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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2005**

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A N A C T

RELATING TO SEPARATION OF POWERS

Introduced By: Senators Lenihan, Metts, Bates, Damiani, and McBurney

Date Introduced: May 11, 2005

Referred To: Senate Government Oversight

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 5-71-4 and 5-71-5 of the General Laws in Chapter 5-71 entitled  
2 "Interpreters for the Deaf" are hereby amended to read as follows:

3           **5-71-4. Board of examiners -- Creation -- Compensation -- Appointment, terms and**  
4 **qualifications of members.** -- (a) There shall exist within the state department of health a board  
5 of examiners of interpreters for the deaf. The board shall consist of nine (9) persons who shall be  
6 residents of the state of Rhode Island for at least two (2) years prior to their appointments: two (2)  
7 nationally certified interpreters, one screened interpreter, one interpreter eligible under section 5-  
8 71-12, three (3) consumers, one special license holder and one consumer of specialized  
9 communication modalities as defined in section 5-71-3. The certified members shall hold  
10 certification from the National Registry of Interpreters for the Deaf, and hold an active and valid  
11 license in this state, except for the first appointed members who shall be persons engaged in  
12 rendering interpreting services for a period of at least five (5) years, and are qualified for license  
13 under the provisions of this chapter. The screened member shall hold valid screening from a  
14 recognized state-screening, and shall hold an active and valid license in this state, except for the  
15 first appointed member who shall be a person who has been engaged in rendering interpreting  
16 services for a period of at least five (5) years, and is qualified for license under the provisions of  
17 this chapter. The special licensed member shall have expertise in one of the communication  
18 modalities defined in section 5-71-3(7), or another specialized communication modality.

19           ~~(b) The first board and all future members shall be appointed in the following manner:~~

1 ~~-(1) The speaker of the house shall appoint one nationally certified interpreter member~~  
2 ~~and one consumer member upon the advice of deaf consumer organizations such as the Rhode~~  
3 ~~Island Association of the Deaf;~~

4 ~~-(2) The president of the senate shall appoint one nationally certified interpreter member,~~  
5 ~~one consumer member upon the advice of deaf consumer organizations, and one parent of a deaf~~  
6 ~~or hard of hearing child;~~

7 ~~-(3) The house minority leader shall appoint the grandparent interpreter eligible under~~  
8 ~~section 5-71-12; and~~

9 ~~-(4) The governor shall appoint the screened interpreter member, one special license~~  
10 ~~holder, and one consumer of specialized communication modalities upon the advice of~~  
11 ~~organizations of persons who utilize interpreters for the deaf to facilitate communication.~~

12 ~~-(e) Initially:~~

13 ~~-(1) The two (2) nationally certified interpreters and the consumer of specialized~~  
14 ~~communication modalities members of the board shall serve for a term of one year;~~

15 ~~-(2) The screened interpreter member, and the consumer members appointed by the~~  
16 ~~speaker and the president of the senate shall serve for a term of two (2) years; and~~

17 ~~-(3) The grandparent interpreter member, the parent member, and the special license~~  
18 ~~holder member shall serve for a term of three (3) years.~~

19 ~~(d)~~(b) All appointments made ~~after this shall be for the term~~ under this section after the  
20 effective date of this act shall be made by the governor with the advice and consent of the senate.  
21 All members shall serve terms of three (3) years. Members shall serve until the expiration of the  
22 term for which they have been appointed or until their successor is appointed. No person shall be  
23 appointed to serve more than two (2) consecutive terms. When a vacancy upon the board occurs,  
24 a replacement shall be appointed for the remainder of that term as prescribed in this section.

25 ~~(e)~~(c) The board shall reorganize annually during the month of December and shall elect  
26 a chairperson and vice chairperson for the subsequent calendar year. The board may elect from  
27 among its members such others officers as it deems necessary.

28 ~~(f)~~(d) Five (5) members of the board shall constitute a quorum to do business. A majority  
29 vote of those present shall be required for action.

30 ~~(g) The director of the department of health, with the approval of the governor, may~~  
31 ~~remove any member of the board for dishonorable conduct, incompetence, or neglect of duty.~~

32 (e) Members of the board shall be removable by the governor pursuant to the provisions  
33 of section 36-1-7 of the general laws and for cause only, and removal solely for partisan or  
34 personal reasons unrelated to capacity or fitness for the office shall be unlawful.

1           **5-71-5. Board of examiners -- Duties and powers -- Meetings -- Compensation of**

2 **members.** -- (a) The board shall administer, coordinate and enforce the provisions of this chapter,  
3 evaluate the qualifications of applicants, and may issue subpoenas, examine witnesses, and  
4 administer oaths, and investigate persons engaging in practices which violate the provisions of  
5 this chapter.

6           (b) The board shall conduct hearings and shall keep records and minutes that are  
7 necessary for the orderly dispatch of business.

8           (c) The board shall hold public hearings regarding rules and regulations.

9           (d) The board, with the approval of the director of the department of health, in  
10 accordance with the rule-making provisions of the Administrative Procedures Act, chapter 35 of  
11 title 42, shall adopt responsible rules and regulations, and may amend or repeal those rules and  
12 regulations. Following their adoption, the rules and regulations shall govern and control the  
13 professional conduct of every person who holds a license to practice interpreting or transliterating  
14 for the deaf in the state of Rhode Island. Rules and regulations shall be kept on file within the  
15 department of health, division of licensure and regulation, and shall be available for public  
16 inspection.

17           (e) The examination instrument used for testing shall not be available for public  
18 inspection and may be changed as the board deems necessary.

19           (f) Every licensed interpreter for the deaf, upon commencing to practice, shall  
20 immediately notify the board of his or her address or addresses. Every licensed interpreter for the  
21 deaf practicing as previously stated, before July first, shall annually pay to the department of  
22 health a license fee which does not exceed thirty-seven dollars and fifty cents (\$37.50)  
23 commencing in January, 1998. Each licensed interpreter for the deaf shall promptly notify the  
24 board of any change in his or her office address or addresses, and shall furnish any other  
25 information to the board that it may require. The board may suspend the authority of any licensed  
26 interpreter for the deaf to practice for failure to comply with any of the above requirements. The  
27 board shall make available for public inspection, a complete list of the names of all interpreters  
28 for the deaf licensed and practicing in the state, arranged alphabetically by name.

29           (g) Regular meetings of the board shall be held at the time and places that it prescribes  
30 and special meetings may be held upon the call of the chairperson as necessary to deal with such  
31 issues as violations of this chapter; provided, that at least one regular meeting is held each  
32 calendar year.

33           (h) The board shall have its first meeting on or before December 31, 1996, and shall  
34 have its rules and regulations, and written examination adopted no later than December 31, 1997.

1 Licensure and examinations shall commence after January 1, 1998.

2 (i) The conferral or enumeration of specific powers in this chapter shall not be construed  
3 as a limitation of the general powers conferred by the section. No member of the board shall be  
4 liable to civil action for any act performed in good faith in the performance of his or her duties as  
5 prescribed by this chapter.

6 (j) Board members shall serve on an honorable basis without compensation.

7 (k) The board may request legal advice and assistance from the appropriate legal officer.

8 (l) The board shall conduct a training course for newly appointed and qualified members  
9 within six (6) months of their appointment. The course shall be developed and conducted by the  
10 chair of the commission, approved by the commission, and shall include instruction in the subject  
11 areas of this chapter, and chapters 42-46, 36-14, and 38-2, and the commission's rules and  
12 regulations. The director of the department of administration shall, within ninety (90) days of the  
13 effective date of this act, prepare and disseminate training materials relating to the provisions of  
14 chapters 42-46, 36-14, and 38-2.

15 (m) Within ninety (90) days after the end of each fiscal year, the board shall approve and  
16 submit an annual report to the governor, the speaker of the house of representatives, the president  
17 of the senate, and the secretary of state of its activities during that fiscal year. The report shall  
18 provide: an operating statement summarizing meetings or hearings held, including meeting  
19 minutes, subjects addressed, decisions rendered, licenses considered and their dispositions, rules  
20 or regulations promulgated, studies conducted, policies and plans developed, approved or  
21 modified, and programs administered or initiated; a consolidated financial statement of all funds  
22 received and expended including the source of the funds, a listing of any staff supported by these  
23 funds, and a summary of any clerical, administrative or technical support received; a summary of  
24 performance during the previous fiscal year including accomplishments, shortcomings and  
25 remedies; a synopsis of hearings, complaints, suspensions or other legal matters related to the  
26 authority of the board; a summary of any training courses held pursuant to the provisions of  
27 subdivision 5-71-5(1); a briefing on anticipated activities in the upcoming fiscal year; and  
28 findings and recommendations for improvements. The report shall be posted electronically on the  
29 general assembly and the secretary of state's websites as prescribed in section 42-20-8.2. The  
30 director of the department of administration shall be responsible for the enforcement of this  
31 provision.

32 SECTION 2. Sections 29-3.1-2.2, 29-3.1-3.1 and 29-3.1-4.1 of the General Laws in  
33 Chapter 29-3.1 entitled "Office of State Library and Information Services" are hereby amended to  
34 read as follows:

1           **29-3.1-2.2. Library board of Rhode Island established.** -- (a) There is hereby created  
2 the library board of Rhode Island, sometimes hereinafter referred to as the "library board". The  
3 library board shall be protected from sudden changes in membership and reversal of policy by  
4 having staggered terms for its public members, and is hereby made successor to all powers,  
5 rights, duties, and privileges pertaining to public library services and interlibrary cooperation and  
6 resource sharing.

7           (b) ~~(1) The library board consists of seventeen (17) members. The governor shall appoint~~  
8 ~~fifteen (15) members,~~ shall consist of fifteen (15) members appointed by the governor, with the  
9 advice and consent of the senate, five (5) of whom shall be representative of general library users.

10 The remainder of the governor's appointments shall be representative of the following:

11           (i) Users of the talking books plus, economically disadvantaged, and corporate or special  
12 librarians; school library media specialists;

13           (ii) Librarians serving people who are institutionalized;

14           (iii) Public library trustees and statewide library advocacy group; and

15           (iv) Librarians from small public libraries, librarians from large or medium public  
16 libraries, and academic librarians.

17           ~~(2) (c) The chair of the senate finance committee or a designee and the chair of the house~~  
18 ~~finance committee or a designee shall also serve on the library board.~~ The commissioner for  
19 elementary and secondary education or a designee and the commissioner for higher education or a  
20 designee shall serve as nonvoting ex officio members. The governor shall appoint from the  
21 library board's public members a chairperson. The board may elect from among its members such  
22 other officers as it deems necessary.

23           ~~(3) (d)~~ Board members shall receive no compensation for their services but shall be  
24 allowed travel expenses related to attendance at board meetings.

25           (e) No person shall be eligible for appointment to the board unless he or she is a resident  
26 of this state.

27           (f) Members of the board shall be removable by the governor pursuant to the provisions  
28 of section 36-1-7 of the general laws and for cause only, and removal solely for partisan or  
29 personal reasons unrelated to capacity or fitness for the office shall be unlawful.

30           **29-3.1-3.1. Appointment of members of the library board.** -- (a) The governor shall,  
31 with the consent of the senate, appoint the members of the library board. ~~The governor shall~~  
32 ~~establish the library board by appointing four (4) members for terms of three (3) years, four (4)~~  
33 ~~members for terms of two (2) years, and three (3) members for terms of one year. The initial~~  
34 ~~appointments to the library board shall become effective without senate confirmation until the~~

1 ~~senate next convenes. In 1990, terms shall commence with the date of appointment and expire on~~  
2 ~~the 31st day of December thereafter corresponding with the number of years of the term to which~~  
3 ~~appointed. With respect to the new appointments, the term of the corporate or special librarian~~  
4 ~~shall expire December 31, 1995; and the three (3) new general library user appointments shall~~  
5 ~~expire December 31, 1994, December 31, 1995, and December 31, 1996, respectively. Thereafter,~~  
6 ~~appointments~~ Appointments shall be made for terms of three (3) years commencing on January  
7 1st in the year of appointment and ending on December 31st in the third year thereafter.

8 (b) A member shall serve until a successor is appointed and qualified. Any vacancy  
9 among the public members of the board shall be filled by appointment of the governor for the  
10 remainder of the unexpired term. Public members shall not be appointed for more than two (2)  
11 successive three-year terms. ~~Legislative members of the board shall serve during their legislative~~  
12 ~~terms.~~

13 **29-3.1-4.1. Powers and duties of library board.** -- (a) The library board shall

14 communicate with and seek the advice of the chief information officer and all those concerned  
15 with and affected by its determinations as a regular procedure in arriving at its conclusions and in  
16 setting policy. The library board, however, shall not engage in the operation or administration of  
17 any library.

18 (b) The library board shall have the following powers and duties:

19 (1) To approve a systematic program of information gathering, processing, and an  
20 analysis addressed to every aspect of public library development and interlibrary cooperation and  
21 resource sharing in this state, especially as that information relates to current and future library  
22 and information service needs, so that current needs may be met with reasonable promptness and  
23 plans formulated to meet future needs as they arise in the most efficient and economical manner  
24 possible;

25 (2) To approve a master plan defining broad goals and objectives for public library  
26 development and interlibrary cooperation and resource sharing in the state. These goals and  
27 objectives shall be expressed in terms of the library and information services to which individuals  
28 will have access. The library board shall continually evaluate the efforts and results of the library  
29 and information services in the light of these objectives;

30 (3) To approve board policy to implement the goals and objectives established and  
31 adopted by the library board from time to time; and to adopt and require enforcement of standards  
32 and regulations for public library services and interlibrary cooperation and resource sharing;

33 (4) To determine priorities of expenditures of state revenues and other public resources  
34 made available for the support of public library development and interlibrary cooperation and

1 resource sharing purposes; provided that nothing contained in this subsection shall authorize the  
2 library board to alter the allocation of grants or aid otherwise provided by law;

3 (5) To approve annually the program for the use of federal funds submitted to the United  
4 States department of education;

5 (6) To establish such committees as necessary or desirable for the conduct of any or all  
6 aspects of public library development and interlibrary cooperation and resource sharing, and to  
7 determine all powers and functions as well as composition of committees established and to  
8 dissolve the committees when their purpose shall have been fulfilled; provided that nothing  
9 contained in this paragraph shall be construed to grant the library board the power to establish  
10 subcommittees performing the duties and functions of local boards of trustees;

11 (7) To exercise the following functions, powers, and duties:

12 (i) To be responsible for the distribution of state aid funds for public library development  
13 and interlibrary cooperation and resource sharing;

14 (ii) To approve standards and regulations for public library development and interlibrary  
15 cooperation and resource sharing;

16 (iii) To enforce the provisions of all laws relating to public library services and  
17 interlibrary cooperation and resource sharing; and

18 (iv) To decide and determine appeals from decisions relating to libraries of the chief  
19 information officer;

20 (8) To exercise all other powers with relation to the field of public library development  
21 and interlibrary cooperation and resource sharing within this state not specifically granted to any  
22 other department, board, or agency, and not incompatible with law, which the library board may  
23 deem advisable;

24 (9) To otherwise promote maximum efficiency and economy in the delivery of public  
25 library services and interlibrary cooperation and resource sharing in the state; and

26 (10) To submit ~~to the governor and general assembly an annual progress report on the~~  
27 ~~condition of public library services and interlibrary cooperation and resource sharing.~~ within  
28 ninety (90) days after the end of each fiscal year, an annual report to the governor, the speaker of  
29 the house of representatives, the president of the senate, and the secretary of state of its activities  
30 during that fiscal year. The report shall provide: an operating statement summarizing meetings or  
31 hearings held, and meeting minutes subjects addressed, decisions rendered, rules or regulations  
32 promulgated, studies conducted, policies and plans developed, approved or modified, and  
33 programs administered or initiated; a consolidated financial statement of all funds received and  
34 expended including the source of the funds, a listing of any staff supported by these funds and a

1 summary of any clerical, administrative or technical support received; a summary of performance  
2 during the previous fiscal year including accomplishments, shortcomings and remedies; a  
3 synopsis of hearings, complaints, suspensions or other legal matters related to authority of the  
4 council; a summary of any training courses held pursuant to the provisions of chapter 29-3.1; a  
5 briefing on anticipated activities in the upcoming fiscal year; and findings and recommendations  
6 for improvements. The report shall be posted electronically on the general assembly and secretary  
7 of state's websites as prescribed in section 42-20-8.2. The director of the department of  
8 administration shall be responsible for the enforcement of the provisions of this subsection.

9 (11) To conduct a training course for newly appointed and qualified members within six  
10 (6) months of their qualification or designation. The course shall be developed by the chair of the  
11 commission, approved by the commission, and conducted by the chair of the commission. The  
12 commission may approve the use of any commission or staff members or other individuals to  
13 assist with training. The training course shall include instruction in the following areas: the  
14 provisions of chapters 42-46, 36-14, and 38-2; and the commission's rules and regulations. The  
15 director of the department of administration shall, within ninety (90) days of the effective date of  
16 this act, prepare and disseminate training materials relating to the provisions of chapters 42-46,  
17 36-14 and 38-2.

18 SECTION 3. Section 23-28.2-23 of the General Laws in Chapter 23-28.2 entitled  
19 "Division of Fire Safety" is hereby amended to read as follows:

20 **23-28.2-23. Fire education and training coordinating board.** -- (a) There is hereby  
21 created within the division of fire safety a fire education and training coordinating board. The  
22 governor shall appoint one representative from each of the following groups to serve on the  
23 board:

24 (1) Chiefs of fire departments with predominately fully paid personnel, defined as  
25 departments in which the vast majority of members are full-time, salaried personnel.

26 (2) Chiefs of fire departments with part paid/combination personnel, defined as  
27 departments in which members consist of both full-time salaried personnel and a large percentage  
28 of volunteer or call personnel.

29 (3) Chiefs of fire departments with predominately volunteer personnel, defined as  
30 departments in which the vast majority of members respond voluntarily and receive little or no  
31 compensation.

32 (4) Rhode Island firefighters' instructor's association.

33 (5) Rhode Island department of environmental management.

34 (6) Rhode Island fire safety association.

1 (7) Rhode Island state firefighter's league.

2 (b) The governor shall also appoint three (3) members from the Rhode Island association  
3 of fire fighters and two (2) members from regional firefighter's leagues.

4 ~~(e) The president of the senate and the speaker of the house shall each appoint one~~  
5 ~~member.~~

6 ~~(e)~~(c) The state fire marshal and the chief of training and education shall serve as ex-  
7 officio members.

8 ~~(e)~~(d) Members shall be appointed for terms of three (3) years, except that the terms of  
9 the first appointments shall be one year for approximately one-third ( 1/3) of the members, two  
10 (2) years for approximately one-third ( 1/3) of the members, and three (3) years for approximately  
11 one-third ( 1/3) of the members. The governor shall determine which members will fall into the  
12 one, two (2), and three (3) categories when making initial appointments. No person shall serve  
13 more than two (2) consecutive terms, except that service on the board for a term of less than two  
14 (2) years resulting from an initial appointment or an appointment for the remainder of an  
15 unexpired term shall not constitute a full term. Members shall hold office until a successor is  
16 appointed, and no member shall serve beyond the time he or she ceases to hold office or  
17 employment by reason of which he or she was eligible for appointment.

18 (e) All gubernatorial appointments made after the effective date of this act shall be  
19 subject to the advice and consent of the senate. No person shall be eligible for appointment to the  
20 board after the effective date of this act unless he or she is a resident of this state.

21 (f) Members shall serve without compensation, but shall receive travel expenses in the  
22 same amount per mile approved for state employees.

23 (g) The ~~commission~~ board shall meet at the call of the chairperson or upon written  
24 petition of a majority of the members, but not less than six (6) times per year.

25 (h) Staff support to the ~~commission~~ board beyond that which can be provided by the  
26 state fire marshal shall be provided by the governor's justice commission.

27 (i) The board shall:

28 (1) Establish bylaws to govern operational procedures not addressed by legislation.

29 (2) Elect a chairperson and vice-chairperson of the board in accordance with bylaws to  
30 be established by the board.

31 (3) Develop and offer training programs for fire fighters and fire officers based on  
32 applicable NFPA standards used to produce training and education courses.

33 (4) Develop and offer a state certification programs for instructors based on NFPA  
34 standards.

1 (5) Monitor and evaluate all programs to determine their effectiveness.

2 (6) Establish a fee structure in an amount necessary to cover costs of implementing the  
3 programs.

4 (7) Within ninety (90) days after the end of each fiscal year, approve and submit an  
5 annual report to the governor, the speaker of the house of representatives, the president of the  
6 senate, and the secretary of state of its activities during that fiscal year. The report shall provide:  
7 an operating statement summarizing meetings or hearing held, including meeting minutes,  
8 subjects addressed, decisions rendered, rules or regulations promulgated, studies conducted,  
9 policies and plans developed, approved or modified and programs administered or initiated; a  
10 consolidated financial statement of all funds received and expended including the source of the  
11 funds, a listing of any staff supported by these funds, and a summary of any clerical,  
12 administrative or technical support received; a summary of performance during the previous  
13 fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings,  
14 complaints, suspensions, or other legal matters related to the authority of the council; a summary  
15 of any training courses held pursuant to the provisions of this section; a briefing on anticipated  
16 activities in the upcoming fiscal year and findings and recommendations for improvements. The  
17 report shall be posted electronically on the general assembly and secretary of state's websites as  
18 prescribed in section 42-20-8.2. The director of the department of administration shall be  
19 responsible for the enforcement of the provisions of this subsection.

20 (8) Conduct a training course for newly appointed and qualified members within six (6)  
21 months of their qualification or designation. The course shall be developed by the chair of the  
22 board, approved by the board, and conducted by the chair of the board. The board may approve  
23 the use of any board or staff members or other individuals to assist with training. The training  
24 course shall include instruction in the following areas: the provisions of chapters 42-46, 36-14,  
25 and 38-2; and the commission's rules and regulations. The director of the department of  
26 administration shall, within ninety (90) days of the effective date of this act, prepare and  
27 disseminate training materials relating to the provisions of chapters 42-46, 36-14, and 38-2.

28 ~~(j) In addition to any sums appropriated for the operation of the fire education and~~  
29 ~~training unit within the division of fire safety there is hereby appropriated an additional sum of~~  
30 ~~forty two thousand five hundred dollars (\$42,500).~~

31 ~~(j)~~ (j) In an effort to prevent potential conflicts of interest, any fire education and  
32 training coordinating board member shall not simultaneously serve as a paid instructor and/or  
33 administrator within the fire education and training unit.

34 ~~(k)~~ (k) A quorum for conducting all business before the board, shall be at least seven (7)

1 members.

2 (1) Members of the board shall be removable by the governor pursuant to the provisions  
3 of section 36-1-7 of the general laws and for cause only, and removal solely for partisan or  
4 personal reasons unrelated to capacity or fitness for the office shall be unlawful.

5 SECTION 4. Section 42-73-2 of the General Laws in Chapter 42-73 entitled "Child  
6 Advocate Office" is hereby amended to read as follows:

7 **42-73-2. Appointment and term.** -- The governor, with the advice and consent of the  
8 senate, shall appoint a member of the bar of this state who has been admitted to practice law for at  
9 least three (3) years to fill the office of the child advocate, who shall be a person qualified by  
10 training and experience to perform the duties of the office as set forth in section 42-73-7. The  
11 appointment shall be made from a list of at least three (3) persons prepared and submitted by a  
12 committee consisting of two (2) attorneys appointed by the Rhode Island bar association; two (2)  
13 judges of the family court appointed by the chief judge; one medical doctor appointed by the  
14 Rhode Island medical society; one psychologist appointed by the Rhode Island psychological  
15 association; ~~a house member appointed by the speaker; a senate member appointed by the~~  
16 ~~president of the senate;~~ one social worker appointed by the Rhode Island alliance of social service  
17 employees; one person appointed as a representative of private children's agencies by the  
18 governor; one person representing the general public appointed by the governor; and one person  
19 appointed by the director of the department of human services. Six (6) members of the board shall  
20 constitute a quorum. No one shall be eligible for appointment unless he or she is a resident of this  
21 state. The board shall elect from among the members a chair and a vice-chair. The person  
22 appointed child advocate shall hold office for a term of five (5) years and shall continue to hold  
23 office until his or her successor is appointed and qualified.

24 SECTION 5. Section 31-38-15 of the General Laws in Chapter 31-38 entitled "Inspection  
25 of Motor Vehicles" is hereby amended to read as follows:

26 **31-38-15. Motor vehicle inspection commission.** -- (a) Within the department of  
27 administration there shall be a motor vehicle inspection commission, referred to in this chapter as  
28 the "commission", which shall function as a unit in the department. The commission shall consist  
29 of seven (7) members who shall be appointed by the governor, with the advice and consent of the  
30 senate.

31 ~~-(1) Four (4) of whom shall be appointed by the governor, one of whom shall be a~~  
32 ~~certified motor vehicle inspection station operator two (2) of whom shall be from the general~~  
33 ~~public and one of whom shall be from the department of health.~~

34 ~~-(2) One of whom shall be a member of the senate appointed by the president of the~~

1 senate; and

2 ~~-(3) Two (2) of whom shall be members of the house of representatives, one of whom~~  
3 ~~shall be from the majority and one of whom shall be from the minority, appointed by the speaker.~~

4 ~~-(b) Of the commission membership named to be appointed in this section, one shall be~~  
5 ~~the chairperson of the joint committee on highway safety who shall also serve as chairperson of~~  
6 ~~the motor vehicle inspection commission.~~ The tenure of all members of the commission as of the  
7 effective date of this act shall expire on the effective date of this act, and the governor shall  
8 nominate seven (7) new members as follows:

9 (A) The governor shall appoint seven (7) members of the commission, three (3) of whom  
10 shall serve initial terms of three (3) years, two (2) of whom shall serve an initial term of two (2)  
11 years, and two (2) of whom shall serve an initial term of one year.

12 (B) Thereafter, all members of the commission shall be appointed to serve three (3) year  
13 terms.

14 (c) The governor shall designate one member of the commission to serve as chairperson.  
15 The commission may elect from among its members such other officers as they deem necessary.

16 (d) No person shall be eligible for appointment to the commission after the effective date  
17 of this act unless he or she is a resident of this state.

18 (e) Four (4) members of the commission shall constitute a quorum.

19 (f) Members of the commission shall be removable by the governor pursuant to the  
20 provisions of section 36-1-7 of the general laws and for cause only, and removal solely for  
21 partisan or personal reasons unrelated to capacity of fitness for the office shall be unlawful.

22 (g) Within ninety (90) days after the end of each fiscal year, the commission shall  
23 approve and submit an annual report to the governor, the speaker of the house of representatives,  
24 the president of the senate, and the secretary of state of its activities during that fiscal year. The  
25 report shall provide: an operating statement summarizing meetings or hearings held, including  
26 meeting minutes, subjects addressed, decisions rendered, licenses considered and their  
27 disposition, rules or regulations promulgated, studies conducted, policies and plans developed,  
28 approved or modified and programs administered or initiated; a consolidated financial statement  
29 of all funds received and expended including the source of the funds, a listing of any staff  
30 supported by these funds and a summary of any clerical, administrative or technical support  
31 received; a summary of performance during the previous fiscal year including accomplishments,  
32 shortcomings and remedies; a synopsis of hearings, complaints, suspensions or other legal matters  
33 related to the authority of the commission; a summary of any training courses held pursuant to the  
34 provisions of this section; a briefing on anticipated activities in the upcoming fiscal year; and

1 findings and recommendations for improvements. The report shall be posted electronically on the  
2 general assembly and secretary of state's websites as prescribed in section 42-20-8.2. The director  
3 of the department of administration shall be responsible for the enforcement of the provisions of  
4 this subsection.

5 (h) To conduct a training course for newly appointed and qualified members within six  
6 (6) months of their qualification or designation. The course shall be developed by the chair of the  
7 commission, approved by the commission, and conducted by the chair of the commission. The  
8 commission may approve the use of any commission or staff members or other individuals o  
9 assist with training. The training course shall include instruction in the following areas: the  
10 provisions of chapters 42-46, 36-14, and 38-1; and the commission's rules and regulations. The  
11 director of the department of administration shall, within ninety (90) days of the effective date of  
12 this act, prepare and disseminate training material relating to the provisions of chapters 42-46, 36-  
13 14, and 38-2.

14 SECTION 6. Sections 30-31-2 and 30-31-4 of the General Laws in Chapter 30-31  
15 entitled "Medal of Honor Recipients" are hereby amended to read as follows:

16 **30-31-2. Creation of committee -- Members -- Vacancies. --** (a) There is hereby  
17 created a permanent committee on Rhode Island medal of honor recipients to consist of nine (9)  
18 members, ~~three (3) of whom shall be from the house of representatives to be appointed by the~~  
19 ~~speaker of the house of representatives, not more than two (2) of whom shall be from the same~~  
20 ~~political party; three (3) of whom shall be from the senate to be appointed by the president of the~~  
21 ~~senate, not more than two (2) of whom shall be from the same political party; and three (3) of~~  
22 ~~whom shall be members~~ of the general public with knowledge of veterans' affairs to be appointed  
23 by the governor; with the advice and consent of the senate; provided, however, that:

24 (i) Those members of the committee as of the effective date of this act who were  
25 appointed to the committee by members of the general assembly shall cease to be members of the  
26 committee on the effective date of this act and the governor shall nominate six (6) new members,  
27 each of whom shall serve for the balance of the current term of his or her predecessor.

28 (ii) Those members of the committee as of the effective date of this act who were  
29 appointed to the committee by the governor shall continue to serve for the duration of their  
30 current terms.

31 (b) No person shall be eligible for appointment to the committee unless he or she is a  
32 resident of this state. Vacancies shall be filled in like manner as the original appointments. ~~The~~  
33 ~~legislative members of the committee shall serve so long as they shall remain members of the~~  
34 ~~house from which they were appointed and until their successors are duly appointed and~~

1 ~~qualified.~~ Members shall serve until their successors are appointed and qualified. The members of  
2 the committee shall be eligible to succeed themselves.

3 (c) No person shall be eligible for appointment to the committee after the effective date  
4 of this act unless he or she is a resident of this state.

5 (d) Members of the committee shall be removable by the governor pursuant to the  
6 provisions of section 36-1-7 of the general laws and for cause only, and removal solely for  
7 partisan of personal reasons unrelated to capacity or fitness for the office shall be unlawful.

8 **30-31-4. Duties.** – (a) It shall be the duty of the committee to coordinate the activities of  
9 veterans' organizations and other parties interested in veterans' affairs in order to decide upon a  
10 suitable monument or monuments to be placed on the site described in section 30-31-1(3). The  
11 committee is hereby empowered to determine the type of monument or monuments to be placed  
12 on that site and it shall be the exclusive responsibility of the committee to arrange for the placing  
13 of a monument or monuments and to maintain the grounds surrounding the monument.

14 (b) Within ninety (90) days after the end of each fiscal year, the committee shall approve  
15 and submit an annual report to the governor, the speaker of the house of representatives, the  
16 president of the senate, and the secretary of state of its activities during that fiscal year. The report  
17 shall provide: an operating statement summarizing meetings or hearings held, including meeting  
18 minutes, subjects addressed, decisions rendered, rules or regulations promulgated, studies  
19 conducted, policies and plans developed, approved or modified, and programs administered or  
20 initiated; a consolidated financial statement of all funds received and expended including the  
21 source of the funds, a listing of any staff supported by these funds and a summary of any clerical,  
22 administrative or technical support received; a summary of performance during the previous  
23 fiscal year including accomplishments, shortcomings and remedies; a summary of any training  
24 courses held pursuant to the provisions of this section; a briefing on anticipated activities in the  
25 upcoming fiscal year; and findings and recommendations for improvements. The report shall be  
26 posted electronically on the general assembly and secretary of state's website as prescribed in  
27 section 42-20-8.2. The director of the department of administration shall be responsible for the  
28 enforcement of the provisions of this subsection.

29 (c) The committee shall conduct a training course for newly appointed and qualified  
30 members within six (6) months of their qualification or designation. The course shall be  
31 developed by the chair of the committee, approved by the committee, and conducted by the chair  
32 of the committee. The committee may approve the use of any committee or staff members or  
33 other individuals to assist with training. The training course shall include instruction in the  
34 following areas: the provisions of chapters 42-46, 36-14, and 38-2; and the committee's rules and

1 regulations. The director of the department of administration shall, within ninety (90) days of the  
2 effective date of this act, prepare and disseminate training materials relating to the provisions of  
3 chapters 42-46, 36-14, and 38-2.

4 SECTION 7. Sections 16-61-3, 16-61-4, 16-61-6 and 16-61-12 of the General Laws in  
5 Chapter 16-61 entitled "Rhode Island Public Telecommunications Authority" are hereby amended  
6 to read as follows:

7 **16-61-3. Membership of authority.** – (a) The authority shall consist of ~~nine (9)~~ seven  
8 (7) members as follows: five (5) public members appointed pursuant to the terms of section 16-  
9 61-4, the chairperson of the board of regents for elementary and secondary education or his or her  
10 designee, and the chairperson of the board of governors for higher education or his or her  
11 designee, ~~the chairperson of the senate finance committee or his or her designee, and the~~  
12 ~~chairperson of the house finance committee or his or her designee.~~ The governor shall designate  
13 one of the public members as chairperson of the authority.

14 (b) Four (4) members of the committee shall constitute a quorum. A majority vote of  
15 those present shall be required for action.

16 (c) No one shall be eligible for appointment unless he or she is a resident of this state.

1           **16-61-4. Appointment of public members -- Compensation. -- Appointment of public**  
2 **members -- Renewal.** -- (a) The governor shall with the advice and consent of the senate  
3 establish the authority by appointing five (5) members to serve staggered terms. The  
4 appointments shall be made for terms of three (3) years commencing on February 1st in the year  
5 of appointment and ending on January 31st in the third (3rd) year after this. Any vacancy among  
6 the public members of the authority shall be filled by appointment of the governor, subject to the  
7 advice and consent of the senate, for the remainder of the unexpired term. In the selection and  
8 appointment of members of the authority, the governor shall seek persons who best serve the  
9 entire needs of the state. Public members shall not be appointed for more than two (2) successive  
10 three (3) year terms each; provided, that this limitation shall not apply to that person designated  
11 as chairperson by the governor who may be a member so long as he or she shall serve as  
12 chairperson. The authority may elect from among its members such other officers as they deem  
13 necessary.

14           ~~(b) The public members of the authority shall receive compensation in the amount of fifty~~  
15 ~~dollars (\$50.00) for each day of actual service in attending meetings or duly organized~~  
16 ~~subcommittee meetings of the authority at which business is transacted; provided, that the~~  
17 ~~compensation in any one year shall not exceed the sum of three thousand dollars (\$3,000) per~~  
18 ~~member.~~

19           ~~(c) The senate and house finance chairpersons shall receive no compensation for their~~  
20 ~~services but shall be allowed their travel and necessary expenses. The chairperson of the authority~~  
21 ~~shall receive seventy five dollars (\$75.00) for each day of actual service in attending meetings of~~  
22 ~~the board at which business is transacted; provided, that he or she shall not receive more than four~~  
23 ~~thousand five hundred dollars (\$4,500) in any one year.~~

24           (d) Members of the board shall be removable by the governor pursuant to the provisions  
25 of section 36-1-7 of the general laws and for cause only, and removal solely for partisan or  
26 personal reasons unrelated to capacity or fitness for the office shall be unlawful.

27           **16-61-6. Powers and duties of authority.** -- (a) The authority shall be empowered to:  
28           (1) Adopt and amend and repeal suitable bylaws for the management of its affairs;  
29           (2) Adopt and use the official seal and alter it at its pleasure;  
30           (3) Maintain an office at any place or places within the state that it may designate;  
31           (4) Establish, own, and operate noncommercial educational television or radio  
32 broadcasting stations, one or more public broadcasting and public broadcasting  
33 telecommunications networks or systems, and interconnection and program production facilities;  
34           (5) Apply for, receive, and hold any authorizations and licenses and assignments and

1 reassignments of channels from the federal communications commission (FCC) as may be  
2 necessary to conduct its operations; and prepare and file and prosecute before the FCC all  
3 applications, reports, or other documents or requests for authorization of any type necessary or  
4 appropriate to achieve the authorized purposes of the authority;

5 (6) Provide coordination and information on matters relating to public broadcasting  
6 telecommunications among the agencies of the state government, all facets of Rhode Island  
7 public education and individual associations, and institutions working in these fields both within  
8 and without the state;

9 (7) Establish state wide equipment compatibility policies and determine the method of  
10 interconnection to be employed within the state's public broadcasting system;

11 (8) Assume responsibility for establishing broad programming philosophy which will  
12 encourage diversity, quality, and excellence of programming which is released via its facilities.  
13 The general manager shall be responsible for implementing programming policy in accordance  
14 with the rules and regulations of the federal communications commission;

15 (9) Provide appropriate advisory assistance to other agencies of the state and local and  
16 regional groups regarding public broadcasting techniques, planning, budgeting, and related  
17 issues;

18 (10) Make to the governor and the legislature any recommendations that the authority  
19 deems necessary with regard to appropriations relating to public broadcasting and public  
20 broadcasting telecommunications equipment and facilities;

21 (11) Subject to the approval of the governor, receive and administer gifts, contributions,  
22 and funds from public and private sources to be expended for public broadcasting and public  
23 broadcasting telecommunications operations, facilities, and programming consistent with  
24 furthering the purposes of the authority;

25 (12) Cooperate with federal agencies for the purpose of obtaining matching and other  
26 federal funds and providing public broadcasting and public broadcasting telecommunications  
27 facilities throughout the state and to make any reports that may be required of the state. The  
28 authority shall provide appropriate advisory assistance to local school districts and others on these  
29 matters;

30 (13) Contract with program production organizations, individuals, and noncommercial  
31 educational television and radio stations within and without the state to produce or to procure  
32 educational television or radio programs for use by noncommercial stations within the state;

33 (14) Establish and maintain a library and archives of educational television and radio  
34 programs and related materials, disseminate information about those programs and make suitable

1 arrangements for the use of the programs and materials by colleges, universities, schools, and  
2 noncommercial television and radio stations;

3 (15) Conduct explorations, research, demonstrations, or training in matters related to  
4 public broadcasting and public broadcasting telecommunications in the state, directly or through  
5 contracts with appropriate agencies, organizations, or individuals, or by grants to nonprofit,  
6 noncommercial organizations such as colleges, universities, schools, and noncommercial  
7 television and radio stations;

8 (16) Acquire, subject to the provisions of the general laws, through lease, purchase, or  
9 other means, real and other property and to hold and use this property for public broadcasting and  
10 public broadcasting telecommunications purposes;

11 (17) Contract, subject to the provisions of the general laws, for the construction, repair,  
12 maintenance, and operations of public broadcasting and public broadcasting telecommunications  
13 facilities including program production center, stations, and interconnection facilities;

14 (18) Make arrangements, where appropriate, with companies or other agencies and  
15 institutions operating suitable interconnection facilities (e.g., landlines or satellites);

16 (19) Be empowered to set and collect reasonable fees for services provided through  
17 contracts with agencies, companies, organizations, and individuals;

18 (20) Make reasonable rules and regulations to carry out the provisions of this chapter.

19 (21) To conduct a training course for newly appointed and qualified members within six  
20 (6) months of their qualification or designation. The course shall be developed by the chair of the  
21 authority, approved by the authority, and conducted by the chair of the authority. The authority  
22 may approve the use of any authority or staff members or other individuals to assist with training.  
23 The training course shall include instruction in the following areas: the provisions of chapters 42-  
24 46, 36-14, and 38-2; and the committee's rules and regulations. The director of the department of  
25 administration shall, within ninety (90) days of the effective date of this act, prepare and  
26 disseminate training materials relating to the provisions of chapters 42-46, 36-14, and 38-2.

27 (b) In carrying out its powers and duties under this section, the authority shall be  
28 empowered to enter into contracts or agreements with any nonprofit entity for the operations in  
29 whole or in part of the public telecommunications functions assigned to it by this chapter.

30 **16-61-12. Annual report.** -- ~~The authority shall submit to the general assembly in~~  
31 ~~February of each year a report of its activities for the preceding fiscal year, and the report shall set~~  
32 ~~forth a complete operating and financial statement covering the authority's operations and the~~  
33 ~~operations of any entities created at the direction and/or under the auspices of the authority during~~  
34 ~~the preceding fiscal year.~~ Within ninety (90) days after the end of each fiscal year, the authority

1 shall approve and submit an annual report to the governor, the speaker of the house of  
2 representatives, the president of the senate, and secretary of state of its activities during that fiscal  
3 year. The report shall provide: an operating statement summarizing meetings or hearings held,  
4 including meeting minutes, subjects addressed, decisions rendered, rules or regulations  
5 promulgated, studies conducted, policies and plans developed, approved or modified, and  
6 programs administered or initiated; a consolidated financial statement of all funds received and  
7 expended including the source of the funds, a listing of any staff supported by these funds and a  
8 summary of any clerical, administrative or technical support received; a summary of performance  
9 during the previous fiscal year including accomplishments, shortcomings and remedies; a  
10 synopsis of hearings, complaints, suspensions or other legal matters related to the authority; a  
11 summary of any training courses held pursuant to the provisions of this chapter; a briefing on  
12 anticipated activities in the upcoming fiscal year; and findings and recommendations for  
13 improvements. The authority shall cause an audit of its books and accounts, including the records  
14 pertaining to any entity created at the direction and/or under the auspices of the authority, to be  
15 made at least once each fiscal year by the auditor general. The report shall be posted  
16 electronically on the general assembly's and secretary of state's websites as prescribed in section  
17 42-20-8.2. The director of the department of administration shall be responsible for the  
18 enforcement of this provision.

19         SECTION 8. Severability. If any provision of this act or the application thereof to any  
20 person to circumstances is held invalid, such invalidity shall not affect other provisions or  
21 applications of the act, which can be given effect without the invalid provision or application, and  
22 to this end the provisions of this act are declared to be severable.

23         SECTION 9. This act shall take effect upon passage.

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LC03171  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO SEPARATION OF POWERS

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- 1           This act would remove legislators and legislative appointees from certain boards and
- 2 commissions in accord with the recent amendments to the state constitution.
- 3           This act would take effect upon passage.

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LC03171  
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