

State of Rhode Island and Providence Plantations

Journal of the Senate

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

Volume 130, No.32 Tuesday, April 1, 2003 Thirty-second Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 4:21 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

PRESENT - 37:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT - 1: Senator Bates.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, March 27, 2003 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Connors, Blais, DaPonte and Sosnowski, and by unanimous consent, the Honorable

President welcomes to the Chamber students from the Prout School along with their teacher Donna Burke, daughter of Senate staff member, Marie Renzulli.

Upon suggestion of Senator Gallo, and by unanimous consent, the Honorable President welcomes to the Chamber Sheryl C. Amaral, MSCCC-SLP, MBA, RISHA President, Cumberland Schools; Pamela Nelson Erskine, MSCCC-SLP, Speech/Lang Path, Central Falls Schools; Verna Wiles Palmer, MSCCC-SLP, Central Falls Schools; Dahlia Siff, MSCCC-SLP, Pawtucket Schools; and Mary Short, MSCCC-SLP, Portsmouth.

Upon suggestion of Senator Pichardo, and by unanimous consent, the Honorable President welcomes to the Chamber Brenda Almonte.

COMMUNICATION

The Honorable President presents the following communication:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS SENATE CHAMBER

March 31, 2003

Honorable William V. Irons
President of the Senate
317 State House
Providence, RI 02903

Dear Senator Irons:

Please be advised that I will be out of state on business during the week of March 31-April 4, and therefore, will be absent from any Senate sessions held that week. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,

DAVID E. BATES
Deputy Minority Leader

Received and ordered to be placed on file.

REPORTS OF COMMITTEES COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT

Senator Celona, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

(03-S 810) An Act relating to businesses and professions - Board of Medical Licensure and Discipline.

Read and ordered to be placed on the Calendar.

(03-S 928) Senate Resolution proclaiming April 3, 2003 as "Rhode Island Pay Equity Day".

Read and ordered to be placed on the Calendar.

COMMITTEE ON FINANCE

Senator McCaffrey, from the Committee on Finance, reports back, with recommendation of passage of the following measure:

(03-S 423) An Act relating to personal income tax.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation that the advice and consent of the Senate be given to the following:

Appointment of Hugo L. Ricci, Jr. of North Providence VICE Associate Judge Andrew E. McConnell as Associate Judge of the Rhode Island Workers' Compensation Court.

Read and ordered to be placed on the Calendar.

NEW BUSINESS

The following item s are received and referred to committee pending any objection of the body on the next legislative day.

Senators Lanzi and Gallo present (03-S 975) An Act relating to health and safety - state building code.

Read and referred to the Committee on Finance.

Senator Ruggerio presents (03-S 976) An Act relating to commercial law - gift certificates.

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

Senators Breene and Algiere present (by request) (03-S 977) An Act relating to education - foundation level school support.

Read and referred to the Committee on Finance.

Senators Breene and Algiere present (by request) (03-S 978) An Act relating to the Regional High School District in the towns of Charlestown and Richmond.

Read and referred to the Committee on Finance.

Senators Algiere and Breene present (by request) (03-S 979) An Act relating to cities and towns - Charlestown, Richmond and Hopkinton - Regional School District.

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

Senator Breene presents (03-S 980) An Act relating to taxation - levy and assessment of local taxes.

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

Senator Breene presents (03-S 981) An Act relating to taxation - property subject to taxation.

Read and referred to the Committee on Finance.

Senators Algiere and Breene present (03-S 982) An Act in amendment of Chapter 286 of the Public Laws, 1986, entitled, "An Act authorizing the towns of Charlestown, Richmond and Hopkinton, to join a regional school district, incorporating said regional school district, and providing for the issuance of bonds, construction and operation of a regional school system for the joint use of the participating towns, within said regional school district established by this act," as amended.

Read and referred to the Committee on Finance.

Senators Ruggerio, Sosnowski, Lanzi and Polisena present (03-S 983) Senate Resolution creating a special Senate commission to study the health affects of toxic mold.

Read and referred to the Committee on Environment and Agriculture.

Senators Algiere and Breene present (by request) (03-S 984) An Act relating to education - withdrawal from school districts.

Read and referred to the Committee on Education.

Senators Damiani, Perry and Goodwin present (03-S 985) An Act relating to motor vehicles - traffic stops.

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

Senators Damiani and Parella present (03-S 986) An Act relating to the town of Portsmouth - traffic control devices.

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

Senators Damiani and DaPonte present (03-S 987) An Act relating to motor and other vehicles - lighting equipment and reflectors.

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

Senators Damiani, Lenihan and Sheehan present (03-S 988) An Act relating to motor and other vehicles - operators' and chauffeurs' licenses.

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

Senators Damiani, Gallo, Fogarty and Walaska present (03-S 989) An Act relating to motor and other vehicles - operators' and chauffeurs' licenses.

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

Senator Revens presents (03-S 990) An Act to vacate the forfeiture or revocation of the charter of Best Monte Vista Motor Inn, Inc.

Read and ordered to be placed on the Calendar.

Senator Paiva Weed presents (03-S 991) An Act to vacate the forfeiture or revocation of the charter of Pt. Judith Medical Laboratories, Inc.

Read and ordered to be placed on the Calendar.

Senator Cote presents (03-S 992) Senate Resolution congratulating Mount St. Charles on their 26th consecutive year as state champions.

Senator Badeau requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Badeau, seconded by Senator Cote and the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senators Goodwin and Ruggerio present (03-S 993) An Act relating to towns and cities.

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

Senator Breene presents (03-S 994) An Act to vacate the forfeiture or revocation of the charter of R.A. Bernard Enterprises, Inc.

Read and ordered to be placed on the Calendar.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Montalbano, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, in concurrence, upon a voice vote:

1. (03-H6237) An Act to vacate the forfeiture or revocation of the charter of 1565 Associates, Inc.
2. (03-H6239) An Act to vacate the forfeiture or revocation of the charter of the Little Compton Game Club.

CALENDAR

In order for the day is taken up as follows:

1. (03-S312) An Act relating to towns and cities.

Committee on Labor recommends passage.

Senator Tassoni moves passage, seconded by Senators Perry, Ruggerio and Fogarty.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 37:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors,

Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

2. (03-S598) An Act relating to labor and labor relations - hazardous substances.

Committee on Labor recommends passage.

Senator Badeau moves passage, seconded by Senators Ruggerio, Connors, Ciccone, Damiani and Polisena.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 37:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

3. (03-S601) An Act relating to businesses and professions - electricians.

Committee on Labor recommends passage.

Upon suggestion of Senator Badeau, and without objection, ordered to be placed on the Desk.

4. (03-S603) An Act relating to businesses and professions - electricians.

Committee on Labor recommends passage.

Senator Badeau moves passage, seconded by Senators Tassoni and Ruggerio.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 37:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

5. (03-S604) An Act relating to industrial registration.

Committee on Labor recommends passage.

Senator DaPonte moves passage, seconded by Senators Ruggerio, Ciccone and Felag.

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

YEAS - 35:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

6. (03-S605) An Act relating to businesses and professions - electricians.

Committee on Labor recommends passage.

Senator DaPonte moves passage, seconded by Senator Ruggerio.

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

YEAS - 35:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

7. (03-S606) An Act relating to mechanical trades.

Committee on Labor recommends passage.

Senator DaPonte moves passage, seconded by Senators Tassoni and Ciccone.

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

YEAS - 35:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

8. (03-S607) An Act relating to electricians.

Committee on Labor recommends passage.

Senator Breene moves passage, seconded by Senators Ruggerio and Blais.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 37:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

9. (03-S608) An Act relating to occupational safety.

Committee on Labor recommends passage.

Senator Blais moves passage, seconded by Senators Breene, Badeau and Ciccone.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 37:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

ANNOUNCEMENTS

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet today at the rise of the Senate in Room 212 of the State House.

Also:

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet on Wednesday, April 2, 2003, at the rise of the Senate in Room 211 of the State House.

Also:

Senator Sosnowski announces that the Committee on Education will meet today at the rise of the Senate in the Senate Lounge of the State House.

Also:

Senator Felag announces that the Committee on Finance will meet today at the rise of the Senate in Room 211 of the State House.

Also:

Senator Walaska announces that the Committee on Financial Services, Technology and Regulatory Issues will meet on Wednesday, April 2, 2003, at the rise of the Senate in Room 211 of the State House.

Also:

Senator Sheehan announces that the Committee on Health and Human Services will meet on Wednesday, April 2, 2003, at the rise of the Senate in Room 212 of the State House.

Also:

Senator Raptakis announces that the Committee on Judiciary will meet today at the rise of the Senate in Room 313 of the State House.

Also:

Senator Ciccone announces that the Committee on Labor will meet on Wednesday, April 2, 2003, at 2:30 o'clock P.M. in Room 212 of the State House.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

RECESS

The Honorable President declares the Senate to be in Recess at 4:40 o'clock P.M.

CALLED TO ORDER

The Honorable President calls the session back to order at 4:50 o'clock P.M.

The Honorable President appoints Senator McCaffrey, Senator Caprio, Senator Damiani, Senator McBurney, Senator Revens and Senator Blais, a committee, to escort the Honorable Frank J. Williams, Chief Justice of the Rhode Island Supreme Court, to the rostrum.

The Senate attends.

Senate Majority Leader Montalbano introduces the Honorable Chief Justice to address the members and their guests.

The Honorable Chief Justice addresses the members and their guests.

(For remarks, see Appendix, this Journal.)

GUESTS

Upon suggestion of Senate Majority Leader Montalbano, and by unanimous consent, the Honorable President welcomes to the Chamber John Barrette, who recently retired as a court administrator after a devoted career in state government. Senate Majority Leader Montalbano expresses his appreciation to Mr. Barrette and presents several gifts to him on this very special occasion.

Upon suggestion of Senator McCaffrey, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Joseph Rodgers, the Honorable George Healy, the Honorable Howard Lipsey, the Honorable Joseph Ippolito along with members of Chief Justice Williams Cabinet, Gail Valuk, Assistant State Court Administrator, Paul Petit, Director of Facilities and Operations, and Tracey Williams, Director, Judicial Technology Center.

Upon suggestion of Senator Revens, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Albert DeRobbio, the Honorable Edward Sowa, Jr., along with members of Chief Justice Williams Cabinet, Bob Sieczkiewicz, Director, Finance, and Erika Kruse, General Counsel.

Upon suggestion of Senator Damiani, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Robert Fanden and the Honorable Maureen McKenna-Goldberg.

Upon suggestion of Senator Polisena, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable George Salem and the Honorable John O'Brien.

Upon suggestion of Senator Perry, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Mark Pfeiffer and the Honorable Haiganush Bedrosian and Dyana Koelsch.

Upon suggestion of Senator Caprio, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Angela Bucci-Paulhus, and the Honorable Stephen Capineri.

Upon suggestion of Senator Blais, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Patricia Asquith, the Honorable Janette Bertness along with a member of Chief Justice Williams Cabinet, Ms. Maureen Aveno, Workers Compensation Administrator.

Upon suggestion of Senator Raptakis, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Bruce Morin along with a member of Chief Justice Williams Cabinet, Joe Baxter, Director, Employee Relations.

The Honorable President appoints Senator Perry, Senator Raptakis, Senator Blais and Senator Polisena, a committee, to escort the Honorable Chief Justice from the Chamber.

The Senate attends.

ADJOURNMENT

Upon motion of Senator Ruggerio, seconded by Senator Algieri, the Senate adjourns at 5:20 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR MICHAEL J. McCaffrey

Lord, as we continue your work here in this chamber, let us be reminded of the words spoken long ago by Abraham Lincoln that still ring true today. "Determine the thing that can be done and shall be done, and then we shall find a way." Amen.

Appendix

CONSENT CALENDAR

In order for Wednesday, April 2, 2003:

1. (03-S994) An Act to vacate the forfeiture or revocation of the charter of R.A. Bernard Enterprises, Inc.

Ordered to be placed on the Calendar.

2. (03-S990) An Act to vacate the forfeiture or revocation of the charter of Best Monte Vista Motor Inn, Inc.

Ordered to be placed on the Calendar.

3. (03-S991) An Act to vacate the forfeiture or revocation of the charter of Pt. Judith Medical Laboratories, Inc.

Ordered to be placed on the Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Tuesday, April 1, 2003

Appendix

CALENDAR

In order for Wednesday, April 2, 2003:

- 1.Appointment of Adelita S. Orefice of Providence VICE Debra A. Capuano as Director of the Department of Elderly Affairs.

Committee on Health and Human Services recommends that the Senate give its Advice and Consent to this appointment.

2. (03-S884) An Act relating to health and safety - laboratories.

Committee on Health and Human Services recommends passage.

3. (03-S90) An Act relating to liability insurance - rental vehicle coverage.

Committee on Financial Services, Technology and Regulatory Issues recommends passage.

4. (03-S280) (Substitute "A") An Act relating to unfair competition and practices.

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

5. (03-S404) An Act relating to insurance - unfair competition and practices.

Committee on Financial Services, Technology and Regulatory Issues recommends passage.

6. (03-S839) Senate Resolution memorializing Congress regarding federal pre-emption of predatory lending legislation.

Committee on Financial Services, Technology and Regulatory Issues recommends passage.

7. (03-S840) (Substitute "A") An Act relating to insurance - fire insurance policies and reserves.

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

Appendix

CALENDAR

In order for Thursday, April 3, 2003:

1.Appointment of Hugo L. Ricci, Jr. of North Providence VICE Associate Judge Andrew E. McConnell as Associate Judge of the Rhode Island Workers' Compensation Court.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

2. (03-S931) An Act relating to towns and cities - Chopmist Water District.

Committee on Commerce, Housing and Municipal Government recommends passage.

3. (03-S32) An Act relating to motor vehicles - special registration place - Coventry - police chief emeritus.

Committee on Constitutional and Gaming Issues recommends passage.

4. (03-S174) An Act relating to elections - registration of voters.

Committee on Judiciary recommends passage.

5. (03-S810) An Act relating to businesses and professions - Board of Medical Licensure and Discipline.

Ordered to be placed on the Calendar.

6. (03-S928) Senate Resolution proclaiming April 3, 2003 as "Rhode Island Pay Equity Day".

Ordered to be placed on the Calendar.

7. (03-S423) An Act relating to personal income tax.

Committee on Finance recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Tuesday, April 1, 2003

Appendix

CHIEF JUSTICE FRANK J. WILLIAMS STATE OF THE JUDICIARY ADDRESS TO THE RHODE ISLAND GENERAL ASSEMBLY

Note: Chief Justice Williams presented an abridged address in conjunction with a short PowerPoint presentation to the House of Representatives on March 25, 2003 and to the Senate on April 1, 2003.

The following is the full text of his prepared remarks submitted for the record.

INTRODUCTION

On many fronts today we face uncertain and trying times. We are praying for the thousands of men and women abroad who are protecting the ideals of democracy. We are awaiting the safe return of our troops overseas. We are still grieving the senseless loss of so many loved ones in West Warwick, Rhode Island. We are hoping for a speedy recovery for those harmed in that recent tragedy.

Even the Rhode Island Judiciary is not immune from tragic loss. In four short months, we lost Justice Victoria S. Lederberg, Justice John P. Bourcier, and Superior Court Associate Justice John F. Sheehan. All three left an indelible legacy as a result of their dedication to public service and their staunch commitment to integrity and justice. Last week, the Governor sent you the name of the Honorable Francis Flaherty. We know that you will act quickly to confirm his nomination. I believe that all members of the General Assembly, as well as the Governor, know the importance of moving quickly in filling vacancies.

Yet, in spite of our losses and uncertainties, we move forward with resolve, pride, and hope. Hope, the motto of Rhode Island. We remain steadfast in our unshakable faith in our democracy. At times like these, we turn to our government and its leaders, you, for courage, for honesty, for valor.

I am here today to delivery my second annual address, and I am proud to tell you again that the state of the Judiciary remains strong. Strong in its administration of justice. Strong in its commitment to judicial independence. And strong in its unfailing honor.

JUSTICE

As we move towards our collective future, we reflect upon the Judiciary's accomplishments of this past year with pride. In 2002, we continued to build upon a foundation of new initiatives in facilities and operations, technology, community outreach and public relations, and security. We have encouraged and succeeded in creating open lines of communication with the Executive and Legislative branches of government to ensure a collective understanding of how to best serve the citizens of our state.

February 26, 2003 marked the second year of my administration as your 50th Chief Justice. As Chief Justice John Marshall stated, the "[j]udicial department comes home in its effects to every man's fireside: it passes on his property, his reputation, his life, his all." Over the past two years, the Rhode Island Judiciary has been steadfast in its dedication to the needs of the public so that we can better provide expeditious justice to our fellow citizens.

While great strides have been made in improving judicial accessibility and efficiency, there remain challenges for the unfettered administration of justice. Caseloads in many of our courts have reached a five-year high. Throughout the court system, our caseloads have increased by 6.5% since 2001.

Despite our burgeoning caseloads, 80% of all criminal cases filed in Rhode Island were resolved within six (6) months. Last year, over 213,000 cases were filed. Take note - we disposed of 207,821 cases. That is a rate of 800 cases per day or one (1) case for every five (5) Rhode Islanders. We did this, too, with only 1.3% of the state's total budget.

Although the statistics are reassuring, they are the result of the dedication and hard work of an understaffed Judiciary. Consider how much more our courts could accomplish with additional personnel, modern technology, and new infrastructure to accommodate the explosion of cases and court users. Imagine the possibilities. Turning this vision into a reality requires adequate funding for an independent Rhode Island Judiciary.

INDEPENDENCE

Judicial independence is a cornerstone of our courts. Separation of powers, a fundamental issue of our democracy, is presently before the Governor and you, the General Assembly. In your debate, I urge you not to overlook the other independent branch of Government. The present budgetary structure lessens the Judiciary's co-equal status. To safeguard judicial independence, we are requesting that our budget be submitted directly to the Legislature while maintaining the checks and balances intrinsic in our federalist system. This proposal is not an effort to diminish the power of the Governor. Rather, it is operational in nature and rejects the notion that the Rhode Island Judiciary is a department of the Executive branch. In over thirty (30) jurisdictions, the Executive branch is prohibited from amending the judicial budget request.

Our Judiciary is in the best position to operate the court system and determine which of its initiatives and programs are priorities. We have a proven track record of fiscal responsibility. Even though the appropriation for the current fiscal year was \$1.7 million below our original request, we stayed within our budget. This will be the first time in memory that the Judiciary has not returned to you for a supplemental appropriation. Can any agency or department of state government make this claim? In addition, we collect over \$23 million annually in fines, fees, and costs, all of which goes into the state's general revenue fund. The Legislature is uniquely qualified to appreciate the significance of these benchmarks.

Our 2004 budget request of \$67 million represents only a 5% increase from last year - in effect it is level funding. The additional funds are necessary to cover increased medical rates, insurance, retirement benefits, and utility costs that total \$3.8 million. Maintaining level funding will allow the courts to continue a high standard of service to the public without compromising the overall state budget. However, many of our new initiatives will have to be deferred until Rhode Island emerges in a stronger fiscal climate and funding becomes available.

HONOR

In our mission to administer justice while maintaining our independence, we are duty bound to act with unfailing honor to serve and protect the ideals of democracy for the citizens of this state. The Rhode Island Judiciary oversees extensive mediation, arbitration, and litigation that range in scope, type and monetary value. We readily accept this challenge and consistently serve our citizens in a timely, innovative manner with attention to duty and justice.

ACCOMPLISHMENTS

So what has our Rhode Island Judiciary accomplished this year? We have built a new infrastructure, modernized our technology, made community outreach and public relations a priority, increased our security, and enhanced court practice and procedure.

INFRASTRUCTURE

In December 2002, we held the groundbreaking ceremony for the new Kent County Courthouse. To date, we have completed schematic design of the building and are presently reviewing the exterior plans. Construction is on schedule and we anticipate beginning the parking garage this May with completion of the entire project by June 2005. I know that all those employees who work in the Leighton Judicial Complex, along with members of the Rhode Island Bar and the public, join me in thanking the General Assembly once again for passing a Joint Resolution to fund this much needed project.

TECHNOLOGY

We modernized our technology. The Rhode Island Judicial Technology Center, with the full cooperation and participation of each court, continues the conversion of its civil case management project from the now obsolete, antiquated, and expensive WANG system. This important project will take 2 years to complete and cost \$6 million over four (4) years. I am proud to report that the project is proceeding on schedule and within budget. We are extremely fortunate and grateful to you for the \$1.5 million we received in fiscal year 2003 to begin this crucial endeavor. As parts and services for the WANG system are virtually nonexistent, we hope that nothing catastrophic will occur prior to actual conversion. We still need approximately \$22 million in fiscal year 2004 to continue the conversion.

The Rhode Island Judiciary also converted to MS Windows and now each employee has a new office productivity package on his or her desktop. In June 2002, we unveiled an updated website and e-criminal calendar. Our new website provides consistent navigation and pull down menus. The e-criminal calendar allows the public to search and view records of the courts' various criminal calendars by date, judge, event, type, and location.

Making small steps in the use of technology can realize productivity gains. We recently began electronically distributing opinions and decisions using email. A previously four (4) hour distribution process now takes a mere five (5) minutes.

COMMUNITY OUTREACH AND PUBLIC RELATIONS

We have made community outreach and public relations a priority to better reach the citizens we serve. We have taken our initiatives outside the courthouse and into the classrooms, on the airwaves, and into your cities and towns.

I have repeatedly voiced my concern about the lack of understanding of the Judiciary and the legal process among children. When we, as adults, do not foster in our children an understanding of and respect for the system of government - what Abraham Lincoln called the "last best hope of earth" - we diminish the value of their inheritance. And yet, we know that many high school graduates are entering our workforce without even the most basic understanding of our judicial system, with a cynicism that jeopardizes the ownership of government, and with a narrow view of laws portrayed by Judge Judy and similar programs. This is unacceptable.

In response to this educational need, my staff designed an integral curriculum called "Justice Rules" to reach out to the state's schools. The K-12 curriculum matches legal teaching teams of attorneys and judges with classrooms. Together, they work through the curricula learning about the courts, criminal and civil law, and legal and human rights. I am also extremely pleased to announce that the program has received the endorsement of Rhode Island's Education Commissioner Peter McWalters who has encouraged school districts throughout the state to adopt "Justice Rules" as

part of their curricula.

Mindful of the richly diverse population of our state, the Rhode Island Judiciary is committed to justice for all - regardless of race, gender or ethnicity. The Permanent Advisory Committee on Women and Minorities in the Court continues to bridge the gap between the negative perceptions of the judicial process and the reality of sentencing guidelines in the Rhode Island Courts.

Almost two dozen interpreters are participating in a new certification program at the Community College of Rhode Island. Our website can now be translated into the following eight (8) languages by clicking on the appropriate national flag: Spanish, Portuguese, Italian, French, Simplified Chinese, Korean, Japanese, and Russian. Although modern technology is a wonderful instrument, we need volunteers to review the translated text as the conversion fails to take into consideration dialect and idiom.

Our judges are volunteering on Saturday mornings to take calls once a month on Hispanic radio. Still other judges are featured in televised news segments explaining our justice system and, I continue to address judicial issues on a quarterly, live, call-in television show entitled "Justice Matters."

Security matters too, now more than ever, and we have worked this year to continue to enhance court security. Through the diligence of the security task forces created for each courthouse, we now have a written security handbook created specifically for each facility. In addition to adding x-ray machines and updating metal detectors, the Judiciary installed a digital swipe card identification system at all our courthouse entrances. The upgraded system now provides us with a uniform digital swipe card for members of the Judiciary, attorneys, and others assigned to our courthouses. This system has been met with great approval.

COURT PRACTICE AND PROCEDURE

We have enhanced court practice and procedure. Each of our courts - Supreme, Superior, Family, District, Workers' Compensation and Traffic Tribunal - has achieved significant accomplishments this past year by changing policies and procedures, implementing innovative programs, and reaching critical milestones in order to continue to meet the needs of the citizens we serve.

In the Supreme Court, we have created an Alternative Resolution Office, the initiative for which comes from the Final Report of the Alternative Dispute Resolution Task Force and the Future of the Courts Committee. The Office will assist our courts and the public in coordinating and implementing those task force recommendations that will enhance the various mediation and arbitration resources utilized in our courts. We have continued our partnership with the Community Mediation Center of Rhode Island to mediate small claims cases in District Court.

Under the leadership of Presiding Justice Joseph F. Rodgers, the Superior Court has implemented a new jury software management system. The Jury Commissioner's Office has streamlined its process and now automates many functions previously handled manually by the staff - an essential tool, as the jury pool has been increased while reducing jury time. The management system issues summonses randomly, scans information into the computer from bar codes, and automatically issues checks.

By September 2002, the Superior Court reduced the number of pending, assigned civil matters by 33% since its peak in 1997. The reduction in civil matters was realized through the unification of the trial calendar, monitoring of civil case inventories, and revising notice procedures through the Case Scheduling Office. As for criminal matters, the number of statewide pending felonies 180 days or older (the ABA standard) has been cut nearly in half during the past two (2) years.

Under the leadership of Chief Judge Jeremiah S. Jeremiah, Jr., the Rhode Island Family Court received a \$1.2 million grant award for the Family Treatment Drug Court. The Drug Court protects infants and children whose health and welfare may be adversely affected by parental use of drugs and/or alcohol, strengthens the family unit, enhances parental capacity to meet the health and developmental needs of their children, and expedites permanency for infants

and children in state care.

The Family Court also has been working closely with the Women & Infants Hospital's Vulnerable Infants Program, whose expertise and experience with this population is critical to ensuring that mothers, newborns, and other family members receive the appropriate and necessary services in a timely fashion to assist in a safe and healthy reunification and/or permanency placement for the infant. A grant of \$400,000 per year for a three-year period will help to increase treatment and other extensive services, including substance abuse and mental health treatment, parental education and support, and other much needed ancillary services.

The Pretrial Services Unit, created through General Assembly initiative and under the direction of Chief Judge Albert E. DeRobbio, was established to promote equality of justice by eliminating racial disparity in bail decisions. During the past nine (9) months, the Unit has offered an array of services to the court and has established a reporting mechanism to monitor cases.

During 2002, the District Court implemented a streamline personnel structure that will permit a more effective use of its staffing. Most significant, is the combination of the courtroom clerk and court recorder position. For the first time, most District Court courtrooms are now creating a tape recording of all proceedings, a process vital for the dignity and professionalism of the court.

The Rhode Island Workers' Compensation court has also formalized the Settlement Conference procedures in its Appellate Division. Cases which have been appealed to the Appellate Division of the court are placed on a special calendar to allow the parties to resolve their differences through alternative dispute resolution.

The Traffic Tribunal, under the guidance of Chief Judge Albert E. DeRobbio, commenced several initiatives aimed at restructuring the court. An Enforcement of Judgment Unit was established in April 2002. The Unit prepares and monitors the issuance of all Writs of Execution/Citation served upon motorists for nonpayment of assessed fines and costs as mandated by the court. Although the Unit is in its infancy, the Traffic Tribunal has thus far collected \$350,000 of previously uncollected money.

Through the diligence of the Traffic Tribunal employees, the court disposed of more summonses than were filed in 2002. The Traffic Tribunal closed the year with fewer than 1,000 pending violations, equating to less than one percent (1%) of the total filed.

INITIATIVES

Although our accomplishments in 2002 are many, we still have numerous initiatives scheduled for future implementation. We always need to do more to serve our citizens.

Once again, we will ask the Governor to send a Joint Resolution to the General Assembly for the construction of a new Traffic Tribunal/Records Center facility through Certificates of Participation. The facility will be constructed on state owned property located at the John O. Pastore Government Center. The location of the existing facility, next to an adult entertainment establishment, demeans not only the citizens of our state but the dignity of the court. The proposed facility will be 112,165 square feet and cost approximately \$28 million. By combining the Traffic Tribunal, the Judicial Records Center, and archive storage, we will save the State of Rhode Island approximately \$14 million in rent and storage fees over twenty (20) years.

In recognizing a need for a new courthouse to serve the northern part of Rhode Island, we have created a Blackstone Valley Task Force to explore options for the kind of facility that would best serve this area of our state. We are currently compiling statistics to analyze the volume that could be moved out of an overcrowded Garrahy Judicial Complex and into this facility.

Another user-friendly initiative encourages juror participation. The paltry payment received by our jurors is disgraceful and must be remedied if we expect citizens to willingly participate in this important civic duty. According to a recent

article in the New York University Journal of Legislation and Public Policy, most states pay jurors less than minimum wage and poverty threshold. The jurors hit hardest by the low rate of pay are single parents, people caring for dependents, self-employed individuals, and people who are not reimbursed by employers for their jury time.

The Rhode Island Judiciary has submitted legislation to increase the payment of juror fees from fifteen dollars (\$15.00) per day to forty dollars (\$40.00). Our proposed legislation requires the employer to pay the fee of forty dollars (\$40.00) for the first three (3) consecutive days of the juror's service in an effort to address this hardship and obtain the best possible jury pool.

In addition to juror reimbursement, the cost of indigent representation must be addressed immediately. We have reached crucial levels of spending in the area of indigent representation in the Rhode Island Judiciary. A fundamental principle underlying our democracy is accessibility of the judicial system to all persons. We must address the skyrocketing costs for defense of indigent persons while preserving universal accessibility to the judicial system.

To that end, we continued the work of the Indigent Defense Task Force charged with evaluating the performance and effectiveness of the current system in an effort to control and maintain the cost escalation without sacrificing any protected rights of the parties involved. As to increasing the legal representation of indigent persons, the Rhode Island Judiciary plans to seek alternatives to keep pace with the growing need.

Another aspect of accessibility encompasses keeping pace with changing technology. By 2006, court personnel and the general public will be able to access information systems contained within the Judiciary by using a web browser, cell phone, or the telephone. The benefits of utilizing this type of system include the following: one stop payment for the public; online telephone ticket payment; payment by credit, debit, or ATM; e-access to court calendars and procedures; e-filing of cases; and e-access to imaged documents. This brings us closer to the day when the Judiciary will have full electronic filing of cases and pleadings.

Legislation passed last year allowed the Rhode Island Judiciary to accept credit cards as a form of payment in our courts. Now the public is able to pay court fees, fines, costs and traffic tickets by credit or debit cards. Eventually, the public will be able to make payments from home, over the telephone, or via the Internet, using credit or debit cards. The use of credit cards is a money maker for the state and will generate approximately \$2 million for the general revenue fund in the first year alone.

This spring we will begin the implementation of Justice Link (J-Link) electronic interfaces between the local police departments and the courts. The electronic transfer of arrest data to the courts is used by the Clerk's Office to create a case. Our pilot in the Coventry Police Department is complete. Many thanks to the combined efforts of the Department of the Attorney General, the Rhode Island State Police, the Office of Library Services, the Coventry Police Department, and the staff of the Supreme and District Courts. The project will be expanded to include West Warwick, Warwick, and Pawtucket Police Departments with the remaining departments to follow thereafter. The J-Link interface project will increase productivity by eliminating the repeated need for data entry of the same information.

CONCLUSION

I am extremely proud of the members of the Rhode Island Judiciary and the accomplishments we have achieved this past year. The dedicated court employees and the employees of the ancillary agencies and departments are the driving force behind our ability to reach such levels of success. These people give definition to our mission of justice, independence, and honor. Williams Wordsworth aptly penned:

"Say, what is Honor?-
'Tis the finest sense Of justice which the human mind can frame."

I believe that there is honor in public service and we should strive to make Rhode Island government more equitable,

efficient, and effective. We in the Judiciary embrace this philosophy as we know that the citizens we serve, the Judiciary is the last refuge of democracy.

Thank you very much. May God bless you and all the people of our beloved state.

As always, your [comments](#) concerning this page are welcomed and appreciated.

Thank you for stopping by!

