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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: Representatives McHugh, T Brien, Giannini, Menard, and Petrarca

Date Introduced: January 12, 2005

Referred To: House Separation of Powers

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 11-47-35 of the General Laws in Chapter 11-47 entitled "Weapons"  
2 is hereby amended to read as follows:  
3           **11-47-35. Sale of concealable weapons -- Safety courses and tests -- Review board --**  
4 **Issuance of permits to certain government officers. --** (a) (1) No person shall deliver a pistol  
5 or revolver to a purchaser until seven (7) days shall have elapsed from twelve o'clock (12:00)  
6 noon of the day following the day of application for the purchase, and when delivered, the pistol  
7 or revolver shall be unloaded and securely wrapped, with the bill of sale to be enclosed within the  
8 wrapper with the pistol or revolver. Any citizen of the United States and/or lawful resident of this  
9 state who is twenty-one (21) years of age or older, and any nonresident member of the armed  
10 forces of the United States who is stationed in this state and who is twenty-one (21) years of age  
11 or older, may upon application purchase or acquire a pistol or revolver. At the time of applying  
12 for the purchase of a concealable firearm, the purchaser shall: (i) complete and sign in triplicate  
13 and deliver to the person selling the pistol or revolver the application form described in this  
14 section, and in no case shall it contain the serial number of the pistol or revolver; and (ii) shall  
15 present to the person selling the pistol or revolver a pistol/revolver safety certificate issued by the  
16 department of environmental management. The certificate shall be retained in the possession of  
17 the buyer. The pistol/revolver safety certificate shall certify that the purchaser has completed a  
18 basic pistol/revolver safety course as shall be administered by the department of environmental  
19 management.

1 (Face of application form)

2 Application to Purchase Pistol or Revolver

3 Date ..... Hour ..... A.M. P.M.

4 Name .....

5 Address .....

6 (Street and number) (City or town) (State)

7 Date of Birth ..... Place of Birth .....

8 Height ..... Weight ..... Color hair .....

9 Color eyes .....

10 Scars .....

11 Tattoos .....

12 Other identifying marks .....

13 Are you a citizen of the United States .....

14 Are you a citizen of Rhode Island .....

15 How long .....

16 Where stationed .....

17 (Armed Forces only) .....

18 Have you ever been convicted of a crime of violence .....

19 (See section 11-47-2)

20 Have you ever been adjudicated or under confinement as addicted to a controlled

21 substance .....

22 Have you ever been adjudicated or under confinement for alcoholism .....

23 Have you ever been confined or treated for mental illness .....

24 From whom is pistol or revolver being purchased .....

25 Seller's address .....

26 Seller's signature .....

27 Applicant's signature .....

28 (See section 11-47-23 for penalty for false information on this application)

29 (Reverse side of application form)

30 AFFIDAVIT: I certify that I have read and am familiar with the provisions of sections

31 11-47-1 - 11-47-55, inclusive, of the general laws of the State of Rhode Island and

32 Providence Plantations, and that I am aware of the penalties for violation of the

33 provisions of the cited sections. I further certify that I have completed the required basic

34 pistol/revolver safety course. Signed .....

1 (over)  
2 County of .....  
3 State of Rhode Island Subscribed and sworn before me this.... day of.... A.D. 20..  
4 Notary Public .....

5 (2) The person selling the pistol or revolver shall on the date of application sign and  
6 forward by registered mail or by delivery in person the original and duplicate copies of the  
7 application to the superintendent of the Rhode Island state police or the chief of police in the city  
8 or town in which the person has his or her residence or place of business. The superintendent of  
9 the Rhode Island state police or the chief of police in the city or town in which the person has his  
10 or her residence or place of business shall mark or stamp the original copy of the application form  
11 with the date and the time of receipt and return it by the most expeditious means to the person  
12 who is selling the pistol or revolver. The triplicate copy duly signed by the person who is selling  
13 the pistol or revolver shall within seven (7) days be sent by him or her by registered mail to the  
14 attorney general. The person who is selling the pistol or revolver shall retain the original copy  
15 duly receipted by the police authority to whom sent or delivered for a period of six (6) years with  
16 other records of the sale. It shall be the duty of the police authority to whom the duplicate copy of  
17 the application form is sent or delivered to make a background check of the applicant to ascertain  
18 whether he or she falls under the provisions of section 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If,  
19 after the lapse of seven (7) days from twelve o'clock (12:00) noon of the day following  
20 application, no disqualifying information has been received from the investigating police  
21 authority by the person who is selling the pistol or revolver, he or she will deliver the firearm  
22 applied for to the applicant. Upon the finding of no disqualifying information under the  
23 provisions of the above cited sections of this chapter, and in no case later than thirty (30) days  
24 after the date of application, the duplicate and triplicate copies of the application will be  
25 destroyed. Retention of the duplicate and triplicate copies in violation of this section or any  
26 unauthorized use of the information contained in the copies by a person or agency shall be  
27 punishable by a fine of not more than one thousand dollars (\$1,000). The provisions of this  
28 section shall not apply to bona fide sales at wholesale to duly licensed retail dealers, nor to  
29 purchases by retail dealers duly licensed under the provisions of section 11-47-39.

30 (b) (1) The department of environmental management shall establish the basic  
31 pistol/revolver safety course required by this section. The safety course shall consist of not less  
32 than two (2) hours of instruction in the safe use and handling of pistols and revolvers and the  
33 course shall be available to buyers continually throughout the year at convenient times and places  
34 but at least monthly at locations throughout the state, or more frequently as required. Proficiency

1 in the use of pistols or revolvers shall not be prerequisite to the issuance of the safety certificate.  
2 No person shall be required to complete the course more than once; provided, that any person  
3 completing the course who is unable to produce the safety certificate issued by the department of  
4 environmental management shall be required to take the course again unless the person provides  
5 evidence to the department that he or she has successfully completed the course.

6 (2) The administration of the basic pistol/revolver safety course required by this section  
7 shall not exceed the cost of thirty-five thousand dollars (\$35,000) in any fiscal year.

8 (c) Proof of passage of the department of environmental management's basic hunter  
9 safety course will be equivalent to the pistol/revolver safety certificate mandated by this section.

10 (d) Any person who has reason to believe that he or she does not need the required  
11 handgun safety course may apply by any written means to the department of environmental  
12 management to take an objective test on the subject of matter of the handgun safety course. The  
13 test shall be prepared, as well as an instruction manual upon which the test shall be based, by the  
14 department. The manual shall be made available by any means to the applicant who may, within  
15 the time limits for application, take the objective test at the department or at any location where  
16 the handgun safety course is being given. Any person receiving a passing grade on the test shall  
17 be issued a pistol/revolver safety certificate by the department.

18 (e) (1) There is established within the department of environmental management a review  
19 board which shall consist of five (5) members as follows: ~~one member from the Rhode Island~~  
20 ~~house of representatives to be appointed by the speaker, one member from the Rhode Island~~  
21 ~~senate to be appointed by the president of the senate, two (2)~~ four (4) members who are residents  
22 of the state representing the public, to be appointed by the governor, with the advice and consent  
23 of the senate, one of whom shall be from the Rhode Island Rifle and Revolver Association, and  
24 the director of the department of environmental management or his or her designee who shall  
25 serve as chairperson of the review board. ~~The legislative members of the review board shall serve~~  
26 ~~so long as they shall remain members of the house from which they were appointed and until~~  
27 ~~their successors are duly appointed and qualified.~~ The board may elect from among its members  
28 such other officers as they deem necessary. The board members representing the public shall  
29 serve at the pleasure of the governor. Vacancies shall be filled in like manner as the original  
30 appointments.

31 (2) It shall be the duty of the review board to monitor and evaluate the development of  
32 the basic pistol/revolver safety course required by this section, to ensure compliance with the  
33 provisions of subsection (b) of this section, and to periodically make or recommend any changes  
34 in the safety course that the review board deems advisable, not inconsistent with the provisions of

1 this section. It shall further be the duty of the review board to decide all appeals from any  
2 decisions of the department of environmental management rendered pursuant to its  
3 responsibilities as set forth in subsection (b) of this section.

4 (3) There shall be no civil liability incurred and no cause of action of any nature shall  
5 arise against any member of the review board or its agents, servants, or employees as a result of  
6 any decisions made by the board or for any action taken by the board or its members, agents,  
7 servants, or employees.

8 (4) Those members of the commission as of the effective date of this act who were  
9 appointed to the commission by members of the general assembly shall cease to be members of  
10 the commission on the effective date of this act, and the governor shall thereupon appoint two (2)  
11 new members.

12 (f) The following persons shall be issued basic pistol/revolver permits by the department  
13 of environmental management: sheriffs, deputy sheriffs, the superintendent and members of the  
14 state police, prison or jail wardens or their deputies, members of the city or town police force,  
15 members of the park police, conservation officers, and officers of the United States government  
16 authorized by law to carry a concealed firearm and, at the discretion of the department of  
17 environmental management, any person who can satisfactorily establish that he or she formerly  
18 held one of these offices or were so authorized.

19 (g) Any person who is serving in the Army, Navy, Air Force, Marine Corps or Coast  
20 Guard on active duty shall not be required to obtain a basic pistol/revolver safety certificate or  
21 basic pistol/revolver permit under this section so long as he or she remains on active duty.

22 (h) Any person who is serving in the active reserve components of the Army, Navy, Air  
23 Force, Marine Corps or Coast Guard, or any person in an active duty paid status in the Rhode  
24 Island National Guard, shall not be required to obtain a basic pistol/revolver safety certificate  
25 under this section so long as he or she remains in active status.

26 SECTION 2. Section 23-1.8-1 of the General Laws in Chapter 23-1.8 entitled  
27 "Commission on the Deaf and Hard-of-Hearing" is hereby amended to read as follows:

28 **23-1.8-1. Purpose -- Creation of commission.** -- (a) In view of the barriers and  
29 disadvantages which deafness and hearing impairments impose on those individuals so affected,  
30 and in view of the testimony on deafness received by a legislative study commission, it is hereby  
31 proposed that a permanent Rhode Island commission on the deaf and hard-of-hearing be  
32 established. This commission shall be composed ~~as follows: a thirteen (13) member commission,~~  
33 ~~eleven (11) of whom are appointed by the governor, one representative appointed by the speaker~~  
34 ~~of the house and one senator appointed by the president of the senate.~~ of eleven (11) members to

1 be appointed by the governor with the advice and consent of the senate. Four (4) of the governor's  
2 appointments shall be initially appointed for a term to expire July 1, 1995 and three (3) members  
3 shall be appointed for a term to expire July 1, 1994. Thereafter the commissioners shall serve  
4 staggered two (2) year terms, each member serving until his or her successor is appointed. These  
5 commissioners shall be responsible for the establishment of policies and the appointment of an  
6 executive director who shall be in the unclassified service and other staff as needed and for whom  
7 appropriations are available. They shall meet not less than four (4) times per year, and shall not  
8 be paid for their services, except for reimbursement of expenses incurred by their service. The  
9 commissioners may elect their own officers.

10 (b) The members appointed by the governor shall include five (5) individuals who are  
11 deaf who use American Sign Language, one individual who is deaf who does not use American  
12 Sign Language, three (3) who are hard-of-hearing, and two (2) who are hearing. Commission  
13 members shall select their own chairperson. Five (5) members shall constitute a quorum.

14 (c) Those members of the commission as of the effective date of this act who are  
15 members of the general assembly shall cease to be members of the commission on the effective  
16 date of this act. Those members of the commission as of the effective date of this act who were  
17 appointed to the commission by the governor shall continue to serve for the duration of their  
18 current terms.

19 SECTION 3. Section 23-14.1-4 of the General Laws in Chapter 23-14.1 entitled "Health  
20 Professional Loan Repayment Program" is hereby amended to read as follows:

21 **23-14.1-4. Health professional loan repayment board.** -- (a) There is created the health  
22 professional loan repayment board, which shall consist of ~~eleven (11)~~ nine (9) members and is  
23 constituted as follows: one health care consumer, to be appointed by the governor; one member of  
24 the Rhode Island Medical Society appointed by its president; the director of the Rhode Island  
25 Health Center Association; one additional representative of the Rhode Island Health Center  
26 Association, or his or her designee, and appointed by its president; ~~one member of the house of~~  
27 ~~representatives appointed by the speaker; one member of the senate appointed by the president of~~  
28 ~~the senate;~~ the dean of the Brown University Medical School, or his or her designee; the dean of  
29 the College of Nursing at the University of Rhode Island, or his or her designee; the executive  
30 director of the Hospital Association of Rhode Island, or his or her designee; the executive director  
31 of the Rhode Island higher education assistance authority, or his or her designee; and the director  
32 of health, or his or her designee. All members shall serve at the pleasure of the appointing  
33 authority and shall receive no compensation for their services. Gubernatorial appointments made  
34 under this section after the effective date of this act shall be subject to the advice and consent of

1 [the senate.](#)

2 (b) The director of health shall serve as chairperson. [The board may elect from among](#)  
3 [its members such other officers as they deem necessary.](#) All meetings shall be called by the  
4 chairperson.

5 SECTION 4. Section 23-22.5-6 of the General Laws in Chapter 23-22.5 entitled  
6 "Drowning Prevention and Lifesaving" is hereby amended to read as follows:

7 **23-22.5-6. Recreational safety council -- Appeals -- Composition of council.** – (a)

8 Any party aggrieved as a result of any rule, regulation, or order of the department of  
9 environmental management shall have the right of appeal to the recreational safety council  
10 created in this section. The council shall consist of five (5) members, one of whom shall be the  
11 director of the state department of environmental management, ex officio, who shall serve as  
12 chairperson; one of whom shall be the director of the state department of health or his or her  
13 designated representative, ex officio; and three (3) of whom shall be appointed by the governor,  
14 of whom one shall be manager of a public beach, camp, or amusement park other than a state  
15 operated beach, camp, or amusement park; one of whom shall be an owner or manager of a  
16 privately operated beach, camp, or amusement park and one of whom shall be a representative of  
17 the general public. [The council may elect from among its members such other officers as they](#)  
18 [deem necessary.](#)

19 [\(b\) All gubernatorial appointments made under this section after the effective date of this](#)  
20 [act shall be subject to the advice and consent of the senate.](#)

21 SECTION 5. Sections 24-12-2 and 24-12-3 of the General Laws in Chapter 24-12  
22 entitled "Rhode Island Turnpike and Bridge Authority" are hereby amended to read as follows:

23 **24-12-2. Authority created -- Composition.** -- (a) There is hereby created a body  
24 corporate and politic to be known as the "Rhode Island turnpike and bridge authority." The  
25 authority shall consist of five (5) members, including the director of transportation, who shall be a  
26 member ex officio, and four (4) members appointed by the governor, [with the advice and consent](#)  
27 [of the senate.](#)

28 [\(b\) Notwithstanding the provisions of subsection \(a\) of this section, those members of the](#)  
29 [commission serving as of the effective date of this act shall continue to serve for the balance of](#)  
30 [their current terms.](#)

31 **24-12-3. Appointment of authority members -- Oath of office.** -- (a) During the month  
32 of March in each year, the successor of any member whose term is about to expire shall be  
33 appointed by the governor, [with the advice and consent of the senate,](#) for a term of four (4) years  
34 commencing the first day of April then next ensuing, but any person appointed to fill a vacancy

1 shall serve only for the unexpired term. Any member of the authority shall be eligible for  
2 reappointment.

3 (b) Each appointed member of the authority before entering upon his or her duties shall  
4 take an oath to administer the duties of his or her office faithfully and impartially, and the oath  
5 shall be filed in the office of the secretary of state.

6 SECTION 6. Section 24-13-3 of the General Laws in Chapter 24-13 entitled "Mount  
7 Hope Bridge Authority" is hereby amended to read as follows:

8 **24-13-3. Appointment of members -- Oath of office.** -- (a) In the month of March,  
9 annually, the governor shall appoint one member of the authority to serve for a term of four (4)  
10 years commencing the first day of April then next ensuing, to succeed the member whose term  
11 will then next expire. In the event of a vacancy occurring in the membership, the governor shall  
12 appoint a member for the unexpired term. Any member of the authority shall be eligible for  
13 reappointment. Gubernatorial appointments under this section after the effective date of this act  
14 shall be subject to the advice and consent of the senate.

15 (b) Each appointed member of the authority before entering upon his or her duties shall  
16 take an oath to administer the duties of his or her office faithfully and impartially, and the oath  
17 shall be filed in the office of the secretary of state.

18 SECTION 7. Section 24-15-10 of the General Laws in Chapter 24-15 entitled "Scenic  
19 Highways" is hereby amended to read as follows:

20 **24-15-10. Creation of board.** -- There is hereby created within the department of  
21 transportation a scenic roadways board consisting of ~~eleven (11)~~ seven (7) members as follows:  
22 one member shall be the director of the department of transportation; one member shall be the  
23 director of the department of environmental management; one member shall be the chairperson of  
24 the historic preservation commission; one member to be designated by the audubon society of  
25 Rhode Island; ~~one member to be appointed by the president of the senate; one member to be~~  
26 ~~appointed by the senate minority leader; one member to be appointed by the speaker of the house~~  
27 ~~of representatives; one member to be appointed by minority leader of the house of representatives~~  
28 ~~and one member to be designated by the Rhode Island builders association. The governor shall~~  
29 ~~appoint two (2) members of the public to serve on the board as follows: one member to serve~~  
30 ~~until the first day of June, 1986, and one member to serve until the first day of June, 1987, and all~~  
31 ~~members shall serve until their successors are appointed and qualified.; and two (2) members~~  
32 appointed by the governor with the advice and consent of the senate. In the month of ~~May, 1986,~~  
33 ~~and in the month of~~ May in each year ~~thereafter~~, the governor shall, with the advice and consent  
34 of the senate, appoint successors to the public members of the board whose terms shall expire in

1 such year, to hold office commencing on the first day of June in the year of appointment and until  
2 the first day of June in the third year of their respective appointments or until their respective  
3 successors are appointed and qualified. Any vacancy of a public member which may occur in the  
4 board shall be filled by appointment by the governor, with the advice and consent of the senate,  
5 for the remainder of the unexpired term. Each ex-officio member of the board may designate a  
6 subordinate within his or her department or agency to represent him or her at all meetings of the  
7 board. ~~Beginning June 28, 1985, the members of the board shall meet at the call of the director of~~  
8 ~~the department of transportation and organize and shall select among themselves a chairperson.~~  
9 Immediately upon passage of this bill, and every two (2) years thereafter, the members of the  
10 board shall meet at the call of the director of transportation and elect among themselves a  
11 chairperson and vice chairperson who shall hold office for two (2) years. The membership of the  
12 board shall receive no compensation for their services, and shall not be reimbursed for any  
13 expenses.

14 SECTION 8. Section 29-8-4 of the General Laws in Chapter 29-8 entitled "The Rhode  
15 Island Information Resources Management Board" is hereby amended to read as follows:

16 **29-8-4. Appointment of members of the board.** – (a) The board consists of:

- 17 (1) Three (3) department directors from the executive branch appointed by the governor;
- 18 (2) The state budget director or his or her designee;
- 19 (3) The secretary of state or his or her designee;
- 20 (4) The chief information officer or his or her designee;
- 21 (5) One representative from the public universities to be appointed by the governor from  
22 a list of three (3) persons submitted by the commissioner of higher education;
- 23 (6) Two (2) citizen members from the private sector with information resources  
24 management knowledge and experience to be appointed by the governor;
- 25 (7) One citizen who is a consumer of government information to be appointed by the  
26 governor;
- 27 (8) One representative of local government appointed by the governor;
- 28 (9) The president of the Rhode Island league of cities and towns or his or her designee;
- 29 (10) The chair of the library board of Rhode Island or his or her designee;
- 30 (11) The commissioner of higher education or his or her designee;
- 31 (12) The commissioner for elementary and secondary education or his or her designee;
- 32 and
- 33 (13) [Deleted by P.L. 2000, ch. 270, section 1];
- 34 (14) The executive director of the Rhode Island public telecommunications authority or

1 his or her designee; ~~and~~.

2 ~~-(15) The chair or the senate finance committee or his or her designee and the chair of the~~  
3 ~~house finance committee or his or her designee shall also serve on the board.~~

4 (b) All gubernatorial appointments made under this section after the effective date of this  
5 act shall be subject to the advice and consent of the senate.

6 SECTION 9. Section 30-31-2 of the General Laws in Chapter 30-31 entitled "Medal of  
7 Honor Recipients" is hereby amended to read as follows:

8 **30-31-2. Creation of committee -- Members -- Vacancies. --** (a) There is hereby  
9 created a permanent committee on Rhode Island medal of honor recipients to consist of nine (9)  
10 members, ~~three (3) of whom shall be from the house of representatives to be appointed by the~~  
11 ~~speaker of the house of representatives, not more than two (2) of whom shall be from the same~~  
12 ~~political party; three (3) of whom shall be from the senate to be appointed by the president of the~~  
13 ~~senate, not more than two (2) of whom shall be from the same political party; and three (3) of~~  
14 ~~whom~~ who shall be members of the general public with knowledge of veterans' affairs, to be  
15 appointed by the governor, with the advice and consent of the senate; provided, however, that: -

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

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

23 (b) Vacancies shall be filled in like manner as the original appointments. ~~The legislative~~  
24 ~~members of the committee shall serve so long as they shall remain members of the house from~~  
25 ~~which they were appointed and until their successors are duly appointed and qualified.~~

26 SECTION 10. Section 35-8-3 of the General Laws in Chapter 35-8 entitled "Bonded  
27 Indebtedness of State" is hereby amended to read as follows:

28 **35-8-3. Sinking fund commission -- Composition -- Elective members -- Quorum. --**

29 (a) There shall be a sinking fund commission which shall perform the duties formerly performed  
30 by the board of commissioners of sinking funds as prescribed by this chapter, which board of  
31 commissioners is hereby abolished. The sinking fund commission shall consist of the governor or  
32 his or her designee, the general treasurer or his or her designee, the director of administration or  
33 his or her designee, ~~the chairperson of the finance committee of the Senate or his or her designee,~~  
34 ~~the chairperson of the finance committee of the House of Representatives or his or her designee,~~

1 ~~and one person to be appointed by the speaker of the house of representatives, one person to be~~  
2 ~~appointed by the house minority leader, one person to be appointed by the president of the senate,~~  
3 ~~and one person to be appointed by the senate minority leader.~~ two (2) members of the public  
4 appointed by the governor with the advice and consent of the senate, and two (2) members of the  
5 public appointed by the general treasurer with the advice and consent of the senate. A majority of  
6 all the members of the commission is necessary to constitute a quorum.

7 (b) Those members of the commission as of the effective date of this act who are  
8 members of the general assembly or who were appointed to the commission by members of the  
9 general assembly shall cease to be members of the commission on the effective date of this act,  
10 and the governor and the general treasurer shall thereupon each nominate two (2) new members,  
11 one of whom shall serve an initial term of two (2) years and one of whom shall serve an initial  
12 term of three (3) years. Thereafter, appointed members of the commission shall be appointed to  
13 terms of three (3) years.

14 SECTION 11. Section 35-8.1-5 of the General Laws in Chapter 35-8.1 entitled  
15 "Refunding Bond Authority" is hereby amended to read as follows:

16 **35-8.1-5. Governing board -- Members -- Vacancies -- Officers -- Quorum --**

17 **Affirmative votes.** -- (a) The authority shall be governed by a board which shall have ~~six (6)~~ five  
18 (5) members, consisting of:

19 (1) The general treasurer, who shall serve as chairperson;

20 (2) The director of administration or his or her designee;

21 ~~(3) The minority leader of the house or his or her designee;~~

22 ~~(4) The chairperson of the finance committee of the senate, or any senator as his or her~~  
23 ~~designee;~~

24 ~~(5) The chairperson of the finance committee of the house or any representative as his or~~  
25 ~~her designee; and~~

26 ~~(6)~~ (3) One ~~additional~~ public member appointed by the governor, with the advice and  
27 consent of the senate, for a term of two (2) years.

28 (4) Two (2) public members appointed by the general treasurer with the advice and  
29 consent of the senate for a term of two (2) years.

30 (b) Those members of the authority as of the effective date of this act who are members  
31 of the general assembly shall cease to be members of the authority on the effective date of this  
32 act, and the general treasurer shall thereupon appoint two (2) new members who shall serve a  
33 term of two (2) years. That member of the authority as of the effective date of this act who was  
34 appointed by the governor shall continue to serve the balance of his or her current term.

1           ~~(b)~~ (c) In the event of vacancy occurring in the public membership, the governor shall  
2 appoint a public member for the unexpired term. Any public member of the board shall be  
3 eligible for reappointment. No one shall be eligible for appointment unless he or she is a resident  
4 of this state.

5           ~~(e)~~ (d) Each member of the board, before entering upon any duties, shall swear or  
6 solemnly affirm to administer the duties of office faithfully and impartially, and that oath or  
7 affirmation shall be filed in the office of the secretary of state.

8           ~~(d)~~ (e) The board shall elect one of their number to serve as both secretary and treasurer.  
9 ~~Four (4)~~ Three (3) members of the board shall constitute a quorum and the affirmative vote of  
10 ~~four (4)~~ three (3) members shall be necessary for any action taken by the authority. No vacancy in  
11 the membership of the board shall impair the right of a quorum to exercise all the rights and  
12 perform all the duties of the board.

13           SECTION 12. Section 41-2-1 of the General Laws in Chapter 41-2 entitled "Racing and  
14 Athletic Hearing Board" is hereby amended to read as follows:

15           **41-2-1. Board created -- Appointment and removal of members.** -- (a) Within the  
16 executive department there shall be a racing and athletics hearing board. The hearing board shall  
17 consist of three (3) members, not more than two (2) of whom shall be members of the same  
18 political party, who shall be appointed by the governor as provided in this section. In the month  
19 of February in each odd numbered year, the governor shall appoint one member of the board to  
20 hold office until the first day of March in the sixth year after his or her appointment and until his  
21 or her successor is appointed and qualified to succeed the member whose term will next expire.

22           (b) Any vacancy which may occur in the board shall be filled by appointment by the  
23 governor for the remainder of the unexpired term. A member of the board may be removed by the  
24 governor only for cause, after being given a copy of charges against him or her and an  
25 opportunity to be heard publicly on the charges before the governor. A copy of the charges and a  
26 transcript of the record of the hearing shall be filed with the secretary of state.

27           (c) All appointments made under this section after the effective date of this act shall be  
28 subject to the advice and consent of the senate.

29           SECTION 13. Section 42-27-1 of the General Laws in Chapter 42-27 entitled "Atomic  
30 Energy Commission" is hereby amended to read as follows:

31           **42-27-1. Commission created -- Appointment of members.** -- (a) There is hereby  
32 created a special commission affiliated with the board of governors for higher education to be  
33 known as the Rhode Island atomic energy commission, consisting of five (5) members to be  
34 appointed by the governor, one of whom shall be designated by the governor as chairperson. The

1 commission may elect from among its members such other officers as they deem necessary.

2 (b) During the month of March in each year, the governor shall appoint a member to  
3 succeed the member whose term will then next expire to serve for a term of five (5) years and  
4 until his or her successor shall be appointed and qualified, except that a member appointed to fill  
5 a vacancy shall serve only for the unexpired term. Any member shall be eligible to succeed him  
6 or herself.

7 (c) All appointments and designations of chairpersons made under this section after the  
8 effective date of this act shall be subject to the advice and consent of the senate.

9 SECTION 14. Section 42-34-4 of the General Laws in Chapter 42-34 entitled "Industrial-  
10 Recreational Building Authority" is hereby amended to read as follows:

11 **42-34-4. Organization of authority.** -- (a) The Rhode Island industrial-recreational  
12 building authority, hereinafter in this chapter called the authority, hereby created and established  
13 a body corporate and politic, is constituted a public instrumentality of the state, and the exercise  
14 by the authority of the powers conferred by the provisions of this chapter shall be deemed and  
15 held to be the performance of essential governmental functions. The authority shall consist of five  
16 (5) members, appointed by the governor for a period of five (5) years, as herein provided.

17 (b) During the month of January, 1959, the governor shall appoint one member to serve  
18 until the first day of February, 1960, and until his or her successor is appointed and qualified, one  
19 member to serve until the first day of February, 1961, and until his or her successor is appointed  
20 and qualified, one member to serve until the first day of February, 1962, and until his or her  
21 successor is appointed and qualified, one member to serve until the first day of February, 1963,  
22 and until his or her successor is appointed and qualified, and one member to serve until the first  
23 day of February, 1964, and until his or her successor is appointed and qualified.

24 (c) During the month of January, 1960, and during the month of January annually  
25 thereafter, the governor shall appoint a member to succeed the member whose term will then next  
26 expire, to serve for a term of five (5) years commencing on the first day of February then next  
27 following and until his successor is appointed and qualified. A member shall be eligible to  
28 succeed him or herself.

29 (d) A vacancy in the office of a member, other than by expiration, shall be filled in like  
30 manner as an original appointment, but only for the remainder of the term of the retiring member.  
31 Members may be removed by the governor for cause.

32 (e) The authority may elect such officers, who need not be members of the authority, as  
33 may be required to conduct the authority's business. The director of the department of economic  
34 development shall serve as executive director and chief executive officer, ex officio, of the

1 authority. Three (3) members of the authority shall constitute a quorum and the affirmative vote  
2 of a majority of the members, present and voting, shall be necessary for any action taken by the  
3 authority; except that, in no case shall any action taken by the authority be taken by an affirmative  
4 vote of less than three (3) members. No vacancy in the membership of the authority or  
5 disqualification of a member under section 42-34-16 shall impair the right of the quorum to  
6 exercise all rights and perform all the duties of the authority. All of the members of the authority  
7 shall be reimbursed for their actual expenses necessarily incurred in the performance of their  
8 duties.

9 (f) Appointments made under this section after the effective date of this act shall be  
10 subject to the advice and consent of the senate.

11 SECTION 15. Chapter 42-43 of the General Laws entitled "Rhode Island Board for the  
12 Classification of Motion Pictures" is hereby repealed in its entirety.

13 ~~CHAPTER 42-43~~

14 ~~Rhode Island Board for the Classification of Motion Pictures~~

15 ~~**42-43-1. Establishment of board.** --- (a) There is hereby established a Rhode Island~~  
16 ~~board for the classification of motion pictures within the state department of elementary and~~  
17 ~~secondary education which shall be composed of a chairman and eight (8) members who shall be~~  
18 ~~appointed by the governor and who shall serve for a term of two (2) years. The members shall~~  
19 ~~adopt such rules and regulations as they deem best governing their action, proceeding, and~~  
20 ~~deliberation and the time and place of meeting.~~

21 ~~-(b) The chairman and all members of the board shall be citizens of the state of Rhode~~  
22 ~~Island and shall be chosen as far as is reasonably practicable in such a manner that they represent~~  
23 ~~a cross section of the community. In so far as is reasonable and practicable, the members~~  
24 ~~appointed to the board shall be persons educated and experienced in one or more of the following~~  
25 ~~fields: Literature, philosophy, sociology, psychology, history, education, music, or other related~~  
26 ~~fields.~~

27 ~~-(c) On April 6 of every even numbered year, the governor shall announce the~~  
28 ~~appointments to the board, and within thirty (30) days thereafter the members of the board shall~~  
29 ~~meet at the call of the governor and elect one of its members as chairperson and shall elect such~~  
30 ~~other officers as they shall deem necessary or convenient. Five (5) members of the board shall~~  
31 ~~constitute a quorum, and the affirmative vote of five (5) members shall be necessary for any~~  
32 ~~action taken by the board provided, however, that no vacancy in the membership of the board~~  
33 ~~shall impair the right of a quorum to exercise all rights and perform all duties of the board.~~  
34 ~~Members of the board shall receive no compensation for their services, but shall receive the~~

1 ~~necessary expenses incurred in the discharge of their official duties upon presentation of properly~~  
2 ~~authenticated vouchers.~~

3 ~~(d) If a vacancy occurs upon the board by death, resignation, or otherwise, the governor~~  
4 ~~shall appoint a member to fill the vacancy for the unexpired term. The board shall report annually~~  
5 ~~to the governor on its operations and activities and shall make recommendations for the~~  
6 ~~improvement and facilitation of its functions.~~

7 ~~**42-43-2. Administration.**— The board shall appoint an administrator who shall be the~~  
8 ~~executive and administrative head responsible for the operations of the board. The administrator~~  
9 ~~shall devote such time to the duties of his or her office as may be required and as shall be~~  
10 ~~prescribed by the board. The salary of the administrator shall be determined by the board.~~

11 ~~**42-43-3. Definitions.**— As used in this chapter:~~

12 ~~(a) "Advertisement" means any commercial promotional material initiated by an~~  
13 ~~exhibitor designed to bring a performance to public attention or to increase the sale of tickets to~~  
14 ~~the exhibition of the same whether by newspaper, billboard, motion picture, television, radio, or~~  
15 ~~other media;~~

16 ~~(b) "Board" means the Rhode Island board for the classification of motion pictures as~~  
17 ~~established by this chapter;~~

18 ~~(c) "Classification order" means any written determination by the board classifying a~~  
19 ~~performance;~~

20 ~~(d) "Classify" means to determine whether a performance is (1) suitable for young~~  
21 ~~persons, or (2) not suitable for young persons;~~

22 ~~(e) "Exhibit" means to present or conduct a performance in any public place within the~~  
23 ~~state of Rhode Island for which a charge is made for admission;~~

24 ~~(f) "Exhibitor" means any person, firm, corporation, or association which exhibits a~~  
25 ~~performance;~~

26 ~~(g) "File" means to deliver to the administrator for safe keeping as a public record of the~~  
27 ~~board.~~

28 ~~(h) "Initial exhibition" means the first exhibition of any performance within the state of~~  
29 ~~Rhode Island;~~

30 ~~(i) "Not suitable for young persons" means that quality of any description or~~  
31 ~~representation, in any performance, of nudity, sexual conduct, sexual excitement, or sado-~~  
32 ~~masochistic abuse, when it:~~

33 ~~(i) Predominantly appeals to the prurient, shameful, or morbid interest of young persons,~~  
34 ~~and~~

1 ~~-(ii) Is patently offensive to the prevailing standards in the adult community as a whole~~  
2 ~~with respect to what is suitable material for young persons, and~~

3 ~~-(iii) Is utterly without redeeming social importance for young persons.~~

4 ~~-(j) "Nudity" means the showing of the human male or female genitals, pubic area or~~  
5 ~~buttocks with less than a full opaque covering, or the showing of the female breast with less than~~  
6 ~~a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of~~  
7 ~~covered male genitals in a discernibly turgid state;~~

8 ~~-(k) "Performance" means any motion picture film or series of films with full length or~~  
9 ~~short subject, but does not include news reel film portraying actual current events or pictorial~~  
10 ~~news of the day;~~

11 ~~-(l) "Sado masochistic abuse" means flagellation or torture by or upon a person clad in~~  
12 ~~undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise~~  
13 ~~physically restrained on the part of one so clothed;~~

14 ~~-(m) "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or~~  
15 ~~physical contact with a person's clothed or unclothed genitals, pubic areas, buttocks, or, if such~~  
16 ~~person be a female, breast;~~

17 ~~-(n) "Sexual excitement" means the condition of human male or female genitals when in a~~  
18 ~~state of sexual stimulation or arousal;~~

19 ~~-(o) "Subsequent exhibition" means to exhibit subsequent to the initial exhibition whether~~  
20 ~~by the same or a different exhibitor;~~

21 ~~-(p) "Young person" means any person who has not attained his or her eighteenth~~  
22 ~~birthday.~~

23 **42-43-4. Powers and duties of board.** ~~-- (a) It shall be the duty of the board to examine~~  
24 ~~and review all performances to be exhibited, conducted, or held in this state, irrespective of~~  
25 ~~whether or not the same has been licensed by any licensing authority for the purpose of~~  
26 ~~determining its probable effect upon persons under the age of eighteen (18) years.~~

27 ~~-(b) Seven (7) days before any initial exhibition, the exhibitor shall file a proposed~~  
28 ~~classification of the performance it is to exhibit stating the title of the performance and the name~~  
29 ~~of the producer and give a summary of the plot and such other information as the board may~~  
30 ~~require, together with the classification proposed by the exhibitor. The board shall examine the~~  
31 ~~proposed classification and if it approves the same shall mark it "Approved" and file it as its own~~  
32 ~~classification order. If the board fails to act, that is either file a classification order or hold a~~  
33 ~~hearing within five (5) days after the proposed classification is filed, the proposed classification~~  
34 ~~shall be considered approved.~~

1 ~~-(c) If upon examination of the proposed classification a majority of the board is not~~  
2 ~~satisfied that the proposed classification is proper, the chairperson shall hold a hearing and shall~~  
3 ~~direct the exhibitor to conduct the performance before the board at a suitably equipped place, and~~  
4 ~~at a specified time which shall be the earliest time practicable. The exhibitor may at that time~~  
5 ~~make such statement to the board in support of his or her proposed classification and may present~~  
6 ~~such testimony as he or she desires. Within two (2) days of the conducting of the performance,~~  
7 ~~the board shall make and file its classification of the performance in question.~~

8 ~~-(d) Upon filing by the board of any classification order, the administrator shall~~  
9 ~~immediately issue and mail a notice of classification to the exhibitor involved and to any other~~  
10 ~~exhibitor who shall request that notice.~~

11 ~~**42-43-5. Judicial review.** -- In addition to any other remedy he or she may have, any~~  
12 ~~exhibitor considering him or herself aggrieved by any classification order of the board may within~~  
13 ~~twenty-four (24) hours of the receipt of the notification file a notice of nonacceptance of the~~  
14 ~~board's classification, stating his or her intention to exhibit the performance in question under a~~  
15 ~~different classification. Thereupon it shall be the duty of the board to do the following: The board~~  
16 ~~shall within forty-eight (48) hours of the filing of the notice of non-acceptance commence a suit~~  
17 ~~against the exhibitor in the superior court for the counties of Providence and Bristol by filing a~~  
18 ~~complaint wherein shall be contained prayers that the performance is not suitable for young~~  
19 ~~persons and that its exhibition to young persons be permanently enjoined. Forthwith upon the~~  
20 ~~commencement of the proceedings the court may issue its order enjoining until full hearing by the~~  
21 ~~court the admission to such performance of any young person and the clerk of the court shall~~  
22 ~~cause notice of the pendency to be served upon the exhibitor. The matter shall then be heard by~~  
23 ~~the court on the question of whether or not the performance is suitable for young persons within~~  
24 ~~one day of the joinder of issue and the court shall render its decision within forty-eight (48) hours~~  
25 ~~of the conclusion of the hearing. The proceedings shall have priority on the court calendar. In~~  
26 ~~determining the time periods heretofore set forth in this section, Saturdays, Sundays, and court~~  
27 ~~holidays shall not be counted and the superior court shall not be required to hear these cases on~~  
28 ~~those days. Throughout these proceedings, the board shall have the burden of proof and if any of~~  
29 ~~the provisions of this chapter have not been strictly complied with by the board, the court shall~~  
30 ~~upon application forthwith dissolve any temporary injunction heretofore issued.~~

31 ~~**42-43-6. Offenses.** -- (a) It shall be unlawful for any exhibitor or his or her employees:~~  
32 ~~-(1) To exhibit any performance which has not been classified as provided in this chapter;~~  
33 ~~-(2) To exhibit any performance classified "not suitable for young persons" if any current~~  
34 ~~advertisement of the performance by the exhibitor fails to state clearly the classification of the~~

1 ~~performance;~~

2 ~~-(3) To exhibit any performance classified "not suitable for young persons" without~~  
3 ~~keeping the classification posted prominently in front of the theatre or building in which the~~  
4 ~~performance is being exhibited;~~

5 ~~-(4) Knowingly to sell or give to any young person a ticket to any performance classified~~  
6 ~~"not suitable for young persons";~~

7 ~~-(5) Knowingly to permit any young person to view the exhibition of any performance~~  
8 ~~classified "not suitable for young persons";~~

9 ~~-(6) To make any false or wilfully misleading statement in any proposed classification or~~  
10 ~~other proceeding before the board.~~

11 ~~-(b) It shall be unlawful for any young person:~~

12 ~~-(1) To give his or her age falsely as over eighteen (18) years of age for the purpose of~~  
13 ~~gaining admittance to the exhibition of a performance classified "not suitable for young persons";~~

14 ~~-(2) To enter or remain in the viewing portion of any theatre or other place where a~~  
15 ~~performance classified "not suitable for young persons" is being exhibited;~~

16 ~~-(3) To state falsely that he or she is married for the purpose of gaining admittance to an~~  
17 ~~exhibition of a performance classified as "not suitable for young persons."~~

18 ~~-(c) It shall be unlawful for any person:~~

19 ~~-(1) To sell or give to any young person a ticket or other form of admittance to an~~  
20 ~~exhibition of a performance classified "not suitable for young persons";~~

21 ~~-(2) To make any false or wilfully misleading statement in a proceeding before the board;~~

22 ~~-(3) To make any false statement for the purpose of enabling any young person to gain~~  
23 ~~admittance to the exhibition of a performance classified "not suitable for young persons."~~

24 ~~-(d) To the extent that any prosecution or other proceeding under this chapter involves the~~  
25 ~~entering, purchasing of a ticket, or viewing by a young person of a performance classified "not~~  
26 ~~suitable for young persons", it shall be a valid defense that the young person was accompanied by~~  
27 ~~a parent, legally appointed guardian, or spouse throughout the exhibition of the performance.~~

28 ~~-(e) (i) If an exhibitor or his or her employee is in doubt as to the age of any person~~  
29 ~~buying a ticket or seeking admittance to an exhibition of a performance classified "not suitable~~  
30 ~~for young persons" the exhibitor may demand that the person bring and display any of the~~  
31 ~~following documents:~~

32 ~~-(1) A birth certificate;~~

33 ~~-(2) A baptismal certificate;~~

34 ~~-(3) An armed services identification card;~~

1 ~~(4) A Rhode Island motor vehicle operator's license;~~

2 ~~(5) A Rhode Island identification card, and may require that any person who has shown a~~  
3 ~~document as set forth in this section substantiating his or her age to sign his or her name in a book~~  
4 ~~kept for this purpose, indicating what document was presented.~~

5 ~~(ii) If a person whose age is questioned shall sign the book before he or she is admitted~~  
6 ~~to the exhibition of the performance and it is later determined that the person was not over~~  
7 ~~eighteen (18) years of age, it shall be considered prima facie evidence that the exhibitor or his or~~  
8 ~~her employee acted in good faith in admitting the person so producing the document as set forth~~  
9 ~~in this section misrepresenting his or her age.~~

10 ~~(f) It shall be unlawful for any exhibitor to exhibit "X" rated films with any film with a~~  
11 ~~different rating or classification in a building with two (2) or more theatres without providing~~  
12 ~~separate entrances and box offices, and without preventing access from one theatre to another~~  
13 ~~theatre by patrons.~~

14 ~~(g) It shall be unlawful for any exhibitor to exhibit "R" rated films or any films classified~~  
15 ~~"not suitable for young persons" with any film with a different rating or classification in a~~  
16 ~~building with two (2) or more theaters without providing separate entrances to the viewing area.~~

17 ~~(h) The offenses under this section shall be deemed misdemeanors; provided, however,~~  
18 ~~that for all the offenses there shall be a mandatory fine of not less than fifty dollars (\$50.00).~~

19 ~~**42-43-7. Appropriations and expenses.** — There is hereby appropriated the sum of ten~~  
20 ~~thousand dollars (\$10,000) to carry out the purposes of this chapter, and the general assembly~~  
21 ~~shall annually appropriate such sums as it may deem necessary to carry out the provisions of this~~  
22 ~~chapter; and the state controller is hereby authorized and directed to draw his or her orders upon~~  
23 ~~the general treasurer for the payment of that sum, or so much thereof as may be required from~~  
24 ~~time to time, upon receipt by him or her of proper vouchers duly authenticated.~~

25 ~~**42-43-8. Severability.** — If any clause, section, paragraph, or other part of this chapter or~~  
26 ~~the application thereof to any person or circumstances shall for any reason be adjudged by a court~~  
27 ~~of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate the~~  
28 ~~remainder of this chapter or its application to other persons or circumstances.~~

29 ~~**42-43-9. Preview of "X" or "R" rated films.** — No person shall exhibit, show, or use~~  
30 ~~any preview film, reel, or view of any film rated "X" or "R" on any movie screen except at a~~  
31 ~~showing of a film rated "X" or "R." Any person who violates the provisions of this section shall~~  
32 ~~be fined not more than two hundred fifty dollars (\$250) or imprisoned not more than six (6)~~  
33 ~~months or both.~~

34 ~~**42-43-10. "X" rated movies exhibited at drive-in theaters.** — Every person, firm,~~

1 ~~corporation or association who operates a drive in theater having a screen which is visible from~~  
2 ~~public highways, is prohibited from exhibiting films rated "X." Any violation of this section shall~~  
3 ~~be punishable by a fine of not more than five hundred (\$500) dollars and/or imprisonment for a~~  
4 ~~term not to exceed one year.~~

5 SECTION 16. Section 42-64.3-3.1 of the General Laws in Chapter 42-64.3 entitled  
6 "Distressed Areas Economic Revitalization Act" is hereby amended to read as follows:

7 **42-64.3-3.1. Enterprise zone council.** -- (a) There is created within the Rhode Island  
8 economic development corporation the "enterprise zone council," which shall consist of ~~five (5)~~  
9 ~~members to be appointed by the governor; one member shall be~~ the executive director of the  
10 Rhode Island economic development corporation and four (4) members to be appointed by the  
11 governor; one ~~member of whom~~ shall represent the urban league of Rhode Island; one of whom  
12 ~~member~~ shall represent the Rhode Island league of cities and towns; and two (2) members from  
13 of whom shall be members of the general public. The governor shall designate one member to  
14 serve as chairperson of the enterprise zone council. The council may elect from among its  
15 members such other officers as they deem necessary.

16 (b) The members shall be appointed for terms of five (5) years each; provided, however,  
17 of the members originally appointed, one shall be appointed for a term of one year, one shall be  
18 appointed for a term of two (2) years, one shall be appointed for a term of three (3) years, one  
19 shall be appointed for a term of four (4) years and one shall be appointed for a term of five (5)  
20 years.

21 (c) In carrying out its powers and duties under this chapter the council shall utilize the  
22 staffs and resources of the division of statewide planning and the Rhode Island economic  
23 development corporation. Those agencies and other departments and agencies of state  
24 government shall cooperate with the council in carrying out its mandate under this chapter.

25 (d) The council shall promulgate rules and regulations necessary to implement the intent  
26 of this chapter.

27 (e) All gubernatorial appointments under this section after the effective date of this act  
28 shall be subject to the advice and consent of the senate.

29 SECTION 17. Section 42-75-4 of the General Laws in Chapter 42-75 entitled "Council  
30 on the Arts" is hereby amended to read as follows:

31 **42-75-4. Terms of members.** – The term of office of each member shall be three (3)  
32 years. On June 1, 1967, the governor shall appoint three (3) members to serve until the first day  
33 of March, 1968, three (3) members to serve until the first day of March, 1969, and three (3)  
34 members to serve until the first day of March, 1970 and until their respective successors shall be

1 appointed and qualified. In the month of February, 1968, and in each year thereafter, the governor  
2 shall appoint three (3) members to hold office until the first day of March in the third year after  
3 their appointment and until their successors shall have been appointed and qualified. Upon May  
4 2, 1974, the governor shall appoint three (3) additional members to the existing council to serve  
5 until the first day of March 1976, and until their respective successors shall be appointed and  
6 qualified. Thereafter in the month of February of any succeeding year, the governor shall appoint  
7 four (4) members to hold office until the first day of March in the third year after their  
8 appointment and until their successors shall have been appointed and qualified. Any vacancy  
9 which may occur in the commission shall be filled by the governor, with the advice and consent  
10 of the senate, for the remainder of the unexpired term. Any member of the commission shall be  
11 eligible to succeed him or herself for one full term, but shall not thereafter be eligible for  
12 reappointment during a one-year period following the expiration of his or her second term.

13 SECTION 18. Sections 42-97-2 and 42-97-3 of the General Laws in Chapter 42-97  
14 entitled "Rhode Island Artifacts, Artworks and Exhibition Objects" are hereby amended to read as  
15 follows:

16 **42-97-2. Board of curators.** -- There is established a five (5) member board of curators,  
17 ~~three (3) of whom shall be appointed by the governor (executive appointments), one of whom~~  
18 ~~shall be the chairperson of the house finance committee, or the chairperson's designee and one of~~  
19 ~~whom shall be chairperson of the senate finance committee, or the chairperson's designee. The~~  
20 ~~executive appointees shall be selected from the administrators of museums in Rhode Island or the~~  
21 ~~administrators of historical societies in Rhode Island. One executive appointee~~ the members of  
22 which shall be appointed by the governor with the advice and consent of the senate. At least  
23 three (3) members shall be administrators of museums and/or historical societies in Rhode Island.  
24 One shall be a professional in art, one in history, and one in science. The tax administrator shall  
25 serve as an advisor to the board. Members of the board shall not be compensated. The governor  
26 shall designate one member of the board to serve as chairperson. The board may elect from  
27 among its members such other officers as they deem necessary.

28 **42-97-3. Term of members.** – (a) The governor shall appoint one member for three (3)  
29 years, one member for two (2) years, and one member for one year. In 1986, terms shall  
30 commence on the date of appointment and expire on the thirty-first day of January thereafter  
31 corresponding with the number of year(s) of the term to which appointed. Thereafter,  
32 appointments shall be made for three (3) years commencing on the 1st day of February in the year  
33 of appointment and ending on the thirty-first day of January in the third year thereafter. A  
34 member shall serve until the member's successor is appointed. A vacancy shall be filled by

1 appointment of the governor for the remainder of the unexpired term.

2 (b) Those members of the board as of the effective date of this act who are members of  
3 the general assembly (or designees of members of the general assembly) shall cease to be  
4 members of the board on the effective date of this act, and the governor shall thereupon nominate  
5 two (2) new members, one of whose initial term shall expire on January 31, 2007, and the other  
6 of whose initial term shall expire on January 31, 2008. Thereafter, all members of the board shall  
7 be appointed to serve three (3) year terms.

8 SECTION 19. Section 42-99-4 of the General Laws in Chapter 42-99 entitled  
9 "Convention Center Authority Act" is hereby amended to read as follows:

10 **42-99-4. Creation of a corporation -- Composition -- Personnel -- Compensation. --**

11 (a) There is created and established a public corporation of the state, having a distinct legal  
12 existence from the state and not constituting a department of the state government, with those  
13 corporate powers that are set forth in this chapter to be known as "convention center authority",  
14 or by any other name that the board of commissioners may select which appropriately identifies  
15 the corporation's activities or location, to carry out the provisions of this chapter. The corporation  
16 is constituted a public instrumentality exercising public and essential governmental functions, and  
17 the exercise by the corporation of the powers conferred by this chapter shall be deemed and held  
18 to be the performance of an essential governmental function of the state. The corporation shall be  
19 deemed a "state agency or department" for the purposes of chapter 75.2 of title 42. It is the intent  
20 of the general assembly by the passage of this chapter to incorporate a public corporation and  
21 instrumentality and agency of the state for the purpose of carrying on the activities authorized,  
22 and to vest that corporation with all powers, authority, rights, privileges, and titles that may be  
23 necessary to enable it to accomplish those purposes. This chapter shall be liberally construed in  
24 conformity with the purpose expressed.

25 (b) The corporation is created, established, and incorporated for the following purposes:  
26 to construct, manage, and operate a convention center and to acquire by purchase or otherwise  
27 land therefor.

28 (c) The convention center shall be located in one of the cities or towns in the state in  
29 which the mayor (if a city) or a president of the town council (if a town) and the governor agree  
30 that the convention center shall be located.

31 ~~(d) (i) The powers of the corporation shall be vested in a board of commissioners having~~  
32 ~~nine (9) members who shall be appointed in the manner set forth in this section. Forthwith upon~~  
33 ~~the enactment of this chapter, the governor and chief municipal officer (sometimes referred to as~~  
34 ~~the "appointing authorities") will each appoint four (4) commissioners for terms ending~~

1 ~~respectively on June 30, 1988, June 30, 1989, and June 30, 1990, and June 30, 1991, and~~  
2 ~~thereafter until their respective successors are appointed and shall have qualified. Beginning on~~  
3 ~~June 30, 1988, and on each June 30 thereafter, the appointing authorities shall appoint~~  
4 ~~commissioners to succeed the commissioners whose terms are then ending and to serve for terms~~  
5 ~~of four (4) years.~~

6 ~~Notwithstanding the foregoing, on and after June 30, 1991 the governor shall have the~~  
7 ~~power to appoint six (6) commissioners and the chief municipal officer shall have the power to~~  
8 ~~appoint two (2) commissioners to serve for terms of four (4) years. This change shall be effected~~  
9 ~~as follows:~~

10 ~~On June 30, 1991 and June 30, 1992, the governor shall appoint a commissioner to~~  
11 ~~succeed one commissioner, previously appointed by the governor whose term is then ending to~~  
12 ~~serve terms of four (4) years. On June 30, 1991 and June 30, 1992 the chief municipal officer~~  
13 ~~shall appoint a commissioner to succeed one commissioner, previously appointed by the chief~~  
14 ~~municipal officer, whose term is then ending, to serve terms of four (4) years. On June 30, 1993~~  
15 ~~and on June 30, 1994, the governor shall appoint both commissioners to succeed the~~  
16 ~~commissioners whose terms are then ending, to serve for terms of four (4) years. The~~  
17 ~~appointments by the governor are designated "gubernatorial commissioners". The commissioners~~  
18 ~~appointed by the chief municipal officer whose terms expire on June 30, 1991 and June 30, 1992~~  
19 ~~are designated "municipal commissioners". The governor and the chief municipal officer shall~~  
20 ~~have the power to appoint commissioners to succeed the gubernatorial commissioners and the~~  
21 ~~municipal commissioners respectively when the terms of the gubernatorial commissioners and the~~  
22 ~~municipal commissioners end, for a period of four (4) years.~~

23 ~~(ii) Forthwith upon the enactment of this chapter, the governor and the chief municipal~~  
24 ~~officer will jointly appoint a ninth (9th) commissioner who will act as chairperson of the~~  
25 ~~corporation and whose four (4) year term will end on June 30, 1991. On June 30, 1991, the~~  
26 ~~governor shall appoint a ninth (9th) commissioner who will serve as chairperson until the~~  
27 ~~expiration of a second full four (4) year term on June 30, 1995. Thereafter, the ninth (9th)~~  
28 ~~commissioner will be appointed (for successive four (4) year terms) by the governor and the~~  
29 ~~chairperson will be elected from among its members by the board of commissioners.~~

30 (d) (i) The powers of the corporation shall be vested in a board of commissioners having  
31 nine (9) members: seven (7) of whom shall be appointed by the governor with the advice and  
32 consent of the senate; and two (2) of whom shall be appointed by the chief municipal officer.

33 (ii) Those commissioners serving as of the effective date of this act shall continue to  
34 serve until the expiration of their current terms.

1           (iii) Thereafter, upon the expiration of the term of a commissioner appointed by the  
2 governor, the governor shall appoint a successor, subject to the advice and consent of the senate;  
3 and, upon the expiration of a commissioner appointed by the chief municipal officer, the chief  
4 municipal officer shall appoint a successor.

5           (iv) Commissioners shall be appointed for terms of four (4) years.

6           (e) Any commissioner may be reappointed for successive terms. Any commissioner may  
7 be removed by the appointing authority for misfeasance, malfeasance or willful neglect of duty.  
8 Any vacancy resulting from the death, disability, or other failure of a commissioner to continue to  
9 serve may be filled by the person given the power to make the original appointment.

10           (f) The board of commissioners shall elect from among its members, a chairperson, a  
11 vice chairperson, and any other officers that they may determine, ~~including a secretary and a~~  
12 ~~treasurer, and, beginning on July 1, 1995, a chairperson.~~ Meetings shall be held at the call of the  
13 chairperson or whenever two commissioners request. Action by the corporation may be taken by  
14 the board of commissioners at any regular or special meeting at which a quorum is present. Five  
15 (5) commissioners of the corporation shall constitute a quorum. Any action taken by the  
16 corporation under the provisions of this chapter shall require the affirmative vote of not less than  
17 five (5) commissioners. No vacancy in the membership of the corporation shall impair the right of  
18 a quorum to exercise all of the rights and perform all of the duties of the corporation.

19           (g) Commissioners shall receive no compensation for the performance of their duties, but  
20 each commissioner shall be reimbursed for his or her reasonable expenses incurred in carrying  
21 out the duties under this chapter.

22           (h) Notwithstanding the provisions of any other law, no officer or employee of the state  
23 shall be deemed to have forfeited or shall forfeit his or her office or employment by reason of his  
24 or her acceptance of membership of the corporation or his or her service thereto.

25           (i) The commissioners may employ an executive director who shall administer, manage,  
26 and direct the affairs and business of the corporation, subject to the policies, control, and direction  
27 of the commissioners. The commissioners may employ technical experts and any other officers  
28 and agents and fix their qualification, duties, and compensation. The executive director and  
29 technical experts, officers, agents, and attorneys so employed shall not be subject to the  
30 provisions of the classified service. The commissioners may employ other employees, permanent  
31 and temporary, as they deem necessary. The commissioners may delegate to one or more of the  
32 corporation's agents or employees those administrative duties they may deem proper.

33           (j) The commissioners may authorize the engagement of any other person, corporation,  
34 or other entity including, without limiting the generality of the foregoing, any public body

1 corporate and politic located within the municipality as they may select to undertake the staffing  
2 and management of the convention center (including the scheduling of events and related  
3 activities) upon any terms and for any periods of time that they may deem proper.

4 (k) The secretary shall keep a record of the proceedings of the corporation and shall be  
5 custodian of all books, documents, and papers filed with the corporation and of its minute book  
6 and seal. The secretary shall have the authority to cause to be made copies of all minutes and  
7 other records and documents of the corporation and to give certificates under the seal of the  
8 corporation to the effect that the copies are true copies and all persons dealing with the  
9 corporation may rely upon the certificates.

10 (l) No part of the net earnings of the corporation shall be distributable to, or inure to the  
11 benefit of, any private person.

12 SECTION 20. Section 42-125-5 of the General Laws in Chapter 42-125 entitled "Rhode  
13 Island Greenways Act of 1995" is hereby amended to read as follows:

14 **42-125-5. Council created -- Appointment of members.** -- (a) The greenways council  
15 shall consist of seven (7) members to be appointed in the following manner:

16 (b) Two (2) members shall represent the public and shall be appointed by the governor;  
17 one member shall be a city or town official and shall be appointed by the governor; one member  
18 shall be the director of administration, or his or her designee; one member shall be the director of  
19 the department of economic development, or his or her designee; one member shall be the  
20 director of the department of environmental management, or his or her designee; and one member  
21 shall be the director of the department of transportation, or his or her designee. The governor shall  
22 appoint one member of the council to be the chairperson of the council. The council may elect  
23 from among its members such other officers as they deem necessary.

24 (c) Gubernatorial appointments made under this section after the effective date of this act  
25 shall be subject to the advice and consent of the senate.

26 SECTION 21. Section 42-126-5 of the General Laws in Chapter 42-126 entitled "East  
27 Bay Economic Initiative" is hereby amended to read as follows:

28 **42-126-5. Creation of the steering committee.** -- The East Bay Economic Initiative's  
29 activities shall be governed by a steering committee, which shall serve as its board of directors,  
30 and shall ~~have the following membership; three (3) state senators from the East Bay appointed by~~  
31 ~~the president of the senate, not more than two (2) of whom shall be from the same political party;~~  
32 ~~three (3) state representatives from the East Bay appointed by the speaker of the house of~~  
33 ~~representatives, not more than two (2) of whom shall be from the same political party;~~ consist of  
34 eleven (11) members: the director of Economic Development Corporation, or the designee of the

1 director; the associate director for planning of the Department of Administration, or the designee  
2 of the associate director; and nine (9) public members from private businesses in the East Bay or  
3 from business organizations, appointed by the governor. The governor shall appoint the  
4 chairperson of the steering committee from among the public members. The steering committee  
5 may elect from among its members such other officers as they deem necessary. Members of the  
6 steering committee established by executive order 94-3 shall be members of the steering  
7 committee hereby created and shall remain in office until their successors are duly appointed.  
8 Gubernatorial appointments made under this section after the effective date of this act shall be  
9 subject to the advice and consent of the senate.

10 SECTION 22. Section 44-34-11 of the General Laws in Chapter 44-34 entitled "Excise  
11 on Motor Vehicles and Trailers [Repealed effective July 1, 2005.]" is hereby amended to read as  
12 follows:

13 **44-34-11. Rhode Island vehicle value commission. [Repealed effective July 1, 2005.] -**

14 – (a) There is created the "Rhode Island vehicle value commission" to establish presumptive  
15 values of vehicles and trailers subject to the excise tax.

16 (b) The commission consists of the following ~~nine (9)~~ seven (7) members: one designee  
17 of the director of transportation; five (5) local tax officials named by the governor, at least one of  
18 whom is from a town under ten thousand (10,000) population and at least one of whom is from a  
19 city over fifty thousand (50,000) population, from a list of nominees submitted by the president of  
20 the Rhode Island league of cities and towns; ~~and two (2) designees who are private citizen car~~  
21 ~~owners, one of whom is named by the speaker of the house and one of whom is named by the~~  
22 ~~president of the senate;~~ and one motor vehicle dealer designated by the director of administration;  
23 all departmental designees serve at the pleasure of the designating agency, but, for a term of no  
24 less than one year, and all other designees serve for a term of three (3) years. Notwithstanding  
25 the foregoing, those members of the commission as of the effective date of this act who were  
26 appointed to the commission by members of the general assembly shall cease to be members of  
27 the commission on the effective date of this act.

28 (c) The commission shall annually determine the presumptive values of vehicles and  
29 trailers subject to the excise tax in the following manner:

30 (1) Not earlier than September 30 and not later than December 31 of each year the  
31 commission shall by rule adopt a methodology for determining the presumptive value of vehicles  
32 and trailers subject to the excise tax which gives consideration to the following factors:

33 (i) The average retail price of similar vehicles of the same make, model, type, and year  
34 of manufacture as reported by motor vehicle dealers or by official used car guides, as that of the

1 national automobile dealers association for New England. Where regional guides are not  
2 available, the commission shall use other publications deemed appropriate; and

3 (ii) Other information concerning the average retail prices for make, model, type, and  
4 year of manufacture of motor vehicles as the director and the Rhode Island vehicle value  
5 commission may deem appropriate to determine fair values.

6 (2) On or before February 1 of each year, it shall adopt a list of values for vehicles and  
7 trailers of the same make, model, type, and year of manufacture as of the preceding December 31  
8 in accordance with the methodology adopted between September 30 and December 31; the list is  
9 subject to a public hearing at least five (5) business days prior to the date of its adoption.

10 (3) Nothing in this section is deemed to require the commission to determine the  
11 presumptive value of vehicles and trailers which are unique, to which special equipment has been  
12 added or to which special modifications have been made, or for which adequate information is  
13 not available from the sources referenced in subsection (c)(1), provided, that the commission may  
14 consider those factors in its lists or regulations.

15 (4) The commission shall annually provide the list of presumptive values of vehicles and  
16 trailers to each tax assessor on or before February 15 of each year.

17 (d) The commission shall adopt rules governing its organization and the conduct of its  
18 business; prior to the adoption of the rules, the designee of the department of administration shall  
19 serve as chairperson of the commission and has the power to call meetings, and a simple majority  
20 of the members of the commission, as provided for in subsection (b), is necessary for a quorum,  
21 which quorum by majority vote has the power to conduct business in the name of the  
22 commission.

23 (e) The commission has the power to contract for professional services that it deems  
24 necessary for the development of the methodology for determining presumptive values, for  
25 calculating presumptive values according to the methodology, and for preparing the list of  
26 presumptive values in a form and format that is generally usable by cities and towns in their  
27 preparation of tax bills. The commission also has the power to incur reasonable expenses in the  
28 conduct of its business as required by this chapter and to authorize payments for the expenses.

29 (f) Compensation for members for attendance at meetings is initially at a rate of fifty  
30 dollars (\$50.00) per meeting unless otherwise determined by the unclassified pay board.

31 (g) The commission shall respond to petitions of appeal by local boards of review in  
32 accordance with the provisions of section 44-34-9(a).

33 (h) The commission shall establish by rule, procedures for adopting an annual budget  
34 and for administering its finances. After July 1, 1986, one-half ( 1/2) of the cost of the

1 commission's operations shall be borne by the state and one-half ( 1/2) borne by cities and towns,  
2 within the state with the city and town share distributed among cities and towns on a per capita  
3 basis.

4 SECTION 23. Section 45-9-3 of the General Laws in Chapter 45-9 entitled "Budget  
5 Commissions" is hereby amended to read as follows:

6 **45-9-3. Budget and Review Commission.** -- (a) Notwithstanding the provisions of  
7 sections 45-9-1 and 45-9-2 or any other general or special laws of the state or charter provisions,  
8 the general assembly vests in the director of the state department of administration the power to  
9 appoint a budget and review commission in any town or city where the director of the state  
10 department of administration finds that the town or city's bond rating has been assigned by one or  
11 more recognized rating agencies to a rating which is below investment grade and there is an  
12 imminent threat of default on any or all of its debt obligations. The commission shall consist of  
13 the chief executive officer of the town or city, the president of the town or city council, three (3)  
14 public members from the affected municipality appointed by the governor ~~from a list of eight (8)~~  
15 ~~recommendations submitted by the general assembly (four (4) to be submitted by the president of~~  
16 ~~the senate and four (4) to be submitted by the speaker of the house of representatives; at least one~~  
17 ~~public member shall be selected from each list submitted),~~ with the advice and consent of the  
18 senate, the director of the state department of administration, the state auditor general, ~~the chair of~~  
19 ~~the house committee on finance, or his or her designee and the chair of the senate committee on~~  
20 ~~finance, or his or her designee.~~ Where there is no chief executive officer of the town or city, the  
21 vice president of the town council or city council shall serve on the commission. The director of  
22 the state department of administration shall serve as chair of the commission. The commission  
23 may elect from among its members such other officers as they deem necessary. The powers of  
24 the budget and review commission shall be to impose taxes and to make appropriations for the  
25 expenditure of moneys, for the purpose of adopting a budget and, for the purpose of maintaining a  
26 balanced budget, the budget and review commission shall make reductions or suspensions in the  
27 appropriations to any or all departments, offices or other agencies of town or city government as  
28 will prevent a deficit for the fiscal year. The budget and review commission shall be subject to the  
29 open meetings and open records law. The budget and review commission shall remain in office  
30 until the earlier of (i) that time as the chief executive officer of the town or city and the town or  
31 city council petitions the director of the state department of administration to disband the budget  
32 and review commission and the director approves the petition, or (ii) the end of the fiscal year.

33 (b) The budget and review commission shall commence its work by examining the  
34 financial and operating condition of the city or town and shall also advise the chief executive

1 officer, city or town council and the fiscal officials of the city or town on the formulation of  
2 adequate budget and budgetary controls. The budget and review commission shall issue a report  
3 detailing its findings and recommendations. The examination and report shall be completed and  
4 published no sooner than three (3) weeks after the formation of the budget and review  
5 commission. The commission shall exercise any of the powers set forth in this section only after  
6 the examination and publication of the commission's report.

7 SECTION 24. Section 45-37.1-4 of the General Laws in Chapter 45-37.1 entitled  
8 "Industrial Facilities Corporation" is hereby amended to read as follows:

9 **45-37.1-4. Rhode Island industrial facilities corporation constituted public body**  
10 **corporate and agency of the state.** -- (a) The Rhode Island industrial facilities corporation,  
11 previously created as a nonbusiness corporation, under and pursuant to chapter 6 of title 7, as  
12 amended by chapter 121 of the Public Laws of 1966, is constituted and established as a public  
13 body corporate and agency of the state for the purposes of acquiring, constructing, financing, and  
14 leasing projects, as defined in this chapter, within the state. The exercise by the corporation of the  
15 powers conferred by this chapter are deemed and held to be the performance of an essential  
16 governmental function.

17 (b) All of the powers of the corporation are vested in the board of directors of the  
18 corporation previously elected at the first meeting of the incorporators of the Rhode Island  
19 industrial facilities corporation, and the members of the board shall continue to serve for the  
20 duration of the terms for which they were originally elected. Successors to the members of the  
21 board of directors shall be appointed by the governor, as follows: prior to the month of June in  
22 each year, commencing in the year 1967, the governor shall appoint a member to serve on the  
23 board of directors for a term of five (5) years to succeed the member whose term will expire in  
24 June of that year. In the event of a vacancy occurring in the membership of the board of directors,  
25 the governor shall appoint a new member of the board of directors for the unexpired term. Any  
26 member of the board of directors shall be eligible for reappointment. [Appointments made under](#)  
27 [this section after the effective date of this act shall be subject to the advice and consent of the](#)  
28 [senate.](#)

29 (c) Each member of the board of directors, before entering upon his or her duties, shall  
30 take an oath to administer the duties of his or her office faithfully and impartially, and the oath  
31 shall be filed in the office of the secretary of state.

32 (d) The board of directors may elect officers, who need not be members of the board, as  
33 may be required to conduct the authority's business. The director of the department of economic  
34 development shall serve as executive director and chief executive officer, ex officio, of the

1 corporation. Three (3) members of the board of directors of the corporation constitutes a quorum,  
2 and the vote of three (3) members of the board of directors is necessary for any action taken by  
3 the corporation. No vacancy in the membership of the board of directors of the corporation shall  
4 impair the right of a quorum to exercise all the powers and perform the duties of the corporation.

5 (e) Any action taken by the corporation under the provisions of this chapter may be  
6 authorized by resolution at any regular or special meeting, and each resolution takes effect  
7 immediately and need not be published or posted.

8 (f) The members of the board of directors and the officers of the corporation shall  
9 receive no compensation for the performance of their duties under this chapter, but each member  
10 or officer shall be paid his or her necessary expenses incurred while in the performance of those  
11 duties.

12 SECTION 25. Section 45-38.1-4 of the General Laws in Chapter 45-38.1 entitled "Health  
13 And Educational Building Corporation" is hereby amended to read as follows:

14 **45-38.1-4. Corporation established.** -- (a) There is hereby created a public body  
15 corporate and agency of the state to be known as the "Rhode Island health and educational  
16 building corporation" as successor to the Rhode Island educational building corporation,  
17 previously created as a nonbusiness corporation under and pursuant to chapter 6 of title 7, as  
18 amended by chapter 121 of the Public Laws of 1966, and constituted and established as a public  
19 body corporate and agency of the state for the exercising of the powers conferred on the  
20 corporation under and pursuant to sections 45-38.1-1 -- 45-38.1-24.

21 (b) All of the powers of the corporation are vested in the board of directors of the  
22 corporation elected at the first meeting of the incorporators of the Rhode Island educational  
23 building corporation, and the members of the board shall continue to serve for the duration of the  
24 terms for which they were originally elected. Successors to the members of the board of directors  
25 shall be appointed by the governor, as follows: prior to the month of June in each year,  
26 commencing in the year 1968, the governor shall appoint a member to serve on the board of  
27 directors for a term of five (5) years to succeed the member whose term will expire in June of that  
28 year. In the event of a vacancy occurring in the membership of the board of directors, the  
29 governor shall appoint a new member of the board of directors for the unexpired term. Any  
30 member of the board of directors is eligible for reappointment. [Appointments made under this](#)  
31 [section after the effective date of this act shall be subject to the advice and consent of the senate.](#)

32 (c) Each member of the board of directors, before entering upon his or her duties, shall  
33 take an oath to administer the duties of his or her office faithfully and impartially, and the oath  
34 shall be filed in the office of the secretary of state.

1 (d) The board of directors shall elect two (2) of its members as chairperson and vice  
2 chairperson, and also elect a secretary, assistant secretary, treasurer, and assistant treasurer, who  
3 need not be members of the board. Three (3) members of the board of directors of the corporation  
4 shall constitute a quorum, and the affirmative vote of the majority of the directors present and  
5 entitled to vote at any regular or special meeting at which a quorum is present, is necessary for  
6 any action to be taken by the corporation; except, however, that the affirmative vote of three (3)  
7 members of the board of directors is necessary for the election of officers of the corporation and  
8 to amend the bylaws of the corporation. No vacancy in the membership of the board of directors  
9 of the corporation impairs the right of a quorum to exercise all the powers of and perform the  
10 duties of the corporation.

11 (e) Any action taken by the corporation under the provisions of this chapter may be  
12 authorized by resolution at any regular or special meeting, and each resolution takes effect  
13 immediately and need not be published or posted.

14 (f) The members of the board of directors shall receive compensation at the rate of fifty  
15 dollars (\$50.00) per meeting attended; however, the compensation shall not exceed one thousand  
16 five hundred dollars (\$1,500) per fiscal year per member.

17 (g) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict  
18 of interest for a trustee, director, officer, or employee of an institution for higher education or a  
19 health care provider to serve as a member of the board of directors of the corporation; provided,  
20 that the trustee, director, officer, or employee abstains from deliberation, action and vote by the  
21 board under this chapter in specific respect to the institution for higher education or the health  
22 care provider of which the member is a trustee, director, officer, or employee.

23 SECTION 26. Sections 46-5.1-2 and 46-5.1-5 of the General Laws in Chapter 46-5.1  
24 entitled "Commission on the Port of Galilee" are hereby amended to read as follows:

25 **46-5.1-2. Composition.** – (a) The commission shall consist of ~~fifteen (15)~~ nine (9)  
26 ~~members: three (3) of whom shall be from the house of representatives, not more than two (2)~~  
27 ~~from the same political party to be appointed by the speaker; three (3) of whom shall be from the~~  
28 ~~senate, not more than two (2) from the same political party, to be appointed by the president of~~  
29 ~~the senate;~~ one of whom shall be the director of the Department of Environmental Management,  
30 or his or her designee; one of whom shall be the director of the Department of Transportation, or  
31 his or her designee; one of whom shall be the director of the Department of Economic  
32 Development, or his or her designee; ~~and six (6) of whom shall be members of the general public,~~  
33 ~~of whom two (2) shall be appointed by the speaker, two (2) by the president of the senate and two~~  
34 ~~(2) by the governor~~ six (6) of whom shall be members of the public appointed by the governor

1 with the advice and consent of the senate.

2 (b) All appointed members of the commission as of the effective date of this act shall  
3 cease to be members of the commission on the effective date of this act, and the governor shall  
4 thereupon nominate six (6) new members, two (2) of whom shall serve an initial term of one year,  
5 two (2) of whom shall serve an initial term of two (2) years, and two (2) of whom shall serve an  
6 initial term of three (3) years. Thereafter, all appointments under this section shall be for terms of  
7 three (3) years.

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

10 **46-5.1-5. Appointments -- Vacancies.** -- The members of the commission shall be  
11 appointed forthwith. ~~In lieu of any appointment of a member of the legislature to the commission,~~  
12 ~~the appointing authority may appoint a member of the general public to serve in lieu of a~~  
13 ~~legislator, provided that the president of the senate, if applicable, or the majority leader or the~~  
14 ~~minority leader of the political party which is entitled to the appointment consents to the~~  
15 ~~appointment of the member of the general public.~~ Vacancies in said commission shall be filled in  
16 like manner as the original appointment.

17 SECTION 27. Section 46-5.1-6 of the General Laws in Chapter 46-5.1 entitled  
18 "Commission on the Port of Galilee" is hereby repealed.

19 ~~**46-5.1-6. Organization.** -- The members of the commission shall meet no later than~~  
20 ~~October 15, 1996 and shall elect a chairperson from among the legislators.~~

21 SECTION 28. Section 46-9-5 of the General Laws in Chapter 46-9 entitled "Pilots -  
22 Rhode Island Sound, Narragansett Bay, Sakonnet River, and Tributaries" is hereby amended to  
23 read as follows:

24 **46-9-5. Pilotage commission.** -- (a) There is hereby created a state pilotage commission  
25 within the department of environmental management independent of the department and the  
26 director, consisting of four (4) members, two (2) of whom shall be appointed by the governor. Of  
27 the members appointed by the governor, one shall be a licensed pilot with five (5) years active  
28 service on the waters of this state, and one shall represent the public. The chief of the division of  
29 the coastal resources and the director of the department of environmental management shall serve  
30 as ex officio members of the commission. Each appointed member of the commission shall serve  
31 for a term of three (3) years and until his or her successor shall be appointed and qualified. In the  
32 month of February, the governor shall appoint a member to hold office until the first day of  
33 March in the third year of his or her appointment, and until his or her successor shall be appointed  
34 and qualified to succeed the member whose term shall next expire. Gubernatorial appointments

1 made under this section after the effective date of this act shall be subject to the advice and  
2 consent of the senate.

3 (b) Any vacancy which may occur in the commission shall be filled by the governor as  
4 in the case of an original appointment for the remainder of the unexpired term. Any member shall  
5 be eligible to succeed him or herself.

6 (c) The members of the commission, other than members who are full time state  
7 employees, shall receive fifty dollars (\$50.00) per day for their services and shall be allowed their  
8 necessary travel expenses.

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

11 SECTION 29. Section 46-28-5 of the General Laws in Chapter 46-28 entitled "The  
12 Rhode Island Rivers Council" is hereby amended to read as follows:

13 **46-28-5. Council created -- Appointment of members. --** ~~Effective until ratification of~~  
14 ~~a constitutional amendment entitled "JOINT RESOLUTION TO APPROVE AND PUBLISH~~  
15 ~~AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE~~  
16 ~~CONSTITUTION OF THE STATE (SEPARATION OF POWERS)," such council shall consist~~  
17 ~~of fifteen (15) members to be appointed in the following manner:~~

18 ~~(1) Three (3) members shall represent the public and shall be appointed by the governor;~~  
19 ~~three (3) members shall be appointed by the lieutenant governor; three (3) members shall be~~  
20 ~~appointed by the speaker of the house of representatives as herein provided, at least one of whom~~  
21 ~~shall be a member of the house, provided however that if more than one member of the house is~~  
22 ~~appointed at least one member shall be from the minority party; two (2) members shall be~~  
23 ~~appointed by the president of the senate as herein provided, at least one of whom shall be a~~  
24 ~~member of the senate, provided, however not more than one senator shall be from the same~~  
25 ~~political party; one member shall be the director of the department of environmental management~~  
26 ~~or his or her designee; one member shall be the executive director of coastal resources~~  
27 ~~management council or his or her designee; one member shall be the director of administration or~~  
28 ~~his or her designee; one member shall be the president of the Rhode Island league of cities and~~  
29 ~~towns or his or her designee.~~

30 ~~(2) (a) Each member so appointed shall serve for three (3) years beginning in the first~~  
31 ~~day of July, except that in the case of the first two (2) members appointed by the lieutenant~~  
32 ~~governor and the first two (2) members appointed by the governor, one shall serve until July 1,~~  
33 ~~1991, and one until July 1, 1992. Members shall be appointed during the month of June of each~~  
34 ~~year by the appointing authority and in the event of a vacancy occurring in the council, said~~

1 ~~vacancy shall be filled in a like manner as the original appointment for the remainder of the~~  
2 ~~unexpired term.~~

3 ~~(b) Effective upon ratification of a constitutional amendment entitled "JOINT~~  
4 ~~RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A~~  
5 ~~PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE~~  
6 ~~(SEPARATION OF POWERS),"~~ sSuch council shall consist of ~~fifteen (15)~~ ten (10) members to  
7 be appointed in the following manner:

8 (i) ~~Five (5)~~ Two (2) public members shall be appointed by the governor with the advice  
9 and consent of the senate; ~~four (4)~~ two (2) public members shall be appointed by the lieutenant  
10 governor with the advice and consent of the senate; one member shall be the general manager of  
11 the water resources board or his or her designee; one member shall be the director of the  
12 department of environmental management or his or her designee; one member shall be the  
13 executive director of coastal resources management council or his or her designee; one member  
14 shall be the director of administration or his or her designee; one member shall be the executive  
15 director of the economic development corporation or his or her designee; and one member shall  
16 be the president of the Rhode Island league of cities and towns or his or her designee.

17 (ii) All duly appointed members as of January 1, 2005, whose appointments were not  
18 vacated by a change in appointing authority, shall continue as members until the expiration of  
19 their term or until their successors are duly appointed and qualified. Members shall be appointed  
20 during the month of January of each year by the appointing authority and in the event of a  
21 vacancy occurring in the council, said vacancy shall be filled in a like manner as the original  
22 appointment for the remainder of the unexpired term. The term of appointed members shall be  
23 three (3) years.

24 SECTION 30. Severability. If any provision of this act or the application thereof to any  
25 person or circumstances is held invalid, such invalidity shall not affect other provisions or  
26 applications of the act, which can be given effect without the invalid provision or application, and  
27 to this end the provisions of this act are declared to be severable.

28 SECTION 31. This act shall take effect upon passage.

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LC00448  
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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 make a variety of changes to the general laws and would remove
- 2 legislative appointments from several boards and commission.
- 3           This act would take effect upon passage.

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