bill would move the appeal of State Housing Appeals Board decisions from the Supreme Court to the Superior Court, so that they would be heard in much the same manner as zoning appeals.

As Winston Churchill said, it is not enough to say you are doing your best. You have got to succeed in doing what is necessary. We must do what is right, what is just, what is necessary for all who enter Rhode Island's halls of justice.

I invite each of you to once again pass through our doors and participate in our next Legislators' Law Day after the election. This orientation to our courts proved so popular with many of you last year that we plan to make it a biennial event.

Rosa Parks, who passed away just last year, said: "I would like to be known as a person who is concerned about freedom and equality and justice and prosperity for all people."

I share in that quest, and I ask you once again to join me at the threshold as we continue to advance our goal of safe, efficient, and user-friendly courts for all Rhode Islanders and all who come through the doors of our courts – the last refuge of our democracy.

I thank you for this opportunity to address you in joint session this evening. May God bless you and our beloved State of Rhode Island.