

State of Rhode Island and Providence Plantations

Journal of the Senate

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

Volume 131, No. 57

Wednesday, June 16, 2004

Fifty-seventh Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:28 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 0 Senators absent as follows:

PRESENT – 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, June 10, 2004 and Tuesday, June 15, 2004 proceedings are read in part.

Upon suggestion of Senator Lanzi, and by unanimous consent, further reading of the Journals are dispensed with and the Journal's approved as recorded.

GUESTS

Upon suggestion of Senator Tassoni and by unanimous consent, the Honorable President welcomes to the Chamber Council woman S. Jean Cerroni, Sabrina Mowfils and Justin Freitas.

Upon suggestion of Senator Breene and Polisena and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Mike Cerullo of the Exeter Town Council.

REPORTS OF COMMITTEES**COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT**

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

Senate Bill No. 3148 SUB A

BY Senators Tassoni, Caprio F, Polisena, Fogarty P, Connors

ENTITLED, AN ACT RELATING TO HOUSING

Read and ordered to be placed on the Calendar

COMMITTEE ON FINANCE

Senator Alves, from the Committee on Finance, reports back, with recommendation of passage of the following measures:

Senate Bill No. 3132

BY Senators Bates, Felag, Parella

ENTITLED, AN ACT AUTHORIZING THE BRISTOL WARREN REGIONAL SCHOOL DISTRICT TO FINANCE PHASE ONE OF THE ELEMENTARY FACILITIES PROGRAM FOR CONSTRUCTION OF ADDITIONS, IMPROVEMENTS AND RENOVATIONS TO HUGH COLE ELEMENTARY SCHOOL IN WARREN, RHODE ISLAND AND TO COLT MEMORIAL, ANDREWS AND ROCKWELL SCHOOLS IN BRISTOL, RHODE ISLAND, INCLUDING SITE INFRASTRUCTURE AND IMPROVEMENTS, THE FURNISHING AND EQUIPPING THEREOF AND THE PROVISION OF ARCHITECTURAL, ENGINEERING, SURVEYING AND OTHER SERVICES NECESSARY OR APPROPRIATE THEREFOR, AND TO ISSUE NOT MORE THAN \$22,800,000 BONDS AND NOTES THEREFOR.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 3143

BY Senators Breene, Algieri

ENTITLED, AN ACT IN AMENDMENT OF CHAPTER 55 OF THE PUBLIC LAWS, 1958, AS AMENDED, ENTITLED "AN ACT AUTHORIZING THE TOWNS OF CHARLESTOWN, RICHMOND AND HOPKINTON, TO JOIN A REGIONAL SCHOOL DISTRICT,

INCORPORATING SAID REGIONAL SCHOOL DISTRICT, AND PROVIDING FOR THE ISSUANCE OF BONDS, CONSTRUCTION AND OPERATION OF A REGIONAL SCHOOL SYSTEM FOR THE JOINT USE OF THE PARTICIPATING TOWNS, WITHIN SAID REGIONAL SCHOOL DISTRICT ESTABLISHED BY THIS ACT."

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 3151

BY Senators Gallo, Roberts, Lanzi

ENTITLED, AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$1,000,000 BONDS AND NOTES TO FINANCE THE PURCHASE OF PUBLIC WORKS AND HIGHWAY EQUIPMENT FOR A TERM NOT TO EXCEED TEN (10) YEARS.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 3153

BY Senators Algieri, Breene

ENTITLED, AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO FINANCE THE DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING OF AN AUDITORIUM AT THE MIDDLE SCHOOL/HIGH SCHOOL IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$3,000,000 BONDS AND/OR NOTES THEREFOR.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 3154

BY Senators Algieri, Breene

ENTITLED, AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO FINANCE CAPITAL COSTS ASSOCIATED WITH THE TOWN'S WITHDRAWAL FROM THE CHARIHO REGIONAL SCHOOL DISTRICT INCLUDING THE ACQUISITION OF LAND FOR AND THE DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING OF A MIDDLE SCHOOL/HIGH SCHOOL COMPLEX AND THE RENOVATION, REHABILITATION, REPAIR, IMPROVEMENT AND EQUIPPING OF AND/OR ADDITIONS TO EXISTING SCHOOLS AND SCHOOL FACILITIES IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$34,900,000 BONDS AND/OR NOTES THEREFOR.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 3164**BY** Senators Felag, Gibbs

ENTITLED, AN ACT AUTHORIZING THE TOWN OF TIVERTON TO FINANCE THE CONSTRUCTION, RENOVATION, ALTERATION, REPAIR, IMPROVEMENT, EQUIPPING AND FURNISHING OF, AND/OR ADDITIONS TO, THREE PUBLIC ELEMENTARY SCHOOLS IN THE TOWN INCLUDING, BUT NOT LIMITED TO, ENGINEERING AND ARCHITECTURAL COSTS AND TO ISSUE NOT MORE THAN \$30,700,000 BONDS AND/OR NOTES THEREFOR INCLUDING BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION.

Read and ordered to be placed on the Calendar

COMMITTEE ON JUDICIARY

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2481 SUB A**BY** Senator Goodwin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2902 SUB A (Attorney General)**BY** Senators DaPonte, Tassoni, McCaffrey, Ruggerio, Damiani

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 3046 SUB A (Attorney General)**BY** Senators Damiani, Polisena

ENTITLED, AN ACT RELATING TO CRIMINAL LAW

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7000 SUB B (PREFILED)

BY Senators Landroche, Laroche, Kilmartin, Montanaro, Williamson

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7027 SUB A

BY Senators Flaherty, Menard

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7655 SUB A (Attorney General)

BY Senators Lally, Lima, Shanley, Enos, Caprio D

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 3150

BY Senators Sosnowski, Paiva-Weed

ENTITLED, AN ACT RELATING TO ELECTIONS - VOTER REGISTRATION.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 3170 SUB A

BY Senators Montalbano J, McCaffrey, Walaska, Felag, Cote

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LEAD HAZARD MITIGATION

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2987 SUB A

BY Senator Alves

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RESPONSIBILITY OF OWNERS OF RENTAL VEHICLES

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8019

BY Schadone

ENTITLED, AN ACT RELATING TO MOTOR VEHICLE INSURANCE -- RENTAL VEHICLES.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7585 SUB A as amended

BY Giannini, Dennigan, Petrarca, Wasylyk, Voccola

ENTITLED, AN ACT RELATING TO HUMAN SERVICES - ABUSED AND NEGLECTED CHILDREN

Read and ordered to be placed on the Calendar

REPORTS OF COMMITTEES

TRANSFER OF BILLS

Senator Caprio, for the Committee on Commerce, Housing and Municipal Government, reports back the following measure, with recommendation of transfer to the Committee on Judiciary:

House Bill No. 8033

BY Lima, Shavers

ENTITLED, AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS AND OFFICIALS AND PRIMARY ELECTIONS.

Read and referred to the Committee on Judiciary.

FROM THE DESK

Upon suggestion of Senator Ruggerio and without objection, the following item is removed from the desk and acted on as follows:

Senate Bill No. 2273

BY Senators Tassoni, Issa, Roberts, Gibbs

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- DEPARTMENT OF TRANSPORTATION.

Received and ordered to be placed on the Calendar for Thursday, June 17, 2004.

NEW BUSINESS

Senate Bill No. 3200

BY Senators Sheehan, Lenihan

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO FINANCE THE CONSTRUCTION, REPLACEMENT, INSTALLATION AND/OR IMPROVEMENT OF AN IRRIGATION SYSTEM AT THE NORTH KINGSTOWN MUNICIPAL GOLF COURSE AND TO ISSUE NOT MORE THAN \$1,100,000 BONDS AND NOTES THEREFOR.

Senator Sheehan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sheehan moves passage, seconded by Senator Lenihan.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR

IN ORDER FOR WEDNESDAY, JUNE 16, 2004:

1. 2004-S 2134 SUB B

BY Polisena

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
NURSES

Ordered on the Calendar

Senator Polisena moves passage, seconded by Senator Damiani.

The bill marked Substitute "B" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin,

Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2. 2004-S 2317 SUB B

BY Perry

ENTITLED, AN ACT RELATING TO DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES

Ordered on the Calendar

Upon suggestion of Senator Perry, and without objection, ordered to be placed on the Calendar for

Thursday, June 17, 2004.

3. 2004-S 2420 SUB B

BY Lenihan

ENTITLED, AN ACT RELATING TO LOBBYING

Ordered on the Calendar

Senator Lenihan moves passage, seconded by Senators Sosnowski and Sheehan.

Senator Paiva-Weed discusses the act.

The bill marked Substitute "B" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4. 2004-S 2443 as amended

BY Ruggerio

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
LABOR AND PAYMENT OF DEBTS BY CONTRACTORS

Ordered on the Calendar

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

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5. 2004-S 2594 SUB B

BY Gallo

ENTITLED, AN ACT RELATING TO EDUCATION

Ordered on the Calendar

Senator Gallo moves passage, seconded by Senators Goodwin, Walaska, Sheehan, Fogarty and Paiva-Weed.

The bill marked Substitute "B" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

6. 2004-S 2829 as amended

BY Sosnowski

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
VETERINARY PRACTICE**

Ordered on the Calendar

Senator Sosnowski moves passage, seconded by Senators Pichardo and Breene.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

7. 2004-S 3089 as amended**BY Fogarty P****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
MILL BUILDING AND ECONOMIC REVITALIZATION ACT

Ordered on the Calendar

Upon suggestion of Senator Fogarty and without objection, ordered to be placed on the Calendar for Thursday, June 17, 2004.

8. 2004-S 3165**BY Paiva-Weed****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF JAMESTOWN TO FINANCE THE CONSTRUCTION, EXTENSION AND IMPROVEMENT OF A WATER WORKS SYSTEM, TO ISSUE NOT MORE THAN \$6,200,000 BONDS AND NOTES THEREFOR AND TO IMPOSE ADDITIONAL WATER RATES UNDER CHAPTER 273 OF THE PUBLIC LAWS OF 1968, AS AMENDED, TO PAY THE PRINCIPAL AND INTEREST ON SUCH BONDS AND NOTES

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Paiva-Weed moves passage, seconded by Senators Caprio and Polisena.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

9. 2004-S 3108 as amended**BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU

Committee on Constitutional & Gaming Issues recommends passage as amended.

Senator Paiva-Weed moves passage, seconded by Senator McCaffrey.

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

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

10. 2004-S 3161

BY Perry

ENTITLED, AN ACT RELATING TO PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS

Committee on Constitutional & Gaming Issues recommends passage.

Senator Perry moves passage, seconded by Senators Goodwin and Roberts.

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

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

11. 2004-S 2071

BY Issa

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- NATIONAL GUARD

Committee on Finance recommends passage.

Senator Issa moves passage, seconded by Senators Fogarty, Goodwin, Breene, Sosnowski, Parella, Felag and many others.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Pichardo

12. 2004-S 2973**BY Breene****ENTITLED,** AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

Committee on Finance recommends passage.

Senator Breene moves passage, seconded by Senator Sosnowski.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

13. 2004-S 3000**BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - EAST BAY ECONOMIC INITIATIVE

Committee on Finance recommends passage.

Senator Paiva-Weed moves passage, seconded by Senator Ruggerio.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

14. 2004-S 3144 as amended**BY Alves****ENTITLED,** AN ACT RELATING TO TAXATION

Committee on Finance recommends passage as amended.

Senator Alves moves passage, seconded by Senators Issa, Perry, Polisena, Raptakis, Damiani and many others.

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

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

15. 2004-S 2685

BY Walaska

ENTITLED, AN ACT RELATING TO INSURANCE -- INDIVIDUAL DEFERRED ANNUITIES

Committee on Financial, Technology, Regulatory recommends passage.

Senator Walaska moves passage, seconded by Senators Gallo and Bates.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

16. 2004-S 2816 SUB A

BY Felag

ENTITLED, AN ACT RELATING TO CHECK CASHING

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

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

Senator Felag seconded by Senators Ruggerio, Walaska and Ciccone, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2004 -- S 2816 SUBSTITUTE A

AN ACT RELATING TO CHECK CASHING

Mr. President:

I hereby move to amend 2004 -- S 2816 SUBSTITUTE A, entitled "AN ACT RELATING TO CHECK CASHING", as follows:

1. On page 1, line 12, by deleting the word "check" and inserting in place thereof the word "advance".
2. On page 1, line 14, by deleting the word "fixed".
3. On page 1, line 14, by deleting the language "seven (7)" and inserting in place thereof the language "no less than thirteen (13)".
4. On page 2, line 3, by deleting the word "specific".
5. On page 2, line 3, by deleting the language "seven (7)" and inserting in place thereof the language "no less than thirteen (13)".

Respectfully submitted,
SENATOR FELAG

The motion to amend prevails upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, Paiva-Weed, Parella, Perry, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Felag moves passage of the act as amended, seconded by Senators Walaska and Ciccone.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

17. 2004-S 2881 SUB A**BY DaPonte****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --
REGULATORY POWERS OF ADMINISTRATION

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

Senator DaPonte moves passage, seconded by Senators Damiani and Walaska.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

18. 2004-S 3048 SUB A**BY Lenihan****ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERS

Committee on Government Oversight recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Lenihan moves passage, seconded by Senators Sheehan, Fogarty, Roberts, Perry, Polisena, Paiva-Weed, Gallo, Felag, Issa and many others.

Senator Lenihan seconded by Senators Polisena and Sheehan, offers the following written motion to amend.

F L O O R A M E N D M E N T**TO****2004 -- S 3048 SUBSTITUTE A****RELATING TO SEPARATION OF POWERS**

Mr. President:

I hereby move to amend 2004 -- S 3048 SUBSTITUTE A, entitled "AN ACT RELATING TO SEPARATION OF POWERS", as follows:

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

By striking all the language after the enactment clause and inserting in place thereof the following:

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

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

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

~~(d) General assembly members of the committee shall be selected every two (2) years. The state senator member shall be appointed by the president of the senate. The house of representatives member to the committee shall be appointed by the speaker of the house of representatives. Gubernatorial appointments made under this section after the effective date of this act shall be subject to the advice and consent of the senate.~~

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

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

2-4-5. Chairperson of the committee -- Quorum -- Expenses -- Surety bonds -- Records -- Audit. --

The chairperson of the state committee shall be elected annually by the committee. The committee may elect from among its members such other officers as they deem necessary. A majority of the committee constitutes a quorum, and all actions of the committee shall be by a majority vote of the members present and voting at a meeting at which a quorum is present. The chairperson and members of the committee receive no compensation for their services on the committee, but are entitled to expenses or per diem, including traveling expenses, necessarily incurred in the discharge of their duties on the committee. The committee shall provide for the execution of surety bonds for all employees entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall provide for a periodic audit of the accounts of receipts and disbursements.

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

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

- (1) The director of the Rhode Island department of environmental management or his or her designee;
- (2) The director of the Rhode Island department of health or his or her designee;
- (3) A Rhode Island licensed veterinarian, appointed by the governor, who is a member of the Rhode Island veterinary medical association;
- (4) A livestock farmer, appointed by the governor, who is a member of the Rhode Island farm bureau;

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

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

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

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

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

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

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

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

5-71-4. Board of examiners -- Creation -- Compensation -- Appointment, terms and qualifications of members. -- (a) There exists within the state department of health a board of examiners of interpreters for the deaf. The board consists of nine (9) persons who are residents of the state of Rhode Island for at least two (2) years prior to their appointments. ~~Two : two~~ (2) nationally certified interpreters, one screened interpreter, one interpreter eligible under section 5-71-12, three (3) consumers, one (1) special license holder and one consumer of specialized communication modalities as defined in section 5-71-3. The certified members hold certification from the National Registry of Interpreters for the Deaf, and hold an active and valid license in this state, except for the first appointed members who are persons who are engaged in rendering interpreting services for a period of at least five (5) years, and are qualified for license under the provisions of this chapter. The screened member holds valid screening from a recognized state-screening, and holds an active and valid license in this state, except for the first appointed member who is a person who has been engaged in rendering interpreting services for a period of at least five (5) years, and is qualified for license under the provisions of this chapter. The special licensed member has expertise in one of the communication modalities defined in section 5-71-3(7), or another specialized communication modality.

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

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

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

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

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

~~(c) Initially:~~

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

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

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

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

this section.

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

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

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

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

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

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

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

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

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

(2) Nine (9) members representing the adult education profession, including the commissioner of elementary and secondary education, or his or her designee; one member designated by the Rhode Island Literary Resource Center; and seven (7) other professionals; ~~two (2) program administrators or teachers who shall be nominated by the executive board of the Adult Education Association of Rhode Island, with not less than five (5) years experience in local adult education programs; five (5) program administrators or teachers nominated by the Rhode Island Adult Literacy Council, including one representative from each of the following program areas: (i) English as a second language program; (ii) vocational literacy program; (iii) G.E.D. preparation program; (iv) basic reading and literacy program; (v) family literacy program; and one (1) member designated by the Rhode Island Literary Resource Center.~~

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

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

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

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

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

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

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

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

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

23-27.3-100.1.4. Appointment and qualifications of the committee. -- (a) The building code standards committee shall be composed of ~~twenty-five (25)~~ twenty-three (23) members, residents of the state; ~~twenty-three (23) of whom who~~ shall be appointed by the governor with the advice and consent of the senate. Eight (8) members are to be appointed for terms of one year each, seven (7) for a term of two (2) years each, and eight (8) for terms of three (3) years each. Annually, thereafter, the governor, with the advice and consent of the senate, shall appoint members to the committee to succeed those whose terms expired; the members to serve for terms of three (3) years each and until their successors are appointed and qualified. Two (2) members shall be architects registered in the state; three (3) shall be professional engineers registered in the state, one specializing in mechanical, one specializing in structural, and one specializing in electrical engineering; one landscape architect, registered in the state, one full-time certified electrical inspector; two (2) shall be builders or superintendents of building construction; one shall be a public health official; one shall be a qualified fire code official; two (2) shall be from the Rhode Island building trades council; one shall be a holder of Class "A" electrician's license; one shall be a master plumber; two (2) shall be from the general public; three (3) shall be building officials in office, one from a municipality with a population of sixty thousand (60,000) persons or more, one from a municipality with a population of over twenty thousand (20,000) persons but less than sixty thousand (60,000), and one from a municipality with a population of less than twenty thousand (20,000) persons; ~~one shall be a member of the state senate, appointed by the president of the senate, and one shall be a member of the house of representatives, appointed by the speaker,~~ and one shall be a minimum housing official in office from one of the local municipalities. Within thirty (30) days of May 25, 1988, the governor shall appoint, with the advice and consent of the senate, two (2) residents of the state who shall be persons with disabilities as defined in section 28-5-6(4), one of whom shall be appointed for a term of one year, and one of whom shall be appointed for a term of two (2)

years. Within thirty (30) days of May 25, 1988, the governor shall appoint, with the advice and consent of the senate, one landscape architect in the state who shall be appointed for a term of three (3) years.

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

The state housing and property maintenance code subcommittee shall be composed of nine (9) members, residents of the state. Five (5) of these members are to be current members of the state building code standards committee and are to be appointed by that committee. The four (4) remaining members are to be appointed by the governor, with the advice and consent of the senate. The four (4) appointed by the governor, with the advice and consent of the senate, shall initially be appointed on a staggered term basis, one for one year, one for two (2) years, and two (2) for three (3) years. Annually thereafter, the building code standards committee, and the governor, with the advice and consent of the senate, shall appoint the subcommittee members, for which they are respectively responsible, to succeed those whose terms have expired; the members to serve for terms of three (3) years each and until their successors are appointed and qualified. Of the members appointed by the committee one shall be a full-time certified electrical inspector; one shall be a master plumber and mechanical equipment expert, one shall be a builder or superintendent of building construction, one member shall be a qualified state fire code official, one shall be a property manager, and one shall be a current minimum housing official from a local municipality. The four (4) members to be appointed by the governor, with the advice and consent of the senate, shall all be current minimum housing officials from local municipalities. One shall be from a municipality with a population of sixty thousand (60,000) persons or more, two (2) from municipalities with a population of over twenty thousand (20,000) persons but less than sixty thousand (60,000), and one from a municipality with a population of less than twenty thousand (20,000) persons.

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

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

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

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

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

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

(5) Rhode Island department of environmental management.

(6) Rhode Island fire safety association.

(7) Rhode Island state firefighter's league.

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

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

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

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

which he or she was eligible for appointment.

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) All gubernatorial appointments made after the effective date of this act shall be subject to the advice and consent of the senate.

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

CHAPTER 24-11

Jamestown Ferry

~~24-11-1. — 24-11-21. [Repealed.] —~~

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

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

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

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

~~24-11-26. Employees in ferry service. —~~ All employees essential to the operation of the ferry service

~~shall be in the classified service of the state. Preference shall be given to qualified residents of the town of Jamestown to fill vacancies which may occur among the personnel of the ferry service within the classified service of the state.~~

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

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

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

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

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

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

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

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

30-15-11. Emergency claims commission. -- (a) There is hereby created an emergency claims commission, consisting of three (3) qualified electors of this state, who shall, if deemed necessary, within ten (10) days after the governor proclaims an emergency, be appointed by the ~~presiding justice of the superior court~~ governor with the advice and consent of the senate. Any vacancy in the membership of the commission shall be filled immediately ~~by the presiding justice in the same manner.~~ The governor shall appoint a chairperson from among these members. ~~The presiding justice shall fix the per diem compensation of the members of the commission.~~ The members of the commission shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in connection with their service as members of the commission. The commission shall determine what sum will justly compensate the claimant for the property taken, and that determination shall be made in accordance with the procedure established by the majority of the justices of the superior court, which procedure shall be designed to secure the just, speedy, and inexpensive determination of claims for compensation. The commission may hire and the state shall pay for the services of any skilled and disinterested appraisers that the commission shall deem necessary to assist it in the performance of its duties. ~~The clerk of the superior court for Providence county shall detail one of the assistant clerks and any clerical assistance that may be necessary to assist the commission in performing its duties, and when and if the commission so requests, the clerks of the superior courts for the other counties of the state shall furnish the commission any clerical assistance that it may require.~~ The proper authorities governor shall provide the commission with suitable and convenient quarters ~~in the courthouses of the state.~~

(b) Whenever the governor takes possession of or title to any real or personal property pursuant to the provisions of this chapter, he or she shall immediately cause the owner and/or possessor of the property, referred to as the "claimant", to be notified in any manner that the commission provides, and shall also cause a copy of the

notice to be filed with the commission. If the claimant or the attorney general representing the state is not satisfied with the award made by the commission, he or she may appeal within thirty (30) days after the award to the superior court, and the proceedings shall thereafter be conducted in the superior court in accordance with the guaranties of the constitution and any rules of procedure that a majority of the justices of the court may adopt. Review by the supreme court shall be available to the state and to the claimant in accordance with any rules that a majority of the justices of the supreme court may adopt provided a petition for review is filed in the office of the clerk of the supreme court within thirty (30) days after entry of the decision of the superior court. These proceedings shall have precedence on the calendars of the courts. All unappealed awards and final judgments entered against the state in all proceedings and the fees and expenses of the commission shall be paid by the general treasurer out of any money in the treasury appropriated for this purpose and/or any money in the treasury not otherwise appropriated, and this direction shall constitute an appropriation for the payment of the awards, judgments, fees, and expenses.

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

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

(b) Those members of the board as of the effective date of this act who are members of the general assembly shall cease to be members of the board on the effective date of this act. The governor shall thereupon nominate the two (2) new public members, one of whom shall serve an initial term that shall expire on September 1, 2005, and the other of whom shall serve an initial term that shall expire on September 1, 2006. Those members of the commission as of the effective date of this act who were appointed by the governor shall continue to serve for the balance of their current terms.

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

CHAPTER 37-18

Narragansett Indian Land Management Corporation

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

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

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

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

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

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

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

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

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

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

37-18-3. Corporation established — Passage to state upon cessation of business. — (a) ~~Subject to the provisions of section 37-18-12, there is hereby authorized, created, and established a permanent, public~~

corporation of the state having a distinct legal existence from the state and not constituting a department of state government, to be known as the "Narragansett Indian land management corporation" with such powers as are set forth in this chapter for the purposes of acquiring, managing, and purchasing real property as provided in section 37-18-6(d).

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

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

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

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

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

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

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

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

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

~~(e) Five (5) members of the board of directors of the corporation shall constitute a quorum, and a vote of five (5) members of the board of directors shall be necessary for any action taken by the corporation. No vacancy in the membership of the board of directors shall impair the right of a quorum to exercise all the powers and perform the duties of the corporation.~~

~~(f) Any action taken by the corporation under the provisions of this chapter may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately. All meetings~~

shall be open to the public, and all records shall be a matter of public record except that if a majority of the board by public vote determines that it would be in the best interest of the corporation to hold an executive session in private, then the board is authorized to transact only the following business at the closed meeting, and the records of the meeting shall not become public record until the transaction discussed has, in the opinion of the directors, been completed:

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

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

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

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

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

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

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

~~(e) To make and execute agreements of lease, mortgages, construction contracts, operation contracts, and other contracts and instruments necessary or convenient in the exercise of the powers and functions of the corporation granted by this chapter; provided, however, that any liabilities incurred shall be payable solely from the revenues of the corporation;~~

~~(f) To invest and reinvest its funds;~~

~~(g) To conduct its activities, carry on its operations, and have offices and exercise the powers granted by this chapter within the state;~~

~~(h) To elect or appoint officers and agents of the corporation, define their duties, and fix their compensation;~~

~~(i) To secure the cooperation and assistance of the United States and any of its agencies and of agencies of this state in the work of the corporation;~~

~~(j) To accept grants, donations, gifts, loans of funds, and contributions of money, services, materials, or otherwise, from the United States or any of its agencies, from the state or any of its agencies, or from any other source, and to use or expend money, services, materials, or other contributions in carrying out the purpose of this chapter;~~

~~(k) To enter into agreements to pay annual sums in lieu of taxes to the town in respect to real property which is owned by the corporation and is located in the town;~~

~~(l) To employ, in its discretion, attorneys, accountants, architectural and engineering consultants, financial consultants, and such other employees, except an executive director, and agents as it shall deem necessary in its judgment and to fix their compensation;~~

~~(m) (1) To grant or otherwise convey (whether voluntarily or involuntarily, including any eminent domain or condemnation proceedings) easements for public or private purposes;~~

~~(2) The corporation shall have the power to and shall grant to the Providence boys' club or its successors in interest a reasonable right of way over the real property held by the corporation if any real property held by the Providence boys' club or its successors in interest requires such a right of way as a means of access to a public~~

right of way;

~~(3) The corporation shall have the power to and shall grant to the state a mutually acceptable right and easement to pass by foot and vehicle over a forty five foot (45') wide strip of land located within the town and in the Indian Cedar Swamp management area between Kings Factory road and the Pawcatuck River, and to use an area of the end of the strip sufficiently large for the parking of automobiles and the launching of boats;~~

~~(n) To adopt rules and regulations concerning hunting and fishing rights on the corporation's land subject to the provisions of section 37-18-8;~~

~~(o) To bring proceedings to remove clouds on title or such other proceedings as it may, in its discretion, deem proper and necessary;~~

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

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

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

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

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

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

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

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

37-18-8. Hunting, fishing, and trapping. ~~The corporation shall have the right to make rules and regulations regarding fish and game conservation on real estate held by the corporation; provided, however, that the corporation shall not issue those rules and regulations until it has consulted with the director of environmental management, and further provided that the corporation shall impose minimum standards for safety of persons and protection of wildlife and fish stock.~~

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

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

37-18-10. Land use plan. ~~(a) All real property owned and held by the corporation shall be subject to a land use plan prepared by the office of state planning within the department of administration. No less than seventy five percent (75%) of the land owned by the corporation, exclusive of the real property described in section 37-18-7, shall not be improved and developed and shall be held in perpetuity for conservation purposes;~~

and the real property to be held in perpetuity for conservation purposes shall be delineated in the land use plan. The land use plan shall be mutually acceptable to the corporation and the town. Acceptance by the town of the plan shall not be unreasonably withheld. Upon acceptance of the plan by the town, the town shall amend its zoning ordinance adopted pursuant to chapter 24 of title 45 so as to conform to the plan. The zoning ordinance as amended shall govern the land use of real property owned by the corporation and the ordinance shall not be further amended in a manner inconsistent with the plan without the consent of the corporation; provided, however, that the ordinance shall not be amended in any manner affecting the land designated in the land use plan for conservation purposes.

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

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

~~**37-18-12. Expiration of the corporation.** — Upon presentation of evidence to the Narragansett Indian land management corporation and the Rhode Island secretary of state that the Indian corporation known as the Narragansett Tribe of Indians has applied for and been granted by the United States government pursuant to 25 U.S.C. section 1707 and 25 Code of Federal Regulations, Part 83, federal recognition as an Indian tribe with inherent rights, powers, and responsibilities possessed by Indian tribes in the United States, the Narragansett Indian land management corporation shall expire thirty (30) days after the presentation of the evidence. Prior to its expiration, the corporation shall prepare and submit to the general assembly a final report of its termination activities.~~

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

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

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

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

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

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

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

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

~~(c) Upon the same findings and determinations outlined above, the governor is authorized, empowered, and directed to transfer, assign, and convey to the Narragansett Tribe of Indians and its assigns a mutually acceptable exclusive (except as to lateral crossing) right and easement to pass by foot and vehicle over a forty five foot (45') wide strip of state land located within the town between Kings Factory Road and Watchaug Pond, and~~

to use an area at the end of the strip sufficiently large for the parking of automobiles and the launching of boats.

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

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

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

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

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

~~(2) Those members of the board as of the effective date of this act who were appointed to the board by members of the general assembly shall cease to be members of the board on the effective date of this act, and the lieutenant governor shall thereupon nominate two (2) new members, each of whom shall serve the balance of the unexpired term of his or her predecessor. Those members of the board as of the effective date of this act who were appointed to the board by the governor shall continue to serve the balance of their current terms.~~

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

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

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

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

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

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

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

- (1) The attorney general;
 - (2) The superintendent of the state police;
 - (3) The public defender;
 - (4) The director of the department of corrections;
 - ~~(5) The director of the department of human services;~~
 - ~~(6) (5) The director of the department of mental health, retardation, and hospitals;~~
 - ~~(7) The chairperson of the state board of regents;~~
 - ~~(8) (6) The director of the department for children and their families;~~
 - ~~(9) (7) The chief justice of the family court;~~
 - ~~(10) (8) The president of the Rhode Island police chiefs association;~~
 - ~~(11) One police chief selected by the Rhode Island police chiefs association;~~
 - ~~(12) (9) The chief justice of the supreme court;~~
 - ~~(13) (10) The presiding justice of the superior court;~~
 - ~~(14) The chief judge of the district court;~~
 - ~~(15) Seven (7) members of the general assembly; four (4) from the house of representatives at least one of whom shall be a member of the minority to be appointed by the speaker, and three (3) from the senate at least one of whom shall be a member of the minority to be appointed by the president of the senate;~~
 - ~~(16) The executive director of the Rhode Island league of cities and towns;~~
 - ~~(17) (11) The director of health;~~
 - ~~(18) (12) The director of the division of fire safety;~~
 - ~~(19) (13) One university or college faculty member with a research background in criminal justice appointed by the governor;~~
 - ~~(20) (14) Four (4) citizens appointed by the governor;~~
 - ~~(21) (15) Three (3) representatives appointed by the governor from community service organizations with the advice and consent of the senate;~~
 - ~~(16) One (1) member of a faith-based organization appointed by the lieutenant governor.~~
 - ~~(b) If a board member is absent for two (2) consecutive policy board meetings, that board position shall be considered vacant at the next meeting for the purposes of a quorum. A quorum shall be constituted when attendance includes a majority of the currently filled board member positions.~~
- 42-26-13. Committee created -- Purpose and composition.** – (a) There is hereby created within the Rhode Island justice commission pursuant to the provisions of section 42-26-7 of this chapter the criminal justice oversight committee for the purpose of maintaining the secure facilities at the adult correctional institutions within their respective population capacities as established by court order, consent decree or otherwise. The criminal justice oversight committee (hereinafter referred to as the committee) shall consist of the following members who shall assemble no less than four (4) times annually or more often at the call of the chairperson or upon petition of a majority of its members:
- (1) The presiding justice of the superior court;
 - (2) The chief judge of the district court;
 - (3) The attorney general;
 - (4) The public defender;
 - (5) The superintendent of state police;
 - (6) The director of the department of corrections;
 - (7) The chairman of the parole board;
 - (8) The executive director of the Rhode Island justice commission;
 - (9) A member of the governor's staff selected by the governor;
 - ~~(10) Four (4) members of the general assembly, one of whom shall be appointed by the speaker and one of whom shall be appointed by the president of the senate, one of whom shall be appointed by the house minority leader and one of whom shall be appointed by the senate minority leader.~~
 - ~~(11) (10) A qualified elector of this state who shall be appointed by the governor to serve a term of two (2) years and designated as chairperson of the committee;~~
 - ~~(12) (11) A member Two (2) victims and two (2) members of the victim's rights group groups, appointed by the Speaker of the House. governor;~~

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

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

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

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

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

42-51-2. Composition of commission. -- The commission shall be composed of ~~a minimum~~ of twenty-four (24) members, ~~and any additional members whom the governor may shall~~ appoint. Insofar as practicable, the commission shall consist of state leaders of industry, labor, business, veterans, women, and federal, state, and local governments, and representatives of religious, charitable, business, labor, industrial, fraternal, civic, educational, medical, legal, veterans, welfare, and other professional groups and organizations.

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

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

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

(1) Director of the department of environmental management, or his or her designee;

(2) RIDEM division of parks and recreation;

(3) Rhode Island historical preservation commission;

(4) Member of the Newport city council or its designee;

(5) ~~Senate districts 49 and 50 or their respective designees;~~ President of the Newport County Convention and Visitor's Bureau or designee;

(6) ~~Representative districts 59 and 100 or their respective designees;~~ Executive Director of the Newport count Chamber of Commerce or designee;

(7) Fort Adams Trust;

(8) Artillery Company of Newport County;

(9) Newport Historical Society.

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

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

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

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

CHAPTER 42-63.3

Socially Responsible Corporations

42-63.3-1. Legislative findings. -- ~~(a) It is found and declared that corporations which are socially responsible lessen the public assistance burden of the state, contribute to the health and living conditions of the citizens, contribute to the commerce, welfare and prosperity of the citizens of the state, contribute to a stable and prosperous state economy and generally benefit the people of this state.~~

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

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

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

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

~~42-63.3-4. General requirements.~~— Businesses qualifying as socially responsible for this list should give evidence of good corporate citizenship—communicating with local residents about common concerns and sharing corporate resources to help solve community problems by offering philanthropic support and having institutionalized corporate codes of conduct. They shall demonstrate concern about employee relations. Energy shall be produced and used responsibly in a safe, clean and efficient manner. They shall take an active role in improving the environment and offer quality and useful products and services giving attention to how they are marketed and the relationships with consumers. They shall not do business with South Africa nor depend largely on defense contracts.

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

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

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

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

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

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

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

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

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

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

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

designees in major statewide newspapers; by other means which the commission might deem appropriate given its budgetary capacity as established by its own fundraising efforts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) The directors may employ an executive director to administer, manage and direct the affairs and business of the Greater Providence-Warwick Convention and Visitors' Bureau, subject to the policies, control and direction of the directors. The directors may employ technical experts and any other agents and employees, permanent and temporary, as they deem necessary. The directors may delegate to one or more of the Greater Providence-Warwick Convention and Visitors' Bureau's agents or employees any administrative duties that they may deem proper.

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

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

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

(b) Those members of the board of directors as of the effective date of this act who are members of the general assembly shall cease to be members of the board on the effective date of this act, and the governor shall thereupon nominate one new member who shall serve an initial term of one year, and another new member who shall serve an initial term of two (2) years. Thereafter, gubernatorial appointees to the board of directors shall serve terms of two (2) years. Other members of the board shall serve at the pleasure of the appointing authority.

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

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

42-73-2. Appointment and term. -- The governor, with the advice and consent of the senate, shall appoint a member of the bar of this state who has been admitted to practice law for at least three (3) years to fill the office of the child advocate, who shall be a person qualified by training and experience to perform the duties of the office as set forth in section 42-73-7. The appointment shall be made from a list of at least three (3) persons prepared and submitted by a committee consisting of two (2) attorneys appointed by the Rhode Island bar association; two (2) judges of the family court appointed by the chief judge; one medical doctor appointed by the Rhode Island medical society; one psychologist appointed by the Rhode Island psychological association; ~~a house member appointed by the speaker~~; ~~a senate member appointed by the president of the senate~~; one social worker appointed by the Rhode Island alliance of social service employees; one person appointed as a representative of private children's agencies by the governor; one person representing the general public appointed by the governor; and one person appointed by the director of the department of human services. The governor shall appoint a chairperson from among these members. The person appointed child advocate shall hold office for a term of five (5) years and shall continue to hold office until his or her successor is appointed and qualified.

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

42-105-2. Composition. -- (a)(i) The Newport County convention and visitors' bureau shall be comprised of thirteen (13) members who are residents of Newport County as follows: ~~four (4) members of the house of representatives of whom may be members of the general public appointed in lieu of legislative appointments, no more than three (3) from the same political party, selected by the speaker~~; ~~three (3) members from the senate, no more than two (2) from the same political party, selected by the president of the senate of whom may be members of the general public appointed in lieu of legislative appointments~~; ~~one appointed by the governor~~; one shall be a councilperson chosen by the city council of the city of Newport; one shall be a councilperson chosen by the town

council of the town of Middletown; ~~and three (3) public members, who shall be appointed by a majority of the members appointed by the speaker and president of the senate. one shall be a resident of or the owner of a business located in Newport, to be appointed by the city council of the city of Newport; one shall be a resident of or the owner of a business located in Middletown, to be appointed by the town council of the town of Middletown; one shall be a resident of or the owner of a business located in Jamestown, to be appointed by the town council of the town of Jamestown; one shall be a resident of or the owner of a business located in Portsmouth, to be appointed by the town council of the town of Portsmouth; one shall be a resident of or the owner of a business located in Tiverton, to be appointed by the town council of the town of Tiverton; one shall be a resident of or the owner of a business located in Little Compton, to be appointed by the town council of the town of Little Compton; one shall be a representative of the hotel industry, to be appointed by the governor with the advice and consent of the senate; one shall be a representative of the restaurant industry, to be appointed by the governor with the advice and consent of the senate; one shall be a representative of the retail industry, to be appointed by the governor with the advice and consent of the senate; one shall be the executive director of the Newport County chamber of commerce or his or her designee; and one shall be a resident of Newport County appointed by the governor with the advice and consent of the senate. The bureau shall elect from its members a chairperson and such other officers as they deem necessary. Public members shall serve for a term of two (2) years or until a successor is appointed. All other members shall serve at the pleasure of their respective appointing authorities.~~

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

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

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

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

CHAPTER 42-108

Comprehensive Criminal/Juvenile Justice Information System Act

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

42-108-2. Legislative findings. ~~It is found and declared by the general assembly as follows: that as specified in the report entitled "criminal justice information system", dated June 15, 1988, the departments and agencies concerned with criminal justice in the state, including the Rhode Island state police, the department of public defender, the department of attorney general, the department of corrections, the department of children, youth, and families, and the state courts, do not have a network through which they can share information relating to criminal and juvenile offenders; that the lack of such a network results in persons who should be confined or whose activities should be monitored closely being able to travel unsupervised among the citizenry of Rhode Island, resulting in danger to both adults and children; that in order to correct this situation, it is necessary to create a committee to establish and administer a comprehensive criminal/juvenile justice information system which will join in an economic manner all departments and agencies concerned with criminal justice in the state in order to facilitate the flow of information, eliminate the unnecessary redundant work presently performed, and establish a more effective and efficient criminal justice program within the state.~~

42-108-2.1. Legislative findings — Automated civil information system. ~~It is found and declared by the general assembly as follows: that the Rhode Island state courts do not have an adequate computer system to effectively and timely provide information and processing for the courts and its users; that the current court computer system for civil, family, and appellate case processing is presently based on outdated technology that~~

~~does not enable timely and complete communication between courts, courts and attorneys, attorneys and their clients and between court operations and administrators; that the court's current civil, family court, workers' compensation, child support case tracking, and collections systems are all independent systems that do not and cannot share essential information which results in duplication of data and inefficiency; that the present system does not allow the courts any meaningful ability to plan court operations or to quickly react to necessary changes; that through the comprehensive automation of the civil, family, and appellate courts benefits will be realized to the courts and most importantly to the litigants and users of the state's justice system; that pursuant to the provisions of this chapter, the state is implementing a modern computer network to coordinate criminal and juvenile justice information; that in order to correct the situation relating to the civil information system and to coordinate with the criminal juvenile justices information system, it is necessary for the courts to establish and implement an automated civil information system (ACIS) in order to ensure the orderly and timely dispensation of justice.~~

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

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

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

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

~~(4) "Criminal justice agencies" means and includes the Rhode Island state police, the department of public defender, the department of attorney general, the department of corrections, the department of children, youth, and families, and the state courts.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~**42-108-7. [Repealed.] —**~~

~~42-108-8. Automated civil information system (ACIS) — Committee established.~~ — There is created and established a committee to be known as the "Committee to Establish and Administer a Comprehensive Automated Civil Information System."

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

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

- ~~(1) To plan, develop, and administer an automated civil information system;~~
- ~~(2) To develop and implement a system enabling attorneys and third parties to access court information to achieve an orderly and efficient civil, family, and appellate judicial system. In order to carry out the provisions herein, the ACIS committee may establish certain fee structures and take action consistent with the power herein;~~
- ~~(3) To prepare requests for proposals, bid specifications, and the like in order to carry out its powers and functions;~~
- ~~(4) To enter into contracts on behalf of the state in order to carry out its powers and functions.~~

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

42-133-6. Board and officers. -- (a)(1) The powers of the corporation shall be vested in a board consisting of five (5) members, which shall constitute the governing body of the corporation, and which shall be comprised as follows: three (3) members appointed by the governor with the advice and consent of the senate, one member appointed by the speaker of the house of representatives, and one member appointed by the majority leader of the senate (effective until January 7, 2003) and one member appointed by the president of the senate (effective January 7, 2003). and two (2) members appointed by the general treasurer with the advice and consent of the senate. Each member shall serve for a term of two (2) years, except that any member appointed to fill a vacancy shall serve only until the expiration of the unexpired term of such member's predecessor in office. Each member shall continue to hold office until a successor has been appointed. Members shall be eligible for reappointment. No person shall be eligible for appointment unless such person is a resident of the state. Each member, before entering upon the duties of the office of member shall swear or solemnly affirm to administer the duties of office faithfully and impartially, and such oath or affirmation shall be filed in the office of the secretary of state.

(2) Those members of the board as of the effective date of this act who were appointed to the board by members of the general assembly shall cease to be members of the board on the effective date of this act, and the lieutenant governor shall thereupon nominate two (2) new members of the board, each of whom shall serve initially for the unexpired balance of the current term of his or her predecessor. Those members of the board as of the effective date of this act who were appointed to the board by the governor shall continue to serve the balance of their current terms.

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

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

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

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

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

(g) To the extent that administrative assistance is needed for the functions and operations of the board, the corporation may by contract or agreement obtain this assistance from the director of administration, the attorney general, and any successor officer at such cost to the corporation as shall be established by such contract

or agreement. The board, however, shall remain responsible for, and provide oversight of, proper implementation of this chapter.

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

(i) The state shall indemnify and hold harmless every past, present, or future board member, officer or employee of the corporation who is made a party to or is required to testify in any action, investigation, or other proceeding in connection with or arising out of the performance or alleged lack of performance of that person's duties on behalf of the corporation. These persons shall be indemnified and held harmless, whether they are sued individually or in their capacities as board members, officers or employees of the corporation, for all expenses, legal fees and/or costs incurred by them during or resulting from the proceedings, and for any award or judgment arising out of their service to the corporation that is not paid by the corporation and is sought to be enforced against a person individually, as expenses, legal fees, costs, awards or judgments occur; provided, that neither the state nor the corporation shall indemnify any member, officer, or employee:

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

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

(3) For any malicious act.

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

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

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

(i) Nine (9) members shall be appointed by the governor, three (3) of whom shall be selected from each category "A," "B," and "C," respectively. Three (3) members shall be appointed by the lieutenant governor, one of whom shall be selected from each category "A," "B," and "C" respectively. All members of the board are selected from the local elected and/or appointed officials of the various cities and towns. However, no person who is a state employee, or elected or appointed official shall be appointed to the board, and no more than one elected or appointed official from the same city or town may serve on the board. All members selected shall have a reasonable knowledge of land use, planning, zoning, local government, land conservation, and/or land development.

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

(iii) Those members of the board as of the effective date of this act who were appointed to the board by members of the general assembly shall cease to be members of the commission on the effective date of this act, and the governor shall thereupon nominate six (6) new members and the lieutenant governor shall nominate three (3) new members, each of whom shall serve for the balance of the current term of his or her predecessor.

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

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

45-22.3-4. Term. -- (a) Initial members of the board shall serve for a staggered term. Three (3) members

~~appointed by the governor for a one year term; three (3) members appointed by the president of the senate and the one member appointed by the senate minority leader for two (2) years; three (3) members appointed by the speaker of the house of representatives; and the one member appointed by the minority leader of the house of representatives for three (3) years. A member may serve no more than two (2) consecutive three year terms. A member shall serve until his or her successor is appointed and qualified. A person may be appointed to fill a vacancy and the person shall only serve for the unexpired term of the member whom he or she succeeded.~~

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

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

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

45-24.1-3. Creation of commission authorized -- Membership appointment -- Term of office. -- (a) In order to carry out the purposes of this chapter any city or town council has have the authority to create a commission called the historic district commission. The membership of a commission in a city shall consist of seven (7) qualified members, and in a town shall consist of not less than three (3) nor more than seven (7) qualified members, whose residence is located in the city or town; provided, that the historic district commission of the city of Newport shall consist of nine (9) qualified members, and provided, that the historic district commission of the city of Providence shall consist of thirteen (13) qualified members, two (2) of whom shall be members of the city council elected by the city council from its councilmanic members to serve for a term of four (4) years, ~~and two (2) of whom shall be members of the general assembly elected from the city of Providence, one to be appointed from the senate by the president of the senate and one to be appointed from the house by the speaker.~~ In a city the members shall be appointed by the mayor, except as provided in the case of the historic district commission of the city of Providence, and in a town, by the president of the town council. A commission shall elect a chairperson from among its own members, as well as other officers it deems necessary.

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

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

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

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

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

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

CHAPTER 45-52.1

Central Falls—Fiscal Emergency Act

45-52.1-1. Declaration of policy. ~~The general assembly determines that the public health and welfare of the citizens of Central Falls and of this state would be adversely affected by the insolvency of the local government of Central Falls. The general assembly further determines that it is necessary to protect the credit of the state and its political subdivisions, and that it is a valid public purpose for the state to take action to assist a unit of local government in a financial emergency and to remedy this emergency by requiring prudent fiscal management. The general assembly therefore determines that the authority and powers conferred by this chapter constitute a necessary program and serve a valid public purpose.~~

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

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

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

- ~~(1) The director of administration or his or her designee;~~
- ~~(2) The speaker of the house or his or her designee;~~
- ~~(3) The president of the senate or his or her designee;~~
- ~~(4) The mayor of the city of Central Falls or his or her designee;~~
- ~~(5) One member engaged in business, banking, or finance in Central Falls, who shall be chosen by the governor;~~
- ~~(6) The president of the Rhode Island public expenditure council or his or her designee; and~~
- ~~(7) The president of the Central Falls city council, or another council member appointed by the council president.~~
- ~~(b) The chairperson of the commission is the director of administration or his or her designee.~~
- ~~(c) Appointing authorities shall make their appointments within thirty (30) days of July 1, 1991, and the commission shall commence proceedings within forty (40) days of July 1, 1991.~~
- ~~(d) All departments, employees, agencies, and elected and appointed officials of the city of Central Falls are required to cooperate with the commission. The commission has access to all records and books of account of the city and may require the attendance of city officials and the production of records, papers, contracts, and other documents relating to any matter within its authority.~~

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

- ~~(1) To analyze all factors contributing to the city's financial condition and advise the mayor and the city council on this condition;~~
- ~~(2) To assist the city to implement the recommendations of the Central Falls review commission as presented to the governor, the general assembly, and the mayor in the commission's report dated January 4, 1991;~~
- ~~(3) To approve, modify, or disapprove any expenditure of funds that is available for other purposes as a result of the operation and full financing of public education in the city by the state. This amount shall be determined for each fiscal year, and shall be the difference between the total operating budget for education for each year, and the amount of school operating aid of all types that the city would have received absent state operation and financing. The review commission shall be given written notice of any proposed expenditure of those funds. If the review commission has not acted upon a written notice of proposed expenditure within thirty (30) days of its receipt, the proposal is deemed to be approved;~~
- ~~(4) To review and advise on the annual operating and capital budgets, and on any single expenditure of five thousand dollars (\$5,000) or more, any collective bargaining agreement or other contract, or the employment of any person or engagement of any consultant. The review commission shall be given written notice of any proposed expenditure or action of these types, and has fifteen (15) days to review the proposal and comment on it prior to an expenditure being made or funds being encumbered or committed. This provision does not apply to expenditures made necessary by emergencies that directly threaten public health or safety and authorized pursuant to section 2-302(a) of the Central Falls City Charter. Emergency expenditures, encumbrances, or commitments~~

~~shall be reported to the commission in writing, however, together with information documenting the emergency within five (5) days after the occurrence of the emergency;~~

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

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

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

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

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

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

46-12.9-8. Review board. ~~-- (a) There is hereby authorized, created and established a public corporation of the state having a distinct legal existence from the state and not constituting a department of state government to be known as the "underground storage tank review board," with such powers as are set forth in this chapter, to oversee administration and implementation of the fund, to review submissions and claims received from eligible parties and to proceed to approve, modify, or deny disbursements to eligible parties and to have such other powers as are provided herein.~~

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

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

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

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

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

- (1) To sue and be sued, complain and defend, in its corporate name;
- (2) To have a seal which may be altered at pleasure and to use the seal by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced;
- (3) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use, and otherwise deal in and with, real or personal property, or any interest therein, wherever situated;
- (4) To make and execute agreements of lease and all other contracts and instruments necessary or convenient in the exercise of the powers and functions of the review board granted by this chapter;
- (5) To make guarantees and incur or assume liabilities as the review board may deem appropriate;
- (6) To invest and reinvest its funds;
- (7) To secure the cooperation and assistance of the United States, and any of its agencies and of agencies of this state and its municipalities in the work of the review board;
- (8) To accept grants, donations, drafts, loans of funds, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, from this state and its agencies, or from any other source, and to use or expend those moneys, services, materials, or other contributions in carrying out the purposes of this chapter;
- (9) To acquire or contract to acquire, from any person, the federal government or the state, or any agency of either the federal government or state, by grant, purchase, lease, gift, or otherwise, or to obtain options for the acquisition of any property, real or personal, improved or unimproved, and interests in land less than the fee thereof; and to own, hold, clear, improve, develop, and rehabilitate, and to sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber the property for the purposes of carrying out the provisions and intent of this chapter for such consideration as the review board shall determine;
- (10) To elect or appoint officers and agents of the review board, and to define their duties and fix their compensation, including authority to employ attorneys, accountants, and engineering consultants, and such other employees or agents as the review board shall deem necessary in its judgment;
- (11) To make and alter bylaws, not inconsistent with this chapter, for the administration and regulation of the affairs of the review board, and the bylaws may contain provisions indemnifying any person who is or was a director or a member of the review board, in the manner and to the extent provided in section 7-6-6 of the Rhode Island nonprofit corporation act;
- (12) To have and exercise all powers necessary or convenient to effect its purposes;
- (13) To enter into agreements, contracts, and other arrangements with the state and any of its departments, agencies, board or commissions relating to the execution or performance of any function or purpose of the review board, including, but not limited to, investments, employee compensation and employee benefits, and the state and its departments, agencies, boards and commissions are hereby authorized to enter into such agreements, contracts and other arrangements with the review board, and upon the request of the review board shall enter into such agreements, contracts and other arrangements with the review board.

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

SECTION 4. Board of directors. – The board of directors shall be comprised of seven (7) members elected or appointed as provided in this section and the director of the department of labor and training and the chief executive officer of the fund who shall be ex officio members. Each director shall hold office until a successor is appointed and qualified. Except for ex officio members, each director shall be a policyholder or an officer or employee of a policyholder. The governor shall appoint four (4) directors and three (3) directors shall be elected by the fund's policyholders. In addition to the director of the department of labor and training, no more than one (1) member of the board may be an elected or appointed official of state or municipal government. At least three (3) members of the board shall be policyholders of an officer or employee of a policyholder which is a for profit entity. No member other than the chief executive officer may represent or be an employee of an insurance company. The terms of board members, except for ex officio members, shall be four (4) years in accordance with the provisions for the election and classification of directors as may be established in the fund's bylaws. Any vacancy occurring during the term of any director shall be filled as provided in the fund's bylaws in the same manner as the member's predecessor. The board shall annually elect a chairperson from

among its members, and any other officers it deems necessary for the performance of its duties. All gubernatorial appointments made after the effective date of this act shall be subject to the advice and consent of the senate.

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

SECTION 30. This act shall take effect sixty (60) days after the ratification of a constitutional amendment entitled "JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (SEPARATION OF POWERS)."

Respectfully submitted,
SENATOR LENIHAN

The motion to amend prevails upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Lenihan moves passage of the act as amended, seconded by Senators Polisena, Paiva-Weed, Roberts, Sheehan, Felag and Damiani.

Senators Paiva-Weed discusses the act.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

19. 2004-S 3049 SUB A

BY Lenihan

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Committee on Government Oversight recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Lenihan moves passage, seconded by Senators Roberts, Felag, Sheehan, Sosnowski and many others.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

20. 2004-S 3051 SUB A

BY Lenihan

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Committee on Government Oversight recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Lenihan moves passage, seconded by Senators Cote, Raptakis, Roberts, Damiani, Sosnowski, Felag and Sheehan.

Senator Lenihan seconded by Senators Cote, Damiani, Felag, Sheehan, Roberts, Sosnowski and others, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2004 -- S 3051 SUBSTITUTE A

AN ACT RELATING TO SEPARATION OF POWERS

Mr. President:

I hereby move to amend 2004 -- S 3051 SUBSTITUTE A, entitled "AN ACT RELATING TO SEPARATION OF POWERS", as follows:

By deleting all of the language following the enactment clause and inserting in place thereof the following:

"SECTION 1. Section 8-16-1 of the General Laws in Chapter 8-16 entitled "Commission on Judicial Tenure and Discipline" is hereby amended to read as follows:

8-16-1. Composition -- Appointment. -- (a) There is hereby created a commission to be known as the commission on judicial tenure and discipline, hereinafter referred to as the commission. The commission shall consist of ~~fourteen (14)~~ eleven (11) members: three (3) of whom shall be appointed by the governor with the advice and consent of the senate, none of whom need be attorneys; three (3) of whom shall be appointed by the governor from a list of attorneys provided by the Rhode Island bar association

with the advice and consent of the senate, that list of attorneys to include five (5) names for each member to be appointed by the governor; ~~three (3) of whom shall be members of the general assembly, two (2) to be appointed by the speaker of the house of representatives, one of whom shall be from the minority party, and one to be appointed by the president of the senate;~~ four (4) members of the judiciary appointed by the supreme court, one each from the superior, family, and district courts and one at large member from any court shall be chairperson; one workers' compensation judge appointed by the chief justice of the supreme court. The commission may elect from among its members such other officers as they deem necessary.

(b) No member of the commission, except the appointed members of ~~the general assembly or the~~ judiciary, shall, while serving as a member thereof, hold any public office, and no member of the commission appointed by the governor shall be in the employ of the state of Rhode Island.

(c) The chairperson of the commission shall direct the performance of such administrative duties as may be required for the effective discharge of the obligations herein made incumbent upon the commission.

SECTION 2. Section 16-57-7 of the General Laws in Chapter 16-57 entitled "Higher Education Assistance Authority" is hereby amended to read as follows:

16-57-7. Directors, officers, and employees. -- (a) The powers of the authority shall be vested in a board of directors consisting of five (5) members to be appointed by the governor in accordance with subsection (b) of this section and ~~six (6)~~ five (5) members serving ex officio, who shall be ~~the chairperson of the finance committees of the senate and house of representatives or their designees, and~~ two (2) members of the board of governors for higher education appointed by the chairperson of the board of governors, the lieutenant governor, the state treasurer, and the chairperson of the Rhode Island Independent Higher Education Association or their designees. Each member shall serve until his or her successor is appointed and qualified. The original members appointed by the governor shall be appointed in a manner as to provide for the expiration of the term of one member on the first day of July of each year. The governor may remove any member appointed by him or her for misfeasance, malfeasance, or nonfeasance in office.

(b) During the month of June of each year, the governor shall appoint a member to succeed the member whose term will then next expire to serve for a term of five (5) years commencing on the first day of July then next following, and after this, until a successor is appointed and qualified. In the event of a vacancy occurring in the office of a member by death, resignation, removal, or otherwise, the vacancy shall be filled in the same manner as an original appointment but only for the remainder of the term of the former member. All gubernatorial appointments made under this section after the effective date of this act shall be subject to the advice and consent of the senate.

(c) The directors shall receive no compensation for the performance of their duties under this chapter, but each director shall be reimbursed for his or her reasonable expenses incurred in carrying out the duties. A director may engage in private employment or in a profession or business.

(d) Upon appointment and qualification of the original board of directors, and during the month of July of each year after this, the board of directors shall elect one of its members to serve as chairperson. The board may elect from among its members such other officers as they deem necessary. Five (5) directors shall constitute a quorum and any action to be taken by the authority under the provisions of this chapter may be authorized by resolution approved by a majority of the directors present and voting at any regular or special meeting at which a quorum is present. A vacancy in the membership of the board of directors shall not impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

(e) (1) In addition to electing a chairperson, the board of directors shall appoint a secretary and any additional officers and staff members as they shall deem appropriate. The board of directors shall appoint an executive director who shall be in the unclassified service and vest in that person or his or her subordinates the authorization to appoint additional staff members who shall be in the classified service

and to determine the amount of compensation each individual shall receive. Those persons who were regularly established full time employees of the authority, prior to March 27, 1979, and who are required to be in the classified service may be placed in appropriate classifications within the classified service without the requirement of competitive examination (as approved by the executive director). All employees hired after March 27, 1979, will be hired in accordance with the requirements of the classified service for examination, approved state lists, and other procedures of the state division of personnel. Those persons who were regularly established full time employees of the authority, prior to March 27, 1979, shall have the right to purchase retirement credits for the period commencing November 1, 1977, to March 27, 1979, at the its full actuarial cost.

(2) Any employee in either the classified or unclassified service who was, prior to his or her hiring by the authority, a participant in the retirement program adopted for personnel at any state or private college shall have the option to either remain with that retirement program while an employee of the authority or become a participant in the employees' retirement system of the state.

(f) No full time employee shall during the period of his or her employment by the authority engage in any other private employment, profession, or business, except with the approval of the board of directors; provided, that the executive director shall not engage in any other private employment, profession, or business, including, but not limited to consulting.

(g) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a director, officer, or employee of any financial institution, investment banking firm, brokerage firm, commercial bank, trust company, savings and loan association, credit union, insurance company, educational institution, or any other firm, person, or corporation to serve as a director of the authority, nor shall any contract or transaction between the authority and any financial institution, investment banking firm, brokerage firm, commercial bank, trust company, savings and loan association, credit union, insurance company, educational institution, or any other firm, person, or corporation be void or voidable by reason of any service as director of the authority. If any director, officer, or employee of the authority shall be interested either directly or indirectly, or shall be a director, officer, or employee of or have an ownership interest (other than as the owner of less than one percent (1%) of the shares of a publicly held corporation) in any firm or corporation interested directly or indirectly in any contract with the authority, the interest shall be disclosed to the authority and set forth in the minutes of the authority, and the director, officer, or employee having interest in this shall not participate on behalf of the authority in the authorization of any contract. Interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors of the authority which authorizes the contract or transaction.

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

(i) The board of directors may designate from among its members an executive committee and one or more other committees each of which, to the extent authorized by the board of directors, shall have and may exercise all the authority of the board of directors, but no committee shall have the authority of the board of directors in reference to the disposition of all or substantially all the property and assets of the authority or amending the bylaws of the authority.

SECTION 3. Sections 16-59-1 and 16-59-2 of the General Laws in Chapter 16-59 entitled "Board of Governors for Higher Education" are hereby amended to read as follows:

16-59-1. Board of governors for higher education established. -- (a) There is created a board of governors for higher education, sometimes referred to as the "board" or the "board of governors", which shall be and is constituted a public corporation, empowered to sue and be sued in its own name, to have a corporate seal, and to exercise all the powers, in addition to those specifically enumerated in this chapter, usually appertaining to public corporations entrusted with control of postsecondary educational institutions and functions. The board shall be protected from sudden changes in membership and

reversal of policy by having staggered terms for its public members. Upon its organization the board of governors shall be invested with the legal title (in trust for the state) to all property, real and personal, now owned by and/or under the control or in custody of the board of regents for education for the use of the University of Rhode Island, Rhode Island College, Community College of Rhode Island and the system of community colleges of Rhode Island including all departments, divisions, and branches of these.

(b) The board of governors is empowered to hold and operate the property in trust for the state; to acquire, hold, and dispose of the property and other like property as deemed necessary for the execution of its corporate purposes. The board of governors is made successor to all powers, rights, duties, and privileges formerly belonging to the board of regents for education pertaining to postsecondary education.

(c) The board of governors shall consist of ~~fifteen (15)~~ thirteen (13) members as follows: twelve (12) public members, appointed pursuant to the terms of section 16-59-2, one of whom shall be a full time student in good standing at the University of Rhode Island, Rhode Island College or the Community College of Rhode Island, and a member of the board of regents for elementary and secondary education designated by the chairperson of this board, ~~the chairperson of the senate finance committee or his or her designee, and the chairperson of the house finance committee or his or her designee.~~

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

~~(e) The legislative members shall receive no compensation for their services but shall be allowed their travel and necessary expenses.~~ The governor shall designate one of the public members as chairperson of the board of governors who shall receive seventy-five dollars (\$75.00) for each day of actual service in attending meetings of the board at which business is transacted; provided, he or she shall not receive more than four thousand five hundred dollars (\$4,500) in any one year. The board may elect from among its members such other officers as they deem necessary.

16-59-2. Appointment of members of the board of governors for higher education. -- (a) The governor shall, with the advice and consent of the senate establish the board by appointing ten (10) members to serve in staggered terms. The appointments shall be made for terms of three (3) years commencing on February 1 in the year of the appointment and ending on January 31 in the third (3rd) year thereafter, except in the case of the student member whose appointment shall be for a period of two (2) years.

(b) At the expiration of their terms members shall remain and continue in their official capacity until a new member is appointed and confirmed. Any vacancy among the public members of the board shall be filled by appointment of the governor for the remainder of the unexpired term. In the selection and appointment of members of the board, the governor shall seek persons who best serve the entire needs of the state. Public members shall not be appointed for more than three (3) successive three (3) year terms each; provided, however, that this limitation shall not apply to that person designated as chairperson by the governor who may be a member so long as he or she shall serve as chairperson. Student members shall be appointed by the governor for a single two (2) year term and shall rotate among the three (3) public institutions.

SECTION 4. Sections 16-60-1 and 16-60-2 of the General Laws in Chapter 16-60 entitled "Board of Regents for Elementary and Secondary Education" are hereby amended to read as follows:

16-60-1. Board established. -- (a) There is created a board of regents for elementary and secondary education sometimes referred to as the "regents" or the "board of regents," which shall be and is constituted a public corporation, empowered to sue and be sued in its own name, to have a corporate seal, and to exercise all the powers, in addition to those specifically enumerated in this chapter, usually

appertaining to public corporations entrusted with control of elementary and secondary education institutions and functions. The regents shall be protected from sudden changes in membership and reversal of policy by having staggered terms for its public members.

(b) Upon its organization the board of regents shall be invested with the legal title (in trust for the state) to all property, real and personal, now owned by and/or under the control or in the custody of the board of regents for education for the use of the department of elementary and secondary education. The board of regents is made successor to all powers, rights, duties, and privileges pertaining to elementary and secondary education.

(c) The board of regents for elementary and secondary education shall consist of ~~eleven (11)~~ nine (9) members as follows: Eight (8) public members appointed pursuant to the terms of section 16-60-2; and a member of the board of governors for higher education designated by the chairperson of this board, ~~the chairperson of the senate finance committee or his or her designee and the chairperson of the house finance committee or his or her designee~~. The public members of the board of regents shall receive compensation in the amount of fifty dollars (\$50.00) for each day of actual service in attending meetings or duly organized subcommittee meetings of the board at which business is transacted; provided, that the compensation in any one year shall not exceed the sum of three thousand dollars (\$3,000) per member.

(d) ~~The legislative members shall receive no compensation for their services but shall be allowed their travel and necessary expenses.~~ The governor shall designate one of the public members as chairperson of the board of regents who shall receive seventy-five dollars (\$75.00) for each day of actual service in attending meetings of the regents at which business is transacted; provided, the chairperson shall not receive more than four thousand five hundred dollars (\$4,500) in any one year. The board may elect from among its members such other officers as they deem necessary.

16-60-2. Appointment of board members. -- The governor shall with the advice and consent of the senate establish the board by appointing eight (8) members to serve staggered terms. The appointments shall be made for terms of three (3) years commencing on February 1 in the year of appointment and ending on January 31 in the third (3rd) year after this, except, at the expiration of their terms members shall remain and continue in their official capacity until a new member is appointed and confirmed. Any vacancy among the public members of the board shall be filled by appointment of the governor for the remainder of the unexpired term. In the selection and appointment of members of the board the governor shall seek persons who best serve the entire needs of the state. Public members shall not be appointed for more than three (3) successive three (3) year terms each; provided, that this limitation shall not apply to that person designated as chairperson by the governor who may be a member so long as he or she shall serve as chairperson.

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

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

16-61-4. Appointment of public members -- Compensation. -- (a) The governor shall with the advice and consent of the senate establish the authority by appointing five (5) members to serve staggered terms. The appointments shall be made for terms of three (3) years commencing on February 1st in the year of appointment and ending on January 31st in the third (3rd) year after this. Any vacancy among the public members of the authority shall be filled by appointment of the governor, subject to the advice and consent of the senate, for the remainder of the unexpired term. In the selection and appointment of members of the authority, the governor shall seek persons who best serve the entire needs of the state.

Public members shall not be appointed for more than two (2) successive three (3) year terms each; provided, that this limitation shall not apply to that person designated as chairperson by the governor who may be a member so long as he or she shall serve as chairperson. The authority may elect from among its members such other officers as they deem necessary.

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

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

SECTION 6. Section 16-62-7 of the General Laws in Chapter 16-62 entitled "The Rhode Island Student Loan Authority" is hereby amended to read as follows:

16-62-7. Directors, officers, and employees. -- (a) The powers of the authority shall be vested in a board of directors consisting of seven (7) members as follows: five (5) members appointed by the governor to the Rhode Island higher education assistance authority as provided in section 16-57-7; ~~the chairperson of the finance committee of the house of representatives or his or her designee; and the chairperson of the finance committee of the senate or his or her designee;~~ one member appointed by the lieutenant governor, with the advice and consent of the senate; and one member appointed by the general treasurer, with the advice and consent of the senate.

(b) The directors shall receive no compensation for the performance of their duties under this chapter, but each director shall be reimbursed for his or her reasonable expenses incurred in carrying out those duties. A director may engage in private employment, or in a profession or business.

(c) The board of directors shall elect one of its members to serve as chairperson. Four (4) directors shall constitute a quorum and any action to be taken by the authority under the provisions of this chapter may be authorized by resolution approved by a majority of the directors present and voting at any regular or special meeting at which a quorum is present. A vacancy in the membership of the board of directors shall not impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

(d) In addition to electing a chairperson, the board of directors shall appoint a secretary and any additional officers and staff members as they shall deem appropriate and shall determine the amount of compensation, if any, each shall receive. The board of directors may appoint a chief executive officer and vest in that person or his or her subordinates the authority to appoint additional staff members and to determine the amount of compensation each individual shall receive.

(e) No fulltime employee shall during the period of his or her employment by the authority engage in any other private employment, profession, or business, including, but not limited to, consulting.

(f) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a director, officer, or employee of any financial institution, investment banking firm, brokerage firm, commercial bank, trust company, savings and loan association, credit union, insurance company, educational institution, or any other firm, person, or corporation to serve as a director of the authority nor shall any contract or transaction between the authority and any financial institution, investment banking firm, brokerage firm, commercial bank, trust company, savings and loan association, credit union, insurance company, educational institution, or any other firm, person, or corporation be void or voidable by reason of any service as director of the authority. If any director, officer, or employee of the authority shall be interested either directly or indirectly, or shall be a director, officer, or employee of or have an ownership interest (other than as the owner of less than one percent (1%) of the shares of a

publicly held corporation) in any firm or corporation interested directly or indirectly in any contract with the authority, that interest shall be disclosed to the authority and set forth in the minutes of the authority, and the director, officer, or employee having that interest in it shall not participate on behalf of the authority in the authorization of this contract. Interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors of the authority which authorizes the contract or transaction.

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

(h) The board of directors may designate from among its members an executive committee and one or more other committees each of which, to the extent authorized by the board of directors, shall have and may exercise all the authority of the board of directors, but no committee shall have the authority of the board of directors in reference to the disposition of all or substantially all the property and assets of the authority, or amending the bylaws of the authority.

(i) Any action required by this chapter to be taken at a meeting of the board of directors, or any action which may be taken at a meeting of the board of directors, or committee of it, may be taken without a meeting if a consent in writing, setting forth the action to be taken, shall be signed before or after that action by all of the directors, or all of the members of the committee.

SECTION 7. Section 19-1-2 of the General Laws in Chapter 19-1 entitled "Definitions and Establishment of Financial Institutions" is hereby amended to read as follows:

19-1-2. Board of bank incorporation. -- (a) (i) The director or his or her designee, the general treasurer or his or her designee, the attorney general or his or her designee, ~~one member of the house of representatives, to be appointed by the speaker, and one member of the senate, to be appointed by the president of the senate,~~ and two (2) members of the public to be appointed by the governor, with the advice and consent of the senate, shall constitute a board of bank incorporation, a public policy appellate board established to consider appeals from a decision of the director or the director's designee concerning major banking matters which affect the citizens and tax base of the state and to exercise the powers and perform the duties conferred or imposed upon it by this title. The governor shall designate one member of the board to serve as chairperson. The board may elect from among its own members such other officers as they deem necessary. Three (3) members of the board of bank incorporation shall constitute a quorum for the transaction of business.

(ii) Those members of the board as of the effective date of this act who are members of the general assembly shall cease to be members of the board on the effective date of this act, and the governor shall thereupon nominate two (2) new members, one of whom shall serve an initial term of two (2) years and the other of whom shall serve an initial term of three (3) years. Thereafter, all appointed members of the board shall be appointed to terms of three (3) years.

(b) The board of bank incorporation may adopt, and amend from time to time, rules and regulations for the orderly conduct of its affairs and for the administration of its duties pursuant to this title. The board of bank incorporation shall collect a filing fee with respect to applications submitted to it. All fees pursuant to this section shall be paid to the director, to and for the use of the board of bank incorporation. The fees to be charged for each type of application shall be established annually at the board of bank incorporation's first public hearing. The board of bank incorporation shall publish notice of its proposed fee structure at least once a week for three (3) successive weeks in a newspaper of general circulation.

SECTION 8. Sections 23-7-4 and 23-7-5 of the General Laws in Chapter 23-7 entitled "Mosquito Abatement" are hereby amended to read as follows:

23-7-4. Membership of board. -- The directors of the departments of health and environmental management, or their designees, shall be ex-officio members. ~~The speaker of the house of representatives shall appoint one member of the house and the president of the senate shall appoint one~~

~~member of the senate.~~ The director of the department of environmental management shall appoint one professional agricultural chemist, one professional wildlife biologist, one professional entomologist, one medical doctor, one person representing an established conservation or environmental group within the state, and citizens representing any ~~two (2)~~ four (4) cities, towns, subdivisions of cities or towns, or districts, having regard, among other factors, to their qualifications, experience, and interest in effective mosquito control. Members of the board shall annually elect their own officers.

23-7-5. Appointments and terms. -- (a) On May 3, 1978, the director of environmental management shall appoint two (2) representatives from any city, town, subdivision of a city or town, or district to serve on the board until October, 1979. Those representatives shall serve for a term of one year and shall be selected on a revolving basis. ~~The speaker of the house of representatives and the president of the senate shall each appoint one member to serve until October, 1979.~~ The director of environmental management shall appoint two (2) members to serve until October, 1980, two (2) members to serve until October, 1981, and three (3) members to serve until October, 1982. In the month of September of every year the director, speaker, or president of the senate shall appoint successors to the members of the board whose terms shall expire on that year. With the exception of the local representatives who shall serve for one year, all other board members shall hold office commencing on the first day of October for a three (3) year term and until their respective successors are appointed. Any vacancy which may occur in the board shall be filled by the director, ~~speaker, or president of the senate~~ for the remainder of the unexpired term. A member shall be eligible to succeed himself or herself.

(b) Those members of the commission as of the effective date of this act who are members of the general assembly shall cease to be members of the commission on the effective date of this act, and the director shall thereupon appoint two (2) new members, representing two (2) cities, towns, subdivisions of cities or towns, or districts, having regard, among other factors, to their qualifications, experience and interest in effective mosquito control, each of whom shall serve for a three (3) year term.

SECTION 9. Section 23-19-6 of the General Laws in Chapter 23-19 entitled "Rhode Island Resource Recovery Corporation" is hereby amended to read as follows:

23-19-6. Creation, membership, and terms of the Rhode Island Resource Recovery Corporation. --

(a) There is authorized, created, and established a public corporation of the state, having a distinct legal existence from the state and not constituting a department of the state government, with the politic and corporate powers set forth in this chapter, to be known as the Rhode Island resource recovery corporation, ("the corporation") to carry out the provisions of this chapter. The corporation is constituted a public instrumentality and agency exercising public and essential governmental functions, and the exercise by the corporation of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function of the state.

(b) It is the intent of the general assembly by the passage of this chapter to create and establish a public corporation and instrumentality and agency of the state for the purpose of the activities authorized by this chapter, and to vest the corporation with all powers, authority, rights, privileges, and titles that may be necessary to enable it to accomplish those purposes. This chapter shall be liberally construed in conformance with the purpose expressed in this section.

(c) (1) The powers of the corporation shall be vested in ~~nine (9)~~ seven (7) commissioners, consisting of the director of administration, or the director's designee, ~~four (4) public members to be appointed by the governor, one resident of the town of Johnston to be appointed by the governor, two (2) members from the house of representatives to be appointed by the speaker of the house, and one member from the senate to be appointed by the president of the senate.~~ and six (6) public members to be appointed by the governor, with the advice and consent of the senate, one of whom shall be a resident of the town of Johnston, and one of whom shall be the elected chief executive of a city or town.

(2) ~~Of the five (5) commissioners appointed by the governor, one shall be the chief elected officer of a city or town. Of the two (2) commissioners appointed by the speaker of the house, at least one shall~~

~~represent a minority party. Appointments by the governor shall require the advice and consent of the senate. Those members of the general assembly serving as commissioners as of the effective date of this act shall cease to be commissioners as of the effective date of this act, and the governor shall thereupon nominate one new commissioner whose initial term shall expire on July 1, 2006.~~

(d) ~~The governor shall appoint the five (5) public members to~~ All public members shall serve staggered three (3) year terms except as otherwise provided in subsection (c)(2) of this section. In the month of June each year thereafter, the governor shall appoint the successor(s) to the commissioners the governor has appointed whose terms expire that year, to serve for a term of three (3) years commencing on the first day of July then next following. All public members shall serve until their respective successors are appointed and qualified. ~~The speaker of the house shall appoint two (2) commissioners to serve until the expiration of the balance of the legislative term that they are serving at the time of their appointment to the board. The president of the senate shall appoint one commissioner to serve until the expiration of the balance of the legislative term which the commissioner is serving at the time of his or her appointment to the board.~~

(e) Any vacancy occurring in the office of a member by death, resignation, or otherwise shall be filled ~~in the same manner as the original appointment for the balance of the unexpired term of the former member by the governor, with the advice and consent of the senate.~~

(f) The governor shall designate a commissioner to serve as chair. Any commissioner may be removed by the governor for misfeasance, malfeasance, or willful neglect of duty.

(g) The commissioners shall annually elect from among their number a vice chair and a treasurer, and any other officers that they may determine. Meetings shall be held at the call of the chair or whenever two (2) commissioners so request. ~~Five (5)~~ Four (4) commissioners shall constitute a quorum, and any action taken by the corporation under the provisions of this chapter may be authorized by resolution approved by a majority, but not less than ~~five (5)~~ four (4) of the commissioners present at any regular or special meeting. No vacancy in the membership of the corporation's board of commissioners shall impair the right of a quorum to exercise all the rights and perform all the duties of the corporation.

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

(i) The commissioners of the corporation shall at regular intervals conduct business meetings for the purpose of carrying out its general business. The meetings shall be open to the public and all records and minutes will be a matter of public record. The corporation shall be considered a "public body" and shall be subject to the provisions of the Open Meetings Law, section 42-46-1 et seq. and to the provisions of title 38 concerning public records.

(j) The corporation shall continue until its existence is terminated by law. At that time its holdings and assets shall pass to and become vested in the state.

(k) The state shall indemnify and hold harmless every past, present, or future commissioner, officer, or employee of the corporation who is made a party to or is required to testify in any action, investigation, or other proceeding in connection with or arising out of the performance or alleged lack of performance of that person's duties on behalf of the corporation. These persons shall be indemnified and held harmless, whether they are sued individually or in their capacities as commissioners, officers, or employees of the corporation, for all expenses, legal fees and/or costs incurred by them during or resulting from the proceedings, and for any award or judgment arising out of their service to the corporation that is not paid by the corporation and is sought to be enforced against a person individually, as expenses, legal fees, costs, awards or judgments occur. Provided, however, that neither the state nor the corporation shall indemnify any commissioner, officer, or employee:

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

- (2) For any transaction from which the member derived an improper personal benefit; or
- (3) For any malicious act.

SECTION 10. Section 25-2-18.1 of the General Laws in Chapter 25-2 entitled "Days of Special Observance" is hereby amended to read as follows:

25-2-18.1. Martin Luther King, Jr. State Holiday Commission. -- (a) (i) There is created a permanent commission to be known as the Martin Luther King, Jr. State Holiday Commission to consist of thirteen (13) members, ~~three (3) of whom shall be from the house of representatives, not more than two (2) from the same political party, to be appointed by the speaker; three (3) of whom shall be from the senate, not more than two (2) from the same political party to be appointed by the president of the senate; three (3) of whom shall be representatives of the general public, to be appointed by the speaker; two (2) of whom shall be representatives of the general public to be appointed by the president of the senate; one of whom shall be a representative of the governor's office, to be appointed by the governor; and one of whom shall be the lieutenant governor, all of the foregoing to be known as commission members. ten (10) of whom shall be appointed by the governor, with the advice and consent of the senate, and three (3) of whom shall be appointed by the lieutenant governor, with the advice and consent of the senate.~~ The commission shall appoint not more than sixteen (16) representatives from organizations and groups generally identified with and thought to epitomize the ideals of Dr. Martin Luther King, Jr., all of whom shall be known as non-voting affiliate members, to serve for two (2) year terms.

(ii) The tenure of all members of the commission as of the effective date of this act shall expire on the effective date of this act, and the governor and the lieutenant governor shall thereupon nominate thirteen (13) new members, as follows:

(A) The governor shall appoint ten (10) members to the commission, four (4) of whom shall serve initial terms of three (3) years, three (3) of whom shall serve initial terms of two (2) years, and three (3) of whom shall serve initial terms of one year.

(B) The lieutenant governor shall appoint three (3) members to the commission, one of whom shall serve an initial term of three (3) years, one of whom shall serve an initial term of two (2) years and one of whom shall serve an initial term of one year.

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

(b) The purpose of the commission shall be to plan, supervise and administer, in conjunction with the federal Martin Luther King Day Commission and the Martin Luther King Center for Non-Violent Social Change, an appropriate celebration to commemorate the birthday of Dr. Martin Luther King, Jr., and the annual observance of Dr. Martin Luther King Day, which will be observed on the third Monday in January each year. The commission shall not limit its activities to the annual celebration, but shall endeavor to promote educational efforts throughout the year, as well as to promote seminar events during the annual celebration that will be of informative value to all segments of the Rhode Island community.

(c) The members of the commission shall, in February of each odd-numbered year, elect from among themselves a chairperson, ~~who shall be a legislator~~, and a vice-chairperson, ~~who shall not be a government official or employee~~. Vacancies in the commission shall be filled in like manner as the original appointment.

(d) The commission is empowered to appoint committees to study specialized areas of concern and to report their findings and recommendations to the commission; provided, however, that one of these committees shall be an education committee.

(e) The commission is empowered to establish a Martin Luther King Scholarship Fund and to award scholarships from the fund. Decisions concerning scholarship awards shall be made by the education committee of the commission in conjunction with the higher education assistance authority.

(f) The commission is empowered to apply for and receive grants, appropriations, or gifts from any federal, state, or local agency, from any public or private foundation, and from any person, firm, or

corporation in order to carry out the purposes of this chapter. The allocation of any funds received shall be decided by a majority vote of voting members in attendance at a meeting duly convened for the conduct of business by the commission.

(g) Seven (7) members of the commission shall constitute a quorum.

(h) The commission shall meet at least four (4) times per year.

(i) The commission shall adopt policies concerning the responsibilities of its voting members and non-voting affiliate members, including attendance at commission meetings.

(j) All departments and agencies of the state shall furnish advice and information, documentary and otherwise, to the commission and its agents as may be necessary or desirable to facilitate the purposes of this chapter.

(k) The ~~speaker~~ governor is authorized and directed to provide suitable quarters for the commission.

(l) The commission shall file a report with the general assembly outlining its plans for the celebration on or before December 15th each year prior to the celebration.

SECTION 11. Section 29-3.1-2.2 of the General Laws in Chapter 29-3.1 entitled "Office of State Library and Information Services" is hereby amended to read as follows:

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

(b) ~~(4) The library board consists of seventeen (17) members. The governor shall appoint fifteen (15) members,~~ shall consist of fifteen (15) members appointed by the governor, with the advice and consent of the senate, five (5) of whom shall be representative of general library users. The remainder of the governor's appointments shall be representative of the following:

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

(ii) Librarians serving people who are institutionalized;

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

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

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

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

SECTION 12. Section 31-13-1 of the General Laws in Chapter 31-13 entitled "Traffic Control Devices" is hereby amended to read as follows:

31-13-1. State traffic commission -- Manual of traffic control devices. -- (a) There is established a state traffic commission consisting of ~~the chairperson and vice chairperson of the permanent joint committee of the general assembly on highway safety,~~ the superintendent of state police, the head of the division of motor vehicles, the director of the department of transportation, or their designees, the president of the Rhode Island Police Chief's Association, and the governor's representative to the National Highway Traffic Safety Administration. The governor shall designate one member of the commission to serve as chairperson. The commission may elect from among its members such other officers as they deem necessary.

(b) For the purpose of standardization and uniformity, the commission shall adopt and cause to be printed for publication a manual of regulations and specifications establishing a uniform system of traffic control signals, devices, signs, and marking consistent with the provisions of this chapter for use upon the public highways. The commission shall establish the traffic regulations under chapters 12 -- 27 of this title. The commission shall meet not less frequently than monthly and shall submit an annual report to the governor, to the president of the senate, and to the speaker of the house of representatives. The department of transportation shall provide all staff services and quarters required by the commission.

SECTION 13. Section 31-38-15 of the General Laws in Chapter 31-38 entitled "Inspection of Motor Vehicles" is hereby amended to read as follows:

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

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

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

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

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

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

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

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

SECTION 14. Section 35-10-1 of the General Laws in Chapter 35-10 entitled "State Investment Commission" is hereby amended to read as follows:

35-10-1. Establishment -- Membership -- Officers -- Quorum -- Investment votes -- Fund managers. --

(a) There is hereby established a state investment commission, the membership of which shall consist of the general treasurer, ex officio, or a deputy general treasurer as his or her designee, who shall act as chairperson, the director of administration, ex officio, or any assistant director of administration as his or her designee, who shall act as secretary, ~~the chairperson of the finance committee of the senate, or any senator as his designee, the chairperson of the finance committee of the house of representatives, ex officio, or his or her designee,~~ the chairperson of the higher education assistance authority, ex officio, or his or her designee, an active teacher, state, or municipal employee member of the retirement system or official from the teacher, state, or municipal employee unions to be appointed by the general treasurer, the executive director of the state retirement board, who shall be a nonvoting member, and three (3) members to be appointed by the governor, each for a term of three (3) years and until his or her successor is appointed and qualified. The members appointed by the governor shall be qualified by training and experience in the field of investment or finance. All gubernatorial appointments under this section after the effective date of this act shall be subject to the advice and consent of the senate.

(b) During the month of February in each year the governor shall appoint a member to succeed the member whose term will then next expire, to serve until the first day of March in the third year next after his or her appointment, and until his or her successor is elected and qualified. A member shall be eligible to succeed himself or herself. In the event of a vacancy in the office of an appointive member, the vacancy shall be filled by appointment for the unexpired term.

(c) A majority of all the members of the commission shall be necessary to constitute a quorum thereof. The approval of a majority of the commission shall be required prior to the purchase or sale of any investment, excepting those investments made by investment managers engaged by the commission and invested in accordance with the commission's statement of investment objectives and policies, day to day cash investments by the general treasurer, and, because of the importance of speedy action, investments in obligations of the United States government or certificates of deposit maturing within one year. These investments may be made within the framework of a policy established by the commission without prior approval of each transaction. The commission shall be empowered to engage one or more fund managers and to delegate to the manager or managers the authority to carry out the investment of the funds within the commission's control, or any portion thereof, in accordance with the objectives of the commission as set forth in its statement of investment objectives and policies.

(d) The day-to-day administration of the commission, including the voting of proxies and the execution of investment acquisitions and dispositions of the commission's assets, shall be carried out by the office of the general treasurer; provided, that the costs and expenses incurred in the management of the funds within the commission's control shall remain the obligation of those funds and not that of the general treasurer.

SECTION 15. Sections 36-8-4 and 36-8-5 of the General Laws in Chapter 36-8 entitled "Retirement System - Administration" are hereby amended to read as follows:

36-8-4. Composition of retirement board. -- (a) The membership of the retirement board shall consist of: the general treasurer; the director of administration or his or her designee; the budget officer or his or her designee; ~~the fiscal advisor to the house finance committee or his or her designee;~~ the president of the league of cities and towns or his or her designee; two (2) active state employee members of the retirement system or officials from state employee unions to be elected by active state employees; two (2) active teacher members of the retirement system or officials from a teachers union to be elected by active teachers; one active municipal employee member of the retirement system or an official from a municipal employees union to be elected by active municipal employees; one retired member of the retirement system to be elected by retired members of the system; ~~the chairperson of the house finance committee or his or her designee; the chairperson of the senate finance committee or his or her designee;~~ and two (2) public representatives, one of whom shall be a C.L.U. competent in the area of pension benefits, shall be appointed by the governor; and their one public member shall be appointed by the general treasurer. The term of these three (3) public members shall be for four (4) years or until their successors are appointed. Meetings shall be open to the public and media except when it is discussing personalities. Further, however, where a discussion may reflect in a harmful manner on the persons discussed, those persons may choose to have that portion of the meeting open or closed at their discretion. in accordance with chapter 42-46 of the general laws.

(b) Meetings shall be held at such place as may be designated in the call of the meeting, provided at no cost to the state, at least monthly at the call of the chairpersons.

(c) The elected members of the retirement board shall be seated by the following procedure:

(1) Each candidate for a position on the board must have one hundred (100) signatures of members of their respective group.

(2) The term of office for elected members shall be for four (4) years, and election of their successors shall be given by the board prior to the expiration of the terms of the incumbent elected members.

(3) By petition for recall of twenty percent (20%) of the respective membership of the various groups a new election shall be ordered by the retirement board.

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

36-8-5. Vacancies on board. -- If, for any reason whatsoever, there shall be a vacancy in the office of an appointed member of the board the appointing authority shall appoint a successor within seventy (70) days for the balance of the vacated term; provided, however, that all gubernatorial and general treasurer appointments made under this section after the effective date of this act shall be subject to the advice and consent of the senate. If, for any reason whatsoever, there shall be a vacancy in the office of an elected member of the board the seat shall be filled by a new election of the respective group within seventy (70) days for the balance of the vacated term.

SECTION 16. Section 37-6-1 of the General Laws in Chapter 37-6 entitled "Acquisition of Land" is hereby amended to read as follows:

37-6-1. State properties committee -- Composition. -- (a) There is hereby created and established a committee to be known as the state properties committee to act in cooperation with the departments, boards, bureaus, commissions, and agencies of the state for the purpose of acquiring, administering, and disposing of interests in land and other real property for the improvement of the administration of the state government, the advancement of commerce, and the protection and improvement of the health, welfare, and safety of the inhabitants of this state. The committee shall be composed of the: state's chief purchasing officer, as chairperson, serving ex-officio; the attorney general, serving ex-officio; the general treasurer, serving ex-officio; a representative of the department of administration to be designated by the director; ~~one member representing the public; one member of the house of representatives appointed by the speaker; and one member from the senate appointed by the president of the senate representing the general assembly.~~ one member of the public to be appointed by the governor, with the advice and consent of the senate.

~~(b) However, any~~ Any of the ex-officio members, including the chairperson, may from time to time designate a subordinate, from within his or her department or division, as a substitute member of the committee, in his or her stead, by filing a written notice thereof, in the office of the secretary of state. Any designation may be revoked at any time by filing a written revocation in the secretary of state's office.

(c) Those members who are members of the general assembly as of the effective date of this act shall cease to be members of the state properties committee on the effective date of this act.

~~(d) The public member shall be appointed by the governor to serve for a term of three (3) years and until his or her successor is appointed and qualified, the appointment to be made for a term commencing March 1, 1961, and each third year thereafter. The public member shall be paid a daily rate of pay to be determined by the chairperson for each day in actual attendance at meetings and special business called by the chairperson.~~ The public member shall serve a term of three (3) years and shall serve until his or her successor is appointed and qualified.

SECTION 17. Section 39-18-2 of the General Laws in Chapter 39-18 entitled "Rhode Island Public Transit Authority" is hereby amended to read as follows:

39-18-2. Authority created -- Composition -- Terms -- Oath -- Officers -- Quorum -- Compensation -- Conflicts of interest. -- (a) There is hereby created a body corporate and politic to be known as the "Rhode Island public transit authority".

(b) The authority shall consist of seven (7) members, ~~four (4)~~ five (5) of whom shall be appointed by the governor with the advice and consent of the senate; ~~one shall be a member of the senate ex-officio appointed by the president of the senate, one shall be a member of the house of representatives ex-officio appointed by the speaker of the house of representatives~~ one of whom shall be appointed by the lieutenant governor with the advice and consent of the senate; and one of whom shall be the director of

the department of transportation who shall serve as an ex officio member. ~~Forthwith, upon the enactment of this chapter, the governor, with the advice and consent of the senate, shall appoint one member to serve until the first day of April, 1965, one member to serve until the first day of April, 1966, and one member to serve until the first day of April, 1967, and until their respective successors shall be duly appointed and qualified. Ex officio members shall serve during their respective terms of office.~~

(c) ~~(1) In the month of March 1965, and in the months of March annually thereafter, the governor, with the advice and consent of the senate, shall appoint one member of the authority to serve for a term of three (3) years to succeed the member whose term will then next expire. On or before July 1, 1979, the governor with the advice and consent of the senate, shall appoint the seventh member to serve until the first day of April, 1982 and until his or her respective successor shall be duly appointed and qualified. In the event of a vacancy occurring in the membership, the governor, with the advice and consent of the senate, shall appoint a member for the unexpired term. Any member of the authority shall be eligible for reappointment. Those members of the authority as of the effective date of this act who are members of the general assembly shall cease to be members of the authority on the effective date of this act, and the governor and the lieutenant governor shall thereupon each nominate two (2) new members. The initial term of the lieutenant governor's nominee shall expire on April 1, 2006, and the initial term of the governor's nominee shall expire on April 1, 2007.~~

(2) Members of the authority shall be appointed for terms of three (3) years except as provided in subsection (c)(1) of this section.

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

(e) The authority shall elect one of its members as chairperson, and shall also elect a secretary.

(f) Four (4) members of the authority shall constitute a quorum and the vote of four (4) members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

~~(g) The members of the authority appointed by the governor with the advice and consent of the senate shall receive twenty five dollars (\$25.00) per day as compensation for attendance at meetings of the authority, but not to exceed the sum of twenty five hundred dollars (\$2,500) annually as compensation of each member, such amounts to be payable from the revenue of the authority. Ex officio members shall receive no compensation, but all members of the authority shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.~~

(h) No member of the authority shall be in the employ of, or own any stock in, or be in any way directly or indirectly pecuniarily interested in any railroad corporation, bus, or street railway company, nor shall any member of the authority personally or through a partner or agent render any professional service or make or perform any business contract with or for any company; nor shall any member of the authority, directly or indirectly, receive a commission, bonus, discount, present, or reward from any company.

SECTION 18. Section 42-8.2-6 of the General Laws in Chapter 42-8.2 entitled "State Register" is hereby amended to read as follows:

42-8.2-6. Administrative committee of the state register, establishment, composition, powers, and duties. -- The administrative committee of the state register shall consist of the secretary of state, who shall be chairperson, the director of administration or his or her designee, and the state controller or his or her designee, ~~a member of the house of representatives or a member of the general public to be appointed by the speaker of the house, and a member of the senate or member of the general public to be appointed by the president of the senate.~~ Every person designated by the speaker of the house of representatives and by the president of the senate shall be appointed for a term of three (3) years. The committee shall prescribe, with the approval of the governor, regulations for carrying out this chapter. The regulations shall provide, among other things:

- (1) The manner of certification of copies required to be certified under section 42-8.2-3;
- (2) The documents which shall be authorized under section 42-8.2-5 to be published in the state register;
- (3) The manner and form in which the state register shall be printed, reprinted, compiled, indexed, bound and distributed;
- (4) The number of copies of the state register which shall be printed, reprinted and compiled, the number which shall be distributed without charge to members of the state legislature, officers and employees of the state of Rhode Island or any state agency, for official use, and the number which shall be available for distribution to the public;
- (5) The price to be charged for individual copies of and subscriptions to the state register and reprints and bound volumes of it; and
- (6) The administrative committee shall allocate expenses for each agency, board, commission or department.

SECTION 19. Section 42-10.1-1 of the General Laws in Chapter 42-10.1 entitled "Public Finance Management Board" is hereby amended to read as follows:

42-10.1-1. Creation -- Members. -- (a) There is hereby created a public finance management board to consist of nine (9) members, one of whom shall be the general treasurer or his or her designee; ~~one of whom shall represent be the director of the department of administration or his or her designee; and shall be appointed by the governor, two (2) of whom shall represent cities and towns and shall be appointed by the general treasurer from a list of five (5) candidates submitted by the league of cities and towns, one of whom shall be a member of the general public who is experienced in the issuance and sale of bonds by public agencies and shall be appointed by the governor, two (2) of whom shall be members of the house of representatives and shall be appointed by the speaker, one from the minority party, and two (2) of whom shall be members of the senate and shall be appointed by the president of the senate, one from the minority party.~~ four (4) of whom shall be appointed by the general treasurer with the advice and consent of the senate, of whom two (2) shall be appointed from a list of five (5) candidates submitted by the league of cities and towns; and three (3) of whom shall be appointed by the governor with the advice and consent of the senate, at least one of whom shall be a member of the general public who is experienced in the issuance and sale of bonds by public agencies.

(b) ~~All appointed members shall serve at the pleasure of the appointing authority. A vacancy shall be filled in like manner as the original appointment. The tenure of all appointed members of the commission as of the effective date of this section shall expire on the effective date of this section, and the general treasurer and the governor shall thereupon nominate seven (7) new members as follows:~~
(A) The general treasurer shall appoint four (4) members to the commission, one of whom shall serve an initial term of three (3) years, two (2) of whom shall serve initial terms of two (2) years and one of whom shall serve an initial term of one year.

(B) The governor shall appoint three (3) members to the commission, one of whom shall serve an initial term of three (3) years, one of whom shall serve initial term of two (2) years and one of whom shall serve an initial term of one year.

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

SECTION 20. Sections 42-45-2, 42-45-3 and 42-45-3.1 of the General Laws in Chapter 42-45 entitled "Rhode Island Historical Preservation and Heritage Commission" are hereby amended to read as follows:

42-45-2. Creation of commission -- Members. -- (a) There is hereby created within the executive department an historical preservation and heritage commission consisting of ~~eighteen (18)~~ sixteen (16) members as follows: ten (10) shall represent the public and shall be appointed by the governor as herein provided. Of the ten (10) public members, at least one shall possess background and qualifications of an historian, one an archaeologist, one an architect, or an architectural historian, one a museologist, and one

an anthropologist, one a landscape historian or landscape architect, and one a representative of a private nonprofit historic preservation organization. ~~Seven (7)~~ Five (5) members shall consist of: the director of the Rhode Island Economic Development Corporation; the director of the department of environmental management; the associate director of administration for planning; the state building commissioner, and the state historic preservation officer, each of whom shall serve ex officio; ~~the chairperson of the house finance committee or a member of the house finance committee designated by the chairperson; and the chairperson of the senate finance committee or a member of the senate finance committee designated by the chairperson.~~ One member shall be selected by the heritage subcommittee from among its members. The governor shall appoint the public members of the commission as follows: two (2) members to serve until the first day of June, 1970, three (3) members to serve until the first day of June, 1971, and four (4) members to serve until the first day of June, 1972, and all members shall serve until their successors are appointed and qualified. In the month of May, 1970, and in the month of May in each year thereafter, the governor shall appoint successors to the public members of the commission whose terms shall expire in that year, to hold office commencing on the first day of June in the year of appointment and until the first day of June in the third year after their respective appointments or until their respective successors are appointed and qualified. Any vacancy of a public member which may occur in the commission shall be filled by appointment by the governor for the remainder of the unexpired term. Each ex officio member of the commission may designate a subordinate within his or her department or agency to represent him or her at all meetings of the commission.

(b) There shall be a Heritage subcommittee of the commission consisting of twenty-five (25) members appointed by the governor broadly representing various ethnic, religious, historic, educational, cultural, social, military, and maritime heritages for the state. Five (5) commissioners will be appointed for a term of one year, ten (10) commissioners will be appointed for a term of three (3) years, ten (10) commissioners will be appointed for a term of five (5) years, all subsequent appointments of commissioners shall be for three (3) year terms.

(c) Members of the commission and members of the subcommittee holding office upon passage of this article shall continue in office until their successors are appointed and qualified.

42-45-3. Officers of the historical preservation and heritage commission. -- The commission shall annually elect from its members a chairperson and secretary. Five (5) members of the commission shall constitute a quorum, and no vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all of the duties of the commission. Meetings of the commission shall be held upon the call of the chairperson, or a majority of the commission, upon due written notice mailed or delivered at least forty-eight (48) hours in advance of the meeting.

42-45-3.1. Officers of the heritage subcommittee. -- The governor shall appoint from the heritage subcommittee members a chairperson to serve at the pleasure of the governor. A vice chairperson and a secretary will be elected from and by the subcommittee body for a term of one year.

SECTION 21. Section 42-61-1 of the General Laws in Chapter 42-61 entitled "State Lottery" is hereby amended to read as follows:

42-61-1. Lottery commission established. -- (a) There is established a state lottery commission which shall consist of nine (9) members, all of whom shall be citizens and residents of this state, ~~three (3) of whom shall be members of the senate, not more than two (2) from the same political party to be appointed by the president of the senate; three (3) of whom shall be members of the house of representatives, not more than two (2) from the same political party to be appointed by the speaker of the house; and three (3) six (6) of whom shall be representatives of the general public to be appointed by the governor; with the advice and consent of the senate; and three (3) of whom shall be representatives of the general public to be appointed by the general treasurer with the advice and consent of the senate.~~

(i) Those members of the commission as of the effective date of this act who were appointed to the commission by the governor shall continue to serve for the duration of their current terms.

(ii) Those members of the commission as of the effective date of this act who are members of the general assembly shall cease to be members of the commission on the effective date of this act, and the governor and the general treasurer shall each thereupon nominate three (3) new members.

(iii) One of the new members appointed by the governor and one of the new members appointed by the general treasurer shall serve an initial term of one year; one of the new members appointed by the governor and one of the new members appointed by the general treasurer shall serve an initial term of two (2) years; and one of the new members appointed by the governor and one of the new members appointed by the general treasurer shall serve an initial term of three (3) years.

(b) ~~The Except as provided in subsection (a)(iii) of this section, members shall be appointed for terms of three (3) years, except for the three (3) members originally appointed by each of the appointing authorities; one shall be appointed for a term of one year, one shall be appointed for a term of two (2) years and one for a term of three (3) years.~~ The members shall annually elect one of them as chairperson of the commission.

(c) Any vacancy on the commission, occurring for any reason prior to the expiration of the term, ~~including but not limited to termination of active membership in the general assembly,~~ shall be filled for the unexpired term by the appointing authority in the same manner as the original appointment.

(d) Any member of the commission may, for cause, be summarily removed from office by the appointing authority, which removal shall be subject to judicial review by the superior court and pending that review the member shall not carry out any duties as a commission member.

(e) The members of the commission shall receive no salaries but shall be allowed reasonable expenses in the performance of their official duties.

SECTION 22. Section 42-82-3 of the General Laws in Chapter 42-82 entitled "Farmland Preservation Act" is hereby amended to read as follows:

42-82-3. Agricultural lands preservation commission. -- (a) (1) There is established the agricultural lands preservation commission consisting of the directors of the department of environmental management and the department of administration, or their respective designees, both ex-officio with the power to vote; one member to be a designee of the president of the Rhode Island league of cities and towns; and four (4) members to be appointed by the governor; ~~one member to be appointed by the governor upon written recommendation of the president of the senate; and one member to be appointed by the governor upon written recommendation of the speaker of the house.~~ The dean of the college of resource development of the university of Rhode Island and the state conservationist of the United States department of agriculture's soil conservation service, or their respective designees, shall also serve on the committee and shall be voting members. All gubernatorial appointments made under this section after the effective date of this act shall be subject to the advice and consent of the senate.

(2) The members appointed by the governor shall serve for terms of five (5) years each; provided, however, that of the members first appointed, one shall serve for one year, one shall serve for two (2) years, one shall serve for three (3) years, one shall serve for four (4) years, and two (2) shall serve for five (5) years, from January first next succeeding their appointment, as the governor shall designate; provided, however, that those members of the commission as of the effective date of this act who were appointed upon the recommendation of members of the general assembly shall cease to be members of the commission on the effective date of this act, and the membership of the commission shall thereupon be reduced from eleven (11) members to nine (9) members.

(3) Any vacancy occurring otherwise than by expiration of term shall be filled in the same manner as the original appointment.

(4) Upon expiration of a member's term, that member shall continue as a member until that member's successor is appointed and qualified. Any person serving a term shall be eligible for appointment.

(5) No member, including ex-officio members, shall receive compensation for the performance of his or her duties as a member; provided, however, that each appointed member may be reimbursed if funds are

appropriated for his or her actual and necessary expenses incurred during the performance of his or her official duties.

(6) ~~The governor shall make the required appointments within ninety (90) days of May 20, 1981 by filing in writing the names of the appointees, and their respective terms, together with their respective letters of acceptance, in the office of the secretary of state.~~

(7) ~~Within thirty (30) days thereafter, the governor shall notify all members of a meeting at which time and place an oath of office shall be taken by each appointed member, and the~~ The commission shall designate annually from its appointed members a chairperson and a vice chairperson. ~~Thereafter the meetings shall be held at a time or times as is necessary for the proper conduct of its business.~~

(8) Whenever public hearings are required under this chapter, or whenever the commission determines a public hearing is appropriate, the commission shall use reasonable efforts to hold those hearings at a place or places that will reasonably accommodate the interested parties.

(b) ~~Six (6)~~ Five (5) voting members of the commission shall constitute a quorum for the transaction of any business or the exercise of any power of the commission. Except as otherwise provided in this chapter, the commission shall have the power to act by a majority of the members present at any meeting at which a quorum is in attendance.

(c) The governor may remove any member for cause or misconduct in office after giving him or her a copy of the charges against him or her and an opportunity to be heard, in person or by counsel, in his or her defense, upon not less than ten (10) days notice. If any member shall be removed, the governor shall file in the office of the secretary of state a complete statement of charges made against the member and his or her findings, together with a complete record of the proceedings.

SECTION 23. Section 42-113-4 of the General Laws in Chapter 42-113 entitled "Rhode Island Housing and Conservation Trust Fund Act" is hereby amended to read as follows:

42-113-4. Creation of the Rhode Island housing and conservation board. -- (a) There is created and established a body politic and corporate to be known as the "Rhode Island housing and conservation board" to carry out the provisions of this chapter. The board is constituted a public instrumentality exercising public and essential governmental functions, and the exercise by the board of the powers conferred by this chapter are deemed and held to be the performance of an essential governmental function of the state.

(b) The board shall consist of ~~eleven (11)~~ nine (9) members. The four (4) non-voting ex officio members shall include the director of the department of environmental management, or a designee who is determined upon the advice of the natural heritage commission, the director of the office of intergovernmental affairs/housing, or designee, the executive director of the Rhode Island housing and mortgage finance corporation, or designee, and the director of the office of statewide planning, or designee. The public members shall consist of ~~one member of the house of representatives appointed by the speaker, one member of the senate appointed by the president of the senate,~~ the chairperson of the Rhode Island community reinvestment association, or designee, the president of the environmental council of Rhode Island, or designee, the president of the Rhode Island association of land trusts, or designee, a representative of a tenant advocacy group appointed by the ~~speaker of the house~~ governor, with the advice and consent of the senate, and a family farmer who operates a farm pursuant to the provisions of chapter 23 of title 2 appointed by the ~~president of the senate~~ lieutenant governor, with the advice and consent of the senate.

(c) ~~Public members of the board appointed by the speaker or the president of the senate will be appointed for three (3) year terms and cannot serve more than two (2) terms. Initial appointments of the seven (7) public members to the board shall consist of two (2) appointments of one year terms, two (2) appointments of two (2) year terms, and three (3) appointments of three (3) year terms. Those members of the commission as of the effective date of this act who were appointed to the board by members of the general assembly shall cease to be members of the commission on the effective date of this act, and the~~

governor and the lieutenant governor shall thereupon each nominate one new member, consistent with subsection (b) of this section, each of whom shall serve initially for the balance of the current term of his or her predecessor. Thereafter, public members of the board appointed by the governor or by the lieutenant governor shall be appointed to terms of three (3) years.

(d) Annually, the board shall elect from among its public members a chairperson and vice-chairperson. The board may elect any officers it determines necessary. Meetings shall be held at the call of the chairperson or at the request of three (3) members. A majority of the sitting members shall constitute a quorum and action taken by the board under the provisions of this chapter may be authorized by a majority of the members present and voting at any regular or special meeting.

(e) The board shall appoint and employ an executive director, and it shall be his or her duty to:

(1) Supervise and administer allocations made through the trust fund in accordance with this chapter and with the rules and regulations of the board;

(2) Act as the chief administrative officer having general charge of the office and records and to employ temporarily, subject to the approval of the board, necessary personnel to serve at his or her pleasure and who shall be in the unclassified service and whose salaries shall be set by the board;

(3) Act as executive secretary of the board; and

(4) Perform other duties as determined by the board which are in accordance with this chapter and with the rules and regulations of the board.

(f) The board shall use the office of the attorney general for legal services.

SECTION 24. Section 45-53-7 of the General Laws in Chapter 45-53 entitled "Low and Moderate Income Housing" is hereby amended to read as follows:

45-53-7. Housing appeals board. -- (a) (i) There shall be within the state a housing appeals board consisting of nine (9) members:

~~Housing Appeals Board~~

Represent:	Appointed by:
1 district court judge (chair)	Chief of district court
1 local zoning board member	Speaker of the house
1 local planning board member	President of the senate
2 city and town council members	Speaker of the house
(plus an alternate) - representing	President of the senate
municipalities of various sizes	(Governor)
1 affordable housing developer	Governor
1 affordable housing advocate	Governor
1 director of statewide planning or designee	Self appointed
1 director of Rhode Island housing or designee	Self appointed

one district court judge, to be appointed by the chief judge of the district court, who shall serve as chairperson of the board; the director of statewide planning or his or her designee; the director of Rhode Island housing or his or her designee; and six (6) members to be appointed by the governor, who shall include one local zoning board member, one local planning board member, two (2) city or town council members, one affordable housing developer, and one affordable housing advocate; and one municipal alternate member, appointed by the lieutenant governor, who may sit in the place of any of the four (4) municipal members in their absence.

(ii) Those members of the board as of the effective date of this act who were appointed to the board by members of the general assembly shall cease to be members of the board on the effective date of this act, and the governor shall thereupon nominate four (4) new municipal members, and the lieutenant governor shall thereupon nominate one new municipal alternate member. These five (5) new members shall serve for the balance of the current term of his or her predecessor.

(iii) All other members of the commission as of the effective date of this act shall continue to serve for the duration of their current terms.

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

(b) All appointments are for two (2) year terms and shall serve until another is appointed in their place;~~provided, that the initial terms of members appointed by the speaker of the house and president of the senate are for a period of one year except as otherwise provided in subsection (a)(ii) of this section.~~ A member shall receive no compensation for his or her services, but shall be reimbursed by the state for all reasonable expenses actually and necessarily incurred in the performance of his or her official duties. The board shall hear all petitions for review filed under section 45-53-5, and shall conduct all hearings in accordance with the rules and regulations established by the chair. Rhode Island housing shall provide space, and clerical and other assistance, as the board may require.

SECTION 25. Section 46-12.2-3 of the General Laws in Chapter 46-12.2 entitled "Rhode Island Clean Water Finance Agency" is hereby amended to read as follows:

46-12.2-3. Establishment of agency -- Composition of agency -- Appointment of directors. -- (a)

There is hereby created a body politic and corporate and public instrumentality of the state having distinct legal existence from the state and not constituting a department of the state government to be known as the Rhode Island clean water protection finance agency. The exercise by the agency of the powers conferred by this chapter shall be deemed to be the performance of an essential public function.

(b)(i) The powers of the agency shall be exercised by or under the supervision of a board of directors consisting of five (5) members, three (3) of whom shall be appointed by the governor, one of whom shall be appointed by the speaker of the house, and one of whom shall be appointed by the president of the senate appointed by the governor, with the advice and consent of the senate. The members appointed by the governor shall be appointed initially for terms, respectively, to expire on the first day of March 1990 and the first day of March in the years 1991, and 1992. Upon expiration of each term and each succeeding two (2) year term, the governor shall appoint a successor to serve for a term of two (2) years so that the governor's appointments shall serve for staggered terms of two (2) years. The members appointed by the speaker of the house and the president of the senate shall serve at the pleasure of the appointing authority.

(ii) Those members of the board as of the effective date of this act who are members of the general assembly shall cease to be members of the board on the effective date of this act, and the governor shall thereupon nominate two (2) new members, each of whom shall serve for the balance of the current term of his or her predecessor. The initial term of one of the new members shall expire on the first day of March 2005, and the initial term of the other new member shall expire on the first day of March 2006. Thereafter, all members of the board shall be appointed to terms of two (2) years, in accordance with subsection (b)(i) of this section.

(iii) Those members of the commission as of the effective date of this act who were appointed to the commission by the governor shall continue to serve for the duration of their current terms.

(c) Each member of the board of directors shall serve until his or her successor is appointed and qualified. The appointed member of the board of directors shall be eligible for reappointment. Any member of the board of directors appointed to fill a vacancy on the board shall be appointed for the unexpired term of the vacant position. Any member of the board of directors may be removed by the governor for misfeasance, malfeasance, or willful neglect of duty upon the filing by the governor with the secretary of state of a statement of facts and circumstances which form the basis for the removal. The governor shall designate one member of the board of directors to be the chairperson of the agency to serve in such capacity during his or her term as a member. The board of directors annually shall elect one of its members as vice chairperson. Three (3) members of the board of directors shall constitute a quorum, and the affirmative vote of three (3) members shall be necessary and shall suffice for any action

taken by the board of directors. No vacancy in the membership of the board of directors shall impair the right of a quorum to exercise the powers of the board of directors. The members of the board of directors shall serve without compensation but each member shall be reimbursed for all reasonable expenses incurred in the performance of his or her duties.

(d) Notwithstanding any other provision of general or special law to the contrary, any member of the board of directors, who is also an officer or employee of the state or of a local governmental unit or other public body, shall not thereby be precluded from voting for or acting on behalf of the agency, the state, or local governmental unit or other public body on any matter involving the agency, the state, or that local governmental unit or other public body, and any director, officer, employee, or agent of the agency shall not be precluded from acting for the agency on any particular matter solely because of any interest therein which is shared generally with a substantial segment of the public.

SECTION 26. Sections 46-15.1-2 and 46-15.1-2.3 of the General Laws in Chapter 46-15.1 entitled "Water Supply Facilities" are hereby amended to read as follows:

46-15.1-2. Board created -- Appointment of members. -- (a) There is hereby created a water resources board consisting of ~~thirteen (13)~~ ten (10) members as follows: Five (5) members shall represent the public and shall be appointed by the governor as herein provided, at least two (2) of whom shall be affiliated with public water systems in Rhode Island; ~~one member shall be from the house of representatives who shall be appointed by the speaker of the house of representatives and one member shall be from the senate who shall be appointed by the president of the senate;~~ one member to be selected by the Rhode Island agricultural council established pursuant to the provisions of chapter 3 of title 2 and who is actively engaged in the agricultural business, preferably an owner and/or operator of an agricultural business; the remaining five (5) members are the director of environmental management, the director of the Rhode Island economic development corporation, the director of the department of administration, and the director of the department of health, ~~and the chairperson of the joint committee on water resources;~~ all of whom shall serve ex officio. When this chapter shall take effect, the governor shall appoint one of the public members of the board to serve until the first day of March, 1992, two (2) members to serve until the first day of March, 1993, two (2) members to serve until the first day of March, 1994, and all to serve until their successors are appointed and qualified. In the month of February, 1992, and in the month of February in each year thereafter, the governor, with the advice and consent of the senate, shall appoint successors to the public members of the board whose terms shall expire in such year, to hold office commencing on the first day of March in the year of appointment and until the first day of March in the third year after their respective appointments and until their respective successors are appointed and qualified. The member selected by the Rhode Island agricultural council shall be selected by the executive committee of the Rhode Island agricultural council in the month of February, to hold office commencing on the first day of March in the year of appointment, and until the first day of March in the third year after his or her respective appointment and until his or her successor is qualified and appointed. Any vacancy which may occur in the board for a public member shall be filled by the governor, with the advice and consent of the senate, for the remainder of the unexpired term. Each ex officio member of the board may designate a subordinate within his or her department, and the chairperson of the joint committee on water resources may designate a subordinate within his or her department, ~~and the chairperson of the joint committee on water resources may designate a member of the committee or a member of its staff to represent him or her at all meetings of the board.~~

(b) The water resources board is designated to carry out the provisions of this chapter. In exercising its powers under this chapter the board constitutes a body politic and corporate and a public instrumentality of the state having a distinct legal existence from the state and not constituting a department of the state government. The board may take action under this chapter at any meeting of the board. A member of the board who is affiliated with a public water system in Rhode Island, as provided in section 46-15-2, shall not thereby be disqualified from acting as a member of the board on a transaction under this chapter with

a public water system. Upon the enactment of this chapter, and annually in the month of March thereafter, the board shall choose a treasurer to act as such under this chapter. The treasurer need not be a member of the board or of its staff and shall serve until his or her successor is chosen and takes office, unless sooner removed by the board with or without cause. In the event of a vacancy in the office of treasurer, the board shall fill the vacancy for the unexpired term.

(c) Nothing contained herein shall be construed as terminating or discontinuing the existence of the water resources board as it exists prior to July 1, 1993 for purposes of chapters 15.1, 15.2, and 15.3 of this title, and the water resources board created hereby shall be and shall be deemed to be a continuation of the water resources board as it existed prior to July 1, 1993 for the purposes enumerated in chapters 15.1, 15.2, and 15.3 of this title. Nothing contained herein shall affect the bonding or financing authority of the water resources board as it exists prior to July 1, 1993 nor shall anything contained herein be construed as terminating, altering, discontinuing, or in any way impairing the bonding or financing power of the water resources board as it exists under chapters 15.1, 15.2, and 15.3 of this title prior to July 1, 1993.

46-15.1-2.3. Officers of the board -- Quorum and vote required for action. -- Forthwith, and upon the enactment of this chapter, and annually in the month of March, thereafter, the board shall elect one of its public members as chairperson, one of its public members as vice chairperson, and shall also elect a secretary either from its membership or its technical staff. ~~Seven (7)~~ Six (6) members of the board constitutes a quorum and the vote of ~~seven (7)~~ six (6) members is necessary for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all of the duties of the board.

SECTION 27. Sections 46-23-2, 46-23-2.1 and 46-23-4 of the General Laws in Chapter 46-23 entitled "Coastal Resources Management Council" are hereby amended to read as follows:

46-23-2. Coastal resources management council created -- Appointment of members. -- (a) There is hereby created the coastal resources management council: which shall consist of sixteen (16) members, as follows:

~~(1) The coastal resources management council shall consist of sixteen (16) members, two (2) of whom shall be members of the house of representatives, at least one of the members shall represent a coastal municipality, appointed by the speaker, two (2) of whom shall be members of the senate, each of whom shall represent a coastal municipality, appointed by the president of the senate, two (2) of whom shall be from the general public appointed by the speaker of the house for a term of two (2) years, two (2) of whom shall be from a coastal municipality appointed by the speaker of the house for a term of three (3) years.~~

~~(2) (1) In addition, four~~ Four (4) of the members shall be appointed or elected officials of local government appointed by the governor, with the advice and consent of the senate, one of whom shall be from a municipality of less than twenty-five thousand (25,000) population, appointed to serve until January 31, 1972, one of whom shall be from a coastal municipality of more than twenty-five thousand (25,000) population, appointed to serve until January 31, 1973, and one of whom shall be from a coastal municipality of less than twenty-five thousand (25,000) population appointed to serve until January 31, 1974, and one of whom shall be from a coastal community of more than twenty-five thousand (25,000) population, appointed to serve until January 31, 1975, the populations are to Populations shall be determined by the latest federal census; all All municipal members shall serve until their successors are appointed and qualified; during the month of January, the governor shall appoint a municipal member to succeed the municipal member whose term will then next expire for a term of four (4) years commencing on the first day of February then next following and until his or her successor is named and qualified; each municipal appointment shall cease if the appointed or elected official shall no longer hold or change the office which he or she held upon appointment, and further, each appointee shall be eligible to succeed him or herself.

~~(3) (2) Three (3) Six (6)~~ members shall be appointed by the governor from the general public, with the advice and consent of the senate, ~~one of whom shall serve until January 1, 1972, one of whom shall serve until January 1, 1973 and one of whom shall serve until January 1, 1974; the members and their successors at least four (4) of whom shall represent a coastal community.~~

(3) Three (3) members shall be appointed by the governor, with the advice and consent of the senate, as follows: one member shall be appointed from a list of three (3) persons submitted by the Rhode Island League of Cities and Towns; one member shall be appointed from a list of three (3) persons submitted by the Rhode Island Sea Grant Program; and one member shall be appointed from a list of three (3) persons submitted by city or town with the largest amount of shoreline.

(4) Two (2) members shall be appointed by the lieutenant governor from the general public, with the advice and consent of the senate.

(5) Those members of the council as of the effective date of this act who were appointed by the governor shall continue to serve for the balance of their current terms. Those members of the council as of the effective date of this act who are members of the general assembly or who were appointed to the council by the speaker of the house of representatives shall cease to be members of the council on the effective date of this act, and the governor shall thereupon nominate three (3) new members pursuant to subsection (a)(2) of this section and three (3) new members pursuant to subsection (a)(3) of this section, and the lieutenant governor shall appoint two (2) new members pursuant to subsection (a)(4) of this section. New members shall first be appointed by the governor pursuant to subsection (a)(2), then by the lieutenant governor pursuant to subsection (a)(4), and then by the governor pursuant to subsection (a)(3). Those new members first appointed by the governor pursuant to subsection (a)(2) shall serve initial terms of three (3) years; those new members first appointed by the governor pursuant to subsection (a)(3) shall serve initial terms of one year; and those new members first appointed by the lieutenant governor pursuant subsection (a)(4) shall serve initial terms of two (2) years. Thereafter, all non-municipal appointed members of the council shall be appointed to serve for terms of three (3) years.

(4) (6) All non-municipal members shall serve until their successors are appointed and qualified; during the month of January, the governor and the lieutenant governor shall appoint, with advice and consent of senate, a member to succeed the members each member whose term will then next expire for a term of three (3) years commencing on the first day of February next following and until his or her successor is named and qualified. A member shall be eligible to succeed him himself or herself. No more than two (2) persons on the council shall be from the same community.

(5) (7) Appointments shall first be made by the governor, then by the president of the senate, and then by the speaker. The director of the Department of Environmental Management commissioner of the environmental protection branch or his or her designee within the department of environment shall serve ex officio. The ex-officio member shall not be counted as serving from any particular community.

(b) In addition to the foregoing voting members, the council shall include a varying number of other members who shall serve in an advisory capacity without the right to vote and who shall be invited to serve by either the governor or the voting members. These advisory members shall represent the federal agencies such as the navy, coast guard, corps of engineers, public health service, and the federal water pollution control administration, and such regional agencies as the New England river basins commission and the New England regional commission and any other group or interest not otherwise represented.

(c) There shall be established a coastal resources advisory committee which committee, appointed by the executive director of the coastal resources management council, shall include, but not be limited to, representation from the following groups: one of whom shall be a representative of the University of Rhode Island Graduate School of Oceanography and the College of Resources Development, one of whom shall be a representative of the Sea Grant National College Program, one of whom shall be a representative of the army corps of engineers, one of whom shall be a representative of the federal

~~environmental protection agency's Narragansett Bay laboratory, one of whom shall be a representative of the coastal resources management council, one of whom shall be the director of environmental management; one of whom shall be a member of the Rhode Island Marine Trade Association and one of whom shall be a representative of a regional environmental group. The council shall have the authority to appoint such additional members to said advisory committee as is deemed necessary or advisable by the advisory committee or the council. It shall be the responsibility of the committee to advise the coastal resources management council on environmental issues relating to dredging and permitting related thereto, including but not limited to those issues defined in sections 46-23-18.1—46-23-18.3, inclusive.~~

(d) The council shall have the authority to form committees of other advisory groups as needed from both its own members and others.

46-23-2.1. Members -- Term of office -- Vacancies. -- ~~(a) The term of office of the appointed members shall be three (3) years, only so long as the members shall remain eligible to serve on the council under the appointment authority.~~

~~(b) (a)~~ The members are eligible to succeed themselves.

~~(e) (b)~~ Elected or appointed municipal officials shall hold seats on the council, only so long as they remain in their elected or appointed office. Members of the senate and house shall serve at the pleasure of the appointing authority and shall not be subject to the provisions of subsection (b) of this section.

~~(d) (c)~~ A vacancy other than by expiration shall be filled in the manner of the original appointment but only for the unexpired portion of the term. The appointing authority shall have the power to remove its appointee for just cause.

46-23-4. Officers of the council -- Quorum and vote required for action. -- ~~The governor, upon the appointment of the appointed members of the council, shall select from the appointed members a chairperson and vice chairperson. The council shall thereupon select a secretary from among its membership or staff. The council may engage such staff, including legal counsel, as it deems necessary. A quorum shall consist of seven (7) members of the council. A majority vote of those present shall be required for action.~~

SECTION 28. Sections 46-25-6 and 46-25-7 of the General Laws in Chapter 46-25 entitled "Narragansett Bay Commission" are hereby amended to read as follows:

46-25-6. Composition of commission -- Appointment of members. -- (a) The commission shall consist of ~~twenty-three (23)~~ nineteen (19) members to be appointed in the following manner: ten (10) members shall be appointed by the governor from the public as herein provided. Two (2) members shall be appointed by the mayor of the city of Providence; one member each shall be appointed by the mayor of the town of North Providence, the mayor of the town of Johnston, mayor of the city of Pawtucket, mayor of the town of Cumberland, town administrator of the town of Lincoln, mayor of the city of Central Falls, and mayor of the city of East Providence. ~~Two (2) members of the house of representatives to be appointed by the speaker, and two (2) members of the senate to be appointed by the president of the senate.~~ Members of the commission who are members of the general assembly as of the effective date of this act shall cease to be members of the commission on the effective date of this act.

(b) The appointments to the commission shall be subject to the advice and consent of the senate, and shall be made as follows:

(1) The governor shall appoint two (2) members of the commission to serve until the first day of April, 1981, two (2) members to serve until the first day of April, 1982, four (4) members to serve until the first day of April, 1983, one member to serve until the first day of April 1993, one member to serve until the first day of April 1994, and all to serve until their successors are appointed and qualified. In the month of March in each year thereafter, the governor, with the advice and consent of the senate, shall appoint successors to the members of the commission whose term is expiring in that year, each member so appointed to hold office for a three (3) year period commencing on the first day of April in the year of

appointment and continuing until the first day of April in the third year after his or her appointment and until his or her successor is appointed and qualified. Any vacancy for a public member, which may occur in the commission, shall be filled by the governor for the remainder of the unexpired term.

(2) The mayor of the city of Providence shall appoint one member of the commission to serve until the first day of April, 1982, and one member to serve until the first day of April, 1983, and all to serve until their successors are appointed and qualified. The mayor of the town of North Providence and the mayor of the town of Johnston each shall appoint a member to serve until the first day of April, 1981, each member so appointed shall serve until his or her successor is appointed and qualified. The Mayor of the city of Pawtucket shall appoint one member of the commission to serve until the first day of April, 1993, and such member so appointed shall serve until his or her successor is appointed and qualified. The town administrator of the town of Lincoln and the mayor of the city of Central Falls shall each appoint one member of the commission to serve until the first day of April, 1994, and each member so appointed shall serve until his or her successor is appointed and qualified. The mayors of the town of Cumberland and the city of East Providence shall each appoint one member of the commission to serve until the first day of April, 1995, and each member so appointed shall serve until his or her successor is appointed and qualified. In the month of March in each year thereafter, the respective mayors and town administrator shall appoint a successor to the member of the commission whose term is expiring, each member so appointed to hold office for a three (3) year period, commencing on the first day of April in the year of appointment and continuing until the first day of April in the third year after his or her appointment and until his or her successor is appointed and qualified. ~~The legislative members so appointed by the speaker of the house of representatives and the president of the senate shall hold office for a three (3) year period and until their successor is appointed and qualified.~~ Any vacancy which may occur in the commission shall be filled by the appointing authority who originally appointed the member, subject to the advice and consent of the senate, and the appointment shall be for the remainder of the unexpired term.

(3) Members of the commission shall be eligible for reappointment.

46-25-7. Officers of the commission -- Quorum and vote required. -- Forthwith, after May 16, 1980, and annually in the month of April thereafter, the commission shall elect one of its members as chairperson, and one of its members as vice chairperson. ~~Twelve (12)~~ Ten (10) members of the commission shall constitute a quorum. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all of the duties of the commission.

SECTION 29. Section 5 of Chapter 344 of the 2003 Public Laws entitled "An Act Relating to Special Development Districts -- East Providence" is hereby amended to read as follows:

Section 5. District governance -- Commission. The powers of the District shall be exercised by a commission as herein provided.

(a) Membership of the Commission. There shall be a commission of ~~nineteen (19)~~ seventeen (17) members as follows: five (5) members shall be appointed by the City Council, the terms shall be four (4) years, with the initial appointments being two (2) for two (2) year terms, two (2) for three (3) year terms, one (1) for a four (4) year term, who shall be either electors or property owners of the City or persons engaged in business in the City; five (5) members appointed by the Governor, with the advice and consent of the Senate, the terms shall be four (4) years, with the one (1) for a four (4) year term, who shall have expertise in the following areas: architecture, planning, labor, finance, and commercial real estate development; the Mayor, with the approval of the City Council, and the Governor shall jointly appoint a member who shall be the chairperson, subject to the advice and consent of the Senate, who shall have a four (4) year term; in addition to these voting members, there shall be ~~eight (8)~~ six (6) ex officio, non-voting members as follows: the City Manager, the City Planning Director, the Public Works Director, the Executive Director of the RI Economic Development Corp, the Director of the Department of Transportation, and the Director of the Department of Environmental Management or an associate

director designated by the director, ~~a member of the Senate appointed by the Senate President, and a member of the House appointed by the Speaker.~~ In the event of a vacancy occurring in the office of a member by death, resignation, or otherwise, that vacancy shall be filled in the same manner as an original appointment, but only for the remainder of the term of the former member. Each member of the Commission may serve until a successor is appointed and qualified.

(b) The commissioners shall receive no compensation for the performance of their duties under this chapter, but each commissioner shall be reimbursed for his or her reasonable expenses incurred in carrying out those duties. A commissioner may engage in private employment, or in a profession or business.

(c) The chairperson shall designate a vice chairperson who shall serve at the pleasure of the chairperson. Seven (7) voting commissioners shall constitute a quorum, and any action to be taken by the District under the provisions of this chapter may be authorized by resolution approved by a majority of the commissioners present and entitled to vote at any regular or special meeting at which a quorum is present. A vacancy in the membership of the Commission shall not impair the right of a quorum to exercise all of the rights and perform all of the duties of the commission.

(d) The Commission shall appoint a secretary and such additional officers and staff members as they shall deem appropriate and shall determine the amount of reasonable compensation, if any, each shall receive. The Commission may vest in an executive director or the director's subordinates the authority to appoint additional staff members and to determine the amount of compensation each individual shall receive.

(e) No full-time employee shall during the period of his or her employment by the District engage in any other private employment, profession, or business, except with the approval of the board of directors.

(f) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a director, officer, or employee of any financial institution, investment banking firm, brokerage firm, commercial bank, trust company, building-loan association, architecture firm, insurance company, or any other firm, person, or corporation to serve as a commissioner, nor shall any contract or transaction between the District and a financial institution, investment banking firm, brokerage firm, commercial bank, trust company, building-loan association, architecture firm, insurance company, or other firm, person, or corporation be void or voidable by reason of that service as director of the District. If any commissioner, officer, or employee of the District shall be interested either directly or indirectly, or shall be a director, officer, or employee of or have an ownership interest (other than as the owner of less than one percent (1%) of the shares of a publicly-held corporation) in any firm or corporation interested directly or indirectly in any contract with the Commission, that interest shall be disclosed to the Commission and set forth in the minutes of the Commission, and the Commissioner, officer, or employee having that ownership interest shall not participate on behalf of the Commission in the authorization of that contract. Interested commissioners may be counted in determining the presence of a quorum at a meeting of the Commission which authorizes the contract or transaction.

(g) Any action taken by the Commission under the provisions of this chapter may be authorized by vote at any regular or special meeting, and each vote shall take effect immediately. All meetings shall be open to the public and all records shall be a matter of public record except that if a majority of the Commission decides, consistent with the requirements of the open meetings law, that it would be in the best interests of the District and the City and/or the State to hold an executive session in private, then the Commission is authorized to transact any business as allowable under law at that executive session in private, and the record of the executive session shall not become a matter of public record until the transaction discussed has in the opinion of the Commission been completed.

(h) Employees of the District shall not, by reason of their employment, be deemed to be employees of the State or the City for any purpose, any other provision of the general laws, charter, or ordinance to the contrary notwithstanding.

SECTION 30. Section 5 of Chapter 345 of the 2003 Public Laws entitled "An Act Relating to Special Development Districts – East Providence" is hereby amended to read as follows:

Section 5. District governance -- Commission. The powers of the District shall be exercised by a commission as herein provided.

(a) Membership of the Commission. There shall be a commission of ~~nineteen (19)~~ seventeen (17) members as follows: five (5) members shall be appointed by the City Council, the terms shall be four (4) years, with the initial appointments being two (2) for two (2) year terms, two (2) for three (3) year terms, one (1) for a four (4) year term, who shall be either electors or property owners of the City or persons engaged in business in the City; five (5) members appointed by the Governor, with the advice and consent of the Senate, the terms shall be four (4) years, with the one (1) for a four (4) year term, who shall have expertise in the following areas: architecture, planning, labor, finance, and commercial real estate development; the Mayor, with the approval of the City Council, and the Governor shall jointly appoint a member who shall be the chairperson, subject to the advice and consent of the Senate, who shall have a four (4) year term; in addition to these voting members, there shall be ~~eight (8)~~ six (6) ex officio, non-voting members as follows: the City Manager, the City Planning Director, the Public Works Director, the Executive Director of the RI Economic Development Corp, the Director of the Department of Transportation, and the Director of the Department of Environmental Management or an associate director designated by the director, ~~a member of the Senate appointed by the Senate President, and a member of the House appointed by the Speaker.~~ In the event of a vacancy occurring in the office of a member by death, resignation, or otherwise, that vacancy shall be filled in the same manner as an original appointment, but only for the remainder of the term of the former member. Each member of the Commission may serve until a successor is appointed and qualified.

(b) The commissioners shall receive no compensation for the performance of their duties under this chapter, but each commissioner shall be reimbursed for his or her reasonable expenses incurred in carrying out those duties. A commissioner may engage in private employment, or in a profession or business.

(c) The chairperson shall designate a vice chairperson who shall serve at the pleasure of the chairperson. Seven (7) voting commissioners shall constitute a quorum, and any action to be taken by the District under the provisions of this chapter may be authorized by resolution approved by a majority of the commissioners present and entitled to vote at any regular or special meeting at which a quorum is present. A vacancy in the membership of the Commission shall not impair the right of a quorum to exercise all of the rights and perform all of the duties of the commission.

(d) The Commission shall appoint a secretary and such additional officers and staff members as they shall deem appropriate and shall determine the amount of reasonable compensation, if any, each shall receive. The Commission may vest in an executive director or the director's subordinates the authority to appoint additional staff members and to determine the amount of compensation each individual shall receive.

(e) No full-time employee shall during the period of his or her employment by the District engage in any other private employment, profession, or business, except with the approval of the board of directors.

(f) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a director, officer, or employee of any financial institution, investment banking firm, brokerage firm, commercial bank, trust company, building-loan association, architecture firm, insurance company, or any other firm, person, or corporation to serve as a commissioner, nor shall any contract or transaction between the District and a financial institution, investment banking firm, brokerage firm, commercial

bank, trust company, building-loan association, architecture firm, insurance company, or other firm, person, or corporation be void or voidable by reason of that service as director of the District. If any commissioner, officer, or employee of the District shall be interested either directly or indirectly, or shall be a director, officer, or employee of or have an ownership interest (other than as the owner of less than one percent (1%) of the shares of a publicly-held corporation) in any firm or corporation interested directly or indirectly in any contract with the Commission, that interest shall be disclosed to the Commission and set forth in the minutes of the Commission, and the Commissioner, officer, or employee having that ownership interest shall not participate on behalf of the Commission in the authorization of that contract. Interested commissioners may be counted in determining the presence of a quorum at a meeting of the Commission which authorizes the contract or transaction.

(g) Any action taken by the Commission under the provisions of this chapter may be authorized by vote at any regular or special meeting, and each vote shall take effect immediately. All meetings shall be open to the public and all records shall be a matter of public record except that if a majority of the Commission decides, consistent with the requirements of the open meetings law, that it would be in the best interests of the District and the City and/or the State to hold an executive session in private, then the Commission is authorized to transact any business as allowable under law at that executive session in private, and the record of the executive session shall not become a matter of public record until the transaction discussed has in the opinion of the Commission been completed.

(h) Employees of the District shall not, by reason of their employment, be deemed to be employees of the State or the City for any purpose, any other provision of the general laws, charter, or ordinance to the contrary notwithstanding.

SECTION 31. Section 2 of Chapter 332 of the Public Laws of 1981, entitled "Capital Center Commission," as amended by Article XXV of Chapter 167 of the Public Laws of 1983, and as further amended by Chapter 19 of the Public Laws of 1994, is hereby further amended to read as follows: Sec. 2 "Capital Center Commission" is hereby created as a public corporation with the following purposes and powers:

(1) Capital Center Commission Constituted Public Corporation and Agency of the State. – The capital center commission (hereinafter sometimes referred to as the "Commission", heretofore created as a nonbusiness corporation under and pursuant to sections 7-6-1 to 7-6-18 of the general laws, as amended, is hereby constituted and established as a public corporation and instrumentality of the state of Rhode Island, with such powers as are set forth in this act and is authorized, upon being duly designated therefor by a city council pursuant to section 45-24.4-6 of the general laws, as amended, to adopt, implement and administer a plan of development for a special development district, as provided for by the Rhode Island Special Development District Act. The exercise by the commission of the powers conferred by this act will be deemed and held to be the performance of an essential governmental function.

(2) Purposes. – The commission is constituted and established for the purpose of accepting the designation of a city council pursuant to section 45-24.4-6 of the general laws, as amended, as a special development district commission with the power to adopt, implement and administer a plan of development for a special development district, as provided for by the Rhode Island Special Development District Act.

(3) Powers. – Except to the extent inconsistent with any specific provision of this act, the commission shall have the power:

(a) To sue and be sued, complain and defend, in its corporate name.

(b) To have a seal which may be altered at pleasure and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any manner reproduced.

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

- (d) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets for such consideration and upon such terms and conditions as the commission shall determine.
- (e) To make contracts and guarantees and incur liabilities, and to borrow money at such rates of interest as the commission may determine.
- (f) To make and execute agreements of lease, conditional sales contracts, installment sales contracts, loan agreements, mortgages, construction contracts, operation contracts, and other contracts and instruments necessary or convenient in the exercise of the powers and functions of the commission granted by this act.
- (g) To lend money for its purposes, invest and reinvest its funds, and at its option to take and hold real and personal property as security for the payment of funds so loaned and invested.
- (h) To acquire or contract to acquire, from any person, firm, corporation, municipality, the federal government or the state, or any agency of either the federal government or state, by grant, purchase, lease, gift, or otherwise, or to obtain options for the acquisition of any property, real or personal, improved or unimproved, and interests in land less than the fee thereof; and to own, hold, clear, improve, develop and rehabilitate, and to sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber the same for the purposes of carrying out the provisions and intent of this chapter, for such consideration as the commission shall determine.
- (i) To conduct its activities, carry on its operations, and have offices and exercise the powers granted by this act.
- (j) To elect or appoint officers and agents of the commission and define their duties and fix their compensation.
- (k) To make and alter by-laws, not inconsistent with this act, for the administration and regulation of the affairs of the commission. Such by-laws may contain provisions indemnifying any person who is or was a director, officer, employee or agent of the commission, or is or was serving at the request of the commission, as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, in the manner and to the extent provided in section 7-1.1-4.1 of the Rhode Island business corporation act.
- (l) To be a promoter, partner, member, associate, or manager of any partnership, enterprise or venture.
- (m) To levy, collect and administer the funds derived from special assessments upon the owners of real property within the special development district, which assessments may be used to provide supplemental services, such as sanitation and maintenance, within the district, or to plan, establish, acquire, construct, contract for, subsidize, operate, or otherwise develop parking facilities, special transportation systems, special lighting, special street or sidewalk design, landscaping, pedestrian malls, cultural activities, and such other improvements, systems, services, or activities within the bounds of the special development district that may beneficially affect such district, provided, however, that such special assessments may be levied, collected, and administered only in the following manner:
- (i) Special assessments may be levied from time to time only upon the written request of the owners of a majority in fair market value of the real property and any improvements thereon located in the district, may not exceed an amount approved in writing from time to time by the owners of a majority in fair market value of the real property and any improvements thereon located in the district, and may be used only for such purposes as are approved in writing by the owners of a majority in fair market value of the real property and any improvements thereon located in the district.
- (ii) Any part of a special assessment collected but not expended during one fiscal year may be expended for the purposes hereinabove set forth during the ensuing fiscal year.
- (iii) Special assessments shall be levied on all owners of real property within the district in proportion to the fair market value of the real property including any improvements thereon, that they own within the district.

For the purposes of this section, the fair market value of all real property and any improvements thereon within the district shall be the full and fair cash value that reflects a hypothetical bargain between a willing seller and a willing buyer. The fair market value shall be determined by the commission through appraisal or other appropriate procedures not less than once every five years as of the thirty-first day of December in any year at twelve o'clock midnight. The fair market value of any property upon which improvements have been constructed after the date of any given valuation by the commission shall be determined by the commission by projecting what the fair market value of the improvements would have been had they been constructed to that degree on the date of the last valuation. The commission shall arrive at this projected fair market value on the basis of a ratio derived by comparing the most recent sales of comparable property within the district to the fair market value of those pieces of property as of the last valuation by the commission.

(n) To have and exercise all powers necessary or convenient to effect its purposes.

(4) Commissioners; Term of Office; Officers. -- (a) The powers of the commission will be vested in the board of commissioners duly appointed pursuant to the provisions of this paragraph. Successors to the commissioners, currently serving, will be appointed as follows:

(1) On or after June 30, 1993, the board of commissioners shall consist of thirteen (13) appointed commissioners twelve (12) of whom have been appointed in the following manner: four (4) appointed by the governor of the state of Rhode Island; four (4) appointed by the mayor of the city of Providence; four (4) appointed by the chairperson of the Providence Foundation, a Rhode Island non-business corporation formed for certain charitable purposes; and one (1) (who is the chairperson of the commission) appointed by majority vote of the governor, the mayor, and the chairperson of the Providence Foundation. (The said governor, the mayor, and the chairperson of the Providence Foundation are hereinafter sometimes referred to as the "appointing authorities").

(2) On or after June 30, 1993, in addition to the thirteen (13) appointed commissioners, the following ~~four (4)~~ two (2) individuals shall serve as ex officio commissioners: ~~a) the chairperson of the corporations committee of the house of representatives of the Rhode Island general assembly; b) the chairperson of the corporations committee of the senate of the Rhode Island general assembly; c) a) the chairperson of the finance committee of the Providence city council; d) b) the chairperson of the committee on urban redevelopment renewal, and planning of the Providence city council, or the designee of any of the above-named individuals.~~

(3) The appointed commissioners presently serving, including the chairperson, shall continue to serve until the expiration of their present terms except as specifically provided herein. During the month of June, 1993, the appointing authorities will appoint commissioners (other than chairperson) as follows: Each of the appointing authorities will appoint one (1) commissioner to serve a four-year term then expiring; provided, however, if on June 30, 1993, there are two (2) commissioners appointed by the governor serving a term expiring on June 30, 1996, the governor shall fill the vacancy created by the expiration of the term of the governor's appointee on June 30, 1993 by extending for one (1) year to June 30, 1997 the term of one (1) of the two (2) commissioners appointed by the governor whose term would expire June 30, 1996, thereby reducing the number of commissioners appointed by the governor to four (4). During the month of June of each succeeding year after 1993, the appointing authorities will appoint commissioners to serve for terms of four (4) years to succeed the members (including the chairperson) whose terms expire on June 30 of each such year.

~~The term of the commissioner who is a member of the house of representatives appointed by the speaker shall expire on June 30, 1993; the term of the commissioner who is a member of the senate appointed by the majority leader shall expire on June 30, 1993; on and after June 30, 1993 the speaker of the house of representatives and the majority leader of the senate shall no longer be appointing authorities.~~

(b) Each commissioner will be eligible for reappointment. Each commissioner whose term of office expires shall continue to hold office until his or her successor is appointed and has qualified. Each

commissioner, before entering upon his or her duties, will take an oath to support the Constitution and laws of the state, and the Constitution of the United States, and to faithfully and impartially discharge the duties of his or her office. The commissioners will receive no compensation for the performance of their duties but may be reimbursed for their reasonable expenses incurred in carrying out such duties.

(c) The board of commissioners may designate from among its members an executive committee and one or more other committees each of which, to the extent authorized by the board of commissioners, will have and may exercise all the authority of the board of commissioners, but no such committee shall have the authority of the board of commissioners in reference to the disposition of all or substantially all the property and assets of the commission, or amending the by-laws of the commission.

(d) Any action required by this act to be taken at a meeting of the board of commissioners or any action which may be taken at a meeting of the board of commissioners, or committee thereof, may be taken without a meeting if a consent in writing, setting forth the action so to be taken shall be signed before or after such action by all of the commissioners, or all of the members of the committee, as the case may be.

(e) Employees of the commission shall not, by reason of such employment, be deemed to be employees of the state for any purpose, any other provision of the general laws to the contrary notwithstanding, including, without limiting the generality of the foregoing, chapters 29, 39, and 42 of title 28 and chapters 4, 8, 9 and 10 of title 36.

* * *

(7) Notes and Bonds as Legal Investments. -- The notes and bonds of the commission are hereby made securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions, all insurance companies and associations, and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and saving associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them, provided the commission shall not issue notes or bonds under this section in excess of fifty thousand dollars (\$50,000.00) without the express approval of the general assembly and shall not issue notes or bonds under this section in excess of two million dollars (\$2,000,000.00) without the express approval of the qualified electors of the state of Rhode Island at a special or general elections.

SECTION 32. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act, which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 33. This act shall take effect sixty (60) days after the ratification of a constitutional amendment entitled "JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (SEPARATION OF POWERS)."

Respectfully submitted,
SENATOR LENIHAN

The motion to amend prevails upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Lenihan moves passage of the act as amended, seconded by Senators Cote, Damiani, Sosnowski, Roberts, Sheehan and Felag.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

21. 2004-H 7355 SUB A

BY Coderre E

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES

Committee on Constitutional & Gaming Issues recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

Senator Goodwin moves passage, seconded by Senators Gallo, Bates, Sosnowski and Sheehan.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

22. 2004-H 7732 SUB A

BY Dennigan

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE CURRENT STRENGTHS AND WEAKNESSES OF LIBRARY SERVICES IN THE STATE OF RHODE ISLAND

Committee on Constitutional & Gaming Issues recommends indefinite postponement of the

original bill and passage of Substitute A.

Senator Goodwin moves passage, seconded by Senator Roberts.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

23. 2004-H 7766 SUB B

BY Lewiss

**ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL
LICENSES**

Committee on Constitutional & Gaming Issues recommends indefinite postponement of the original bill and the Substitute A and passage of Substitute B.

Senator Goodwin moves passage, seconded by Senators Bates and Damiani.

The bill marked Substitute "B" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

24. 2004-H 7896

BY Fox

**ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY -- PERMANENT
JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS,
BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS**

Committee on Constitutional & Gaming Issues recommends passage in concurrence.

Senator Goodwin moves passage, seconded by Senators Sosnowski, Damiani, Felag, Sheehan and many others.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

25. 2004-H 8041

BY Fox

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
RHODE ISLAND STATE BOARD OF EXAMINERS OF LANDSCAPE
ARCHITECTS

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

Senator Cote moves passage, seconded by Senator Lenihan.

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

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

26 2004-H 8120

BY Gallison

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO
TAXATION

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

Senator Caprio moves passage, seconded by Senators Parella and Felag.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

27. 2004-H 8268

BY Menard

ENTITLED, AN ACT RELATING TO HOMESTEAD EXEMPTIONS IN THE TOWN OF LINCOLN

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

Senator Connors moves passage, seconded by Senators Caprio and Ruggerio.

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

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

28. 2004-H 8271 as amended

BY Murphy

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ABRAHAM LINCOLN BICENTENNIAL COMMISSION

Committee on Constitutional & Gaming Issues recommends passage as amended in concurrence.

Senator Goodwin moves passage, seconded by Senators Paiva-Weed and Parella.

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

YEAS- 35: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

29. 2004-H 8376 as amended

BY Winfield

ENTITLED, AN ACT RELATING TO THE ELIMINATION OF SCHOOL COMMITTEE PRIMARY ELECTIONS IN THE TOWN OF GLOCESTER, RHODE ISLAND

Committee on Commerce, Housing & Municipal Government recommends passage as amended in concurrence.

Senator Fogarty moves passage, seconded by Senator Gallo.

The act is read and passed, by unanimous consent, as amended, in concurrence, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

30. 2004-H 8395

BY Gorham

ENTITLED, AN ACT ESTABLISHING A BOUNDARY (A PORTION THEREOF)
BETWEEN THE TOWNS OF COVENTRY AND WEST GREENWICH

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

Senator Breene moves passage, seconded by Senators Blais, Raptakis, Issa and McBurney.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

31. 2004-H 8499 as amended

BY Winfield

ENTITLED, AN ACT EXEMPTING FROM TAXATION PROPERTY OF HARMONY
HILL SCHOOL, INC. TO AN AMOUNT NOT EXCEEDING TEN
MILLION DOLLARS (\$10,000,000)

Committee on Commerce, Housing & Municipal Government recommends passage as amended.

Senator Caprio moves passage, seconded by Senators Blais, Parella and others.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Tassoni

32. 2004-H 8560

BY Flaherty

ENTITLED, AN ACT RELATING TO TAX CREDIT IN THE CITY OF WARWICK

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

Senator Caprio moves passage, seconded by Senators Roberts, McCaffrey, Lenihan and Walaska.

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

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

REPORTS OF COMMITTEES

COMMITTEE ON ENVIRONMENT AND AGRICULTURE

Senator Sosnowski, from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measures:

Senate Bill No. 3146

BY Senator Felag

ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE -- SHELLFISH AND AQUACULTURE.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8359 SUB A as amended

BY Naughton, Ginaitt, Giannini, Crowley, Carter

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- THE RHODE ISLAND BAYS, RIVERS, AND WATERSHEDS COORDINATION TEAM

Read and ordered to be placed on the Calendar

REPORTS OF COMMITTEES

TRANSFER OF BILLS

Senator Caprio for the Committee on Commerce, Housing and Municipal Government reports back the following measure, with recommendation of transfer to the Committee on Finance:

Senate Bill No. 2929

BY Senators Damiani, Polisena, Issa, DaPonte, McCaffrey

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS -- CONTINUATION OF EMPLOYMENT

Read and referred to the Committee on Finance

ANNOUNCEMENTS

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

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

Senator Gallo announces that the Committee on Education will meet on Thursday, June 17, 2004, at 3:00 o'clock P.M., in Room 211 of the State House.

Senator Bates announces that the Committee on Financial Services, Technology and Regulatory Issues will meet on Thursday, June 17, 2004, at 2:45 o'clock P.M., in the Senate Lounge of the State House.

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet on Thursday, June 17, 2004, at the rise of the Senate, in Room 212 of the State House.

Senator Gallo announces that the Committee on Finance will meet on Thursday, June 17, 2004, at the rise of the Senate, in Room 211 of the State House.

FROM THE HOUSE OF REPRESENTATIVES

A message from the House of Representatives transmits with announcement of passage, of the following measures:

House Bill No. 8648 as amended
BY Brien T, Laroche, Picard, Kilmartin, Fox
ENTITLED, AN ACT RELATING TO TAXATION.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2105 SUB A as amended
BY Senators Cote, Walaska, Tassoni
ENTITLED, AN ACT RELATING TO DISTRIBUTION OF CREDIT CARDS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 3043 SUB A
BY Senators Connors, Montalbano J
ENTITLED, AN ACT RELATING TO ANIMALS - DOGS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2681 SUB B
BY Senator Blais
ENTITLED, AN ACT RELATING TO PHYSICAL THERAPISTS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2693 SUB A
BY Senator Roberts
ENTITLED, AN ACT RELATING TO INSURANCE

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2129 SUB B (Attorney General)**BY** Senators Polisena, Damiani, Sosnowski, Algieri, Breene**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8443**BY** Fox, Costantino, Lewiss, Lima, Crowley**ENTITLED**, AN ACT RELATING TO THE CODE OF ETHICS.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2726 SUB B as amended**BY** Senators McCaffrey, Walaska**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7989**BY** Crowley, Fox, Williamson**ENTITLED**, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS.

Received and referred to the Senate Committee on Education

Also:

House Bill No. 8010 SUB A**BY** McNamara**ENTITLED**, AN ACT RELATING TO EDUCATION -- PRIVATE SCHOOLS

Received and referred to the Senate Committee on Education

Also:

House Bill No. 8580**BY** Rose, Savage, Dennigan, Moura, Coogan**ENTITLED**, AN ACT AUTHORIZING THE CITY OF EAST PROVIDENCE, TO FINANCE THE ACQUISITION OF A SITE AND THE DESIGN AND CONSTRUCTION OF A MULTI-PURPOSE COMMUNITY/RECREATION COMPLEX IN LIEU OF CONVERTING MARTIN MIDDLE SCHOOL TO SUCH PURPOSE, AS WAS PREVIOUSLY APPROVED BY THE VOTERS OF EAST

PROVIDENCE, AND TO ISSUE NOT MORE THAN \$5,000,000 BONDS AND NOTES THEREFOR.

Received and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

House Bill No. 8566

BY McManus, Menard, Petrarca

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION.

Received and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

House Bill No. 8551

BY Winfield, Petrarca

ENTITLED, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES.

Received and referred to the Senate Committee on Commerce, Housing and Municipal Government

NEW BUSINESS

Senate Bill No. 3201

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION - WATER POLLUTION.

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 3202

BY Senators Revens, Lenihan, McCaffrey, Walaska, Raptakis

ENTITLED, AN ACT RELATING TO THE CITY OF WARWICK TO PLACE ON THE BALLOT A QUESTION AUTHORIZING \$2,000,000 IN BONDS TO PURCHASE OPEN SPACE.

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

Also:

Senate Bill No. 3203

BY Senator Breene

ENTITLED, AN ACT CREATING THE SHANNOCK WATER DISTRICT.

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

Also:

Senate Bill No. 3204

BY Senators Revens, Lenihan, McCaffrey, Walaska, Raptakis

ENTITLED, AN ACT RELATING TO THE CITY OF WARWICK.

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

Also:

Senate Bill No. 3205

BY Senators Polisena, Paiva-Weed

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- EMERGENCY MEDICAL TRANSPORTATION SERVICES.

Read and referred to the Senate Committee on Finance

Also:

Senate Resolution No. 3206

BY Senators Revens, Lenihan, McCaffrey, Walaska, Raptakis

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNOR OF THE STATE OF RHODE ISLAND AND THE RHODE ISLAND AIRPORT CORPORATION TO TAKE IMMEDIATE ACTION TO PROTECT ALL IDENTIFIABLE INDIVIDUALS IMPACTED BY THE EXCESSIVE NOISE GENERATED AT T.F. GREEN AIRPORT.

Read and referred to the Senate Committee on Constitutional and Gaming Issues

ADJOURNMENT

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

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR BEATRICE A. LANZI

Eternal Father, give us Your wisdom and grace to make this state a better place. Guide all of us to uphold what is right and seek what is true. Amen.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, JUNE 17, 2004:**

- 1 Appointment of Adelita Orefice of Providence VICE Marvin Perry as Director of the Department of Labor and Training.**

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

- 2 2004-S 3089 as amended**

BY Fogarty P

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
MILL BUILDING AND ECONOMIC REVITALIZATION ACT**

Ordered on the Calendar

- 3 2004-S 2317 SUB B**

BY Perry

**ENTITLED, AN ACT RELATING TO DETERMINATION OF NEED FOR NEW
HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL
HEALTH SERVICES**

Ordered on the Calendar

- 4 2004-S 2273**

BY Tassoni

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --

DEPARTMENT OF TRANSPORTATION

Committee on Commerce, Housing & Municipal Government recommends passage.

- 5 2004-S 2405**

BY Connors

**ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
PARTICULAR ACTIONS -- ARBITRATION**

Committee on Judiciary recommends passage.

- 6 2004-S 2476**

BY McCaffrey

**ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
STATE PURCHASES**

Committee on Judiciary recommends passage.

7 2004-H 7239 SUB A

BY Fox

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

8 2004-H 7475

BY Flaherty

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
PARTICULAR ACTIONS -- ARBITRATION

Committee on Judiciary recommends passage in concurrence.

IN ORDER FOR TUESDAY, JUNE 22, 2004:

1 2004-S 2726 SUB B as amended

BY McCaffrey

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND
PARTNERSHIPS

Ordered on the Calendar

2 2004-S 2105 SUB A as amended

BY Cote

ENTITLED, AN ACT RELATING TO DISTRIBUTION OF CREDIT CARDS

Ordered on the Calendar

3 2004-S 2129 SUB B

BY Polisena

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS

Ordered on the Calendar

4 2004-S 2681 SUB B

BY Blais

ENTITLED, AN ACT RELATING TO PHYSICAL THERAPISTS

Ordered on the Calendar

5 2004-S 2693 SUB A

BY Roberts

ENTITLED, AN ACT RELATING TO INSURANCE

Ordered on the Calendar

6 2004-S 3043 SUB A

BY Connors

ENTITLED, AN ACT RELATING TO ANIMALS - DOGS

Ordered on the Calendar

7 2004-S 3148 SUB A

BY Tassoni

ENTITLED, AN ACT RELATING TO HOUSING

Committee on Commerce, Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

8 2004-S 3146

BY Felag

ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE -- SHELLFISH
AND AQUACULTURE

Committee on Environment & Agriculture recommends passage.

9 2004-S 3132

BY Bates

ENTITLED, AN ACT AUTHORIZING THE BRISTOL WARREN REGIONAL
SCHOOL DISTRICT TO FINANCE PHASE ONE OF THE ELEMENTARY
FACILITIES PROGRAM FOR CONSTRUCTION OF ADDITIONS, IMPROVEMENTS AND
RENOVATIONS TO HUGH COLE ELEMENTARY SCHOOL IN WARREN, RHODE ISLAND
AND TO COLT MEMORIAL, ANDREWS AND ROCKWELL SCHOOLS IN BRISTOL, RHODE
ISLAND, INCLUDING SITE INFRASTRUCTURE AND IMPROVEMENTS, THE FURNISHING
AND EQUIPPING THEREOF AND THE PROVISION OF ARCHITECTURAL, ENGINEERING,
SURVEYING AND OTHER SERVICES NECESSARY OR APPROPRIATE THEREFOR, AND TO
ISSUE NOT MORE THAN \$22,800,000
BONDS AND NOTES THEREFOR

Committee on Finance recommends passage.

10 2004-S 3143

BY Breene

ENTITLED, AN ACT IN AMENDMENT OF CHAPTER 55 OF THE PUBLIC
LAWS, 1958, AS AMENDED, ENTITLED "AN ACT
AUTHORIZING THE TOWNS OF CHARLESTOWN, RICHMOND AND
HOPKINTON, TO JOIN A REGIONAL SCHOOL DISTRICT,
INCORPORATING SAID REGIONAL SCHOOL DISTRICT, AND
PROVIDING FOR THE ISSUANCE OF BONDS, CONSTRUCTION
AND OPERATION OF A REGIONAL SCHOOL SYSTEM FOR THE
JOINT USE OF THE PARTICIPATING TOWNS, WITHIN SAID

REGIONAL SCHOOL DISTRICT ESTABLISHED BY THIS ACT."

Committee on Finance recommends passage.

11 2004-S 3151**BY Gallo**

ENTITLED, AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$1,000,000 BONDS AND NOTES TO FINANCE THE PURCHASE OF PUBLIC WORKS AND HIGHWAY EQUIPMENT FOR A TERM NOT TO EXCEED TEN (10) YEARS

Committee on Finance recommends passage.

12 2004-S 3153**BY Algieri**

ENTITLED, AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO FINANCE THE DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING OF AN AUDITORIUM AT THE MIDDLE SCHOOL/HIGH SCHOOL IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$3,000,000 BONDS AND/OR NOTES THEREFOR

Committee on Finance recommends passage.

13 2004-S 3154**BY Algieri**

ENTITLED, AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO FINANCE CAPITAL COSTS ASSOCIATED WITH THE TOWN'S WITHDRAWAL FROM THE CHARIHO REGIONAL SCHOOL DISTRICT INCLUDING THE ACQUISITION OF LAND FOR AND THE DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING OF A MIDDLE SCHOOL/HIGH SCHOOL COMPLEX AND THE RENOVATION, REHABILITATION, REPAIR, IMPROVEMENT AND EQUIPPING OF AND/OR ADDITIONS TO EXISTING SCHOOLS AND SCHOOL FACILITIES IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$34,900,000 BONDS AND/OR NOTES THEREFOR

Committee on Finance recommends passage.

14 2004-S 3164**BY Felag**

ENTITLED, AN ACT AUTHORIZING THE TOWN OF TIVERTON TO FINANCE THE CONSTRUCTION, RENOVATION, ALTERATION, REPAIR, IMPROVEMENT, EQUIPPING AND FURNISHING OF, AND/OR ADDITIONS TO, THREE PUBLIC ELEMENTARY SCHOOLS IN THE TOWN INCLUDING, BUT NOT LIMITED TO, ENGINEERING AND ARCHITECTURAL COSTS AND TO ISSUE NOT MORE THAN \$30,700,000 BONDS AND/OR NOTES THEREFOR INCLUDING BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Committee on Finance recommends passage.

15 2004-S 2481 SUB A

BY Goodwin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

16 2004-S 2902 SUB A

BY DaPonte

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

17 2004-S 2987 SUB A

BY Alves

**ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
RESPONSIBILITY OF OWNERS OF RENTAL VEHICLES**

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

18 2004-S 3046 SUB A

BY Damiani

ENTITLED, AN ACT RELATING TO CRIMINAL LAW

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

19 2004-S 3150

BY Sosnowski

ENTITLED, AN ACT RELATING TO ELECTIONS - VOTER REGISTRATION

Committee on Judiciary recommends passage.

20 2004-S 3170 SUB A

BY Montalbano J

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
LEAD HAZARD MITIGATION**

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

21 2004-H 8443

BY Fox

ENTITLED, AN ACT RELATING TO THE CODE OF ETHICS

Ordered on the Calendar

22 2004-H 8648 as amended

BY Brien T

ENTITLED, AN ACT RELATING TO TAXATION

Ordered on the Calendar

23 2004-H 7000 SUB B

BY Landroche

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS

Committee on Judiciary recommends indefinite postponement of the original bill and the Substitute A and passage of Substitute B.

24 2004-H 7027 SUB A

BY Flaherty

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

25 2004-H 7585 SUB A as amended

BY Giannini

**ENTITLED, AN ACT RELATING TO HUMAN SERVICES - ABUSED AND
NEGLECTED CHILDREN**

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A as amended in concurrence.

26 2004-H 7655 SUB A

BY Lally

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

27 2004-H 8019

BY Schadone

**ENTITLED, AN ACT RELATING TO MOTOR VEHICLE INSURANCE --
RENTAL VEHICLES**

Committee on Judiciary recommends passage in concurrence.

28 2004-H 8359 SUB A as amended

BY Naughton

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- THE

**RHODE ISLAND BAYS, RIVERS, AND WATERSHEDS
COORDINATION TEAM**

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A as amended in concurrence.

Raymond T. Hoyas, Jr.
Secretary of the Senate