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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2005

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A N A C T

RELATING TO SEPARATION OF POWERS

Introduced By: Senators Lenihan, Cote, J Montalbano, Algieri, and Blais

Date Introduced: February 02, 2005

Referred To: Senate Government Oversight

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 2-4-3 and 2-4-5 of the General Laws in Chapter 2-4 entitled "Soil
2 Conservation" are hereby amended to read as follows:

3 **2-4-3. State conservation committee.** -- (a) There is established, within the department
4 of environmental management to serve as an agency of the state and to perform the functions
5 conferred upon it by this chapter, the state conservation committee. The following shall serve as
6 members of the committee: the director of the department of environmental management, or his
7 or her designee, one conservation district director, or his or her designee, from each conservation
8 district, and one governor's appointee, ~~one state senator, and one state representative.~~

9 (b) District directors to the state committee or their designees shall be selected for a term
10 of three (3) years by the district board of directors at their annual meeting and the state committee
11 shall be notified of the results of this election at least thirty (30) days prior to the expiration of the
12 term of office. State committee members shall hold office until a successor has been selected.
13 Vacancies shall be filled for any unexpired terms. The selection of successors to fill an unexpired
14 term or for a full term shall be in the same manner in which the respective state committee
15 member had been selected.

16 (c) The governor's appointive member of the committee shall be selected every two (2)
17 years by the governor, and select and represent those interests within the state not already
18 represented, or less fully represented, on the committee.

19 (d) ~~General assembly members of the committee shall be selected every two (2) years.~~

1 ~~The state senator member shall be appointed by the president of the senate. The house of~~
2 ~~representatives member to the committee shall be appointed by the speaker of the house of~~
3 ~~representatives.~~ Gubernatorial appointments made under this section after the effective date of
4 this act shall be subject to the advice and consent of the senate.

5 (e) The committee shall invite the director of the cooperative extension service and
6 agricultural experiment station, chief of the office of state planning, director of transportation, the
7 president of the Rhode Island association of conservation districts, the state conservationist of the
8 USDA soil conservation service, the state executive director of the USDA agricultural
9 stabilization and conservation service, the chairperson of the water resources board, and the
10 executive director of the coastal resources management council, and any other agency
11 representatives necessary to carry out the intent of this chapter to serve as advisors to the state
12 committee.

13 (f) The committee shall keep a record of its official actions, and may perform any acts,
14 hold any public hearings, and promulgate any rules and regulations that may be necessary for the
15 execution of its functions under this chapter.

16 **2-4-5. Chairperson of the committee -- Quorum -- Expenses -- Surety bonds --**
17 **Records -- Audit. --** The chairperson of the state committee shall be elected annually by the
18 committee. The committee may elect from among its members such other officers as they deem
19 necessary. A majority of the committee constitutes a quorum, and all actions of the committee
20 shall be by a majority vote of the members present and voting at a meeting at which a quorum is
21 present. The chairperson and members of the committee receive no compensation for their
22 services on the committee, but are entitled to expenses or per diem, including traveling expenses,
23 necessarily incurred in the discharge of their duties on the committee. The committee shall
24 provide for the execution of surety bonds for all employees entrusted with funds or property; shall
25 provide for the keeping of a full and accurate record of all proceedings and of all resolutions,
26 regulations, and orders issued or adopted; and shall provide for a periodic audit of the accounts of
27 receipts and disbursements.

28 SECTION 2. Section 4-13-1.3 of the General Laws in Chapter 4-13 entitled "Dogs" is
29 hereby amended to read as follows:

30 **4-13-1.3. Rabies control board. --** (a) There shall be a rabies control board consisting of
31 ~~nine (9)~~ seven (7) people as follows:

32 (1) The director of the Rhode Island department of environmental management or his or
33 her designee;

34 (2) The director of the Rhode Island department of health or his or her designee;

1 (3) A Rhode Island licensed veterinarian, appointed by the governor, who is a member of
2 the Rhode Island veterinary medical association;

3 (4) A livestock farmer, appointed by the governor, who is a member of the Rhode Island
4 farm bureau;

5 (5) A member of a recognized Rhode Island humane group (such as the Rhode Island
6 society for prevention of cruelty to animals), appointed by the governor;

7 (6) The state veterinarian, who shall serve as chairperson;

8 (7) A member of the Rhode Island animal control association, appointed by the
9 governor; ~~and.~~

10 ~~(8) Two (2) members of the general assembly, one member to be appointed by the~~
11 ~~speaker of the house, and one member to be appointed by the president of the senate.~~

12 (b) The members of the board shall serve without compensation. The board members
13 from the departments of health and environmental management shall serve at the discretion of
14 their directors. The state veterinarian shall serve without term. Nongovernmental members shall
15 serve for a period of three (3) years and reappointments shall be made by the governor with the
16 advice and consent of the senate.

17 (c) Vacancies for citizen members shall be filled by appointment for the unexpired term
18 only. Any citizen member of the commission may be removed from office by the governor for
19 cause, upon notice and opportunity to be heard.

20 (d) All appointments made under this section after the effective date of this act shall be
21 subject to the advice and consent of the senate.

22 SECTION 3. Section 5-71-4 of the General Laws in Chapter 5-71 entitled "Interpreters
23 for the Deaf" is hereby amended to read as follows:

24 **5-71-4. Board of examiners -- Creation -- Compensation -- Appointment, terms and**
25 **qualifications of members.** -- (a) There exists within the state department of health a board of
26 examiners of interpreters for the deaf. The board consists of nine (9) persons who are residents of
27 the state of Rhode Island for at least two (2) years prior to their appointments. ~~Two~~ : two (2)
28 nationally certified interpreters, one screened interpreter, one interpreter eligible under section 5-
29 71-12, three (3) consumers, one (1) special license holder and one consumer of specialized
30 communication modalities as defined in section 5-71-3. The certified members hold certification
31 from the National Registry of Interpreters for the Deaf, and hold an active and valid license in this
32 state, except for the first appointed members who are persons who are engaged in rendering
33 interpreting services for a period of at least five (5) years, and are qualified for license under the
34 provisions of this chapter. The screened member holds valid screening from a recognized state-

1 screening, and holds an active and valid license in this state, except for the first appointed
2 member who is a person who has been engaged in rendering interpreting services for a period of
3 at least five (5) years, and is qualified for license under the provisions of this chapter. The special
4 licensed member has expertise in one of the communication modalities defined in section 5-71-
5 3(7), or another specialized communication modality.

6 ~~(b) The first board and all future members are appointed in the following manner:~~

7 ~~(1) The speaker of the house appoints one nationally certified interpreter member and one~~
8 ~~consumer member upon the advice of deaf consumer organizations such as the Rhode Island~~
9 ~~Association of the Deaf.~~

10 ~~(2) The president of the senate appoints one nationally certified interpreter member, one~~
11 ~~consumer member upon the advice of deaf consumer organizations, and one parent of a deaf or~~
12 ~~hard of hearing child;~~

13 ~~(3) The house minority leader appoints the grandparent interpreter eligible under section~~
14 ~~5-71-12; and~~

15 ~~(4) The governor appoints the screened interpreter member, one special license holder,~~
16 ~~and one consumer of specialized communication modalities upon the advice of organizations of~~
17 ~~persons who utilize interpreters for the deaf to facilitate communication.~~

18 ~~(e) Initially:~~

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

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

23 ~~(3) The grandparent interpreter member, the parent member, and the special license~~
24 ~~holder member serve for a term of three (3) years.~~

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

31 ~~(e) (c)~~ The board reorganizes annually during the month of December and elects a
32 chairperson and vice chairperson for the subsequent calendar year. The board may elect from
33 among its members such other officers as it may deem necessary.

34 ~~(f) (d)~~ Five (5) members of the board constitute a quorum to do business.

1 ~~(g)~~ (e) The director of the department of health, with the approval of the governor may
2 remove any member of the board for dishonorable conduct, incompetency, or neglect of duty.

3 SECTION 4. Sections 12-1.1-4 and 12-1.1-5 of the General Laws in Chapter 12-1.1
4 entitled "State Crime Laboratory Commission" are hereby amended to read as follows:

5 **12-1.1-4. Membership.** -- The commission shall consist of ~~seven (7)~~ five (5) members:
6 ~~(1) two (2) members of the house of representatives, selected by the chairperson of the house~~
7 ~~finance committee, at least one of whom shall be from the minority party; (2) two (2) members~~
8 ~~from the senate, selected by the chairperson of the senate finance committee, at least one of~~
9 ~~whom shall be from the minority party; (3) the attorney general or designee; (4) the~~
10 superintendent of state police or designee; ~~and (5) the president of the R.I. Police Chiefs~~
11 Association, ~~ex officio~~ or designee; two (2) members of the public appointed by the governor
12 subject to the advice and consent of the senate. ~~A commission member has the right to send, in~~
13 ~~his or her place, a designated representative to a meeting.~~ Appointed members of the commission
14 shall serve terms of two (2) years.

15 **12-1.1-5. Chairperson.** -- The attorney general shall be the chairperson of the
16 commission. The commission may elect from among its members such other officers as it deems
17 necessary.

18 SECTION 5. Sections 16-58-3 and 16-58-4 of the General Laws in Chapter 16-58
19 entitled "Adult Education Commission" are hereby amended to read as follows:

20 **16-58-3. Composition of commission.** -- (a) The commission shall be composed of
21 ~~thirty two (32)~~ twenty-six (26) members, as follows:

22 (1) ~~Fourteen (14)~~ Eight (8) members representing state officials, including ~~three (3)~~
23 ~~members of the state senate, not more than two (2) from the same political party, who shall be~~
24 ~~nominated by the president of the senate; and three (3) members of the state house of~~
25 ~~representatives, not more than two (2) from the same political party, who shall be nominated by~~
26 ~~the speaker of the house; and~~ one member of the board of regents for elementary and secondary
27 education, who shall be nominated by the chairperson of the board; the commissioner of higher
28 education, or his or her designee; and one member of the human resource investment council
29 appointed by the chairperson; and five (5) members who shall be the directors or the director's
30 designee of each of the following: (1) the department of labor and training; (2) the Rhode Island
31 Economic Development Corporation; (3) the department of health; (4) the department of human
32 services; and (5) the office of library and information services.

33 (2) Nine (9) members representing the adult education profession, including the
34 commissioner of elementary and secondary education, or his or her designee; one member

1 [designated by the Rhode Island Literary Resource Center](#); and seven (7) other professionals; ; two
2 (2) program administrators or teachers who shall be nominated by the executive board of the
3 Adult Education Association of Rhode Island, with not less than five (5) years experience in local
4 adult education programs; five (5) program administrators or teachers nominated by the Rhode
5 Island Adult Literacy Council, including one representative from each of the following program
6 areas: (i) English as a second language program; (ii) vocational literacy program; (iii) G.E.D.
7 preparation program; (iv) basic reading and literacy program; (v) family literacy program; ~~and~~
8 ~~one (1) member designated by the Rhode Island Literary Resource Center.~~

9 (3) Nine (9) members from local cities and towns appointed by the governor, including
10 one member of a school committee from a city or town which has an active adult education
11 program ~~appointed by the executive committee of the Rhode Island Association of School~~
12 ~~Committees;~~; one representative of the Rhode Island School Superintendents' Association, ~~to be~~
13 ~~nominated by the executive committee of the association;~~ two (2) representatives of business or
14 industry; one representative of organized labor; three (3) persons who have received, or are
15 receiving, adult education services; and one member representing a public library from a city or
16 town with an active adult education program. [All gubernatorial appointments made after the](#)
17 [effective date of this act shall be subject to the advice and consent of the senate.](#)

18 (b) It is recognized that the policy of the commission shall be to facilitate and insure, to
19 the fullest extent possible, that adult education will provide adult Rhode Islanders the educational
20 opportunities to achieve their fullest potential as community members, workers, parents, and
21 productive citizens.

22 **16-58-4. Appointment and terms of commission members.** -- (a) All members shall
23 continue to serve until their successors are appointed and qualified. Terms shall run for three (3)
24 years, commencing on the effective date of this commission and continuing through April 30
25 three (3) years from that time on.

26 (b) ~~The members of the commission shall meet at the call of the speaker of the house and~~
27 ~~organize and shall select from among the legislators a chairperson.~~ Vacancies in the commission
28 shall be filled in the same manner as the original appointment.

29 SECTION 6. Section 23-4-6 of the General Laws in Chapter 23-4 entitled "Office of
30 State Medical Examiners" is hereby amended to read as follows:

31 **23-4-6. State medical examiners commission.** -- (a) There is established the state
32 medical examiners commission. The commission shall hear and determine appeals to decisions
33 by chief medical examiners regarding the undertaking of investigations, inquests, and autopsies,
34 and shall advise the chief medical examiner on matters of public concern.

1 (b) The commission shall consist of ~~fourteen (14)~~ twelve (12) members, ~~ten (10)~~ eight
2 (8) of whom shall be ex officio members, viz., the director of health, the attorney general, the
3 superintendent of state police, the president of the Rhode Island Medical Society, the president of
4 the Rhode Island Society of Pathologists, the president of the Rhode Island Bar Association, the
5 vice president of the Brown University Division of Biological and Medical Sciences, the
6 president of the Rhode Island Funeral Directors Association, ~~the chair of the Rhode Island house~~
7 ~~of representatives H.E.W. committee, the chair of the Rhode Island senate H.E.W. committee,~~ or
8 the designee of each of the previously mentioned members, and four (4) citizens of the state to be
9 appointed by the governor for the term of three (3) years. Each citizen member shall hold office
10 for the term of his or her appointment and until his or her successor is appointed. Vacancies for
11 citizen members shall be filled by appointment for the unexpired term only. Any citizen member
12 of the commission may be removed from office by the governor for cause, upon notice and
13 opportunity to be heard. All gubernatorial appointments made under this section after the
14 effective date of this act shall be subject to the advice and consent of the senate.

15 (c) The director of health and the attorney general shall be the chairperson and vice
16 chairperson, respectively, of the commission. The chief medical examiner of the office of state
17 medical examiners shall serve as the executive secretary of the commission, and the expenses of
18 the commission shall be a responsibility of the department of health. The commission shall meet
19 at the call of its chairperson and at least four (4) times each year, the time and the place for each
20 meeting to be fixed by the chairperson.

21 SECTION 7. Section 23-27.3-100.1.4 of the General Laws in Chapter 23-27.3 entitled
22 "State Building Code" is hereby amended to read as follows:

23 **23-27.3-100.1.4. Appointment and qualifications of the committee.** -- (a) The building
24 code standards committee shall be composed of ~~twenty five (25)~~ twenty-three (23) members,
25 residents of the state; ~~twenty three (23) of whom~~ who shall be appointed by the governor with the
26 advice and consent of the senate. Eight (8) members are to be appointed for terms of one year
27 each, seven (7) for a term of two (2) years each, and eight (8) for terms of three (3) years each.
28 Annually, thereafter, the governor, with the advice and consent of the senate, shall appoint
29 members to the committee to succeed those whose terms expired; the members to serve for terms
30 of three (3) years each and until their successors are appointed and qualified. Two (2) members
31 shall be architects registered in the state; three (3) shall be professional engineers registered in the
32 state, one specializing in mechanical, one specializing in structural, and one specializing in
33 electrical engineering; one landscape architect, registered in the state, one full-time certified
34 electrical inspector; two (2) shall be builders or superintendents of building construction; one

1 shall be a public health official; one shall be a qualified fire code official; two (2) shall be from
2 the Rhode Island building trades council; one shall be a holder of Class "A" electrician's license;
3 one shall be a master plumber; two (2) shall be from the general public; three (3) shall be building
4 officials in office, one from a municipality with a population of sixty thousand (60,000) persons
5 or more, one from a municipality with a population of over twenty thousand (20,000) persons but
6 less than sixty thousand (60,000), and one from a municipality with a population of less than
7 twenty thousand (20,000) persons; ~~one shall be a member of the state senate, appointed by the~~
8 ~~president of the senate, and one shall be a member of the house of representatives, appointed by~~
9 ~~the speaker,~~ and one shall be a minimum housing official in office from one of the local
10 municipalities. Within thirty (30) days of May 25, 1988, the governor shall appoint, with the
11 advice and consent of the senate, two (2) residents of the state who shall be persons with
12 disabilities as defined in section 28-5-6(4), one of whom shall be appointed for a term of one
13 year, and one of whom shall be appointed for a term of two (2) years. Within thirty (30) days of
14 May 25, 1988, the governor shall appoint, with the advice and consent of the senate, one
15 landscape architect in the state who shall be appointed for a term of three (3) years.

16 (b) All members, ~~except members of the state senate and the members of the house of~~
17 ~~representatives~~ shall have no less than five (5) years practical experience in his or her profession
18 or business. The committee shall elect its own chairperson, and may elect from among its
19 members such other officers as they deem necessary. The committee shall adopt rules and
20 regulations for procedure. The state building commissioner shall serve as the executive secretary
21 to the committee. The committee shall have the power, within the limits of appropriations
22 provided therefor, to employ such assistance as may be necessary to conduct business.

23 The state housing and property maintenance code subcommittee shall be composed of
24 nine (9) members, residents of the state. Five (5) of these members are to be current members of
25 the state building code standards committee and are to be appointed by that committee. The four
26 (4) remaining members are to be appointed by the governor, with the advice and consent of the
27 senate. The four (4) appointed by the governor, with the advice and consent of the senate, shall
28 initially be appointed on a staggered term basis, one for one year, one for two (2) years, and two
29 (2) for three (3) years. Annually thereafter, the building code standards committee, and the
30 governor, with the advice and consent of the senate, shall appoint the subcommittee members, for
31 which they are respectively responsible, to succeed those whose terms have expired; the members
32 to serve for terms of three (3) years each and until their successors are appointed and qualified. Of
33 the members appointed by the committee one shall be a full-time certified electrical inspector;
34 one shall be a master plumber and mechanical equipment expert, one shall be a builder or

1 superintendent of building construction, one member shall be a qualified state fire code official,
2 one shall be a property manager, and one shall be a current minimum housing official from a
3 local municipality. The four (4) members to be appointed by the governor, with the advice and
4 consent of the senate, shall all be current minimum housing officials from local municipalities.
5 One shall be from a municipality with a population of sixty thousand (60,000) persons or more,
6 two (2) from municipalities with a population of over twenty thousand (20,000) persons but less
7 than sixty thousand (60,000), and one from a municipality with a population of less than twenty
8 thousand (20,000) persons.

9 SECTION 8. Section 23-28.2-23 of the General Laws in Chapter 23-28.2 entitled
10 "Division of Fire Safety" is hereby amended to read as follows:

11 **23-28.2-23. Fire education and training coordinating board.** -- (a) There is hereby
12 created within the division of fire safety a fire education and training coordinating board. The
13 governor shall appoint one representative from each of the following groups to serve on the
14 board:

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

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

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

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

24 (5) Rhode Island department of environmental management.

25 (6) Rhode Island fire safety association.

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

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

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

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

33 ~~(e)~~ (d) Members shall be appointed for terms of three (3) years, except that the terms of
34 the first appointments shall be one year for approximately one-third (1/3) of the members, two

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

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

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

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

15 ~~(i)~~ (h) The board shall:

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

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

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

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

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

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

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

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

32 ~~(l)~~ (k) A quorum for conducting all business before the board, shall be at least seven (7)
33 members.

34 (l) All gubernatorial appointments made after the effective date of this act shall be subject

1 [to the advice and consent of the senate.](#)

2 SECTION 9. Chapter 24-11 of the General Laws entitled "Jamestown Ferry" is hereby
3 repealed in its entirety.

4 ~~CHAPTER 24-11~~

5 ~~Jamestown Ferry~~

6 ~~**24-11-1. --24-11-21. [Repealed.]--**~~

7 ~~**24-11-22. Transfer of power to state director of transportation.** -- The powers, rights,
8 and duties and functions of the Jamestown ferry authority are transferred to and vested in the state
9 director of transportation.~~

10 ~~**24-11-23. Exclusive right to operate -- Necessity for service.** -- The exclusive right to
11 operate the ferry services which the Jamestown ferry authority had prior to May 22, 1958 by law,
12 is vested in the director of transportation who is authorized and directed to continue such
13 exclusive operation. Operation of the services is hereby declared to be necessary and convenient
14 in connection with the use of the state highway system, and ferries when so operated by the
15 director of transportation shall be deemed part of the state highway system.~~

16 ~~**24-11-24. Jamestown ferry commission.** -- There is hereby created and established a
17 commission to be known as the Jamestown ferry commission, composed of the director of
18 transportation, as chairperson, the public utilities administrator, the director of administration, and
19 two (2) qualified electors, one of whom shall be a resident of the town of Jamestown and the
20 other a resident of the city of Newport, who shall be appointed by the governor and shall serve at
21 the governor's pleasure. No member of the commission shall receive any compensation for his or
22 her services as a member, and the powers and duties vested in the director of transportation, the
23 public utilities administrator and the director of administration by the provisions of sections 24-
24 11-22 --24-11-29 shall be construed to be in addition to any and all other powers and duties
25 vested in them by any other general or public law, and not in substitution thereof.~~

26 ~~**24-11-25. Fixing of tolls and charges.** -- The Jamestown ferry commission shall by vote
27 of a majority of the full commission from time to time establish the tolls, rates or charges to be
28 paid for any services performed by or connected with ferries operated pursuant to sections 24-11-
29 22 --24-11-29; provided that no increase shall be made in a toll, rate, or charge except after thirty
30 (30) days' notice to the public published by posting the increase in plain type displayed at every
31 station or office where payments are made by the users of the ferry services.~~

32 ~~**24-11-26. Employees in ferry service.** -- All employees essential to the operation of the
33 ferry service shall be in the classified service of the state. Preference shall be given to qualified
34 residents of the town of Jamestown to fill vacancies which may occur among the personnel of the~~

1 ~~ferry service within the classified service of the state.~~

2 ~~**24-11-27. Revenue.** -- All revenues derived from the operation of the ferry services shall~~
3 ~~be paid over to the general treasurer as general revenue for use by the state.~~

4 ~~**24-11-28. Saving of existing rights.** -- The passage of sections 24-11-22 -- 24-11-29~~
5 ~~shall not affect any act done, any right accrued, acquired or established by, or any remedy for~~
6 ~~injury to the Jamestown ferry authority, and the assignment and transfer provided for in this~~
7 ~~chapter shall be deemed and held to be a continuation of all powers, duties, rights, and obligations~~
8 ~~thereof.~~

9 ~~**24-11-29. Annual appropriation.** -- The general assembly shall annually appropriate~~
10 ~~such sum or sums as it may deem necessary to carry out the purposes of sections 24-11-22 -- 24-~~
11 ~~11-29; and the state controller is hereby authorized and directed to draw his or her orders upon~~
12 ~~the general treasurer for the payment of such sum or sums as may be necessary from time to time,~~
13 ~~upon the receipt by the state controller of properly authenticated vouchers.~~

14 SECTION 10. Sections 30-15-10 and 30-15-11 of the General Laws in Chapter 30-15
15 entitled "Emergency Management" are hereby amended to read as follows:

16 **30-15-10. Financing -- Disaster emergency funding board established.** -- (a) It is the
17 intent of the general assembly and declared to be the policy of the state that funds to meet disaster
18 emergencies shall always be available.

19 (b) A disaster emergency funding board is hereby established, composed of the ~~president~~
20 ~~of the senate, the speaker of the house, and the chairpersons of the senate and house finance~~
21 ~~committees.~~ governor, the lieutenant governor, the attorney general, the general treasurer and the
22 secretary of state. The governor shall serve as chairperson of the board, and the lieutenant
23 governor shall serve as chairperson in the absence of the governor.

24 (c) It is the legislative intent that the first recourse shall be to funds regularly
25 appropriated to state and local agencies. If the governor finds that the demands placed upon these
26 funds in coping with a particular disaster are unreasonably great, with the concurrence of the
27 disaster emergency funding board, he or she may make funds available by transferring and
28 expending moneys appropriated for other purposes or may borrow for a term not to exceed two
29 (2) years from the United States government or any other private source.

30 (d) Nothing contained in this section shall be construed to limit the governor's authority
31 to apply for, administer, and expend any grants, gifts, or payments, in aid of disaster prevention,
32 preparedness, response, or recovery.

33 **30-15-11. Emergency claims commission.** -- (a) There is hereby created an emergency
34 claims commission, consisting of three (3) qualified electors of this state, who shall, if deemed

1 necessary, within ten (10) days after the governor proclaims an emergency, be appointed by the
2 ~~presiding justice of the superior court~~ governor with the advice and consent of the senate. Any
3 vacancy in the membership of the commission shall be filled immediately ~~by the presiding justice~~
4 in the same manner. The governor shall appoint a chairperson from among these members. ~~The~~
5 ~~presiding justice shall fix the per diem compensation of the members of the commission. The
6 members of the commission shall serve without compensation, but may be reimbursed for
7 reasonable and necessary expenses incurred in connection with their service as members of the
8 commission. The commission shall determine what sum will justly compensate the claimant for
9 the property taken, and that determination shall be made in accordance with the procedure
10 established by the majority of the justices of the superior court, which procedure shall be
11 designed to secure the just, speedy, and inexpensive determination of claims for compensation.
12 The commission may hire and the state shall pay for the services of any skilled and disinterested
13 appraisers that the commission shall deem necessary to assist it in the performance of its duties.
14 ~~The clerk of the superior court for Providence county shall detail one of the assistant clerks and~~
15 ~~any clerical assistance that may be necessary to assist the commission in performing its duties,~~
16 ~~and when and if the commission so requests, the clerks of the superior courts for the other~~
17 ~~counties of the state shall furnish the commission any clerical assistance that it may require.~~ The
18 ~~proper authorities~~ governor shall provide the commission with suitable and convenient quarters ~~in~~
19 ~~the courthouses of the state.~~~~

20 (b) Whenever the governor takes possession of or title to any real or personal property
21 pursuant to the provisions of this chapter, he or she shall immediately cause the owner and/or
22 possessor of the property, referred to as the "claimant", to be notified in any manner that the
23 commission provides, and shall also cause a copy of the notice to be filed with the commission. If
24 the claimant or the attorney general representing the state is not satisfied with the award made by
25 the commission, he or she may appeal within thirty (30) days after the award to the superior
26 court, and the proceedings shall thereafter be conducted in the superior court in accordance with
27 the guaranties of the constitution and any rules of procedure that a majority of the justices of the
28 court may adopt. Review by the supreme court shall be available to the state and to the claimant
29 in accordance with any rules that a majority of the justices of the supreme court may adopt
30 provided a petition for review is filed in the office of the clerk of the supreme court within thirty
31 (30) days after entry of the decision of the superior court. These proceedings shall have
32 precedence on the calendars of the courts. All unappealed awards and final judgments entered
33 against the state in all proceedings and the fees and expenses of the commission shall be paid by
34 the general treasurer out of any money in the treasury appropriated for this purpose and/or any

1 money in the treasury not otherwise appropriated, and this direction shall constitute an
2 appropriation for the payment of the awards, judgments, fees, and expenses.

3 SECTION 11. Section 31-10-34 of the General Laws in Chapter 31-10 entitled
4 "Operators' and Chauffeurs' Licenses" is hereby amended to read as follows:

5 **31-10-34. Drivers' training school licensing board.** – (a) There shall be established a
6 board of licensing examiners of drivers' training schools consisting of five (5) members: ~~one of~~
7 ~~whom shall be from the house of representatives to be appointed by the speaker; one of whom~~
8 ~~shall be from the senate to be appointed by the president of the senate; two (2) of whom shall be~~
9 members of the public appointed by the governor with the advice and consent of the senate; two
10 (2) of whom shall be operators of licensed driving schools appointed by the governor with the
11 advice and consent of the senate; and one of whom shall be the administrator of the division of
12 motor vehicles or his or her designee who shall serve as chairperson of the board; all of whom
13 shall serve without compensation for a two (2) year term beginning September 1, 1976, and who
14 shall continue to serve until their successors are appointed and qualified. Vacancies shall be filled
15 in the same manner as original board positions.

16 (b) Those members of the board as of January 1, 2005 who are members of the general
17 assembly shall cease to be members of the board on January 1, 2005. The governor shall
18 nominate the two (2) new public members, one of whom shall serve an initial term that shall
19 expire on September 1, 2006, and the other of whom shall serve an initial term that shall expire
20 on September 1, 2007. Those members of the commission as of January 1, 2005 who were
21 appointed by the governor shall continue to serve for the balance of their current terms.

22 SECTION 12. Chapter 37-18 of the General Laws entitled "Narragansett Indian Land
23 Management Corporation" is hereby repealed in its entirety.

24 ~~CHAPTER 37-18~~

25 ~~Narragansett Indian Land Management Corporation~~

26 ~~**37-18-1. Short title.** – This chapter shall be known as the "Narragansett Indian Land~~
27 ~~Management Corporation Act".~~

28 ~~**37-18-2. Definitions.** – (a) "Corporation" means the Narragansett Indian land~~
29 ~~management corporation established by section 37-18-3.~~

30 ~~–(b) "Federal recognition" means the formal acknowledgement of the existence of an~~
31 ~~American Indian tribe pursuant to 25 U.S.C. section 1707 and 25 Code of Federal Regulations,~~
32 ~~Part 83.~~

33 ~~–(c) "Improvement" means land preparation and provision of public improvements such~~
34 ~~as streets, sewers, and water lines needed for commercial and residential development.~~

1 ~~-(d) "Indian" means those descendants of the individuals named on the list established~~
2 ~~pursuant to the Acts of 1880, ch. 800, section 4.~~

3 ~~-(e) "Indian corporation" means the Rhode Island non-business corporation known as the~~
4 ~~Narragansett Tribe of Indians.~~

5 ~~-(f) "Land use plan" means the plan established by the division of statewide planning and~~
6 ~~accepted by the town and the corporation.~~

7 ~~-(g) "Secretary of the interior" means the secretary of the United States department of the~~
8 ~~interior.~~

9 ~~-(h) "State" means the state of Rhode Island and Providence Plantations.~~

10 ~~-(i) "Town" means the town of Charlestown, Rhode Island.~~

11 ~~**37-18-3. Corporation established -- Passage to state upon cessation of business.**---(a)~~
12 ~~Subject to the provisions of section 37-18-12, there is hereby authorized, created, and established~~
13 ~~a permanent, public corporation of the state having a distinct legal existence from the state and~~
14 ~~not constituting a department of state government, to be known as the "Narragansett Indian land~~
15 ~~management corporation" with such powers as are set forth in this chapter for the purposes of~~
16 ~~acquiring, managing, and purchasing real property as provided in section 37-18-6(d).~~

17 ~~-(b) It is the intent of the general assembly by the passage of this chapter to vest in the~~
18 ~~corporation all powers, authority, rights, privileges, and titles which may be necessary to enable it~~
19 ~~to accomplish the purposes herein set forth.~~

20 ~~-(c) If, for any reason, the corporation shall cease entirely and continuously to conduct or~~
21 ~~be involved in any business whatsoever in furtherance of its purposes, all its duties, purposes,~~
22 ~~rights, and properties shall pass to and be vested in the state and the lands shall be held in trust for~~
23 ~~the Indians, as defined in this chapter, subject to the provisions of sections 37-18-12 and 37-18-~~
24 ~~13.~~

25 ~~**37-18-4. Purposes.**---The corporation is authorized, created and established for the~~
26 ~~following purposes:~~

27 ~~To manage and hold the real property acquired pursuant to the provisions of sections 37-~~
28 ~~18-6(d) and 37-18-7 for the benefit of the descendants of those individuals of Indian ancestry set~~
29 ~~forth in the list established pursuant to P.L. 1880, ch. 800, section 4.~~

30 ~~**37-18-5. Board of directors -- Annual report -- Oath -- Officers -- Quorum and**~~
31 ~~**required vote -- Meetings and records.**---(a) All the powers of the corporation shall be vested~~
32 ~~in the board of directors of the corporation. An annual report shall be compiled in accordance~~
33 ~~with chapter 36 of title 42 and shall also be submitted to the general assembly not later than~~
34 ~~February 15.~~

1 ~~-(b) The corporation shall consist of nine (9) directors, five (5) of whom shall be~~
2 ~~appointed by the Indian corporation, two (2) of whom shall be appointed by the governor (one of~~
3 ~~whom shall be the director of the department of environmental management or its successor~~
4 ~~agency or department and who shall serve as nonvoting director and who shall not serve as~~
5 ~~chairperson), one of whom shall be appointed jointly by the speaker of the house of~~
6 ~~representatives, and by the president of the senate, and one of whom shall be appointed by the~~
7 ~~town council. Two (2) of the directors appointed by the Indian corporation and the director~~
8 ~~appointed by the town council shall be appointed initially to four (4) year terms. Two (2) of the~~
9 ~~directors appointed by the Indian corporation and the director appointed jointly by the speaker of~~
10 ~~the house of representatives and the president of the senate shall be appointed initially to five (5)~~
11 ~~year terms. One of the directors appointed by the Indian corporation and the two (2) directors~~
12 ~~appointed by the governor shall be appointed initially to six (6) year terms. After the initial~~
13 ~~appointment terms have expired, successor terms for directors shall be for a period of three (3)~~
14 ~~years, the intention being that one third (1/3) of the board of directors shall be appointed~~
15 ~~annually. Any member chosen to fill a vacancy occurring otherwise than by expiration of a term~~
16 ~~shall be appointed only for the remainder of that unexpired term. All members of the board shall~~
17 ~~be eligible for reappointment.~~

18 ~~-(c) Each member of the board of directors, before entering upon his or her duties, shall~~
19 ~~take an oath to administer the duties of his or her office faithfully and impartially, and the oath~~
20 ~~shall be filed in the office of the secretary of state. No member of the board shall benefit directly~~
21 ~~or indirectly from any project undertaken by the corporation, other than in his or her capacity as a~~
22 ~~descendant of an individual listed in P.L. 1880, ch. 800, section 4. The oath shall state:~~

23 ~~"I, (naming the person), so solemnly affirm that I will faithfully and impartially~~
24 ~~discharge my duties as a member of the board of directors of the Narragansett Indian land~~
25 ~~management corporation according to the best of my abilities, and that I will support the~~
26 ~~Constitution and laws of this state, and the Constitution of the United States, and I do solemnly~~
27 ~~promise that I will observe and strictly obey the bylaws, rules, and regulations set down by this~~
28 ~~commission and do further declare that I entertain no ill will toward any member of this~~
29 ~~commission. This affirmation I make and give upon the peril of the penalty of perjury."~~

30 ~~-(d) The board of directors may elect such officers as may be required to conduct the~~
31 ~~corporation's business.~~

32 ~~-(e) Five (5) members of the board of directors of the corporation shall constitute a~~
33 ~~quorum, and a vote of five (5) members of the board of directors shall be necessary for any action~~
34 ~~taken by the corporation. No vacancy in the membership of the board of directors shall impair the~~

1 ~~right of a quorum to exercise all the powers and perform the duties of the corporation.~~

2 ~~-(f) Any action taken by the corporation under the provisions of this chapter may be~~
3 ~~authorized by resolution at any regular or special meeting, and each such resolution shall take~~
4 ~~effect immediately. All meetings shall be open to the public, and all records shall be a matter of~~
5 ~~public record except that if a majority of the board by public vote determines that it would be in~~
6 ~~the best interest of the corporation to hold an executive session in private, then the board is~~
7 ~~authorized to transact only the following business at the closed meeting, and the records of the~~
8 ~~meeting shall not become public record until the transaction discussed has, in the opinion of the~~
9 ~~directors, been completed:~~

10 ~~-(1) Any discussions of the job performance, character, physical or mental health of a~~
11 ~~person or persons, provided that the person or persons affected may require that the discussion be~~
12 ~~held at an open meeting;~~

13 ~~-(2) Any discussions or consideration related to the acquisition of real property wherein~~
14 ~~public information would be detrimental to the interest of the corporation.~~

15 ~~**37-18-6. Powers and duties.** -- The corporation shall have the following powers,~~
16 ~~together with all powers incidental thereto or necessary for the performance of those hereinafter~~
17 ~~stated:~~

18 ~~-(a) To have perpetual succession as a body corporate and to adopt bylaws for the~~
19 ~~regulation of its affairs and the conduct of its business;~~

20 ~~-(b) To sue and be sued, complain, and defend, in its corporate name; provided, however,~~
21 ~~the corporation shall have no standing in any zoning or other administrative or judicial~~
22 ~~proceeding involving land presently owned by castle realty company in the town;~~

23 ~~-(c) To have a seal which may be altered at pleasure and to use the seal by causing it, or a~~
24 ~~facsimile thereof, to be impressed or affixed or in any other manner reproduced;~~

25 ~~-(d) To purchase, take, receive, lease, or otherwise acquire from any person, firm,~~
26 ~~corporation, municipality, the federal government, or state, by grant, purchase, lease, or gift, or to~~
27 ~~obtain options for the acquisition of any personal property and the real property situated in the~~
28 ~~town and defined as the "settlement lands" in that "joint memorandum of understanding~~
29 ~~concerning settlement of the Rhode Island Indian land claims" dated February 28, 1978, and~~
30 ~~related to the lawsuits entitled Narragansett Tribe of Indians v. Rhode Island Director of~~
31 ~~Environmental Management, and Narragansett Tribe of Indians v. Southern Rhode Island Land~~
32 ~~Development Co., et al., C. A. Nos. 75-0005, 75-0006 (U.S. D. R.I.), improved or unimproved,~~
33 ~~and interests in the land less than the fee thereof; and to own, hold, clear, improve, develop, and~~
34 ~~rehabilitate the land subject to the restrictions set forth in sections 37-18-7 and 37-18-10;~~

- 1 ~~(e) To make and execute agreements of lease, mortgages, construction contracts,~~
2 ~~operation contracts, and other contracts and instruments necessary or convenient in the exercise~~
3 ~~of the powers and functions of the corporation granted by this chapter; provided, however, that~~
4 ~~any liabilities incurred shall be payable solely from the revenues of the corporation;~~
- 5 ~~(f) To invest and reinvest its funds;~~
- 6 ~~(g) To conduct its activities, carry on its operations, and have offices and exercise the~~
7 ~~powers granted by this chapter within the state;~~
- 8 ~~(h) To elect or appoint officers and agents of the corporation, define their duties, and fix~~
9 ~~their compensation;~~
- 10 ~~(i) To secure the cooperation and assistance of the United States and any of its agencies~~
11 ~~and of agencies of this state in the work of the corporation;~~
- 12 ~~(j) To accept grants, donations, gifts, loans of funds, and contributions of money,~~
13 ~~services, materials, or otherwise, from the United States or any of its agencies, from the state or~~
14 ~~any of its agencies, or from any other source, and to use or expend money, services, materials, or~~
15 ~~other contributions in carrying out the purpose of this chapter;~~
- 16 ~~(k) To enter into agreements to pay annual sums in lieu of taxes to the town in respect to~~
17 ~~real property which is owned by the corporation and is located in the town;~~
- 18 ~~(l) To employ, in its discretion, attorneys, accountants, architectural and engineering~~
19 ~~consultants, financial consultants, and such other employees, except an executive director, and~~
20 ~~agents as it shall deem necessary in its judgment and to fix their compensation;~~
- 21 ~~(m) (1) To grant or otherwise convey (whether voluntarily or involuntarily, including~~
22 ~~any eminent domain or condemnation proceedings) easements for public or private purposes;~~
- 23 ~~(2) The corporation shall have the power to and shall grant to the Providence boys' club~~
24 ~~or its successors in interest a reasonable right of way over the real property held by the~~
25 ~~corporation if any real property held by the Providence boys' club or its successors in interest~~
26 ~~requires such a right of way as a means of access to a public right of way;~~
- 27 ~~(3) The corporation shall have the power to and shall grant to the state a mutually~~
28 ~~acceptable right and easement to pass by foot and vehicle over a forty five foot (45') wide strip of~~
29 ~~land located within the town and in the Indian Cedar Swamp management area between Kings~~
30 ~~Factory road and the Pawcatuck River, and to use an area of the end of the strip sufficiently large~~
31 ~~for the parking of automobiles and the launching of boats;~~
- 32 ~~(n) To adopt rules and regulations concerning hunting and fishing rights on the~~
33 ~~corporation's land subject to the provisions of section 37-18-8;~~
- 34 ~~(o) To bring proceedings to remove clouds on title or such other proceedings as it may;~~

1 ~~in its discretion, deem proper and necessary;~~

2 ~~-(p) To have and exercise all powers necessary or convenient to effect its purposes;~~
3 ~~provided, however, the corporation shall have no power to sell, grant, convey, transfer, or~~
4 ~~otherwise alienate land or any interest therein other than as specifically provided in subsection~~
5 ~~(m) of this section.~~

6 ~~**37-18-7. Transfer of property -- Restrictions on use.**~~ (a) ~~Subject to the provisions of~~
7 ~~sections 37-18-12, 37-18-13, and 37-18-14, upon the adoption of a land use plan accepted by the~~
8 ~~town and the corporation pursuant to section 37-18-10 and the satisfaction of the requirements set~~
9 ~~forth in section 37-18-8, the governor is authorized, empowered, and directed to transfer, assign,~~
10 ~~and convey to the corporation in fee simple all the right, title, and interest of the state in and to the~~
11 ~~following approximately nine hundred (900) acres of real estate located in the town;~~

12 ~~-(1) The Indian Cedar Swamp management area;~~

13 ~~-(2) Indian Burial Hill; and~~

14 ~~-(3) The state land around Deep Pond.~~

15 ~~-(b) Provided, however, that the state shall retain control of and public access shall be~~
16 ~~guaranteed to an adequate fishing area within the state land around Deep Pond, and provided,~~
17 ~~further, that the governor is only authorized, empowered, and directed to transfer, assign, and~~
18 ~~convey to the corporation the real estate which is located around Deep Pond upon the governor's~~
19 ~~making a finding that the required and appropriate federal approval of the transfer has been~~
20 ~~obtained so that the transfer will not affect, in any adverse manner, any benefits received by the~~
21 ~~state under the Pittman Robertson Act, 16 U.S.C. section 669 et seq. and the Dingell Johnson Act,~~
22 ~~16 U.S.C. section 777 et seq.~~

23 ~~-(c) Upon the same findings and determinations outlined above, the governor is~~
24 ~~authorized, empowered, and directed to transfer, assign, and convey to the corporation and its~~
25 ~~assigns a mutually acceptable exclusive (except as to lateral crossing) right and easement to pass~~
26 ~~by foot and vehicle over a forty five foot (45') wide strip of state land located within the town~~
27 ~~between Kings Factory Road and Watchaug Pond, and to use an area at the end of the strip~~
28 ~~sufficiently large for the parking of automobiles and the launching of boats.~~

29 ~~-(d) The authority herein granted to the governor shall be in addition to any other~~
30 ~~authority conferred upon him or her by law. The real estate conveyed by the state to the~~
31 ~~corporation pursuant to the provisions of this section shall be held in perpetuity for conservation~~
32 ~~purposes and shall not be improved or developed by the corporation.~~

33 ~~**37-18-8. Hunting, fishing, and trapping.**~~ -- ~~The corporation shall have the right to make~~
34 ~~rules and regulations regarding fish and game conservation on real estate held by the corporation;~~

1 ~~provided, however, that the corporation shall not issue those rules and regulations until it has~~
2 ~~consulted with the director of environmental management, and further provided that the~~
3 ~~corporation shall impose minimum standards for safety of persons and protection of wildlife and~~
4 ~~fish stock.~~

5 ~~**37-18-9. Exemption from taxation -- Payments in lieu of taxes.** -- (a) The corporation~~
6 ~~shall not be required to pay any taxes or assessments upon or in respect to any property of the~~
7 ~~corporation levied by the town.~~

8 ~~(b) The corporation shall make payments in lieu of real property taxes and assessments~~
9 ~~to the town with respect to income producing projects of the corporation located in the town, and~~
10 ~~for police, fire, sanitation, health protection, and municipal services provided by the town to the~~
11 ~~real estate held by the corporation in the town. The payments in lieu of taxes shall be in such~~
12 ~~amounts as shall be agreed upon by the corporation and the town.~~

13 ~~**37-18-10. Land use plan.** -- (a) All real property owned and held by the corporation shall~~
14 ~~be subject to a land use plan prepared by the office of state planning within the department of~~
15 ~~administration. No less than seventy five percent (75%) of the land owned by the corporation,~~
16 ~~exclusive of the real property described in section 37-18-7, shall not be improved and developed~~
17 ~~and shall be held in perpetuity for conservation purposes, and the real property to be held in~~
18 ~~perpetuity for conservation purposes shall be delineated in the land use plan. The land use plan~~
19 ~~shall be mutually acceptable to the corporation and the town. Acceptance by the town of the plan~~
20 ~~shall not be unreasonably withheld. Upon acceptance of the plan by the town, the town shall~~
21 ~~amend its zoning ordinance adopted pursuant to chapter 24 of title 45 so as to conform to the~~
22 ~~plan. The zoning ordinance as amended shall govern the land use of real property owned by the~~
23 ~~corporation and the ordinance shall not be further amended in a manner inconsistent with the plan~~
24 ~~without the consent of the corporation; provided, however, that the ordinance shall not be~~
25 ~~amended in any manner affecting the land designated in the land use plan for conservation~~
26 ~~purposes.~~

27 ~~(b) The corporation shall not be entitled to use any portion of the real property to be~~
28 ~~owned and held by the corporation until such time as the land use plan is adopted by the~~
29 ~~corporation and accepted by the town.~~

30 ~~**37-18-11. Civil and criminal jurisdiction.** -- Except as otherwise provided, the~~
31 ~~corporation and all its authorized activities shall be subject to all the criminal and civil laws of the~~
32 ~~state and the town.~~

33 ~~**37-18-12. Expiration of the corporation.** -- Upon presentation of evidence to the~~
34 ~~Narragansett Indian land management corporation and the Rhode Island secretary of state that the~~

1 ~~Indian corporation known as the Narragansett Tribe of Indians has applied for and been granted~~
2 ~~by the United States government pursuant to 25 U.S.C. section 1707 and 25 Code of Federal~~
3 ~~Regulations, Part 83, federal recognition as an Indian tribe with inherent rights, powers, and~~
4 ~~responsibilities possessed by Indian tribes in the United States, the Narragansett Indian land~~
5 ~~management corporation shall expire thirty (30) days after the presentation of the evidence. Prior~~
6 ~~to its expiration, the corporation shall prepare and submit to the general assembly a final report of~~
7 ~~its termination activities.~~

8 ~~**37-18-13. Transfer of land to Indian tribe.** -- Upon the presentation of federal~~
9 ~~recognition to the Narragansett Indian land management corporation and the secretary of state,~~
10 ~~the Narragansett Indian land management corporation shall forthwith transfer and convey to the~~
11 ~~federally recognized Narragansett Tribe of Indians all powers, authority, rights, privileges, titles,~~
12 ~~and interest it may possess to any and all real property acquired, owned, and held for the benefit~~
13 ~~of those individuals of Indian ancestry set forth in the list established pursuant to P.L. 1880 ch.~~
14 ~~800, section 4, and thereafter, the Narragansett Indian land management corporation shall have no~~
15 ~~further interest in the real property. All real property transferred by the Narragansett Indian land~~
16 ~~management corporation to the federally recognized Narragansett Tribe of Indians pursuant to~~
17 ~~this provision:~~

18 ~~(a) Shall be subject to the same conditions, restrictions, limitations, or responsibilities set~~
19 ~~forth in sections 37-18-6(m)(2) and (m)(3), 37-18-8, 37-18-9, 37-18-10, and 37-18-11 hereof as~~
20 ~~are applicable to the corporation and all its authorized activities.~~

21 ~~(b) Shall be subject to the civil and criminal laws of the state of Rhode Island and the~~
22 ~~town of Charlestown, Rhode Island, except as otherwise provided herein.~~

23 ~~**37-18-14. Transfer of state land to the Indian tribes.** -- (a) Upon presentation of~~
24 ~~federal recognition to the Narragansett Indian land management corporation and the secretary of~~
25 ~~state, the governor is authorized, empowered, and directed to transfer, assign, and convey to the~~
26 ~~Narragansett Tribe of Indians in fee simple all the right, title, and interest of the state in and to the~~
27 ~~following approximately nine hundred (900) acres of real estate located in the town;~~

28 ~~(1) The Indian Cedar Swamp management area;~~

29 ~~(2) Indian Burial Hill; and~~

30 ~~(3) The state land around Deep Pond.~~

31 ~~(b) Provided, however, that the state shall retain control of and public access shall be~~
32 ~~guaranteed to an adequate fishing area within the said state land around Deep Pond, and provided,~~
33 ~~further, that the governor is only authorized, empowered, and directed to transfer, assign, and~~
34 ~~convey to the Narragansett Tribe of Indians the real estate which is located around Deep Pond~~

1 ~~upon the governor's making a finding that the required and appropriate federal approval of the~~
2 ~~transfer has been obtained so that the transfer will not affect, in any adverse manner, any benefits~~
3 ~~received by the state under the Pittman Robertson Act, 16 U.S.C. section 669 et seq. and the~~
4 ~~Dingell Johnson Act, 16 U.S.C. section 777 et seq.~~

5 ~~(c) Upon the same findings and determinations outlined above, the governor is~~
6 ~~authorized, empowered, and directed to transfer, assign, and convey to the Narragansett Tribe of~~
7 ~~Indians and its assigns a mutually acceptable exclusive (except as to lateral crossing) right and~~
8 ~~easement to pass by foot and vehicle over a forty five foot (45') wide strip of state land located~~
9 ~~within the town between Kings Factory Road and Watchaug Pond, and to use an area at the end~~
10 ~~of the strip sufficiently large for the parking of automobiles and the launching of boats.~~

11 ~~(d) The authority herein granted to the governor shall be in addition to any other~~
12 ~~authority conferred upon him or her by law. The real estate conveyed by the state to the~~
13 ~~Narragansett Tribe of Indians pursuant to the provisions of this section shall be subject to the civil~~
14 ~~and criminal laws of the state of Rhode Island and the town of Charlestown, Rhode Island, except~~
15 ~~as otherwise provided herein, and shall be held in perpetuity for conservation purposes and shall~~
16 ~~not be improved or developed by the Narragansett Tribe of Indians.~~

17 ~~**37-18-15. Severability.** -- If any clause, sentence, paragraph, section, or part of this~~
18 ~~chapter shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall~~
19 ~~not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the~~
20 ~~clause, sentence, paragraph, section, or part directly involved in the controversy in which the~~
21 ~~judgment shall have been rendered.~~

22 SECTION 13. Section 37-22-5 of the General Laws in Chapter 37-22 entitled "The I-195
23 Redevelopment Act of 2002" is hereby amended to read as follows:

24 **37-22-5. Board.** -- (a) There is hereby established a board to take custody, control and
25 supervision over certain real property, title to which is vested in the State of Rhode Island, to
26 review applications for qualifying projects, to approve or reject said applications, to negotiate and
27 enter into comprehensive agreements, to assist in expediting all permits and approvals pursuant to
28 the comprehensive agreements, to administer and enforce comprehensive agreements, and to
29 exercise the authority necessary to accomplish the purposes of this chapter. However, no real
30 property currently within the freeway line of the interstate shall be transferred to the board for
31 sale, lease, or utilization pursuant to a public-private partnership, until the project area becomes
32 available for redevelopment pursuant to the plan.

33 (b)(1) The board shall consist of ~~nine (9)~~ seven (7) members as follows: ~~two (2) public~~
34 ~~members to be appointed by the speaker of the house for a term of four (4) years; two (2) public~~

1 ~~members to be appointed by the majority leader of the senate for a term of four (4) years; the~~
2 ~~director of the Rhode Island department of transportation; two (2)~~ three (3) members to be
3 appointed by the Governor of the State of Rhode Island with the advice and consent of the senate;
4 ~~one member being a public member and the other member being the director of the Rhode Island~~
5 ~~department of transportation, for a term of four (4) years;~~ two (2) public members to be appointed
6 by the Mayor of the City of Providence, one member being the City of Providence's director of
7 planning, for a term of four (4) years; and one public member to be appointed by the Providence
8 Foundation, a nonbusiness corporation for a term of four (4) years. All members shall serve until
9 successors are appointed. A member shall be eligible to succeed himself or herself.

10 (2) Those members of the board as of January 1, 2005 who were appointed to the board
11 by members of the general assembly shall cease to be members of the board on January 1, 2005
12 and the lieutenant governor shall nominate two (2) new members, each of whom shall serve the
13 balance of the unexpired term of his or her predecessor. Those members of the board as of
14 January 1, 2005 who were appointed to the board by the governor shall continue to serve the
15 balance of their current terms.

16 (c) Board members shall select a chairperson and vice chairperson. A quorum necessary
17 to conduct business shall consist of ~~five (5)~~ four (4) members of the board. A majority vote of the
18 quorum present shall be required for action.

19 (d) The members of the board shall not receive any compensation. The members of the
20 board shall be reimbursed for their actual expenses necessarily incurred in the performance of
21 their duties. The board may engage professionals and consultants as it deems necessary.

22 (e) The board shall promulgate rules and regulations pursuant to the Rhode Island
23 Administrative Procedures Act, section 42-35-1 et seq. The general assembly shall provide
24 meeting space for the board.

25 (f) The board shall be authorized to establish reasonable application fees. These fees
26 shall cover the estimated expenses of reviewing the applications and the execution of the
27 comprehensive agreements.

28 SECTION 14. Sections 42-26-5, 42-26-6 and 42-26-13 of the General Laws in Chapter
29 42-26 entitled "Rhode Island Justice Commission" are hereby amended to read as follows:

30 **42-26-5. Chairperson and vice chairperson.** -- The chairperson and vice chairperson of
31 the commission shall be appointed by the governor ~~and shall serve at the pleasure of the governor~~
32 and shall serve for terms of two (2) years.

33 **42-26-6. Criminal justice policy board -- Appointment of members.** -- (a) The
34 criminal justice policy board shall consist of:

- 1 (1) The attorney general;
- 2 (2) The superintendent of the state police;
- 3 (3) The public defender;
- 4 (4) The director of the department of corrections;
- 5 ~~(5) The director of the department of human services;~~
- 6 ~~(6)~~ (5) The director of the department of mental health, retardation, and hospitals;
- 7 ~~(7) The chairperson of the state board of regents;~~
- 8 ~~(8)~~ (6) The director of the department for children and their families;
- 9 ~~(9)~~ (7) The chief justice of the family court;
- 10 ~~(10)~~ (8) The president of the Rhode Island police chiefs association;
- 11 ~~(11) One police chief selected by the Rhode Island police chiefs association;~~
- 12 ~~(12)~~ (9) The chief justice of the supreme court;
- 13 ~~(13)~~ (10) The presiding justice of the superior court;
- 14 ~~(14) The chief judge of the district court;~~
- 15 ~~(15) Seven (7) members of the general assembly; four (4) from the house of~~
- 16 ~~representatives at least one of whom shall be a member of the minority to be appointed by the~~
- 17 ~~speaker, and three (3) from the senate at least one of whom shall be a member of the minority to~~
- 18 ~~be appointed by the president of the senate;~~
- 19 ~~(16) The executive director of the Rhode Island league of cities and towns;~~
- 20 ~~(17)~~ (11) The director of health;
- 21 ~~(18)~~ (12) The director of the division of fire safety;
- 22 ~~(19)~~ (13) One university or college faculty member with a research background in
- 23 criminal justice appointed by the governor;
- 24 ~~(20)~~ (14) Four (4) citizens appointed by the governor;
- 25 ~~(21)~~ (15) Three (3) representatives appointed by the governor from community service
- 26 organizations with the advice and consent of the senate;
- 27 (16) One (1) member of a faith-based organization appointed by the lieutenant governor.
- 28 (b) If a board member is absent for two (2) consecutive policy board meetings, that board
- 29 position shall be considered vacant at the next meeting for the purposes of a quorum. A quorum
- 30 shall be constituted when attendance includes a majority of the currently filled board member
- 31 positions.

32 **42-26-13. Committee created -- Purpose and composition.** – (a) There is hereby
 33 created within the Rhode Island justice commission pursuant to the provisions of section 42-26-7
 34 of this chapter the criminal justice oversight committee for the purpose of maintaining the secure

1 facilities at the adult correctional institutions within their respective population capacities as
2 established by court order, consent decree or otherwise. The criminal justice oversight committee
3 (hereinafter referred to as the committee) shall consist of the following members who shall
4 assemble no less than four (4) times annually or more often at the call of the chairperson or upon
5 petition of a majority of its members:

6 (1) The presiding justice of the superior court;

7 (2) The chief judge of the district court;

8 (3) The attorney general;

9 (4) The public defender;

10 (5) The superintendent of state police;

11 (6) The director of the department of corrections;

12 (7) The chairman of the parole board;

13 (8) The executive director of the Rhode Island justice commission;

14 (9) A member of the governor's staff selected by the governor;

15 ~~(10) Four (4) members of the general assembly, one of whom shall be appointed by the~~
16 ~~speaker and one of whom shall be appointed by the president of the senate, one of whom shall be~~
17 ~~appointed by the house minority leader and one of whom shall be appointed by the senate~~
18 ~~minority leader.~~

19 ~~(11)~~ (10) A qualified elector of this state who shall be appointed by the governor to
20 serve a term of two (2) years and designated as chairperson of the committee-;

21 ~~(12)~~ (11) ~~A member~~ Two (2) victims and two (2) members of ~~the~~ victim's rights ~~group~~
22 groups, appointed by the ~~Speaker of the House.~~ governor;

23 (12) The president of the Rhode Island Police Chiefs Association; and

24 (13) A member of a faith-based organization appointed by the lieutenant governor.

25 (b) If a board member is absent for two (2) consecutive policy board meetings, that board
26 position shall be considered vacant at the next meeting for the purpose of a quorum. A quorum
27 shall be constituted when attendance includes a majority of the currently filled board member
28 positions.

29 Each member of the committee may appoint a permanent designee to attend committee
30 meetings in his/her absence. A quorum at meetings of the committee shall consist of a majority of
31 its current membership.

32 SECTION 15. Section 42-51-2 of the General Laws in Chapter 42-51 entitled
33 "Governor's Commission on Disabilities" is hereby amended to read as follows:

34 **42-51-2. Composition of commission.** -- The commission shall be composed ~~of a~~

1 ~~minimum~~ of twenty-four (24) members, ~~and any additional members~~ whom the governor ~~may~~
2 shall appoint. Insofar as practicable, the commission shall consist of state leaders of industry,
3 labor, business, veterans, women, and federal, state, and local governments, and representatives
4 of religious, charitable, business, labor, industrial, fraternal, civic, educational, medical, legal,
5 veterans, welfare, and other professional groups and organizations.

6 All appointments made under this section after the effective date of this act shall be made
7 by the governor with the advice and consent of the senate.

8 SECTION 16. Section 42-57-3 of the General Laws in Chapter 42-57 entitled "Fort
9 Adams Foundation" is hereby amended to read as follows:

10 **42-57-3. Organization of foundation.** -- (a) The foundation shall consist of one
11 representative who shall be chosen annually and shall serve until his or her successor is chosen by
12 each of the following communities and organizations:

- 13 (1) Director of the department of environmental management, or his or her designee;
- 14 (2) RIDEM division of parks and recreation;
- 15 (3) Rhode Island historical preservation commission;
- 16 (4) Member of the Newport city council or its designee;
- 17 (5) ~~Senate districts 49 and 50 or their respective designees;~~ President of the Newport
18 County Convention and Visitor's Bureau or designee;
- 19 (6) ~~Representative districts 59 and 100 or their respective designees;~~ Executive Director
20 of the Newport count Chamber of Commerce or designee;
- 21 (7) Fort Adams Trust;
- 22 (8) Artillery Company of Newport County;
- 23 (9) Newport Historical Society.

24 (b) The membership of the foundation shall elect from amongst itself a member to act as
25 chairman.

26 (c) The power of the foundation shall vest in and be exercised by or under the authority
27 of its members, three (3) of whom shall constitute a quorum for the transaction of business.

28 (d) Employees of the foundation shall be selected and appointed by the foundation, and
29 shall be vested with those powers and duties that the foundation may determine.

30 SECTION 17. Chapter 42-63.3 of the General Laws entitled "Socially Responsible
31 Corporations" is hereby repealed in its entirety.

32 ~~CHAPTER 42-63.3~~

33 ~~Socially Responsible Corporations~~

34 ~~**42-63.3-1. Legislative findings.** -- (a) It is found and declared that corporations which~~

1 ~~are socially responsible lessen the public assistance burden of the state, contribute to the health~~
2 ~~and living conditions of the citizens, contribute to the commerce, welfare and prosperity of the~~
3 ~~citizens of the state, contribute to a stable and prosperous state economy and generally benefit the~~
4 ~~people of this state.~~

5 ~~(b) It is further found and declared that the expansion, encouragement and development~~
6 ~~of socially responsible corporations within the state shall further lessen the public assistance~~
7 ~~burdens of the state, further contribute to the health and living conditions of the citizens, further~~
8 ~~contribute to the commerce, welfare and prosperity of the citizens of the state, further contribute~~
9 ~~to a stable and prosperous state economy and generally further benefit the people of this state.~~

10 ~~(c) It is further found and declared to be the public policy of the state to encourage the~~
11 ~~expansion and development of socially responsible corporations within the state.~~

12 ~~**42-63.3-2. Commission established.** — There shall be created a socially responsible~~
13 ~~corporations commission. The commission shall consist of nine (9) members: two (2) of whom~~
14 ~~shall be members of the house of representatives appointed by the speaker, not more than one of~~
15 ~~whom shall be from the same political party; two (2) of whom shall be members of the senate,~~
16 ~~appointed by the president of the senate, not more than one of whom shall be from the same~~
17 ~~political party; one member of the general public appointed by the speaker; one member of the~~
18 ~~general public appointed by the governor; one representative of the Rhode Island business~~
19 ~~community to be appointed by the governor; one representative of a nonprofit community based~~
20 ~~service organization to be appointed by the speaker; and one representative of a statewide~~
21 ~~religious organization to be appointed by the speaker. The commission shall meet at the call of~~
22 ~~the speaker, who shall appoint the chairperson. Staffing for the commission shall be provided by~~
23 ~~the office of the speaker. Members of the commission shall serve without compensation.~~

24 ~~**42-63.3-3. Powers.** — The commission shall annually designate and publish a list of~~
25 ~~corporations which have been designated by the commission as qualifying as socially responsible~~
26 ~~corporations and entitled to the benefits of this chapter. A corporation shall qualify as a socially~~
27 ~~responsible corporation only if it meets the requirements as set forth by the commission and this~~
28 ~~chapter and has been designated as a qualifying socially responsible corporation. The designation~~
29 ~~shall be for a one year period and a corporation must annually reapply to the commission.~~

30 ~~**42-63.3-4. General requirements.** — Businesses qualifying as socially responsible for~~
31 ~~this list should give evidence of good corporate citizenship — communicating with local residents~~
32 ~~about common concerns and sharing corporate resources to help solve community problems by~~
33 ~~offering philanthropic support and having institutionalized corporate codes of conduct. They shall~~
34 ~~demonstrate concern about employee relations. Energy shall be produced and used responsibly in~~

1 ~~a safe, clean and efficient manner. They shall take an active role in improving the environment~~
2 ~~and offer quality and useful products and services giving attention to how they are marketed and~~
3 ~~the relationships with consumers. They shall not do business with South Africa nor depend~~
4 ~~largely on defense contracts.~~

5 ~~**42-63.3-5. Specific criteria.** --- A corporation shall qualify as a socially responsible~~
6 ~~corporation only if it meets the following requirements:~~

7 ~~-(1) It shall be legally incorporated as a business entity according to state and federal~~
8 ~~requirements and it shall be a corporation with its headquarters located in the state of Rhode~~
9 ~~Island that employs not less than five (5) individuals;~~

10 ~~-(2) It derives less than fifty percent (50%) of its income from contracts or sales involving~~
11 ~~military or defense related matters or has in place a reasonable concrete plan for economic~~
12 ~~diversification;~~

13 ~~-(3) It practices a pay equity differential policy in which the total annual compensation of~~
14 ~~the highest compensated individual does not exceed the total annual compensation of the lowest~~
15 ~~compensated full time individual by twenty five (25) times;~~

16 ~~-(4) It donates five percent (5%) of its pretax revenue or ten percent (10%) of its after tax~~
17 ~~revenue to Rhode Island based nonprofit charitable causes whose goal it is to promote racial,~~
18 ~~ethnic, social or community welfare.~~

19 ~~-(5) The commission shall adopt additional requirements to qualify as a socially~~
20 ~~responsible corporation not inconsistent with the requirements set forth above such as (but not to~~
21 ~~be limited to) requiring that:~~

22 ~~-(i) The corporation practices a program against racism, sexism or age discrimination and~~
23 ~~conducts affirmative recruitment of racial minorities, women and the elderly at the employee,~~
24 ~~management and executive levels;~~

25 ~~-(ii) The corporation has a board of directors that is representative of the changing racial~~
26 ~~composition of the state of Rhode Island;~~

27 ~~-(iii) The corporation uses energy in a safe, clean, and efficient manner, and is active in~~
28 ~~improving the environment;~~

29 ~~-(iv) The corporation is not involved in, nor has a history of being repeatedly involved in,~~
30 ~~labor related disputes.~~

31 ~~**42-63.3-6. Benefits.** --- Corporations qualifying under the provisions of this chapter shall~~
32 ~~be annually recognized by the commission in the following manner: presented an award at a~~
33 ~~public event or ceremony hosted by the governor; given public acclaim through the placement of~~
34 ~~a single advertisement and/or article listing the designees in major statewide newspapers; by other~~

1 ~~means which the commission might deem appropriate given its budgetary capacity as established~~
2 ~~by its own fundraising efforts.~~

3 ~~**42-63.3-7. Additional rules and regulations.** -- The commission shall promulgate~~
4 ~~appropriate rules and regulations to insure the proper administration of the provisions of this~~
5 ~~chapter.~~

6 ~~**42-63.3-8. Severability.** -- Every word, phrase, clause, section, subsection and any of the~~
7 ~~provisions of this chapter are declared to be severable from the whole, and a declaration of~~
8 ~~unenforceability or unconstitutionality of any of the portions of this chapter, by a judicial court of~~
9 ~~competent jurisdiction, shall not affect the portions remaining.~~

10 SECTION 18. Section 42-63.1-11 of the General Laws in Chapter 42-63.1 entitled
11 "Tourism and Development" is hereby amended to read as follows:

12 **42-63.1-11. Greater Providence-Warwick Convention and Visitors' Bureau --**
13 **Creation -- Composition -- Governance -- Powers.** -- (a) There is created the Greater
14 Providence-Warwick Convention and Visitors' Bureau, having a distinct legal existence from the
15 state and not constituting a department or agency of the state government, for the purpose of
16 administering the Greater Providence-Warwick regional tourism district established in section 42-
17 63.1-5(a)(2).

18 (b) The members of the bureau shall consist of persons, firms, corporations, partnerships,
19 associations and organizations who are interested in promoting the purposes of the Greater
20 Providence-Warwick Convention and Visitors' Bureau.

21 (c) The Greater Providence-Warwick Convention and Visitors' Bureau shall adopt by-
22 laws to provide for its governance.

23 (d) The business and affairs of the Greater Providence-Warwick Convention and
24 Visitors' Bureau shall be managed by a board of directors comprised of fifteen (15) members
25 appointed as follows:

26 (1) by the mayor of the city of Providence: three (3) members who shall be hoteliers
27 directly involved in the marketing of hotels having more than one hundred (100) rooms located in
28 the city of Providence, appointed for terms ending respectively on June 30, 1996, June 30, 1997,
29 and June 30, 1998; and one member who shall be appointed for a term ending on June 30, 1996;

30 (2) by the mayor of the city of Warwick; one member who shall be a hotelier directly
31 involved in the marketing of a hotel having more than one hundred (100) rooms located in the
32 city of Warwick, appointed for a term ending on June 30, 1997; and one member who shall be
33 appointed for a term ending on June 30, 1998;

34 (3) by the governor: one member who shall be a hotelier directly involved in the

1 marketing of a hotel having more than one hundred (100) rooms which is not located in either the
2 city of Providence or the city of Warwick, appointed for a term ending on June 30, 1996; one
3 member who shall be a representative of the hospitality industry who is not associated with a
4 hotel and who is not employed by a business or attraction which is located in either the city of
5 Providence or the city of Warwick, appointed from a list of at least three (3) names submitted by
6 the Rhode Island Hospitality Association for a term ending on June 30, 1997; and two (2)
7 members who shall be appointed for terms ending respectively on June 30, 1996, and June 30,
8 1998;

9 (4) by the board of commissioners of the Rhode Island Convention Center Authority;
10 two (2) members who shall be appointed for terms ending respectively on June 30, 1997, and
11 June 30, 1998; and one member who shall be a hotelier directly involved in the marketing of a
12 hotel having more than one hundred (100) rooms located in the city of Warwick, appointed for a
13 term ending on June 30, 1996; and

14 (5) by the members of the Greater Providence-Warwick Convention and Visitors'
15 Bureau; two (2) members who shall be members of the Greater Providence-Warwick Convention
16 and Visitors' Bureau, appointed for terms ending respectively on June 30, 1997 and June 30,
17 1998.

18 Thereafter, and upon the expiration of the terms of the initial directors, the directors shall
19 be appointed by the appointing authorities or elected by the members of the Greater Providence-
20 Warwick Convention and Visitors' Bureau, as the case may be, to succeed the directors whose
21 terms are then ending and to serve for terms of three (3) years, so as to have the terms of one-
22 third (1/3) of the directors expire each year.

23 All gubernatorial appointments made under this section after the effective date of this act
24 shall be subject to the advice and consent of the senate.

25 Any director may be reappointed or reelected for successive terms. Any vacancy
26 resulting from the death, disability or other failure of a director to continue to serve shall be filled,
27 for the remainder of the director's term, by the person or body given the power to make the
28 original appointment.

29 (e) The directors shall elect one of the directors to act as the chairperson of the Greater
30 Providence-Warwick Convention and Visitors' Bureau. The directors may elect from among the
31 directors, a vice chairperson and any other officers that they may determine, including a secretary
32 and a treasurer.

33 (f) The directors shall receive no compensation for the performance of their duties.

34 (g) The directors may employ an executive director to administer, manage and direct the

1 affairs and business of the Greater Providence-Warwick Convention and Visitors' Bureau, subject
2 to the policies, control and direction of the directors. The directors may employ technical experts
3 and any other agents and employees, permanent and temporary, as they deem necessary. The
4 directors may delegate to one or more of the Greater Providence-Warwick Convention and
5 Visitors' Bureau's agents or employees any administrative duties that they may deem proper.

6 (h) The Greater Providence-Warwick Convention and Visitors' Bureau shall have and
7 exercise all powers necessary or convenient to effect the purposes of this chapter as set forth in
8 section 42-63.1-1.

9 SECTION 19. Section 42-63.4-2 of the General Laws in Chapter 42-63.4 entitled "New
10 Shoreham Tourism Council, Inc." is hereby amended to read as follows:

11 **42-63.4-2. Board of directors.** – (a) The board of directors of the New Shoreham
12 tourism council, inc. shall be comprised of ~~seven (7)~~ five (5) members who are residents of New
13 Shoreham as follows: one member of the town council of New Shoreham to be appointed by the
14 ~~governor~~ New Shoreham town council; ~~one member of the house to be appointed by the speaker;~~
15 ~~one member of the senate to be appointed by the president of the senate~~; two (2) members of the
16 New Shoreham chamber of commerce to be appointed by the New Shoreham chamber of
17 commerce; and two (2) members of the general public to be appointed by the ~~majority of the~~
18 ~~members appointed by the governor, the speaker and the president of the senate~~ governor with the
19 advice and consent of the senate.

20 (b) Those members of the board of directors as of January 1, 2005 who are members of
21 the general assembly shall cease to be members of the board on January 1, 2005 and the governor
22 shall nominate one new member who shall serve an initial term of one year, and another new
23 member who shall serve an initial term of two (2) years. Thereafter, gubernatorial appointees to
24 the board of directors shall serve terms of two (2) years. Other members of the board shall serve
25 at the pleasure of the appointing authority.

26 (c) The New Shoreham town council shall designate one member of the board of
27 directors to serve as chairperson. The board may elect from among its members such other
28 officers as they deem necessary.

29 SECTION 20. Section 42-73-2 of the General Laws in Chapter 42-73 entitled "Child
30 Advocate Office" is hereby amended to read as follows:

31 **42-73-2. Appointment and term.** -- The governor, with the advice and consent of the
32 senate, shall appoint a member of the bar of this state who has been admitted to practice law for at
33 least three (3) years to fill the office of the child advocate, who shall be a person qualified by
34 training and experience to perform the duties of the office as set forth in section 42-73-7. The

1 appointment shall be made from a list of at least three (3) persons prepared and submitted by a
2 committee consisting of two (2) attorneys appointed by the Rhode Island bar association; two (2)
3 judges of the family court appointed by the chief judge; one medical doctor appointed by the
4 Rhode Island medical society; one psychologist appointed by the Rhode Island psychological
5 association; ~~a house member appointed by the speaker; a senate member appointed by the~~
6 ~~president of the senate~~; one social worker appointed by the Rhode Island alliance of social service
7 employees; one person appointed as a representative of private children's agencies by the
8 governor; one person representing the general public appointed by the governor; and one person
9 appointed by the director of the department of human services. The governor shall appoint a
10 chairperson from among these members. The person appointed child advocate shall hold office
11 for a term of five (5) years and shall continue to hold office until his or her successor is appointed
12 and qualified.

13 SECTION 21. Section 42-105-2 of the General Laws in Chapter 42-105 entitled
14 "Newport County Convention and Visitors' Bureau" is hereby amended to read as follows:

15 **42-105-2. Composition.** -- (a)(i) The Newport County convention and visitors' bureau
16 shall be comprised of thirteen (13) members who are residents of Newport County as follows:
17 ~~four (4) members of the house of representatives of whom may be members of the general public~~
18 ~~appointed in lieu of legislative appointments, no more than three (3) from the same political~~
19 ~~party, selected by the speaker; three (3) members from the senate, no more than two (2) from the~~
20 ~~same political party, selected by the president of the senate of whom may be members of the~~
21 ~~general public appointed in lieu of legislative appointments; one appointed by the governor; one~~
22 shall be a councilperson chosen by the city council of the city of Newport; one shall be a
23 councilperson chosen by the town council of the town of Middletown; ~~and three (3) public~~
24 ~~members, who shall be appointed by a majority of the members appointed by the speaker and~~
25 ~~president of the senate.~~ one shall be a resident of or the owner of a business located in Newport,
26 to be appointed by the city council of the city of Newport; one shall be a resident of or the owner
27 of a business located in Middletown, to be appointed by the town council of the town of
28 Middletown; one shall be a resident of or the owner of a business located in Jamestown, to be
29 appointed by the town council of the town of Jamestown; one shall be a resident of or the owner
30 of a business located in Portsmouth, to be appointed by the town council of the town of
31 Portsmouth; one shall be a resident of or the owner of a business located in Tiverton, to be
32 appointed by the town council of the town of Tiverton; one shall be a resident of or the owner of a
33 business located in Little Compton, to be appointed by the town council of the town of Little
34 Compton; one shall be a representative of the hotel industry, to be appointed by the governor with

1 the advice and consent of the senate; one shall be a representative of the restaurant industry, to be
2 appointed by the governor with the advice and consent of the senate; one shall be a representative
3 of the retail industry, to be appointed by the governor with the advice and consent of the senate;
4 one shall be the executive director of the Newport County chamber of commerce or his or her
5 designee; and one shall be a resident of Newport County appointed by the governor with the
6 advice and consent of the senate. The bureau shall elect from its members a chairperson and such
7 other officers as they deem necessary. ~~Public members shall serve for a term of two (2) years or~~
8 ~~until a successor is appointed. All other members shall serve at the pleasure of their respective~~
9 ~~appointing authorities.~~

10 (ii) Those members of the bureau as of the effective date of this act who are members of
11 the Newport city council and the Middletown town council shall continue to serve at the pleasure
12 of their respective appointing authorities. All other members of the authority as of January 1,
13 2005 shall cease to be members of the authority on January 1, 2005, and the appointing
14 authorities identified in subsection (a)(i) of this section shall appoint members as provided
15 therein. Members appointed by city or town councils shall serve at the pleasure of the appointing
16 authority, and members appointed by the governor shall serve terms of two (2) years.

17 (b) The members of the Newport County convention and visitors' bureau shall serve
18 without compensation and shall be residents of Newport County.

19 (c) The Newport County convention and visitors' bureau shall meet every other month at
20 a time to be designated by the chairperson. Special meetings of the authority may be called by the
21 chairperson in accordance with the open meetings law. The chairperson shall be elected by the
22 membership of the authority.

23 SECTION 22. Chapter 42-108 of the General Laws entitled "Comprehensive
24 Criminal/Juvenile Justice Information System Act" is hereby repealed in its entirety.

25 ~~CHAPTER 42-108~~

26 ~~Comprehensive Criminal/Juvenile Justice Information System Act~~

27 ~~42-108-1. Short title. --- This chapter shall be known and may be cited as the~~
28 ~~"Comprehensive Criminal/Juvenile Justice Information System Act".~~

29 ~~42-108-2. Legislative findings. --- It is found and declared by the general assembly as~~
30 ~~follows: that as specified in the report entitled "criminal justice information system", dated June~~
31 ~~15, 1988, the departments and agencies concerned with criminal justice in the state, including the~~
32 ~~Rhode Island state police, the department of public defender, the department of attorney general,~~
33 ~~the department of corrections, the department of children, youth, and families, and the state~~
34 ~~courts, do not have a network through which they can share information relating to criminal and~~

1 ~~juvenile offenders; that the lack of such a network results in persons who should be confined or~~
2 ~~whose activities should be monitored closely being able to travel unsupervised among the~~
3 ~~citizenry of Rhode Island, resulting in danger to both adults and children; that in order to correct~~
4 ~~this situation, it is necessary to create a committee to establish and administer a comprehensive~~
5 ~~criminal/juvenile justice information system which will join in an economic manner all~~
6 ~~departments and agencies concerned with criminal justice in the state in order to facilitate the~~
7 ~~flow of information, eliminate the unnecessary redundant work presently performed, and~~
8 ~~establish a more effective and efficient criminal justice program within the state.~~

9 ~~**42-108-2.1. Legislative findings -- Automated civil information system.** -- It is found~~
10 ~~and declared by the general assembly as follows: that the Rhode Island state courts do not have an~~
11 ~~adequate computer system to effectively and timely provide information and processing for the~~
12 ~~courts and its users; that the current court computer system for civil, family, and appellate case~~
13 ~~processing is presently based on outdated technology that does not enable timely and complete~~
14 ~~communication between courts, courts and attorneys, attorneys and their clients and between~~
15 ~~court operations and administrators; that the court's current civil, family court, workers'~~
16 ~~compensation, child support case tracking, and collections systems are all independent systems~~
17 ~~that do not and cannot share essential information which results in duplication of data and~~
18 ~~inefficiency; that the present system does not allow the courts any meaningful ability to plan~~
19 ~~court operations or to quickly react to necessary changes; that through the comprehensive~~
20 ~~automation of the civil, family, and appellate courts benefits will be realized to the courts and~~
21 ~~most importantly to the litigants and users of the state's justice system; that pursuant to the~~
22 ~~provisions of this chapter, the state is implementing a modern computer network to coordinate~~
23 ~~criminal and juvenile justice information; that in order to correct the situation relating to the civil~~
24 ~~information system and to coordinate with the criminal juvenile justices information system, it is~~
25 ~~necessary for the courts to establish and implement an automated civil information system~~
26 ~~(ACIS) in order to ensure the orderly and timely dispensation of justice.~~

27 ~~**42-108-3. Definitions.** -- The following words and terms, unless the context clearly~~
28 ~~indicates a different meaning, shall have the following meanings:~~

29 ~~-(1) "Account" means the restricted receipts account established pursuant to former~~
30 ~~section 42-108-7.~~

31 ~~-(2) "Administrator" means the court administrator for the state.~~

32 ~~-(3) "Committee" means the comprehensive criminal/juvenile justice information systems~~
33 ~~committee created pursuant to section 42-108-4.~~

34 ~~-(4) "Criminal justice agencies" means and includes the Rhode Island state police, the~~

1 ~~department of public defender, the department of attorney general, the department of corrections,~~
2 ~~the department of children, youth, and families, and the state courts.~~

3 ~~(5) "Executive director" means the executive director of the governor's justice~~
4 ~~commission.~~

5 ~~**42-108-4. Committee established.** -- There is created and established a committee to be~~
6 ~~known as the "committee to establish and administer a comprehensive criminal/juvenile justice~~
7 ~~information system".~~

8 ~~**42-108-5. Membership of committee.** -- The committee shall consist of the executive~~
9 ~~director of the governor's justice commission, or his or her designee; the auditor general of the~~
10 ~~state, or his or her designee; and the court administrator of the state or his or her designee. The~~
11 ~~committee may be advised by the criminal justice information system subcommittee of the~~
12 ~~governor's justice commission.~~

13 ~~**42-108-6. Powers and scope of activities.** -- The committee shall have all the powers~~
14 ~~necessary or convenient to carry out and effectuate the purpose and provisions of this chapter,~~
15 ~~including in addition to other powers granted in this chapter, the following powers:~~

16 ~~(1) To plan, develop and administer a comprehensive criminal/juvenile justice~~
17 ~~information system to be utilized by the criminal justice agencies within the state;~~

18 ~~(2) To work with a consultant to be selected, to implement the criminal justice~~
19 ~~information system plan dated June 15, 1988 as deemed appropriate by the committee;~~

20 ~~(3) To make and publish rules and regulations regarding the conduct of its business and~~
21 ~~for the sharing of information among criminal justice agencies within the state;~~

22 ~~(4) To receive on behalf of the state those grants or loans that may be made by the~~
23 ~~federal government or by private persons or groups for the purposes of this chapter, and it shall be~~
24 ~~the designated agency of the state in applying for those grants;~~

25 ~~(5) To allocate funds to the various criminal justice agencies within the state in order to~~
26 ~~enable the agencies to improve and upgrade their individual information systems in a manner~~
27 ~~consistent with the criminal justice information system plans;~~

28 ~~(6) To enter into contracts and funding agreements on behalf of the state in order to carry~~
29 ~~out its powers and functions under this chapter;~~

30 ~~(7) To authorize the improvement and upgrading of an individual information system by~~
31 ~~the various criminal justice agencies and to allocate the funds for improvement and upgrading;~~

32 ~~(8) To employ one fiscal clerk and one teller to be assigned to the traffic tribunal to assist~~
33 ~~in accounting for revenue. Funding for those employees shall be provided from the restricted~~
34 ~~receipts account;~~

1 ~~-(9) To hire any personnel as may be necessary to carry out the purpose of this chapter,~~
2 ~~those positions to be funded by the restricted receipts account.~~

3 ~~**42-108-7. [Repealed.]**~~

4 ~~**42-108-8. Automated civil information system (ACIS) -- Committee established.**~~

5 ~~There is created and established a committee to be known as the "Committee to Establish and~~
6 ~~Administer a Comprehensive Automated Civil Information System."~~

7 ~~**42-108-9. Membership of committee (ACIS).**~~ ~~The committee established pursuant to~~
8 ~~section 42-108-8 shall consist of the auditor general of the state, or his or her designee; the court~~
9 ~~administrator of the state or his or her designee; and the director of the department of~~
10 ~~administration or his or her designee. The committee may be advised by a subcommittee to be~~
11 ~~appointed by the chief justice of the supreme court.~~

12 ~~**42-108-10. Power and scope of authority (ACIS).**~~ ~~The committee shall have all the~~
13 ~~powers necessary or convenient to carry out and effectuate the purposes and provisions of this~~
14 ~~chapter as set forth in section 42-108-2.1, including in addition to other powers granted in this~~
15 ~~chapter, the following powers:~~

16 ~~-(1) To plan, develop, and administer an automated civil information system;~~

17 ~~-(2) To develop and implement a system enabling attorneys and third parties to access~~
18 ~~court information to achieve an orderly and efficient civil, family, and appellate judicial system.~~
19 ~~In order to carry out the provisions herein, the ACIS committee may establish certain fee~~
20 ~~structures and take action consistent with the power herein;~~

21 ~~-(3) To prepare requests for proposals, bid specifications, and the like in order to carry out~~
22 ~~its powers and functions;~~

23 ~~-(4) To enter into contracts on behalf of the state in order to carry out its powers and~~
24 ~~functions.~~

25 SECTION 23. Section 42-133-6 of the General Laws in Chapter 42-133 entitled
26 "Tobacco Settlement Financing Corporation Act" is hereby amended to read as follows:

27 ~~**42-133-6. Board and officers.**~~ ~~-- (a)~~(1) ~~The powers of the corporation shall be vested in~~
28 ~~a board consisting of five (5) members, which shall constitute the governing body of the~~
29 ~~corporation, and which shall be comprised as follows: three (3) members appointed by the~~
30 ~~governor with the advice and consent of the senate, ~~one member appointed by the speaker of the~~~~
31 ~~house of representatives, and one member appointed by the majority leader of the senate~~
32 ~~(effective until January 7, 2003) and one member appointed by the president of the senate~~
33 ~~(effective January 7, 2003). and two (2) members appointed by the general treasurer with the~~
34 ~~advice and consent of the senate. Each member shall serve for a term of two (2) years, except~~

1 that any member appointed to fill a vacancy shall serve only until the expiration of the unexpired
2 term of such member's predecessor in office. Each member shall continue to hold office until a
3 successor has been appointed. Members shall be eligible for reappointment. No person shall be
4 eligible for appointment unless such person is a resident of the state. Each member, before
5 entering upon the duties of the office of member shall swear or solemnly affirm to administer the
6 duties of office faithfully and impartially, and such oath or affirmation shall be filed in the office
7 of the secretary of state.

8 (2) Those members of the board as of January 1, 2005 who were appointed to the board
9 by members of the general assembly shall cease to be members of the board on January 1, 2005
10 and the lieutenant governor shall nominate two (2) new members of the board, each of whom
11 shall serve initially for the unexpired balance of the current term of his or her predecessor. Those
12 members of the board as of July 1, 2005 who were appointed to the board by the governor shall
13 continue to serve the balance of their current terms.

14 (b) Members shall receive no compensation for the performance of their duties.

15 (c) The board shall elect one of its members to serve as chairperson. Three (3) members
16 shall constitute a quorum and any action to be taken by the corporation under the provisions of
17 this chapter may be authorized by resolution approved by a majority of the members present and
18 voting at any regular or special meeting at which a quorum is present.

19 (d) In addition to electing a chairperson, the board shall appoint a secretary and such
20 additional officers as they shall deem appropriate.

21 (e) Any action taken by the corporation under the provisions of this chapter may be
22 authorized by vote at any regular or special meeting, and the vote shall take effect immediately.

23 (f) Any action required by this chapter to be taken at a meeting of the Board shall
24 comply with chapter 46 of title 42, entitled "Open Meetings."

25 (g) To the extent that administrative assistance is needed for the functions and operations
26 of the board, the corporation may by contract or agreement obtain this assistance from the
27 director of administration, the attorney general, and any successor officer at such cost to the
28 corporation as shall be established by such contract or agreement. The board, however, shall
29 remain responsible for, and provide oversight of, proper implementation of this chapter.

30 (h) Members of the board and persons acting on the corporation's behalf, while acting
31 within the scope of their employment or agency, are not subject to personal liability resulting
32 from carrying out the powers and duties conferred on them under this chapter.

33 (i) The state shall indemnify and hold harmless every past, present, or future board
34 member, officer or employee of the corporation who is made a party to or is required to testify in

1 any action, investigation, or other proceeding in connection with or arising out of the performance
2 or alleged lack of performance of that person's duties on behalf of the corporation. These persons
3 shall be indemnified and held harmless, whether they are sued individually or in their capacities
4 as board members, officers or employees of the corporation, for all expenses, legal fees and/or
5 costs incurred by them during or resulting from the proceedings, and for any award or judgment
6 arising out of their service to the corporation that is not paid by the corporation and is sought to
7 be enforced against a person individually, as expenses, legal fees, costs, awards or judgments
8 occur; provided, that neither the state nor the corporation shall indemnify any member, officer, or
9 employee:

10 (1) For acts or omissions not in good faith or which involve intentional misconduct or a
11 knowing violation of law;

12 (2) For any transaction from which the member derived an improper personal benefit; or

13 (3) For any malicious act.

14 SECTION 24. Sections 45-22.3-3 and 45-22.3-4 of the General Laws in Chapter 45-22.3
15 entitled "State Comprehensive Plan Appeals Board" are hereby amended to read as follows:

16 **45-22.3-3. Membership.** -- (a) ~~(1)~~ The board consists of ~~eleven (11)~~ twelve (12)
17 members to be selected from the following categories: category "A" is comprised of residents of
18 those municipalities considered to be in the top one-third (1/3) population bracket; category "B"
19 is comprised of residents of those municipalities considered to be in the middle one-third (1/3)
20 population bracket; and category "C" is comprised of residents of those municipalities considered
21 to be in the lower one-third (1/3) population bracket for the state as determined by the most
22 recent decennial federal census available. The ~~eleven (11)~~ twelve (12) members of the board are
23 appointed as follows:

24 ~~(2) Three (3) of the members are appointed by the governor, one of whom is selected~~
25 ~~from each category, "A", "B", and "C", respectively. Three (3) members are appointed by the~~
26 ~~speaker of the house of representatives, one of whom is selected from each category, "A", "B",~~
27 ~~and "C", respectively. Three (3) members are appointed by the president of the senate, one of~~
28 ~~whom is selected from each category "A", "B", and "C", respectively. One member is appointed~~
29 ~~by the minority leader in the senate from category "A". One is appointed by the minority leader in~~
30 ~~the house of representatives from category "B".~~

31 (i) Nine (9) members shall be appointed by the governor, three (3) of whom shall be
32 selected from each category "A," "B," and "C," respectively. Three (3) members shall be
33 appointed by the lieutenant governor, one of whom shall be selected from each category "A,"
34 "B," and "C" respectively. All members of the board are selected from the local elected and/or

1 appointed officials of the various cities and towns. However, no person who is a state employee,
2 or elected or appointed official shall be appointed to the board, and no more than one elected or
3 appointed official from the same city or town may serve on the board. All members selected shall
4 have a reasonable knowledge of land use, planning, zoning, local government, land conservation,
5 and/or land development.

6 (ii) Those members of the board as of January 1, 2005 who were appointed to the board
7 by the governor shall continue to serve for the duration of their current terms.

8 (iii) Those members of the board as of January 1, 2005 who were appointed to the board
9 by members of the general assembly shall cease to be members of the commission on January 1,
10 2005 and the governor shall nominate six (6) new members and the lieutenant governor shall
11 nominate three (3) new members, each of whom shall serve for the balance of the current term of
12 his or her predecessor.

13 (b) The board shall elect a chair from among its members. The board may elect from
14 among its members such other officers as they deem necessary.

15 (c) All appointments made after the effective date of this act by the governor or the
16 lieutenant governor shall be subject to the advice and consent of the senate.

17 ~~**45-22.3-4. Term. -- (a) Initial members of the board shall serve for a staggered term.**~~
18 ~~Three (3) members appointed by the governor for a one year term; three (3) members appointed~~
19 ~~by the president of the senate and the one member appointed by the senate minority leader for~~
20 ~~two (2) years; three (3) members appointed by the speaker of the house of representatives; and the~~
21 ~~one member appointed by the minority leader of the house of representatives for three (3) years.~~
22 ~~A member may serve no more than two (2) consecutive three year terms. A member shall serve~~
23 ~~until his or her successor is appointed and qualified. A person may be appointed to fill a vacancy~~
24 ~~and the person shall only serve for the unexpired term of the member whom he or she succeeded.~~

25 ~~(b) Subsequent members~~ (a) Except as expressly otherwise provided in subsection 45-
26 22.3-3(a)(iii) of this chapter, members of the board shall serve for staggered three (3) year terms.

27 ~~(e)~~ (b) A majority of the members of the board constitutes a quorum for the conduct of
28 all business by the board.

29 SECTION 25. Section 45-24.1-3 of the General Laws in Chapter 45-24.1 entitled
30 "Historical Area Zoning" is hereby amended to read as follows:

31 **45-24.1-3. Creation of commission authorized -- Membership appointment -- Term**
32 **of office. --** (a) In order to carry out the purposes of this chapter any city or town council has have
33 the authority to create a commission called the historic district commission. The membership of a
34 commission in a city shall consist of seven (7) qualified members, and in a town shall consist of

1 not less than three (3) nor more than seven (7) qualified members, whose residence is located in
2 the city or town; provided, that the historic district commission of the city of Newport shall
3 consist of nine (9) qualified members, and provided, that the historic district commission of the
4 city of Providence shall consist of thirteen (13) qualified members, two (2) of whom shall be
5 members of the city council elected by the city council from its council manic members to serve
6 for a term of four (4) years, ~~and two (2) of whom shall be members of the general assembly~~
7 ~~elected from the city of Providence, one to be appointed from the senate by the president of the~~
8 ~~senate and one to be appointed from the house by the speaker.~~ In a city the members shall be
9 appointed by the mayor, except as provided in the case of the historic district commission of the
10 city of Providence, and in a town, by the president of the town council. A commission shall elect
11 a chairperson from among its own members, as well as other officers it deems necessary.

12 (b) The appointed members of the commission shall be appointed for three (3) year
13 terms, except the initial appointments of some of the members shall be for less than three (3)
14 years so that the initial appointments are staggered and so that subsequent appointments do not
15 reoccur at the same time.

16 (c) Any city or town has the right to name an auxiliary member of the commission
17 appointed in addition to the regular members of the commission. The auxiliary member shall sit
18 as an active member, upon the request of the chairperson, when and if a regular member of the
19 commission is unable to serve at any meeting of the commission.

20 (d) Appointed members of the commission are eligible for reappointment, and, upon the
21 expiration of their term, shall continue to serve until replaced unless otherwise provided for in
22 local law.

23 (e) In the event of a vacancy on the commission, interim appointments of appointed
24 members may be made by the appointing authority to complete the unexpired term of the
25 position.

26 (f) Organized and existing preservation societies may present to the appointing authority
27 of a city or town a list of qualified citizens, from which list the appointing authority may select
28 members of the commission for his or her respective city or town.

29 SECTION 26. Chapter 45-52.1 of the General Laws entitled "Central Falls - Fiscal
30 Emergency Act" is hereby repealed in its entirety.

31 ~~CHAPTER 45-52.1~~

32 ~~Central Falls—Fiscal Emergency Act~~

33 ~~45-52.1-1. Declaration of policy. -- The general assembly determines that the public~~
34 ~~health and welfare of the citizens of Central Falls and of this state would be adversely affected by~~

1 ~~the insolvency of the local government of Central Falls. The general assembly further determines~~
2 ~~that it is necessary to protect the credit of the state and its political subdivisions, and that it is a~~
3 ~~valid public purpose for the state to take action to assist a unit of local government in a financial~~
4 ~~emergency and to remedy this emergency by requiring prudent fiscal management. The general~~
5 ~~assembly therefore determines that the authority and powers conferred by this chapter constitute a~~
6 ~~necessary program and serve a valid public purpose.~~

7 ~~**45-52.1-2. Declaration of financial emergency in Central Falls.** — The general~~
8 ~~assembly declares that a financial emergency continues to exist in the city of Central Falls~~
9 ~~because the following conditions have occurred:~~

- 10 ~~-(1) The tax base has sustained little or no growth over the past several years;~~
- 11 ~~-(2) There are no significant developable parcels of property;~~
- 12 ~~-(3) The effective property tax rate in Central Falls ranks highest in the state, while its~~
13 ~~residents have the lowest per capita income;~~
- 14 ~~-(4) School costs have increased dramatically due to demand for special education and~~
15 ~~English as a second language services for the city's students while city appropriations to schools~~
16 ~~have decreased substantially;~~
- 17 ~~-(5) The "Report of the Fact Finding Panel, January 4, 1991" recommended that "as the~~
18 ~~Central Falls School Department cannot meet its contractual, legal and regulatory obligations~~
19 ~~without increased funding, \$1,500,000 to \$2,000,000 must be added to its operating budget for~~
20 ~~1990-1991";~~
- 21 ~~-(6) Basic education program monitoring by the department of education has found the~~
22 ~~city to be in violation of state statutes and regulations. Amelioration of these thirty two (32)~~
23 ~~deficiencies will cost an additional estimated \$1.2 million dollars; and~~
- 24 ~~-(7) Cumulative deficits for 1989 (excluding unfunded liabilities for pensions) equaled~~
25 ~~\$1.874 million, and the anticipated cumulative deficit for 1991 is estimated to be \$2.7 million.~~

26 ~~**45-52.1-3. Central Falls review commission.** — (a) The Central Falls review~~
27 ~~commission established by article 67 of chapter 65 of the 1990 public laws is reconstituted to be~~
28 ~~comprised of seven (7) members as follows:~~

- 29 ~~-(1) The director of administration or his or her designee;~~
- 30 ~~-(2) The speaker of the house or his or her designee;~~
- 31 ~~-(3) The president of the senate or his or her designee;~~
- 32 ~~-(4) The mayor of the city of Central Falls or his or her designee;~~
- 33 ~~-(5) One member engaged in business, banking, or finance in Central Falls, who shall be~~
34 ~~chosen by the governor;~~

1 ~~-(6) The president of the Rhode Island public expenditure council or his or her designee;~~
2 ~~and~~

3 ~~-(7) The president of the Central Falls city council, or another council member appointed~~
4 ~~by the council president.~~

5 ~~-(b) The chairperson of the commission is the director of administration or his or her~~
6 ~~designee.~~

7 ~~-(c) Appointing authorities shall make their appointments within thirty (30) days of July~~
8 ~~1, 1991, and the commission shall commence proceedings within forty (40) days of July 1, 1991.~~

9 ~~-(d) All departments, employees, agencies, and elected and appointed officials of the city~~
10 ~~of Central Falls are required to cooperate with the commission. The commission has access to all~~
11 ~~records and books of account of the city and may require the attendance of city officials and the~~
12 ~~production of records, papers, contracts, and other documents relating to any matter within its~~
13 ~~authority.~~

14 ~~**45-52.1-4. Powers and duties.** -- The Central Falls review commission has the following~~
15 ~~powers and duties:~~

16 ~~-(1) To analyze all factors contributing to the city's financial condition and advise the~~
17 ~~mayor and the city council on this condition;~~

18 ~~-(2) To assist the city to implement the recommendations of the Central Falls review~~
19 ~~commission as presented to the governor, the general assembly, and the mayor in the~~
20 ~~commission's report dated January 4, 1991;~~

21 ~~-(3) To approve, modify, or disapprove any expenditure of funds that is available for~~
22 ~~other purposes as a result of the operation and full financing of public education in the city by the~~
23 ~~state. This amount shall be determined for each fiscal year, and shall be the difference between~~
24 ~~the total operating budget for education for each year, and the amount of school operating aid of~~
25 ~~all types that the city would have received absent state operation and financing. The review~~
26 ~~commission shall be given written notice of any proposed expenditure of those funds. If the~~
27 ~~review commission has not acted upon a written notice of proposed expenditure within thirty (30)~~
28 ~~days of its receipt, the proposal is deemed to be approved;~~

29 ~~-(4) To review and advise on the annual operating and capital budgets, and on any single~~
30 ~~expenditure of five thousand dollars (\$5,000) or more, any collective bargaining agreement or~~
31 ~~other contract, or the employment of any person or engagement of any consultant. The review~~
32 ~~commission shall be given written notice of any proposed expenditure or action of these types,~~
33 ~~and has fifteen (15) days to review the proposal and comment on it prior to an expenditure being~~
34 ~~made or funds being encumbered or committed. This provision does not apply to expenditures~~

1 ~~made necessary by emergencies that directly threaten public health or safety and authorized~~
2 ~~pursuant to section 2-302(a) of the Central Falls City Charter. Emergency expenditures,~~
3 ~~encumbrances, or commitments shall be reported to the commission in writing, however, together~~
4 ~~with information documenting the emergency within five (5) days after the occurrence of the~~
5 ~~emergency;~~

6 ~~-(5) To approve, modify, or disapprove any action that would incur short or long term~~
7 ~~debt through the issuance of bonds or notes, or by any other means. The review commission shall~~
8 ~~be given written notice of any proposed borrowing. If the review commission has not acted upon~~
9 ~~a written notice of proposed borrowing within sixty (60) days of its receipt, the proposal is~~
10 ~~deemed to be approved;~~

11 ~~-(6) To adopt, after consultation with the city council and the mayor, a plan for~~
12 ~~elimination of cumulative debt, as required by section 45-12-22, or to approve a plan prepared by~~
13 ~~the city. A plan adopted or approved under this provision shall be carried out by the city unless~~
14 ~~modified by the review commission. The review commission shall not, however, disapprove a~~
15 ~~reasonable and necessary request by the city for modification of a plan; and~~

16 ~~-(7) To request reports or information from the city on any aspect of municipal~~
17 ~~government relevant to its fiscal status, which request shall be promptly complied with.~~

18 ~~**45-52.1-5. Termination of financial emergency.** -- (a) A financial emergency is deemed~~
19 ~~to no longer exist and the Central Falls review commission shall be inactivated at the time that the~~
20 ~~city has completed a period of three (3) consecutive fiscal years in which no operating deficit has~~
21 ~~been incurred and total debt does not exceed one hundred percent (100%) of the city's revenues~~
22 ~~from its own sources. The city shall be deemed to have completed its fiscal year with no~~
23 ~~operating deficit if that fact is certified by an independent audit.~~

24 ~~-(b) The review commission shall be reactivated, with all of the powers and duties~~
25 ~~established in this chapter, immediately following any period of two (2) consecutive fiscal years~~
26 ~~in which the city shall either have incurred an operating deficit or total debt has exceeded one~~
27 ~~hundred percent (100%) of the city's revenues from its own sources. The reactivation of the~~
28 ~~review commission shall occur upon delivery of written notice to the mayor by the director of~~
29 ~~administration or the auditor general.~~

30 SECTION 27. Section 46-12.9-8 of the General Laws in Chapter 46-12.9 entitled "Rhode
31 Island Underground Storage Tank Financial Responsibility Act" is hereby amended to read as
32 follows:

33 **46-12.9-8. Review board.** -- (a) There is hereby authorized, created and established a
34 public corporation of the state having a distinct legal existence from the state and not constituting

1 a department of state government to be known as the "underground storage tank review board,"
2 with such powers as are set forth in this chapter, to oversee administration and implementation of
3 the fund, to review submissions and claims received from eligible parties and to proceed to
4 approve, modify, or deny disbursements to eligible parties and to have such other powers as are
5 provided herein.

6 (b) The review board shall consist of ~~thirteen (13)~~ eleven (11) members, as follows: the
7 director of the department of environmental management or his or her designee; the director of
8 the department of business regulation or his or her designee; the auditor general of the state or his
9 or her designee; a representative of the Rhode Island petroleum association to be appointed by the
10 ~~speaker of the house~~ governor; a representative of the independent oil marketers association of
11 New England to be appointed by the ~~president of the senate~~ governor; a representative of the oil
12 heat institute appointed by the governor; ~~a member appointed by the speaker of the house; a~~
13 ~~member appointed by the president of the senate~~; a member of a state wide environmental
14 organization to be appointed by the governor; a representative of the independent petroleum
15 dealers association of Rhode Island appointed by the governor; a member of the Rhode Island
16 marine trade association, who is a marina operator and/or owner, to be appointed by the governor;
17 a member of the general public, to be appointed by the governor; ~~a member of the house of~~
18 ~~representatives to be appointed by the house minority leader.~~ and a member of the general public
19 appointed by the lieutenant governor. All appointments made under this section after the
20 effective date of this act shall be subject to the advice and consent of the senate.

21 (c) The review board shall file an annual report of all receipts and disbursements with the
22 governor, general assembly, and secretary of state. When claims are pending, the review board
23 shall meet no less than four (4) times per year.

24 (d) It is the intent of the general assembly, by the passage of this chapter, to vest in the
25 review board all powers, authority, rights, privileges, and titles which may be necessary to enable
26 it to accomplish the purposes herein set forth, and this chapter and the powers herein granted shall
27 be liberally construed in conformity with those purposes.

28 (e) The review board and its corporate existence shall continue until terminated by law.
29 Upon termination of the existence of the review board, all its rights and properties shall pass to
30 and be vested in the state.

31 (f) The review board shall have the following powers, together with all powers incidental
32 thereto or necessary for the performance of those stated in this chapter:

33 (1) To sue and be sued, complain and defend, in its corporate name;

34 (2) To have a seal which may be altered at pleasure and to use the seal by causing it, or a

1 facsimile thereof, to be impressed or affixed or in any other manner reproduced;

2 (3) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use, and
3 otherwise deal in and with, real or personal property, or any interest therein, wherever situated;

4 (4) To make and execute agreements of lease and all other contracts and instruments
5 necessary or convenient in the exercise of the powers and functions of the review board granted
6 by this chapter;

7 (5) To make guarantees and incur or assume liabilities as the review board may deem
8 appropriate;

9 (6) To invest and reinvest its funds;

10 (7) To secure the cooperation and assistance of the United States, and any of its agencies
11 and of agencies of this state and its municipalities in the work of the review board;

12 (8) To accept grants, donations, drafts, loans of funds, and contributions in money,
13 services, materials, or otherwise, from the United States or any of its agencies, from this state and
14 its agencies, or from any other source, and to use or expend those moneys, services, materials, or
15 other contributions in carrying out the purposes of this chapter;

16 (9) To acquire or contract to acquire, from any person, the federal government or the
17 state, or any agency of either the federal government or state, by grant, purchase, lease, gift, or
18 otherwise, or to obtain options for the acquisition of any property, real or personal, improved or
19 unimproved, and interests in land less than the fee thereof; and to own, hold, clear, improve,
20 develop, and rehabilitate, and to sell, assign, exchange, transfer, convey, lease, mortgage, or
21 otherwise dispose of or encumber the property for the purposes of carrying out the provisions and
22 intent of this chapter for such consideration as the review board shall determine;

23 (10) To elect or appoint officers and agents of the review board, and to define their
24 duties and fix their compensation, including authority to employ attorneys, accountants, and
25 engineering consultants, and such other employees or agents as the review board shall deem
26 necessary in its judgment;

27 (11) To make and alter bylaws, not inconsistent with this chapter, for the administration
28 and regulation of the affairs of the review board, and the bylaws may contain provisions
29 indemnifying any person who is or was a director or a member of the review board, in the manner
30 and to the extent provided in section 7-6-6 of the Rhode Island nonprofit corporation act;

31 (12) To have and exercise all powers necessary or convenient to effect its purposes;

32 (13) To enter into agreements, contracts, and other arrangements with the state and any
33 of its departments, agencies, board or commissions relating to the execution or performance of
34 any function or purpose of the review board, including, but not limited to, investments, employee

1 compensation and employee benefits, and the state and its departments, agencies, boards and
2 commissions are hereby authorized to enter into such agreements, contracts and other
3 arrangements with the review board, and upon the request of the review board shall enter into
4 such agreements, contracts and other arrangements with the review board.

5 SECTION 28. Section 4 of Chapter 410 of the 2003 Public Laws entitled "An Act
6 Relating to Insurance – Workers' Compensation Insurance Fund" is hereby amended to read as
7 follows:

8 SECTION 4. **Board of directors.** – The board of directors shall be comprised of seven
9 (7) members elected or appointed as provided in this section and the director of the department of
10 labor and training and the chief executive officer of the fund who shall be ex officio members.
11 Each director shall hold office until a successor is appointed and qualified. Except for ex officio
12 members, each director shall be a policyholder or an officer or employee of a policyholder. The
13 governor shall appoint four (4) directors and three (3) directors shall be elected by the fund's
14 policyholders. In addition to the director of the department of labor and training, no more than
15 one (1) member of the board may be an elected or appointed official of state or municipal
16 government. At least three (3) members of the board shall be policyholders of an officer or
17 employee of a policyholder which is a for profit entity. No member other than the chief executive
18 officer may represent or be an employee of an insurance company. The terms of board members,
19 except for ex officio members, shall be four (4) years in accordance with the provisions for the
20 election and classification of directors as may be established in the fund's bylaws. Any vacancy
21 occurring during the term of any director shall be filled as provided in the fund's bylaws in the
22 same manner as the member's predecessor. The board shall annually elect a chairperson from
23 among its members, and any other officers it deems necessary for the performance of its duties.
24 All gubernatorial appointments made after the effective date of this act shall be subject to the
25 advice and consent of the senate.

26 SECTION 29. Severability. If any provision of this act or the application thereof to any
27 person or circumstances is held invalid, such invalidity shall not affect other provisions or
28 applications of the act, which can be given effect without the invalid provision or application, and
29 to this end the provisions of this act are declared to be severable.

30 SECTION 30. This act shall take effect upon passage, and shall apply retroactively to
31 January 1, 2005.

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

1 This act would make a variety of changes to the general laws that would be required in
2 the event that the electors of the state pass the amendment to the state constitution regarding the
3 separation of powers. A prominent feature of the act would be the removal of legislative
4 appointments to many boards and commissions.

5 This act would take effect upon passage, and shall apply retroactively to January 1, 2005.

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LC00791
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