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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, Roberts, Sheehan, Gallo, and Paiva-Weed

Date Introduced: February 02, 2005

Referred To: Senate Government Oversight

It is enacted by the General Assembly as follows:

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

1 (Face of application form)
2 Application to Purchase Pistol or Revolver
3 Date Hour A.M. P.M.
4 Name
5 Address
6 (Street and number) (City or town) (State)
7 Date of Birth Place of Birth
8 Height Weight Color hair
9 Color eyes
10 Scars
11 Tattoos
12 Other identifying marks
13 Are you a citizen of the United States
14 Are you a citizen of Rhode Island
15 How long
16 Where stationed
17 (Armed Forces only)
18 Have you ever been convicted of a crime of violence
19 (See section 11-47-2)
20 Have you ever been adjudicated or under confinement as addicted to a controlled
21 substance
22 Have you ever been adjudicated or under confinement for alcoholism
23 Have you ever been confined or treated for mental illness
24 From whom is pistol or revolver being purchased
25 Seller's address
26 Seller's signature
27 Applicant's signature
28 (See section 11-47-23 for penalty for false information on this application)
29 (Reverse side of application form)
30 AFFIDAVIT: I certify that I have read and am familiar with the provisions of sections
31 11-47-1 - 11-47-55, inclusive, of the general laws of the State of Rhode Island and
32 Providence Plantations, and that I am aware of the penalties for violation of the
33 provisions of the cited sections. I further certify that I have completed the required basic
34 pistol/revolver safety course. Signed

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

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

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

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

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

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

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

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

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

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

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

8 (4) Those members of the commission as of January 1, 2005 who were appointed to the
9 commission by members of the general assembly shall cease to be members of the commission
10 on January 1, 2005 and the governor shall appoint two (2) new members.

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

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

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

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

27 **23-1.8-1. Purpose -- Creation of commission.** -- (a) In view of the barriers and
28 disadvantages which deafness and hearing impairments impose on those individuals so affected,
29 and in view of the testimony on deafness received by a legislative study commission, it is hereby
30 proposed that a permanent Rhode Island commission on the deaf and hard-of-hearing be
31 established. This commission shall be composed ~~as follows: a thirteen (13) member commission,~~
32 ~~eleven (11) of whom are appointed by the governor, one representative appointed by the speaker~~
33 ~~of the house and one senator appointed by the president of the senate.~~ of eleven (11) members to
34 be appointed by the governor with the advice and consent of the senate. Four (4) of the governor's

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

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

13 (c) Those members of the commission as of January 1, 2005 who are members of the
14 general assembly shall cease to be members of the commission on January 1, 2005. Those
15 members of the commission as of January 1, 2005 who were appointed to the commission by the
16 governor shall continue to serve for the duration of their current terms.

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

19 **23-14.1-4. Health professional loan repayment board.** -- (a) There is created the health
20 professional loan repayment board, which shall consist of ~~eleven (11)~~ nine (9) members and is
21 constituted as follows: one health care consumer, to be appointed by the governor; one member of
22 the Rhode Island Medical Society appointed by its president; the director of the Rhode Island
23 Health Center Association; one additional representative of the Rhode Island Health Center
24 Association, or his or her designee, and appointed by its president; ~~one member of the house of~~
25 ~~representatives appointed by the speaker; one member of the senate appointed by the president of~~
26 ~~the senate;~~ the dean of the Brown University Medical School, or his or her designee; the dean of
27 the College of Nursing at the University of Rhode Island, or his or her designee; the executive
28 director of the Hospital Association of Rhode Island, or his or her designee; the executive director
29 of the Rhode Island higher education assistance authority, or his or her designee; and the director
30 of health, or his or her designee. All members shall serve at the pleasure of the appointing
31 authority and shall receive no compensation for their services. Gubernatorial appointments made
32 under this section after January 1, 2005 shall be subject to the advice and consent of the senate.

33 (b) The director of health shall serve as chairperson. The board may elect from among
34 its members such other officers as they deem necessary. All meetings shall be called by the

1 chairperson.

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

4 **23-22.5-6. Recreational safety council -- Appeals -- Composition of council. -- (a)**

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

16 (b) All gubernatorial appointments made under this section after January 1, 2005 shall be
17 subject to the advice and consent of the senate.

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

20 **24-12-2. Authority created -- Composition. -- (a)** There is hereby created a body
21 corporate and politic to be known as the "Rhode Island turnpike and bridge authority." The
22 authority shall consist of five (5) members, including the director of transportation, who shall be a
23 member ex officio, and four (4) members appointed by the governor, with the advice and consent
24 of the senate.

25 (b) Notwithstanding the provisions of subsection (a) of this section, those members of the
26 commission serving as of January 1, 2005 shall continue to serve for the balance of their current
27 terms.

28 **24-12-3. Appointment of authority members -- Oath of office. -- (a)** During the month
29 of March in each year, the successor of any member whose term is about to expire shall be
30 appointed by the governor, with the advice and consent of the senate, for a term of four (4) years
31 commencing the first day of April then next ensuing, but any person appointed to fill a vacancy
32 shall serve only for the unexpired term. Any member of the authority shall be eligible for
33 reappointment.

34 (b) Each appointed member of the authority before entering upon his or her duties shall

1 take an oath to administer the duties of his or her office faithfully and impartially, and the oath
2 shall be filed in the office of the secretary of state.

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

5 **24-13-3. Appointment of members -- Oath of office.** -- (a) In the month of March,
6 annually, the governor shall appoint one member of the authority to serve for a term of four (4)
7 years commencing the first day of April then next ensuing, to succeed the member whose term
8 will then next expire. In the event of a vacancy occurring in the membership, the governor shall
9 appoint a member for the unexpired term. Any member of the authority shall be eligible for
10 reappointment. Gubernatorial appointments under this section after January 1, 2005 shall be
11 subject to the advice and consent of the senate.

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

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

17 **24-15-10. Creation of board.** -- There is hereby created within the department of
18 transportation a scenic roadways board consisting of ~~eleven (11)~~ seven (7) members as follows:
19 one member shall be the director of the department of transportation; one member shall be the
20 director of the department of environmental management; one member shall be the chairperson of
21 the historic preservation commission; one member to be designated by the audubon society of
22 Rhode Island; ~~one member to be appointed by the president of the senate; one member to be~~
23 ~~appointed by the senate minority leader; one member to be appointed by the speaker of the house~~
24 ~~of representatives; one member to be appointed by minority leader of the house of representatives~~
25 ~~and one member to be designated by the Rhode Island builders association. The governor shall~~
26 ~~appoint two (2) members of the public to serve on the board as follows: one member to serve~~
27 ~~until the first day of June, 1986, and one member to serve until the first day of June, 1987, and all~~
28 ~~members shall serve until their successors are appointed and qualified.; and two (2) members~~
29 appointed by the governor with the advice and consent of the senate. In the month of ~~May, 1986,~~
30 ~~and in the month of~~ May in each year ~~thereafter~~, the governor shall, with the advice and consent
31 of the senate, appoint successors to the public members of the board whose terms shall expire in
32 such year, to hold office commencing on the first day of June in the year of appointment and until
33 the first day of June in the third year of their respective appointments or until their respective
34 successors are appointed and qualified. Any vacancy of a public member which may occur in the

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

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

13 **29-8-4. Appointment of members of the board.** – (a) The board consists of:

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

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

1 (b) All gubernatorial appointments made under this section after January 1, 2005 shall be
2 subject to the advice and consent of the senate.

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

5 **30-31-2. Creation of committee -- Members -- Vacancies.** -- (a) There is hereby
6 created a permanent committee on Rhode Island medal of honor recipients to consist of nine (9)
7 members, ~~three (3) of whom shall be from the house of representatives to be appointed by the~~
8 ~~speaker of the house of representatives, not more than two (2) of whom shall be from the same~~
9 ~~political party; three (3) of whom shall be from the senate to be appointed by the president of the~~
10 ~~senate, not more than two (2) of whom shall be from the same political party; and three (3) of~~
11 ~~whom~~ who shall be members of the general public with knowledge of veterans' affairs, to be
12 appointed by the governor, with the advice and consent of the senate; provided, however, that: -

13 (i) Those members of the committee as of January 1, 2005 who were appointed to the
14 committee by members of the general assembly shall cease to be members of the committee on
15 January 1, 2005 and the governor shall nominate six (6) new members, each of whom shall serve
16 for the balance of the current term of his or her predecessor.

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

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

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

24 **35-8-3. Sinking fund commission -- Composition -- Elective members -- Quorum.** --

25 (a) There shall be a sinking fund commission which shall perform the duties formerly performed
26 by the board of commissioners of sinking funds as prescribed by this chapter, which board of
27 commissioners is hereby abolished. The sinking fund commission shall consist of the governor or
28 his or her designee, the general treasurer or his or her designee, the director of administration or
29 his or her designee, ~~the chairperson of the finance committee of the Senate or his or her designee,~~
30 ~~the chairperson of the finance committee of the House of Representatives or his or her designee,~~
31 ~~and one person to be appointed by the speaker of the house of representatives, one person to be~~
32 ~~appointed by the house minority leader, one person to be appointed by the president of the senate,~~
33 ~~and one person to be appointed by the senate minority leader.~~ two (2) members of the public
34 appointed by the governor with the advice and consent of the senate, and two (2) members of the

1 public appointed by the general treasurer with the advice and consent of the senate. A majority of
2 all the members of the commission is necessary to constitute a quorum.

3 (b) Those members of the commission as of January 1, 2005 who are members of the
4 general assembly or who were appointed to the commission by members of the general assembly
5 shall cease to be members of the commission on January 1, 2005 and the governor and the
6 general treasurer shall each nominate two (2) new members, one of whom shall serve an initial
7 term of two (2) years and one of whom shall serve an initial term of three (3) years. Thereafter,
8 appointed members of the commission shall be appointed to terms of three (3) years.

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

11 **35-8.1-5. Governing board -- Members -- Vacancies -- Officers -- Quorum --**

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

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

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

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

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

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

21 ~~(6)~~ (3) One ~~additional~~ public member appointed by the governor, with the advice and
22 consent of the senate, for a term of two (2) years.

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

25 (b) Those members of the authority as of January 1, 2005 who are members of the
26 general assembly shall cease to be members of the authority on January 1, 2005 and the general
27 treasurer shall appoint two (2) new members who shall serve a term of two (2) years. That
28 member of the authority as of January 1, 2005 who was appointed by the governor shall continue
29 to serve the balance of his or her current term.

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

34 ~~(e)~~ (d) Each member of the board, before entering upon any duties, shall swear or

1 solemnly affirm to administer the duties of office faithfully and impartially, and that oath or
2 affirmation shall be filed in the office of the secretary of state.

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

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

10 **41-2-1. Board created -- Appointment and removal of members.** -- (a) Within the
11 executive department there shall be a racing and athletics hearing board. The hearing board shall
12 consist of three (3) members, not more than two (2) of whom shall be members of the same
13 political party, who shall be appointed by the governor as provided in this section. In the month
14 of February in each odd numbered year, the governor shall appoint one member of the board to
15 hold office until the first day of March in the sixth year after his or her appointment and until his
16 or her successor is appointed and qualified to succeed the member whose term will next expire.

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

22 (c) All appointments made under this section after January 1, 2005 shall be subject to the
23 advice and consent of the senate.

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

26 **42-27-1. Commission created -- Appointment of members.** -- (a) There is hereby
27 created a special commission affiliated with the board of governors for higher education to be
28 known as the Rhode Island atomic energy commission, consisting of five (5) members to be
29 appointed by the governor, one of whom shall be designated by the governor as chairperson. The
30 commission may elect from among its members such other officers as they deem necessary.

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

1 or herself.

2 (c) All appointments and designations of chairpersons made under this section after
3 January 1, 2005 shall be subject to the advice and consent of the senate.

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

6 **42-34-4. Organization of authority.** -- (a) The Rhode Island industrial-recreational
7 building authority, hereinafter in this chapter called the authority, hereby created and established
8 a body corporate and politic, is constituted a public instrumentality of the state, and the exercise
9 by the authority of the powers conferred by the provisions of this chapter shall be deemed and
10 held to be the performance of essential governmental functions. The authority shall consist of five
11 (5) members, appointed by the governor for a period of five (5) years, as herein provided.

12 (b) During the month of January, 1959, the governor shall appoint one member to serve
13 until the first day of February, 1960, and until his or her successor is appointed and qualified, one
14 member to serve until the first day of February, 1961, and until his or her successor is appointed
15 and qualified, one member to serve until the first day of February, 1962, and until his or her
16 successor is appointed and qualified, one member to serve until the first day of February, 1963,
17 and until his or her successor is appointed and qualified, and one member to serve until the first
18 day of February, 1964, and until his or her successor is appointed and qualified.

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

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

27 (e) The authority may elect such officers, who need not be members of the authority, as
28 may be required to conduct the authority's business. The director of the department of economic
29 development shall serve as executive director and chief executive officer, ex officio, of the
30 authority. Three (3) members of the authority shall constitute a quorum and the affirmative vote
31 of a majority of the members, present and voting, shall be necessary for any action taken by the
32 authority; except that, in no case shall any action taken by the authority be taken by an affirmative
33 vote of less than three (3) members. No vacancy in the membership of the authority or
34 disqualification of a member under section 42-34-16 shall impair the right of the quorum to

1 exercise all rights and perform all the duties of the authority. All of the members of the authority
2 shall be reimbursed for their actual expenses necessarily incurred in the performance of their
3 duties.

4 (f) Appointments made under this section after January 1, 2005 shall be subject to the
5 advice and consent of the senate.

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

8 ~~CHAPTER 42-43~~

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

10 ~~**42-43-1. Establishment of board.** --- (a) There is hereby established a Rhode Island~~
11 ~~board for the classification of motion pictures within the state department of elementary and~~
12 ~~secondary education which shall be composed of a chairman and eight (8) members who shall be~~
13 ~~appointed by the governor and who shall serve for a term of two (2) years. The members shall~~
14 ~~adopt such rules and regulations as they deem best governing their action, proceeding, and~~
15 ~~deliberation and the time and place of meeting.~~

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

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

32 ~~(d) If a vacancy occurs upon the board by death, resignation, or otherwise, the governor~~
33 ~~shall appoint a member to fill the vacancy for the unexpired term. The board shall report annually~~
34 ~~to the governor on its operations and activities and shall make recommendations for the~~

1 ~~improvement and facilitation of its functions.~~

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

6 ~~**42-43-3. Definitions.**—As used in this chapter:~~

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

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

13 ~~-(c) "Classification order" means any written determination by the board classifying a~~
14 ~~performance;~~

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

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

19 ~~-(f) "Exhibitor" means any person, firm, corporation, or association which exhibits a~~
20 ~~performance;~~

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

23 ~~-(h) "Initial exhibition" means the first exhibition of any performance within the state of~~
24 ~~Rhode Island;~~

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

28 ~~-(i) Predominantly appeals to the prurient, shameful, or morbid interest of young persons,~~
29 ~~and~~

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

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

33 ~~-(j) "Nudity" means the showing of the human male or female genitals, pubic area or~~
34 ~~buttocks with less than a full opaque covering, or the showing of the female breast with less than~~

1 ~~a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of~~
2 ~~covered male genitals in a discernibly turgid state;~~

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

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

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

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

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

16 ~~(p) "Young person" means any person who has not attained his or her eighteenth~~
17 ~~birthday.~~

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

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

30 ~~(c) If upon examination of the proposed classification a majority of the board is not~~
31 ~~satisfied that the proposed classification is proper, the chairperson shall hold a hearing and shall~~
32 ~~direct the exhibitor to conduct the performance before the board at a suitably equipped place, and~~
33 ~~at a specified time which shall be the earliest time practicable. The exhibitor may at that time~~
34 ~~make such statement to the board in support of his or her proposed classification and may present~~

1 ~~such testimony as he or she desires. Within two (2) days of the conducting of the performance,~~
2 ~~the board shall make and file its classification of the performance in question.~~

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

6 ~~**42-43-5. Judicial review.** — In addition to any other remedy he or she may have, any~~
7 ~~exhibitor considering him or herself aggrieved by any classification order of the board may within~~
8 ~~twenty four (24) hours of the receipt of the notification file a notice of nonacceptance of the~~
9 ~~board's classification, stating his or her intention to exhibit the performance in question under a~~
10 ~~different classification. Thereupon it shall be the duty of the board to do the following: The board~~
11 ~~shall within forty eight (48) hours of the filing of the notice of non acceptance commence a suit~~
12 ~~against the exhibitor in the superior court for the counties of Providence and Bristol by filing a~~
13 ~~complaint wherein shall be contained prayers that the performance is not suitable for young~~
14 ~~persons and that its exhibition to young persons be permanently enjoined. Forthwith upon the~~
15 ~~commencement of the proceedings the court may issue its order enjoining until full hearing by the~~
16 ~~court the admission to such performance of any young person and the clerk of the court shall~~
17 ~~cause notice of the pendency to be served upon the exhibitor. The matter shall then be heard by~~
18 ~~the court on the question of whether or not the performance is suitable for young persons within~~
19 ~~one day of the joinder of issue and the court shall render its decision within forty eight (48) hours~~
20 ~~of the conclusion of the hearing. The proceedings shall have priority on the court calendar. In~~
21 ~~determining the time periods heretofore set forth in this section, Saturdays, Sundays, and court~~
22 ~~holidays shall not be counted and the superior court shall not be required to hear these cases on~~
23 ~~those days. Throughout these proceedings, the board shall have the burden of proof and if any of~~
24 ~~the provisions of this chapter have not been strictly complied with by the board, the court shall~~
25 ~~upon application forthwith dissolve any temporary injunction heretofore issued.~~

26 ~~**42-43-6. Offenses.** — (a) It shall be unlawful for any exhibitor or his or her employees:~~

27 ~~(1) To exhibit any performance which has not been classified as provided in this chapter;~~

28 ~~(2) To exhibit any performance classified "not suitable for young persons" if any current~~
29 ~~advertisement of the performance by the exhibitor fails to state clearly the classification of the~~
30 ~~performance;~~

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

34 ~~(4) Knowingly to sell or give to any young person a ticket to any performance classified~~

1 ~~"not suitable for young persons";~~

2 ~~-(5) Knowingly to permit any young person to view the exhibition of any performance~~

3 ~~classified "not suitable for young persons";~~

4 ~~-(6) To make any false or wilfully misleading statement in any proposed classification or~~

5 ~~other proceeding before the board.~~

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

7 ~~-(1) To give his or her age falsely as over eighteen (18) years of age for the purpose of~~

8 ~~gaining admittance to the exhibition of a performance classified "not suitable for young persons";~~

9 ~~-(2) To enter or remain in the viewing portion of any theatre or other place where a~~

10 ~~performance classified "not suitable for young persons" is being exhibited;~~

11 ~~-(3) To state falsely that he or she is married for the purpose of gaining admittance to an~~

12 ~~exhibition of a performance classified as "not suitable for young persons."~~

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

14 ~~-(1) To sell or give to any young person a ticket or other form of admittance to an~~

15 ~~exhibition of a performance classified "not suitable for young persons";~~

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

17 ~~-(3) To make any false statement for the purpose of enabling any young person to gain~~

18 ~~admittance to the exhibition of a performance classified "not suitable for young persons."~~

19 ~~-(d) To the extent that any prosecution or other proceeding under this chapter involves the~~

20 ~~entering, purchasing of a ticket, or viewing by a young person of a performance classified "not~~

21 ~~suitable for young persons", it shall be a valid defense that the young person was accompanied by~~

22 ~~a parent, legally appointed guardian, or spouse throughout the exhibition of the performance.~~

23 ~~-(e) (i) If an exhibitor or his or her employee is in doubt as to the age of any person~~

24 ~~buying a ticket or seeking admittance to an exhibition of a performance classified "not suitable~~

25 ~~for young persons" the exhibitor may demand that the person bring and display any of the~~

26 ~~following documents:~~

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

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

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

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

31 ~~-(5) A Rhode Island identification card, and may require that any person who has shown a~~

32 ~~document as set forth in this section substantiating his or her age to sign his or her name in a book~~

33 ~~kept for this purpose, indicating what document was presented.~~

34 ~~-(ii) If a person whose age is questioned shall sign the book before he or she is admitted~~

1 ~~to the exhibition of the performance and it is later determined that the person was not over~~
2 ~~eighteen (18) years of age, it shall be considered prima facie evidence that the exhibitor or his or~~
3 ~~her employee acted in good faith in admitting the person so producing the document as set forth~~
4 ~~in this section misrepresenting his or her age.~~

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

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

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

14 ~~**42-43-7. Appropriations and expenses.** — There is hereby appropriated the sum of ten~~
15 ~~thousand dollars (\$10,000) to carry out the purposes of this chapter, and the general assembly~~
16 ~~shall annually appropriate such sums as it may deem necessary to carry out the provisions of this~~
17 ~~chapter; and the state controller is hereby authorized and directed to draw his or her orders upon~~
18 ~~the general treasurer for the payment of that sum, or so much thereof as may be required from~~
19 ~~time to time, upon receipt by him or her of proper vouchers duly authenticated.~~

20 ~~**42-43-8. Severability.** — If any clause, section, paragraph, or other part of this chapter or~~
21 ~~the application thereof to any person or circumstances shall for any reason be adjudged by a court~~
22 ~~of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate the~~
23 ~~remainder of this chapter or its application to other persons or circumstances.~~

24 ~~**42-43-9. Preview of "X" or "R" rated films.** — No person shall exhibit, show, or use~~
25 ~~any preview film, reel, or view of any film rated "X" or "R" on any movie screen except at a~~
26 ~~showing of a film rated "X" or "R." Any person who violates the provisions of this section shall~~
27 ~~be fined not more than two hundred fifty dollars (\$250) or imprisoned not more than six (6)~~
28 ~~months or both.~~

29 ~~**42-43-10. "X" rated movies exhibited at drive-in theaters.** — Every person, firm,~~
30 ~~corporation or association who operates a drive-in theater having a screen which is visible from~~
31 ~~public highways, is prohibited from exhibiting films rated "X." Any violation of this section shall~~
32 ~~be punishable by a fine of not more than five hundred (\$500) dollars and/or imprisonment for a~~
33 ~~term not to exceed one year.~~

34 SECTION 16. Section 42-64.3-3.1 of the General Laws in Chapter 42-64.3 entitled

1 "Distressed Areas Economic Revitalization Act" is hereby amended to read as follows:

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

11 (b) The members shall be appointed for terms of five (5) years each; provided, however,
12 of the members originally appointed, one shall be appointed for a term of one year, one shall be
13 appointed for a term of two (2) years, one shall be appointed for a term of three (3) years, one
14 shall be appointed for a term of four (4) years and one shall be appointed for a term of five (5)
15 years.

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

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

22 (e) All gubernatorial appointments under this section after January 1, 2005 shall be
23 subject to the advice and consent of the senate.

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

26 **42-75-4. Terms of members.** – The term of office of each member shall be three (3)
27 years. On June 1, 1967, the governor shall appoint three (3) members to serve until the first day
28 of March, 1968, three (3) members to serve until the first day of March, 1969, and three (3)
29 members to serve until the first day of March, 1970 and until their respective successors shall be
30 appointed and qualified. In the month of February, 1968, and in each year thereafter, the governor
31 shall appoint three (3) members to hold office until the first day of March in the third year after
32 their appointment and until their successors shall have been appointed and qualified. Upon May
33 2, 1974, the governor shall appoint three (3) additional members to the existing council to serve
34 until the first day of March 1976, and until their respective successors shall be appointed and

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

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

11 **42-97-2. Board of curators.** -- There is established a five (5) member board of curators,
12 ~~three (3) of whom shall be appointed by the governor (executive appointments), one of whom~~
13 ~~shall be the chairperson of the house finance committee, or the chairperson's designee and one of~~
14 ~~whom shall be chairperson of the senate finance committee, or the chairperson's designee. The~~
15 ~~executive appointees shall be selected from the administrators of museums in Rhode Island or the~~
16 ~~administrators of historical societies in Rhode Island. One executive appointee~~ the members of
17 which shall be appointed by the governor with the advice and consent of the senate. At least
18 three (3) members shall be administrators of museums and/or historical societies in Rhode Island.
19 One shall be a professional in art, one in history, and one in science. The tax administrator shall
20 serve as an advisor to the board. Members of the board shall not be compensated. The governor
21 shall designate one member of the board to serve as chairperson. The board may elect from
22 among its members such other officers as they deem necessary.

23 **42-97-3. Term of members.** – (a) The governor shall appoint one member for three (3)
24 years, one member for two (2) years, and one member for one year. In 1986, terms shall
25 commence on the date of appointment and expire on the thirty-first day of January thereafter
26 corresponding with the number of year(s) of the term to which appointed. Thereafter,
27 appointments shall be made for three (3) years commencing on the 1st day of February in the year
28 of appointment and ending on the thirty-first day of January in the third year thereafter. A
29 member shall serve until the member's successor is appointed. A vacancy shall be filled by
30 appointment of the governor for the remainder of the unexpired term.

31 (b) Those members of the board as of January 1, 2005 who are members of the general
32 assembly (or designees of members of the general assembly) shall cease to be members of the
33 board on January 1, 2005 and the governor shall nominate two (2) new members, one of whose
34 initial term shall expire on January 31, 2007, and the other of whose initial term shall expire on

1 January 31, 2008. Thereafter, all members of the board shall be appointed to serve three (3) year
2 terms.

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

5 **42-99-4. Creation of a corporation -- Composition -- Personnel -- Compensation. --**

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

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

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

26 ~~(d) (i) The powers of the corporation shall be vested in a board of commissioners having~~
27 ~~nine (9) members who shall be appointed in the manner set forth in this section. Forthwith upon~~
28 ~~the enactment of this chapter, the governor and chief municipal officer (sometimes referred to as~~
29 ~~the "appointing authorities") will each appoint four (4) commissioners for terms ending~~
30 ~~respectively on June 30, 1988, June 30, 1989, and June 30, 1990, and June 30, 1991, and~~
31 ~~thereafter until their respective successors are appointed and shall have qualified. Beginning on~~
32 ~~June 30, 1988, and on each June 30 thereafter, the appointing authorities shall appoint~~
33 ~~commissioners to succeed the commissioners whose terms are then ending and to serve for terms~~
34 ~~of four (4) years.~~

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

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

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

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

28 (ii) Those commissioners serving as of January 1, 2005 shall continue to serve until the
29 expiration of their current terms.

30 (iii) Thereafter, upon the expiration of the term of a commissioner appointed by the
31 governor, the governor shall appoint a successor, subject to the advice and consent of the senate;
32 and, upon the expiration of a commissioner appointed by the chief municipal officer, the chief
33 municipal officer shall appoint a successor.

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

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

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

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

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

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

28 (j) The commissioners may authorize the engagement of any other person, corporation,
29 or other entity including, without limiting the generality of the foregoing, any public body
30 corporate and politic located within the municipality as they may select to undertake the staffing
31 and management of the convention center (including the scheduling of events and related
32 activities) upon any terms and for any periods of time that they may deem proper.

33 (k) The secretary shall keep a record of the proceedings of the corporation and shall be
34 custodian of all books, documents, and papers filed with the corporation and of its minute book

1 and seal. The secretary shall have the authority to cause to be made copies of all minutes and
2 other records and documents of the corporation and to give certificates under the seal of the
3 corporation to the effect that the copies are true copies and all persons dealing with the
4 corporation may rely upon the certificates.

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

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

9 **42-125-5. Council created -- Appointment of members.** -- (a) The greenways council
10 shall consist of seven (7) members to be appointed in the following manner:

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

19 (c) Gubernatorial appointments made under this section after January 1, 2005 shall be
20 subject to the advice and consent of the senate.

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

23 **42-126-5. Creation of the steering committee.** -- The East Bay Economic Initiative's
24 activities shall be governed by a steering committee, which shall serve as its board of directors,
25 and shall ~~have the following membership; three (3) state senators from the East Bay appointed by~~
26 ~~the president of the senate, not more than two (2) of whom shall be from the same political party;~~
27 ~~three (3) state representatives from the East Bay appointed by the speaker of the house of~~
28 ~~representatives, not more than two (2) of whom shall be from the same political party;~~ consist of
29 eleven (11) members: the director of Economic Development Corporation, or the designee of the
30 director; the associate director for planning of the Department of Administration, or the designee
31 of the associate director; and nine (9) public members from private businesses in the East Bay or
32 from business organizations, appointed by the governor. The governor shall appoint the
33 chairperson of the steering committee from among the public members. The steering committee
34 may elect from among its members such other officers as they deem necessary. Members of the

1 steering committee established by executive order 94-3 shall be members of the steering
2 committee hereby created and shall remain in office until their successors are duly appointed.
3 Gubernatorial appointments made under this section after January 1, 2005 shall be subject to the
4 advice and consent of the senate.

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

8 **44-34-11. Rhode Island vehicle value commission. [Repealed effective July 1, 2005.] -**

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

11 (b) The commission consists of the following ~~nine (9)~~ seven (7) members: one designee
12 of the director of transportation; five (5) local tax officials named by the governor, at least one of
13 whom is from a town under ten thousand (10,000) population and at least one of whom is from a
14 city over fifty thousand (50,000) population, from a list of nominees submitted by the president of
15 the Rhode Island league of cities and towns; ~~and two (2) designees who are private citizen car~~
16 ~~owners, one of whom is named by the speaker of the house and one of whom is named by the~~
17 ~~president of the senate;~~ and one motor vehicle dealer designated by the director of administration;
18 all departmental designees serve at the pleasure of the designating agency, but, for a term of no
19 less than one year, and all other designees serve for a term of three (3) years. Notwithstanding
20 the foregoing, those members of the commission as of January 1, 2005 who were appointed to the
21 commission by members of the general assembly shall cease to be members of the commission
22 on January 1, 2005.

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

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

28 (i) The average retail price of similar vehicles of the same make, model, type, and year
29 of manufacture as reported by motor vehicle dealers or by official used car guides, as that of the
30 national automobile dealers association for New England. Where regional guides are not
31 available, the commission shall use other publications deemed appropriate; and

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

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

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

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

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

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

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

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

28 (h) The commission shall establish by rule, procedures for adopting an annual budget
29 and for administering its finances. After July 1, 1986, one-half (1/2) of the cost of the
30 commission's operations shall be borne by the state and one-half (1/2) borne by cities and towns,
31 within the state with the city and town share distributed among cities and towns on a per capita
32 basis.

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

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

28 (b) The budget and review commission shall commence its work by examining the
29 financial and operating condition of the city or town and shall also advise the chief executive
30 officer, city or town council and the fiscal officials of the city or town on the formulation of
31 adequate budget and budgetary controls. The budget and review commission shall issue a report
32 detailing its findings and recommendations. The examination and report shall be completed and
33 published no sooner than three (3) weeks after the formation of the budget and review
34 commission. The commission shall exercise any of the powers set forth in this section only after

1 the examination and publication of the commission's report.

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

4 **45-37.1-4. Rhode Island industrial facilities corporation constituted public body**
5 **corporate and agency of the state.** -- (a) The Rhode Island industrial facilities corporation,

6 previously created as a nonbusiness corporation, under and pursuant to chapter 6 of title 7, as
7 amended by chapter 121 of the Public Laws of 1966, is constituted and established as a public
8 body corporate and agency of the state for the purposes of acquiring, constructing, financing, and
9 leasing projects, as defined in this chapter, within the state. The exercise by the corporation of the
10 powers conferred by this chapter are deemed and held to be the performance of an essential
11 governmental function.

12 (b) All of the powers of the corporation are vested in the board of directors of the
13 corporation previously elected at the first meeting of the incorporators of the Rhode Island
14 industrial facilities corporation, and the members of the board shall continue to serve for the
15 duration of the terms for which they were originally elected. Successors to the members of the
16 board of directors shall be appointed by the governor, as follows: prior to the month of June in
17 each year, commencing in the year 1967, the governor shall appoint a member to serve on the
18 board of directors for a term of five (5) years to succeed the member whose term will expire in
19 June of that year. In the event of a vacancy occurring in the membership of the board of directors,
20 the governor shall appoint a new member of the board of directors for the unexpired term. Any
21 member of the board of directors shall be eligible for reappointment. [Appointments made under](#)
22 [this section after January 1, 2005 shall be subject to the advice and consent of the senate.](#)

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

26 (d) The board of directors may elect officers, who need not be members of the board, as
27 may be required to conduct the authority's business. The director of the department of economic
28 development shall serve as executive director and chief executive officer, ex officio, of the
29 corporation. Three (3) members of the board of directors of the corporation constitutes a quorum,
30 and the vote of three (3) members of the board of directors is necessary for any action taken by
31 the corporation. No vacancy in the membership of the board of directors of the corporation shall
32 impair the right of a quorum to exercise all the powers and perform the duties of the corporation.

33 (e) Any action taken by the corporation under the provisions of this chapter may be
34 authorized by resolution at any regular or special meeting, and each resolution takes effect

1 immediately and need not be published or posted.

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

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

8 **45-38.1-4. Corporation established.** -- (a) There is hereby created a public body
9 corporate and agency of the state to be known as the "Rhode Island health and educational
10 building corporation" as successor to the Rhode Island educational building corporation,
11 previously created as a nonbusiness corporation under and pursuant to chapter 6 of title 7, as
12 amended by chapter 121 of the Public Laws of 1966, and constituted and established as a public
13 body corporate and agency of the state for the exercising of the powers conferred on the
14 corporation under and pursuant to sections 45-38.1-1 -- 45-38.1-24.

15 (b) All of the powers of the corporation are vested in the board of directors of the
16 corporation elected at the first meeting of the incorporators of the Rhode Island educational
17 building corporation, and the members of the board shall continue to serve for the duration of the
18 terms for which they were originally elected. Successors to the members of the board of directors
19 shall be appointed by the governor, as follows: prior to the month of June in each year,
20 commencing in the year 1968, the governor shall appoint a member to serve on the board of
21 directors for a term of five (5) years to succeed the member whose term will expire in June of that
22 year. In the event of a vacancy occurring in the membership of the board of directors, the
23 governor shall appoint a new member of the board of directors for the unexpired term. Any
24 member of the board of directors is eligible for reappointment. [Appointments made under this](#)
25 [section after January 1, 2005 shall be subject to the advice and consent of the senate.](#)

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

29 (d) The board of directors shall elect two (2) of its members as chairperson and vice
30 chairperson, and also elect a secretary, assistant secretary, treasurer, and assistant treasurer, who
31 need not be members of the board. Three (3) members of the board of directors of the corporation
32 shall constitute a quorum, and the affirmative vote of the majority of the directors present and
33 entitled to vote at any regular or special meeting at which a quorum is present, is necessary for
34 any action to be taken by the corporation; except, however, that the affirmative vote of three (3)

1 members of the board of directors is necessary for the election of officers of the corporation and
2 to amend the bylaws of the corporation. No vacancy in the membership of the board of directors
3 of the corporation impairs the right of a quorum to exercise all the powers of and perform the
4 duties of the corporation.

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

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

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

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

19 **46-5.1-2. Composition.** – (a) The commission shall consist of ~~fifteen (15)~~ nine (9)
20 ~~members: three (3) of whom shall be from the house of representatives, not more than two (2)~~
21 ~~from the same political party to be appointed by the speaker; three (3) of whom shall be from the~~
22 ~~senate, not more than two (2) from the same political party, to be appointed by the president of~~
23 ~~the senate;~~ one of whom shall be the director of the Department of Environmental Management,
24 or his or her designee; one of whom shall be the director of the Department of Transportation, or
25 his or her designee; one of whom shall be the director of the Department of Economic
26 Development, or his or her designee; ~~and six (6) of whom shall be members of the general public,~~
27 ~~of whom two (2) shall be appointed by the speaker, two (2) by the president of the senate and two~~
28 ~~(2) by the governor~~ six (6) of whom shall be members of the public appointed by the governor
29 with the advice and consent of the senate.

30 (b) All appointed members of the commission as of January 1, 2005 shall cease to be
31 members of the commission on January 1, 2005 and the governor shall nominate six (6) new
32 members, two (2) of whom shall serve an initial term of one year, two (2) of whom shall serve an
33 initial term of two (2) years, and two (2) of whom shall serve an initial term of three (3) years.
34 Thereafter, all appointments under this section shall be for terms of three (3) years.

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

3 **46-5.1-5. Appointments -- Vacancies.** -- The members of the commission shall be
4 appointed forthwith. ~~In lieu of any appointment of a member of the legislature to the commission,~~
5 ~~the appointing authority may appoint a member of the general public to serve in lieu of a~~
6 ~~legislator, provided that the president of the senate, if applicable, or the majority leader or the~~
7 ~~minority leader of the political party which is entitled to the appointment consents to the~~
8 ~~appointment of the member of the general public.~~ Vacancies in said commission shall be filled in
9 like manner as the original appointment.

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

12 ~~**46-5.1-6. Organization.** -- The members of the commission shall meet no later than~~
13 ~~October 15, 1996 and shall elect a chairperson from among the legislators.~~

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

17 **46-9-5. Pilotage commission.** -- (a) There is hereby created a state pilotage commission
18 within the department of environmental management independent of the department and the
19 director, consisting of four (4) members, two (2) of whom shall be appointed by the governor. Of
20 the members appointed by the governor, one shall be a licensed pilot with five (5) years active
21 service on the waters of this state, and one shall represent the public. The chief of the division of
22 the coastal resources and the director of the department of environmental management shall serve
23 as ex officio members of the commission. Each appointed member of the commission shall serve
24 for a term of three (3) years and until his or her successor shall be appointed and qualified. In the
25 month of February, the governor shall appoint a member to hold office until the first day of
26 March in the third year of his or her appointment, and until his or her successor shall be appointed
27 and qualified to succeed the member whose term shall next expire. Gubernatorial appointments
28 made under this section after January 1, 2005 shall be subject to the advice and consent of the
29 senate.

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

33 (c) The members of the commission, other than members who are full time state
34 employees, shall receive fifty dollars (\$50.00) per day for their services and shall be allowed their

1 necessary travel expenses.

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

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

6 **46-28-5. Council created -- Appointment of members. --** ~~Effective until ratification of~~
7 ~~a constitutional amendment entitled "JOINT RESOLUTION TO APPROVE AND PUBLISH~~
8 ~~AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE~~
9 ~~CONSTITUTION OF THE STATE (SEPARATION OF POWERS)," such council shall consist~~
10 ~~of fifteen (15) members to be appointed in the following manner:~~

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

23 ~~(2) (a) Each member so appointed shall serve for three (3) years beginning in the first~~
24 ~~day of July, except that in the case of the first two (2) members appointed by the lieutenant~~
25 ~~governor and the first two (2) members appointed by the governor, one shall serve until July 1,~~
26 ~~1991, and one until July 1, 1992. Members shall be appointed during the month of June of each~~
27 ~~year by the appointing authority and in the event of a vacancy occurring in the council, said~~
28 ~~vacancy shall be filled in a like manner as the original appointment for the remainder of the~~
29 ~~unexpired term.~~

30 ~~(b) Effective upon ratification of a constitutional amendment entitled "JOINT~~
31 ~~RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A~~
32 ~~PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE~~
33 ~~(SEPARATION OF POWERS)," s~~Such council shall consist of fifteen (15) ten (10) members to
34 be appointed in the following manner:

1 (i) ~~(1) Five (5) public~~ Three (3) members shall represent the public and shall be
2 appointed by the governor, with subject to the advice and consent of the senate; ~~four (4) public~~
3 three (3) members shall be appointed by the lieutenant governor, with subject to the advice and
4 consent of the senate; ~~one member shall be the general manager of the water resources board or~~
5 ~~his or her designee~~; one member shall be the director of the department of environmental
6 management or his or her designee; one member shall be the executive director of coastal
7 resources management council or his or her designee; one member shall be the director of
8 administration or his or her designee; ~~one member shall be the executive director of the economic~~
9 ~~development corporation or his or her designee~~; and one member shall be the president of the
10 Rhode Island league of cities and towns or his or her designee.

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

18 (2) Each member so appointed shall serve for three (3) years beginning on the first day of
19 July, except that in the case of the first two (2) members appointed by the lieutenant governor and
20 the first two (2) members appointed by the governor, one shall serve until July 1, 1991, and one
21 until July 1, 1992. Members shall be appointed during the month of June of each year by the
22 appointing authority and in the event of a vacancy occurring in the council, said vacancy shall be
23 filled in a like manner as the original appointment for the remainder of the unexpired term.

24 (3) Those members of the council as of January 1, 2005 who are members of the general
25 assembly or who were appointed to the council by members of the general assembly shall cease
26 to be members of the council on January 1, 2005.

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

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

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LC00788
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO SEPARATION OF POWERS

1 This act would remove legislative appointments from many existing boards and
2 commissions pursuant to the separation of powers amendment to the state constitution.

3 This act would take effect upon passage and would apply retroactively to January 1,
4 2005.

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LC00788
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