

2011 -- H 5448 SUBSTITUTE A

=====
LC01148/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO STATUTES AND STATUTORY CONSTRUCTION

Introduced By: Representatives Mattiello, and Watson

Date Introduced: February 16, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-7-20 of the General Laws in Chapter 12-7 entitled "Arrest" is
2 hereby amended to read as follows:

3 **12-7-20. Right to use telephone for call to attorney -- Bail bondsperson.** -- Any person
4 arrested under the provisions of this chapter shall be afforded, as soon after being detained as
5 practicable, not to exceed one hour from the time of detention, the opportunity to make use of a
6 telephone for the purpose of securing an attorney or arranging for bail; provided, that whenever a
7 person who has been detained for an alleged violation of the law relating to drunk driving must be
8 immediately transported to a medical facility for treatment, he or she shall be afforded the use of
9 a telephone as soon as practicable, which may ~~not~~ exceed one hour from the time of detention.
10 The telephone calls afforded by this section shall be carried out in such a manner as to provide
11 confidentiality between the arrestee and the recipient of the call.

12 SECTION 2. Section 44-34.1-1 of the General Laws in Chapter 44-34.1 entitled "Motor
13 Vehicle and Trailer Excise Tax Elimination Act of 1998" is hereby amended to read as follows:

14 **44-34.1-1. Excise tax phase-out.** -- (a) (1) Notwithstanding the provisions of chapter 34
15 of this title or any other provisions to the contrary, the motor vehicle and trailer excise tax
16 established by section 44-34-1 may be phased out. The phase-out shall apply to all motor vehicles
17 and trailers, including leased vehicles. (2) Lessors of vehicles that pay excise taxes directly to
18 municipalities shall provide lessees, at the time of entering into the lease agreement, an estimate
19 of annual excise taxes payable throughout the term of the lease. In the event the actual excise tax

1 is less than the estimated excise tax, the lessor shall annually rebate to the lessee the difference
2 between the actual excise tax and the estimated excise tax.

3 (b) Pursuant to the provisions of this section, all motor vehicles shall be assessed a value
4 by the vehicle value commission. That value shall be assessed according to the provisions of
5 section 44-34-11(c)(1) and in accordance with the terms as defined in subsection (d) of this
6 section; provided, however, that the maximum taxable value percentage applicable to model year
7 values as of December 31, 1997, shall continue to be applicable in future year valuations aged by
8 one year in each succeeding year.

9 (c) (1) The motor vehicle excise tax phase-out shall commence with the excise tax bills
10 mailed to taxpayers for the fiscal year 2000. The phase-out, beyond fiscal year 2003, shall be
11 subject to annual review and appropriation by the general assembly. The tax assessors of the
12 various cities and towns and fire districts shall reduce the average retail value of each vehicle
13 assessed by using the prorated exemptions from the following table:

14 Local Fiscal Year		State fiscal year
15 Exempt from value	Local Exemption	Reimbursement
16 fiscal year 1999	0	\$1,500
17 fiscal year 2000	\$1,500	\$2,500
18 fiscal year 2001	\$2,500	\$3,500
19 fiscal year 2002	\$3,500	\$4,500
20 fiscal years 2003, 2004 and 2005	\$4,500	\$4,500
21 for fiscal year 2006	\$5,000	\$5,000
22 for fiscal year 2007	\$6,000	\$6,000

23 for fiscal year 2008, 2009 and 2010 the exemption and the state fiscal year reimbursement shall
24 be increased, at a minimum, to the maximum amount to the nearest two hundred and fifty dollar
25 (\$250) increment within the allocation of one and twenty-two hundredths percent (1.22%) of net
26 terminal income derived from video lottery games pursuant to the provisions of section 42-61-15,
27 and in no event shall the exemption in any fiscal year be less than the prior fiscal year.

28 for fiscal year 2011 and thereafter, the exemption shall be five hundred dollars (\$500).
29 Cities and towns may provide an additional exemption ~~of five thousand five hundred dollars~~
30 ~~(\$5,500) or more~~; provided, however, any such additional exemption shall not be subject to
31 reimbursement.

32 (2) The excise tax phase-out shall provide levels of assessed value reductions until the tax
33 is eliminated or reduced as provided in this chapter.

34 (3) Current exemptions shall remain in effect as provided in this chapter.

1 (4) The excise tax rates and ratios of assessment shall be maintained at a level identical to
2 the level in effect for fiscal year 1998 for each city, town, and fire district; provided, in the town
3 of Johnston the excise tax rate and ratios of assessment shall be maintained at a level identical to
4 the level in effect for fiscal year 1999 levels and the levy of a city, town, or fire district shall be
5 limited to the lesser of the maximum taxable value or net assessed value for purposes of
6 collecting the tax in any given year. Provided, however, for fiscal year 2011 and thereafter, the
7 rates and ratios of assessment may be less than but not more than the rates described in this
8 subsection (4).

9 (d) Definitions.

10 (1) "Maximum taxable value" means the value of vehicles as prescribed by section 44-34-
11 11 reduced by the percentage of assessed value applicable to model year values as determined by
12 the Rhode Island vehicle value commission as of December 31, 1997, for the vehicles valued by
13 the commission as of December 31, 1997. For all vehicle value types not valued by the Rhode
14 Island vehicle value commission as of December 31, 1997, the maximum taxable value shall be
15 the latest value determined by a local assessor from an appropriate pricing guide, multiplied by
16 the ratio of assessment used by that city, town, or fire district for a particular model year as of
17 December 31, 1997.

18 (2) "Net assessed value" means the motor vehicle values as determined in accordance
19 with section 44-34-11 less all personal exemptions allowed by cities, towns, fire districts, and the
20 state of Rhode Island exemption value as provided for in section 44-34.1-1(c)(1).

21 (e) If any provision of this chapter shall be held invalid by any court of competent
22 jurisdiction, the remainder of this chapter and the applications of the provisions hereof shall not
23 be effected thereby.

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

26 **45-9-3. Appointment and duties of fiscal overseer.** -- (a) Upon joint request by a city's
27 or town's elected chief executive officer and city or town council, which request is approved by
28 the division of municipal finance and the auditor general, or in absence of such a request, in the
29 event that the director of revenue, in consultation with the auditor general, makes any two (2) or
30 more of the findings set forth in subsection (b), the director of revenue may appoint a fiscal
31 overseer for the city or town to assess the ability of the city or town government to manage the
32 city's or town's fiscal challenges.

33 (b) The director of revenue may appoint a fiscal overseer if the director finds in his or
34 her sole discretion that any two (2) of the following events have occurred which are of such a

1 magnitude that they threaten the fiscal well-being of the city or town, diminishing the city or
2 town's ability to provide for the public safety or welfare of the citizens of the city or town:

3 (1) The city or town projects a deficit in the municipal budget in the current fiscal year
4 and again in the upcoming fiscal year;

5 (2) The city or town has not filed its audits with the auditor general by the deadlines
6 required by law for two (2) successive fiscal years (not including extensions authorized by the
7 auditor general);

8 (3) The city or town has been downgraded by one of the nationally recognized statistical
9 rating organizations;

10 (4) The city or town is otherwise unable to obtain access to credit markets on reasonable
11 terms in the sole judgment of the director of revenue.

12 (5) The city or town does not promptly respond to requests made by the director of
13 revenue, or the auditor general, or the chairpersons of the house and/or senate finance committees
14 for financial information and operating data necessary to assess the fiscal condition of the city or
15 town in the sole judgment of the director of revenue.

16 (c) The director of revenue may also appoint a fiscal overseer if a city or town fails to
17 comply with the requirements of sections 45-12-22.1 -- 45-12-22.5 of the general laws.

18 (d) The fiscal overseer shall without limitation:

19 (1) Recommend to the elected chief executive officer, city or town council and school
20 committee sound fiscal policies for implementation;

21 (2) Supervise all financial services and activities;

22 (3) Advise the assessors, director of finance, city or town treasurer, purchasing agent and
23 employees performing similar duties but with different titles;

24 (4) Provide assistance in all matters related to municipal financial affairs;

25 (5) Assist in development and preparation of the municipal budget, all department
26 budgets and spending plans;

27 (6) Review all proposed contracts and obligations;

28 (7) Monitor the expenditures of all funds;

29 (8) Approve the annual or supplemental municipal budgets of the city or town and all of
30 its departments; and

31 (9) Report monthly to the director of revenue, the auditor general, the governor and the
32 chairpersons of the house finance and senate finance committees on the progress made towards
33 reducing the municipality's deficit and otherwise attaining fiscal stability.

34 (e) All department budgets and requests for municipal budget transfers shall be

1 submitted to the fiscal overseer for review and approval.

2 (f) The city or town shall annually appropriate amounts sufficient for the proper
3 administration of the fiscal overseer and staff, as determined in writing by the division of
4 municipal finance. If the city or town fails to appropriate such amounts, the division of municipal
5 finance shall direct the general treasurer to deduct the necessary funds from the city's or town's
6 distribution of state aid and shall expend those funds directly for the benefit of the fiscal overseer
7 and staff.

8 (g) Within one hundred twenty (120) days of being appointed by the director of revenue,
9 the fiscal overseer shall develop a three (3)-year operating and capital financial plan to achieve
10 fiscal stability in the city or town. The plan shall include a preliminary analysis of the city's or
11 town's financial situation and the fiscal overseer's initial recommendations to immediately begin
12 to address the city's or town's operating and structural deficits. The fiscal overseer shall have the
13 power to compel operational, performance or forensic audits, or any other similar assessments.
14 The fiscal overseer shall have the power, at the expense of the city or town, to employ, retain,
15 supervise such managerial, professional and clerical staff as are necessary to carry out the
16 responsibility of fiscal overseer, subject to the approval of the division of municipal finance;
17 provided, however, that the fiscal overseer shall not be subject to chapter 37-2 ~~ef~~ or chapter 45-55
18 of the general laws in employing such staff.

19 SECTION 4. Section 27-29-1 of the General Laws in Chapter 27-29 entitled "Unfair
20 Competition and Practices" is hereby amended to read as follows:

21 **27-29-1. Declaration of purpose.** -- The purpose of this chapter is to regulate trade
22 practices in the business of insurance in accordance with the intent of Congress as expressed in 15
23 U.S.C. section ~~1101~~ 1011 et seq., by defining, or providing for the determination of, all trade
24 practices in this state which constitute unfair methods of competition or unfair or deceptive acts
25 or practices, and by prohibiting the trade practices so defined or determined. Nothing in this
26 chapter shall be construed to create or imply a private cause of action for a violation of this
27 chapter.

28 SECTION 5. Section 33-7-5 of the General Laws in Chapter 33-7 entitled "Custody and
29 Probate of Wills" is hereby amended to read as follows:

30 **33-7-5. Duty of person in possession of will to deliver into court.** – (a) Every person,
31 other than a probate clerk, who has custody of a will shall, within thirty (30) days after notice of
32 the death of the testator, deliver the will into the probate court which has jurisdiction of the
33 probate thereof, or to the executors named in the will, who shall themselves deliver it into court
34 within thirty (30) days after they receive the will; and if any executor or other person neglects,

1 without reasonable cause, to deliver a will, after being duly cited for that purpose by the court, he
2 or she may be adjudged to be in contempt and may be committed therefor to the adult
3 correctional institutions and shall remain there until he or she delivers the will to the court; and he
4 or she shall be further liable, to any party aggrieved, for the damage sustained by reason of the
5 neglect.

6 (b) Provided further, that a fiduciary nominated in a will may deliver such will to the
7 probate court with an affidavit containing the following information, representations, and
8 documentation:

9 (a)(1) The date of death of the decedent accompanied by a certified copy of the
10 decedent's death certificate;

11 (b)(2) A representative that the funeral bill of the decedent has been paid, accompanied
12 by a receipt therefor;

13 (c)(3) The names and addresses of the heirs-at-law of the decedent at the decedent's date
14 of death; and

15 (d)(4) A representation that the affiant has received no notice of the issuance of letters
16 testamentary or letters of administration regarding the estate of the decedent, and that there are no
17 assets of the decedent subject to probate. Upon receipt of such will and affidavit the probate clerk,
18 upon being paid a fee of thirty dollars (\$30.00), shall receive and keep the will and accompanying
19 affidavit and shall give a receipt of the deposit thereof.

20 SECTION 6. Section 33-11-4 of the General Laws in Chapter 33-11 entitled "Claims
21 Against Decedents' Estates" is hereby amended to read as follows:

22 **33-11-4. Manner of presentation of claims.** -- Claims against a decedent's estate may be
23 presented as follows:

24 (a)(1) The claimant shall present a written statement of the claim with the clerk of the
25 probate court indicating its basis, the amount claimed (if known), the name and address of the
26 claimant, and the name and address of the claimant's attorney (if any) and deliver or mail a copy
27 thereof to the personal representative. The claim is deemed presented when filed with the probate
28 court. The claimant has the burden of establishing proper and timely presentation of the claim. If
29 the claim is not yet due, the date when it will become due shall be stated. If the claim is
30 contingent or unliquidated, the nature of the condition or uncertainty shall be stated. If the claim
31 is secured, the security shall be described. Failure to accurately describe the due date of claim not
32 yet due, the nature of any condition or uncertainty, or the security, does not invalidate the
33 presentation made.

34 (b)(2) No presentation of claim is required for matters already claimed in proceedings

1 which were pending against the decedent at the time of his or her death. No personal
2 representative shall be held to defend and no decedent's estate shall be held liable for any claim
3 pending against the decedent until the estate shall be joined as a party with notice to the probate
4 court and the personal representative served.

5 SECTION 7. Section 33-14-2 of the General Laws in Chapter 33-14 entitled "Accounts
6 of Executors and Administrators" is hereby amended to read as follows:

7 **33-14-2. Charges and credits shown -- Investments.** – (a) Accounts rendered by an
8 executor or administrator to the probate court shall be for a period stated therein, and shall charge
9 the executor or administrator with the amount of the inventory, or, instead the amount of the
10 balance of the last account rendered, as the case may be, and all income, all gains from the sale of
11 personal property, and all other property received by him or her, although not inventoried, and all
12 rents and proceeds of the sale of real estate received by the executor or administrator; the
13 accounts shall credit all charges, losses and payments, including legacies, distribution, and
14 specific personal property delivered, and shall also show the investments of the balance of the
15 account, if any, and changes of investments, along with such documentation verifying such
16 investments as the court may request.

17 (b) An executor or administrator who is represented by an attorney shall not be required
18 to submit originals or copies of evidence of charges, losses and payments which appear on his or
19 her account, except for documentation required pursuant to the provisions of section 33-14-8, but
20 shall instead include with any such account a certification substantially in the form set forth in
21 section 33-14-2.2, signed by such executor or administrator and by said attorney. An executor or
22 administrator who is not represented by an attorney or whose attorney declines to execute and
23 submit such a certification shall, in addition to such certification, submit to the probate court for
24 inspection copies of the front sides of all checks or other documents evidencing any such charges,
25 losses and payments, unless specifically waived by the court.

26 (c) Provided, however, that the provisions of this section shall not prohibit the probate
27 court, on its own motion, from ordering the executor or administrator to submit originals or
28 copies of evidence of the charges, losses and payments which appear on the executor's or
29 administrator's account, in any case where the court deems such documentation necessary to its
30 review of such account.

31 (d) As used in this section and in the remainder to title 33, the term "attorney" shall mean
32 an individual who is a member in good standing of the Rhode Island Bar Association.

33 SECTION 8. Section 33-15-26 of the General Laws in Chapter 33-15 entitled "Limited
34 Guardianship and Guardianship of Adults" is hereby amended to read as follows:

1 **33-15-26. Annual account.** – (a) A limited guardian or guardian with authority to make
2 decisions regarding the ward's estate, shall return to the probate court, in every year, his or her
3 account, in the same manner as executors and administrators are by law required to do. The
4 probate court shall monitor each limited guardianship or guardianship file. If the court finds that
5 an annual accounting has not been filed, the court shall cite the limited guardian or guardian and
6 demand that an accounting be filed within thirty (30) days. If the limited guardian or guardian
7 fails to comply with the citation for thirty (30) days, without sufficient excuse, the limited
8 guardian or guardian shall be accountable for the full value of the estate and property of his or her
9 ward over which he or she had authority, and shall have no compensation; but the court may,
10 upon the application of the limited guardian or guardian, excuse him or her from rendering an
11 account in any year if satisfied that it is not necessary or expedient that it should be rendered.

12 (b) Notwithstanding any provision of the general laws to the contrary, no municipality, its
13 officers, and/or employees, individually or otherwise, shall be held civilly liable for failure to
14 monitor guardianship estates.

15 SECTION 9. Section 33-17-1.3 of the General Laws in Chapter 33-17 entitled "Bonds of
16 Executors, Administrators, and Guardians" is hereby amended to read as follows:

17 **33-17-1.3. When surety not required for guardians.** – (a) No surety shall be required
18 on any bond of a guardian of the person and/or estate when the guardian is the spouse, parent,
19 child, brother, sister, or other heir at law of the ward if the guardian demonstrates to the
20 satisfaction of the probate court that circumstances warrant the waiver of surety and/or that no
21 surety should be required.

22 (b) In making a determination as to whether surety should be required for guardians, the
23 probate court's consideration may include, but shall not be limited to, the following:

- 24 (1) The total number of the ward's heirs at law;
- 25 (2) The relationship of the ward's heirs at law to one another;
- 26 (3) The extent to which there appears to be issues and/or conflicts between the ward's
27 heirs at law in regard to the guardianship, or the corresponding lack of such issues and/or
28 conflicts; and
- 29 (4) The total size, extent, and monetary value of the ward's estate.

30 (c) In making a determination pursuant to the provision of this section, the court may
31 conduct any hearings that it deems appropriate. The provisions of this section shall apply to both
32 temporary and/or full guardianships.

33 SECTION 10. Sections 33-24-1 and 33-24-2 of the General Laws in Chapter 33-24
34 entitled "Small Estates" are hereby amended to read as follows:

1 **33-24-1. Voluntary informal administration of small estates.** – (a) If a resident of
2 Rhode Island dies leaving an estate consisting entirely of personal property the total value of
3 which otherwise subject to being listed on a probate inventory pursuant to section 33-9-1,
4 exclusive of tangible personal property of which the decedent was owner, does not exceed fifteen
5 thousand dollars (\$15,000) in value, his or her surviving spouse, child, grandchild, parent,
6 brother, sister, niece, nephew, aunt or uncle, or any interested party, if of full age and legal
7 capacity and a resident of this state, may, after the expiration of thirty (30) days from the death of
8 the decedent, provided no petition for letters testamentary or letters of administration has been
9 filed with the probate court of the city or town in which the decedent resided, file with said
10 probate court upon a form prescribed by the court a statement, verified by oath or affirmation
11 containing:

12 ~~(a)~~(1) The name and residential address of the affiant,

13 ~~(b)~~(2) The name, residence and date of death of the deceased,

14 ~~(c)~~(3) The relationship of the affiant to the deceased,

15 ~~(d)~~(4) A schedule showing every asset known to the affiant titled solely in the decedent's
16 name and all assets known or believed to be titled in the decedent's name as of the decedent's date
17 of death, and the estimated value of each such asset,

18 ~~(e)~~(5) A statement that the affiant has undertaken to act as voluntary administrator of the
19 estate of the deceased and will administer the same according to law, and apply the proceeds
20 thereof in conformity with this section,

21 ~~(f)~~(6) The names and addresses known to the affiant of the persons who would take
22 under the provisions of Rhode Island general laws section 33-1-10 in the case of intestacy.

23 (b) Upon presentation of such statement, accompanied by a certificate of the death of the
24 deceased and payment of a fee of thirty dollars (\$30.00), the clerk of the probate court shall file
25 these documents as a part of the permanent record of the court. Upon the payment of five dollars
26 (\$5.00), the clerk of the probate court shall, if no other probate proceeding for administration of
27 such estate is pending in said court, issue a certification of appointment of voluntary
28 administrator, but only after such certification has been reviewed by the judge of the probate
29 court. No hearing in the probate court shall be required as a condition for the issuance of the
30 certification by the clerk of the probate court; provided, however, that the probate judge may
31 require a hearing to take place in order to determine whether such certification should issue.

32 (c) Upon the presentation of a copy of such a certification of appointment by the clerk of
33 the probate court, the tender of a proper receipt in writing and the surrender of any policy,
34 passbook, note, certificate or other evidentiary instrument, a voluntary administrator may, as the

1 legal representative of the deceased and his or her estate, receive payment of any debt or
2 obligation in the nature of a debt, or delivery of any chattel or asset, scheduled in such statement.
3 Payments and deliveries made under this section shall discharge the liability of the debtor, obligor
4 or deliverer to all persons with respect to such debt, chattel, obligation or other asset unless, at the
5 time of such payment or delivery, a written demand has been made upon such debtor, obligor or
6 deliverer by a duly appointed executor or administrator.

7 (d) A voluntary administrator may sell any chattel so received and negotiate or assign
8 any choice in action to convert the same to cash in a reasonable amount.

9 (e) A voluntary administrator shall, as far as possible out of the assets which come into
10 his or her hands, first discharge the necessary expenses of the funeral and last sickness of the
11 deceased and the necessary expenses of administration without fee for his or her services, and
12 then pay the debts of the deceased in the order specified in Rhode Island general laws section 33-
13 12-11 and any other debts of the estate, and then distribute the balance, if any, to the surviving
14 spouse, or, if there is no surviving spouse, to the persons and in the proportions prescribed by
15 section 33-1-10.

16 (f) A voluntary administrator shall be liable as an executor in his or her own wrong to all
17 persons aggrieved by his or her administration of the estate, and, if letters testamentary or letters
18 of administration are at any time granted, shall be liable as such an executor to the rightful
19 executor or administrator.

20 **33-24-2. Administration of small estates where executor named in will -- Voluntary**

21 **executors.** – (a) If a resident of Rhode Island dies leaving an estate that would otherwise be
22 subject to being listed on a probate inventory pursuant to section 33-9-1, consisting entirely of
23 personal property, the total value, exclusive of tangible personal property of which the decedent
24 was owner, does not exceed fifteen thousand dollars (\$15,000) in value, and he or she leaves a
25 will naming a person as executor, the named person, if of full age and legal capacity, may, (or, if
26 the named person declines or is unable to serve, then any person named as alternate, or, if such
27 alternate declines or is unable to serve, then the surviving spouse, child, grandchild, parent,
28 brother, sister, niece, nephew, aunt or uncle, or any interested party, if of full age and legal
29 capacity and a resident of this state), after the expiration of thirty (30) days from the death of the
30 decedent, provided no petition for letters testamentary or letters of administration has been filed
31 with the probate court of the city or town in which the decedent resided, file with said probate
32 court upon a form prescribed by the court a statement, verified by oath or affirmation containing:

33 ~~(a)~~(1) The name and residential address of the affiant,

34 ~~(b)~~(2) The name, residence and date of death of the deceased,

1 ~~(e)~~(3) The relationship of the affiant to the deceased,

2 ~~(d)~~(4) A schedule showing every asset known to the affiant titled solely in the decedent's
3 name and all assets known or believed to be titled in the decedent's name as of the decedent's date
4 of death and the estimated value of each such asset,

5 ~~(e)~~(5) A statement that the affiant has undertaken to act as voluntary administrator of the
6 estate of the deceased and will administer the same according to law, and apply the proceeds
7 thereof in conformity with this section,

8 ~~(f)~~(6) The names and addresses known to the affiant of the persons who would take
9 under the provisions of Rhode Island general laws section 33-1-10 in the case of intestacy, and

10 ~~(g)~~(7) The names and addresses known to the affiant of the persons who would take
11 under the provisions of the will.

12 (b) The original of the will shall be filed with the above statement and if the executor
13 resides outside the state he or she shall appoint a resident agent to represent him or her in the
14 state.

15 (c) Upon presentation of such statement, accompanied by a certificate of the death of the
16 deceased and payment of a fee of thirty dollars (\$30.00), the clerk of the probate court shall file
17 these documents as a part of the permanent record of the court. Upon the payment of five dollars
18 (\$5.00), the clerk of the probate court shall, if no other probate proceeding for administration of
19 such estate is pending in said court, issue a certification of appointment of executor, but only after
20 such certification has been reviewed by the judge of the probate court. No hearing in the probate
21 court shall be required as a condition for the issuance of the certification by the clerk of the
22 probate court; provided, however, that the probate judge may require a hearing to take place in
23 order to determine whether such certification should issue.

24 (d) Upon the presentation of a copy of such a certification of appointment by the clerk of
25 the probate court, the tender of a proper receipt in writing and the surrender of any policy,
26 passbook, note, certificate or other evidentiary instrument, a voluntary executor may, as the legal
27 representative of the deceased and his or her estate, receive payment of any debt or obligation in
28 the nature of a debt, or delivery of any chattel or asset, scheduled in such statement. Payments
29 and deliveries made under this section shall discharge the liability of the debtor, obligor or
30 deliverer to all persons with respect to such debt, chattel, obligation or other asset unless, at the
31 time of such payment or delivery, a written demand has been made upon such debtor, obligor or
32 deliverer by a duly appointed executor or administrator.

33 (e) A voluntary executor may sell any chattel so received and negotiate or assign any
34 choice in action to convert the same to cash in a reasonable amount.

1 (f) A voluntary executor shall, as far as possible out of the assets which come into his or
2 her hands, first discharge the necessary expenses of the funeral and last sickness of the deceased
3 and the necessary expenses of administration without fee for his or her services, and then pay the
4 debts of the deceased in the order specified in Rhode Island general laws section 33-12-11 and
5 any other debts of the estate, and then distribute the balance, if any, according to the terms of the
6 will, and should that prove impossible, the balance to the surviving spouse, or, if there is no
7 surviving spouse, to the persons and in the proportions prescribed by section 33-1-10.

8 (g) A voluntary executor shall be liable as an executor in his or her own wrong to all
9 persons aggrieved by his or her administration of the estate, and, if letters testamentary or letters
10 of administration are at any time granted, shall be liable as such an executor to the rightful
11 executor or administrator.

12 SECTION 11. Section 33-26-1 of the General Laws in Chapter 33-26 entitled
13 "Establishing a Legislative Commission to Study the Feasibility of Modernizing Probate Law and
14 Procedure" is hereby amended to read as follows:

15 **33-26-1. Legislative commission established.** – (a) There is hereby established a special
16 legislative commission consisting of twenty-one (21) members: three (3) of whom shall be from
17 the house of representatives, not more than two (2) from the same political party to be appointed
18 by the speaker; two (2) of whom shall be from the senate, not more than one from the same
19 political party, to be appointed by the president of the senate; one of whom shall be the president
20 of the Rhode Island Probate Judges Association, or his or her designee, one of whom shall be the
21 president of the Rhode Island Town Clerks Association, or his or her designee; five (5) of whom
22 shall be members in good standing of the Rhode Island Bar Association with experience in
23 probate matters, of whom three (3) shall be appointed by the speaker and two (2) by the president
24 of the senate; two (2) of whom shall be currently serving probate clerks, one to be appointed by
25 the speaker and one to be appointed by the president of the senate; one of whom shall be the
26 chairperson of the Rhode Island Bar Association Committee on Probate and Trust Law; and one
27 of whom shall be the executive director, or his or her designee, of the alliance for better long-term
28 care; one of whom shall be appointed by the director of the department of elderly affairs; and four
29 (4) of whom shall be members of the general public who have an interest in probate matters, of
30 whom one shall be appointed by the speaker, one of whom shall be appointed by the house
31 minority leader, and one by the president of the senate and one by the senate minority leader.
32 Each member shall serve for a term of two (2) years or until his or her successor is appointed,
33 whichever occurs later.

34 (b) In lieu of any appointment of a member of the legislature to a permanent advisory

1 commission, a legislative study commission, or any commission created by a general assembly
2 resolution, the appointing authority may appoint a member of the general public to serve in lieu
3 of a legislator, provided that the president of the senate or the minority leader of the political
4 party which is entitled to the appointment consents to the appointment of the member of the
5 general public.

6 (c) The purpose of said commission shall be to study the feasibility of modernizing
7 probate law and procedure in Rhode Island, including but not limited to the feasibility of adopting
8 the Uniform Probate Code, and to make recommendations therefor.

9 (d) Forthwith upon passage of this resolution, the members of the commission shall meet
10 at the call of the speaker of the house and organize and shall select from among their members a
11 chairperson. Vacancies in said commission shall be filled in like manner as the original
12 appointment.

13 (e) The membership of said commission shall receive no compensation for their services.

14 (f) All departments and agencies of the state shall furnish such advice and information,
15 documentary and otherwise, to said commission and its agents as is deemed necessary or
16 desirable by the commission to facilitate the purposes of this resolution.

17 (g) The speaker of the house is hereby authorized and directed to provide suitable
18 quarters for said commission.

19 (h) The commission shall report its findings and recommendations to the general
20 assembly on an annual basis on or before February 10 of each year.

21 SECTION 12. Sections 33-27-2 and 33-27-3 of the General Laws in Chapter 33-27
22 entitled "Access to Decedents' Electronic Mail Accounts Act" are hereby amended to read as
23 follows:

24 **33-27-2. Definitions.** – As used in this chapter:

25 (1) "Electronic mail service provider" means any person who:

26 ~~(A)~~(i) Is an intermediary in sending or receiving electronic mail; and

27 ~~(B)~~(ii) Provides to end-users of electronic mail services the ability to send or receive
28 electronic mail.

29 (2) "Electronic mail account" means:

30 ~~(A)~~(i) All electronic mail sent or received by an end-user of electronic mail services
31 provided by an electronic mail service provider that is stored or recorded by such electronic mail
32 service provider in the regular course of providing such services; and

33 ~~(B)~~(ii) Any other electronic information stored or recorded by such electronic mail
34 service provider that is directly related to the electronic mail services provided to such end-user

1 by such electronic mail service provider, including, but not limited to, billing and payment
2 information.

3 **33-27-3. Access to decedents' electronic mail.** -- An electronic mail service provider
4 shall provide, to the executor or administrator of the estate of a deceased person who was
5 domiciled in this state at the time of his or her death, access to or copies of the contents of the
6 electronic mail account of such deceased person upon receipt by the electronic mail service
7 provider of:

8 ~~(A)~~(1) A written request for such access or copies made by such executor or
9 administrator, accompanied by a copy of the death certificate and a certified copy of the
10 certificate of appointment as executor and administrator; and

11 ~~(B)~~(2) An order of the court of probate that by law has jurisdiction of the estate of such
12 deceased person, designating such executor or administrator as an agent for the subscriber, as
13 defined in the Electronic Communications Privacy Act, 18 U.S.C. section 2701, on behalf of
14 his/her estate, and ordering that the estate shall first indemnify the electronic mail service
15 provider from all liability in complying with such order.

16 SECTION 13. Section 34-5-5 of the General Laws in Chapter 34-5 entitled "Disclaimer
17 of Certain Property Interests" is hereby amended to read as follows:

18 **34-5-5. Time for filing disclaimer.** -- (a) A disclaimer shall be executed and filed
19 pursuant to the provisions of this chapter at any time after the creation of the interest in property
20 being disclaimed, but in any event:

21 (1) If a present interest, not later than nine (9) months :

22 ~~(A)~~(i) After the death of the deceased owner in the case of a testamentary disposition, or

23 ~~(B)~~(ii) After the effective date of the instrument creating the interest in the case of a
24 nontestamentary disposition, or

25 (2) If a future interest, not later than nine (9) months after the event determining that the
26 taker of the interest is in possession of it, or

27 (3) In the case of a beneficiary who is a surviving joint tenant or tenant by the entirety,
28 not later than nine (9) months after the death of the other joint tenant, tenants, or tenant by the
29 entirety, or

30 (4) Notwithstanding the foregoing provisions, in the case of a beneficiary under the age
31 of twenty-one (21) at the creation of the interest, not later than nine (9) months after his or her
32 attainment of that age; provided, that any court having jurisdiction of the property, an interest in
33 which is being disclaimed, may, upon petition filed by the beneficiary, the duly appointed
34 guardian or conservator of a beneficiary, or the legal representative of a deceased beneficiary's

1 estate, permit an extension of time to execute and file a disclaimer, for any further period of time
2 as the court in its discretion deems advisable.

3 (b) The effective date of a revocable instrument is the date on which the grantor no
4 longer has the power to revoke it or to transfer to himself or herself or another the entire legal and
5 equitable ownership of the interest.

6 SECTION 14. Section 34-13.1-1 of the General Laws in Chapter 34-13.1 entitled
7 "Marketable Record Title" is hereby amended to read as follows:

8 **34-13.1-1. Marketable record title -- Definitions. --** As used in this chapter:

9 (a) "Marketable record title" means a title of record which operates to extinguish such
10 interest and claims, existing prior to the effective date of the root of title as are stated in section
11 34-13.1-4.

12 (b) ~~"Records" means the Land Evidence Records of the town or city where the particular~~
13 ~~land is located~~ "Person dealing with land" includes a purchaser of any estate or interest therein, a
14 mortgagee, an attaching or judgment creditor, or any other person seeking to acquire an estate or
15 interest therein, or impose a lien thereon;

16 (c) "Recorded" means recorded as provided by chapter 13 of this title;

17 (d) ~~"Person dealing with land" includes a purchaser of any estate or interest therein, a~~
18 ~~mortgagee, an attaching or judgment creditor, or any other person seeking to acquire an estate or~~
19 ~~interest therein, or impose a lien thereon~~ "Records" means the Land Evidence Records of the
20 town or city where the particular land is located;

21 (e) "Root of title" means that conveyance or other title transaction in the chain of title of
22 a person, purporting to create or containing language sufficient to transfer the interest claimed by
23 such person, upon which he relies as a basis for the marketability of his title, and which was the
24 most recent to be recorded as of a date forty (40) years prior to the time when marketability is
25 being determined. The effective date of the root of title is the date on which it is recorded;

26 (f) "Title transaction" means any transaction affecting title to any interest in land,
27 including, but not limited to, title by will or descent, title by tax deed, by public sale, by trustee's,
28 referee's, guardian's, executor's, administrator's, conservator's, Tax collector's, sheriff's,
29 commissioner's, constable's warranty or quitclaim deed, by mortgagee's deed or by decree of any
30 court.

31 SECTION 15. Sections 34-25.1-10 and 34-25.1-15 of the General Laws in Chapter 34-
32 25.1 entitled "Reverse Mortgages" are hereby amended to read as follows:

33 **34-25.1-10. Pre-closing disclosures. --** ~~(a)~~ At least three (3) business days before closing
34 of the loan, all mortgagees, or their authorized representative who is then duly licensed by the

1 Rhode Island department of business regulation as lender or as a loan broker shall provide in
2 writing all of the following information to, each prospective reverse mortgage mortgagor:

3 (1) All information as shall be required to be disclosed in connection with a reverse
4 mortgage loan pursuant to the Truth in Lending Act (15 U.S.C. section 1601 et seq.), Regulation
5 Z (12 CFR Part 226), and 12 U.S.C. section 1715z-20 and the federal regulations promulgated
6 with respect thereto (including without limitation 24 CFR Part 206); and

7 (2) All other information as shall be required to be disclosed by the director of the
8 department of business regulation.

9 **34-25.1-15. Property held in name or trust.** -- ~~(a)~~ It is the intention of chapter 34-25.1
10 that the cash advances made under a reverse mortgage shall be made by the lender to the
11 mortgagor. In the event that legal title to the property encumbered by a reverse mortgage is held
12 in trust:

13 (1) The reverse mortgage proceeds may be received by the occupant of the property
14 provided that the occupant is a beneficiary of the trust;

15 (2) References in subdivision 34-25.1-7(a)(5) to the mortgagor shall be deemed to refer
16 to the occupant of the property provided that the occupant is a beneficiary of the trust;

17 (3) References in subdivision 34-25.1-7(s)(6) to absences from the home shall be
18 deemed to refer to the occupant of the property provided that the occupant is a beneficiary of the
19 trust.

20 SECTION 16. Sections 34-25.2-9, 34-25.2-11 and 34-25.2-13 of the General Laws in
21 Chapter 34-25.2 entitled "Rhode Island Home Loan Protection Act" are hereby amended to read
22 as follows:

23 **34-25.2-9. Subterfuge prohibited.** -- It shall be a violation of this chapter for any person
24 to attempt in bad faith to avoid the application of this chapter by:

25 ~~(a)~~(1) Dividing any loan transaction into separate parts for the purpose of evading the
26 provisions of this chapter;

27 ~~(b)~~(2) Structuring a home loan transaction as an open-end loan for the purpose of
28 evading the provisions of this chapter when the loan would have been a high-cost home loan if
29 the loan had been structured as a closed-end loan;

30 ~~(c)~~(3) Engaging in any other subterfuge with the intent of evading any provision of this
31 chapter.

32 **34-25.2-11. Exemption.** -- The provisions of this chapter shall not apply to:

33 ~~(a)~~(1) Any national bank, federal savings bank, federal credit union, credit union, or
34 financial institution, as defined under section 19-1-1, or their wholly-owned subsidiary; and

1 ~~(b)~~(2) The Federal Housing Administration, the Department of Veterans Affairs, or other
2 state or federal housing finance agencies.

3 **34-25.2-13. Reporting.** -- The department shall report to the governor and the general
4 assembly on or before January 1, 2009, with regard to the effectiveness of this act in achieving its
5 purpose, which report shall include, but not be limited to:

6 ~~(a)~~(1) The reported incidence of prohibited practices by calendar quarter for the period
7 January 1, 2007 through June 30, 2008;

8 ~~(b)~~(2) The disposition, if any, of the reported incidences of prohibited practices;

9 ~~(e)~~(3) Findings and recommendations with regard to any improvements, amendments, or
10 changes that should be considered to make the act more effective in achieving its purposes or
11 which may be necessary in order to assure fair availability of credit.

12 SECTION 17. Sections 34-30.1-2 and 34-30.1-4 of the General Laws in Chapter 34-30.1
13 entitled "Manufacturer's Mold Lien" are hereby amended to read as follows:

14 **34-30.1-2. Enforcement of lien -- Notice.** -- ~~(H)~~(a) Before enforcing such lien, notice in
15 writing shall be given to the customer either by delivering the notice personally or sending the
16 notice by registered mail to the last known address of the customer. This notice shall state that a
17 lien is being claimed for the damages set forth in or attached to such writing for manufacturing or
18 fabrication work contracted or performed for the customer. This notice shall also include a
19 demand for payment in a specific amount.

20 ~~(2)~~(b) If the molder has not been paid the amount due within sixty (60) days after the
21 notice has been received by the customer as provided in section 34-30.1-2(1), the molder may sell
22 the die, mold, form or pattern at a public auction and retain the proceeds.

23 **34-30.1-4. Sale in violation of federal patent or copyright law.** -- ~~(H)~~(a) If any sale is
24 made under this chapter in violation of any right of a customer under federal patent or copyright
25 law said sale shall be void and unenforceable and all proceeds shall be returned to the customer.

26 ~~(2)~~(b) A lien under this chapter does not take priority over and shall be subject to an
27 existing perfected security interest.

28 SECTION 18. Section 34-37-3 of the General Laws in Chapter 34-37 entitled "Rhode
29 Island Fair Housing Practices Act" is hereby amended to read as follows:

30 **34-37-3. Definitions.** -- When used in this chapter:

31 (1) "Age" means anyone over the age of eighteen (18).

32 (2) "Commission" means the Rhode Island commission for human rights created by § 28-
33 5-8.

34 (3) "Disability" means a disability as defined in § 42-87-1.

1 Provided further that the term "disability" does not include current, illegal use of or
2 addiction to a controlled substance, as defined in 21 U.S.C. § 802.

3 ~~(3)~~(4) "Discriminate" includes segregate, separate, or otherwise differentiate between or
4 among individuals because of race, color, religion, sex, sexual orientation, gender identity or
5 expression, marital status, country of ancestral origin, disability, age, or familial status or because
6 of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status,
7 country of ancestral origin, disability, age or familial status of any person with whom they are or
8 may wish to be associated.

9 (5) The term "domestic abuse" for the purposes of this chapter shall have the same
10 meaning as that set forth in § 15-15-1, and include all forms of domestic violence as set forth in §
11 12-29-2, except that the domestic abuse need not involve a minor or parties with minor children.

12 ~~(4)~~(6) (i) "Familial status" means one or more individuals who have not attained the age
13 of eighteen (18) years being domiciled with:

14 (A) A parent or another person having legal custody of the individual or individuals; or

15 (B) The designee of the parent or other person having the custody, with the written
16 permission of the parent or other person provided that if the individual is not a relative or legal
17 dependent of the designee, that the individual shall have been domiciled with the designee for at
18 least six (6) months.

19 (ii) The protections afforded against discrimination on the basis of familial status shall
20 apply to any person who is pregnant or is in the process of securing legal custody of any
21 individual who has not attained the age of eighteen (18) years.

22 ~~(5) "Disability" means a disability as defined in § 42-87-1.~~

23 ~~Provided further that the term "disability" does not include current, illegal use of or~~
24 ~~addiction to a controlled substance, as defined in 21 U.S.C. § 802.~~

25 ~~(6)~~(7) The terms, as used regarding persons with disabilities, "auxiliary aids and
26 services," "reasonable accommodation," and "reasonable modifications" have the same meaning
27 as those terms are defined in § 42-87-1.1.

28 (8) The term "gender identity or expression" includes a person's actual or perceived
29 gender, as well as a person's gender identity, gender-related self image, gender-related
30 appearance, or gender-related expression; whether or not that gender identity, gender-related self
31 image, gender-related appearance, or gender-related expression is different from that traditionally
32 associated with the person's sex at birth.

33 ~~(7)~~(9) "Housing accommodation" includes any building or structure or portion of any
34 building or structure, or any parcel of land, developed or undeveloped, which is occupied or is

1 intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or
2 residence of one or more persons.

3 ~~(8) [Deleted by P.L. 1997, ch. 150, § 8.]~~

4 ~~(9) [Deleted by P.L. 2009, ch. 96, § 4 and P.L. 2009, ch. 97, § 4].~~

5 (10) "Otherwise qualified" includes any person with a disability who with respect to the
6 rental of property, personally or with assistance arranged by the person with a disability, is
7 capable of performing all the responsibilities of a tenant as contained in § 34-18-24.

8 (11) "Owner" includes any person having the right to sell, rent, lease, or manage a
9 housing accommodation.

10 (12) "Person" includes one or more individuals, partnerships, associations, organizations,
11 corporations, labor organizations, mutual companies, joint stock companies, trusts, receivers,
12 legal representatives, trustees, other fiduciaries, or real estate brokers or real estate salespersons
13 as defined in chapter 20.5 of title 5.

14 ~~(13) [Deleted by P.L. 2009, ch. 96, § 4 and P.L. 2009, ch. 97, § 4].~~

15 ~~(14) [Deleted by P.L. 2009, ch. 96, § 4 and P.L. 2009, ch. 97, § 4].~~

16 ~~(15)~~(13) "Senior citizen" means a person sixty-two (62) years of age or older.

17 ~~(16)~~(14) The term "sexual orientation" means having or being perceived as having an
18 orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to
19 describe the status of persons and does not render lawful any conduct prohibited by the criminal
20 laws of this state nor impose any duty on a religious organization. This definition does not confer
21 legislative approval of said status, but is intended to assure the basic human rights of persons to
22 hold and convey property and to give and obtain credit, regardless of such status.

23 ~~(17) The term "gender identity or expression" includes a person's actual or perceived~~
24 ~~gender, as well as a person's gender identity, gender-related self image, gender-related~~
25 ~~appearance, or gender-related expression; whether or not that gender identity, gender-related self~~
26 ~~image, gender-related appearance, or gender-related expression is different from that traditionally~~
27 ~~associated with the person's sex at birth.~~

28 ~~(18) The term "domestic abuse" for the purposes of this chapter shall have the same~~
29 ~~meaning as that set forth in § 15-15-1, and include all forms of domestic violence as set forth in §~~
30 ~~12-29-2, except that the domestic abuse need not involve a minor or parties with minor children.~~

31 ~~(19)~~(15) The term "victim" means a family or household member and all other persons
32 contained within the definition of those terms as defined in § 12-29-2.

33

34 SECTION 19. Sections 34-42-2 and 34-42-4 of the General Laws in Chapter 34-42

1 entitled "Self-Service Storage Facilities" are hereby amended to read as follows:

2 **34-42-2. Definitions.** -- As used in this chapter, the following words shall have the
3 following meanings unless the context clearly indicates otherwise:

4 ~~(a)~~(1) "Default" means the failure to perform on time any obligation set forth in the rental
5 agreement or this chapter.

6 ~~(a)~~(2) "Last known address" means that address provided by the occupant in the latest
7 rental agreement or the address provided by the occupant in a subsequent written notice of a
8 change of address.

9 ~~(a)~~(3) "Occupant" means a person, or his or her sublessee, successor, or assign, who is
10 entitled to the use of the storage space at a self-service storage facility under a rental agreement,
11 to the exclusion of others.

12 ~~(a)~~(4) "Owner" means the proprietor, operator, lessor, or sublessor of a self-service
13 storage facility, his or her agent, or any other person authorized by him or her to manage the
14 facility or to receive rent from an occupant under a rental agreement. An owner is not a
15 warehouseman, as defined in section 6A-7-102(1)(h) except that if an owner issues a warehouse
16 receipt, bill of lading, or other document of title for the personal property sold, the owner is
17 subject to the provisions of chapter 7 of title 6A, and the provisions of this chapter shall not
18 apply.

19 ~~(a)~~(5) "Personal property" means movable property not affixed to land and includes, but
20 is not limited to, goods, wares, merchandise, furniture, and household items.

21 ~~(a)~~(6) "Rental agreement" means any written agreement or lease that establishes or
22 modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy
23 of a self-service storage facility.

24 ~~(a)~~(7) "Self-service storage facility" means any real property designed and used for the
25 purpose of renting or leasing individual storage space to occupants who are to have access to the
26 space for the purpose of storing and removing personal property. No occupant shall use a self-
27 service storage facility for residential purposes.

28 **34-42-4. Enforcement of owner's lien.** -- (a) After default, an owner may deny an
29 occupant access to the storage space, terminate the right of the occupant to use the storage space,
30 enter the storage space and remove any personal property found therein to a place of safekeeping,
31 and enforce its lien by selling the stored property at a public or private sale, in accordance with
32 the following procedure:

33 (1) No sooner than thirty (30) days after default, but before the owner takes any action to
34 enforce its lien, the occupant and all other persons known to claim an interest in the personal

1 property stored shall be notified. The notice shall be delivered in person or sent by certified mail,
2 return receipt requested, to the person or persons to be notified. The notice shall include:

3 ~~(A)~~(i) ~~an~~ An itemized statement of the claim showing the sums due at the time of the
4 notice and the date when the sums became due;

5 ~~(B)~~(ii) ~~a~~ A statement that, based on the default, the owner has the right to deny the
6 occupant access to the leased space;

7 ~~(C)~~(iii) ~~a~~ A general description of the personal property subject to the lien if known;

8 ~~(D)~~(iv) ~~a~~ A demand for payment of the claim by a specified date not less than thirty (30)
9 days after mailing of the notice;

10 ~~(E)~~(v) ~~a~~ A conspicuous statement that unless the claim is paid by the specified date, the
11 occupant's right to use the storage space will terminate, and the personal property will be
12 advertised for sale or will be otherwise disposed of at a specified time and place; and

13 ~~(F)~~(vi) ~~the~~ The name, street address, and telephone number of the owner who the
14 occupant may contact to respond to the notice.

15 (2) If the owner is not able to obtain personal service on those persons entitled to notice
16 or if the certified mail return receipt is not signed by the person to whom notice must be sent then
17 the owner shall be required to give notice by publication once a week for three (3) successive
18 weeks in a newspaper of general circulation in the city or town where the person to receive the
19 notice was last known to reside.

20 (3) When notice is by publication, the notice does not have to include an itemized
21 statement of the claim but only a statement as to the amount of money due or the time of the final
22 notice, nor is a general description of the personal property subject to the lien required. The
23 demand for payment of the claim by a specified date shall set forth a date no less than thirty (30)
24 days after the date of the published notice.

25 (b) Once notice is sent to an occupant, the owner may deny the occupant access to the
26 leased space in a reasonable and peaceful manner; provided, however, that the occupant may have
27 access at any time for the sole purpose of viewing the contents of his or her leased space to verify
28 the contents thereof.

29 (c) After expiration of the time given in the notice, if the claim has not been paid in full
30 as demanded, the occupant's right to use the storage space terminates, and the owner may enter
31 the storage space and remove any personal property found therein to a place of safekeeping.

32 (d) After expiration of the time given in the notice, if the claim has not been paid in full
33 as demanded and the owner wishes to sell the personal property to satisfy its lien, an
34 advertisement of the sale must be published once a week for two (2) consecutive weeks in a

1 newspaper of general circulation where the sale is to be held. The advertisement must include a
2 general description of the personal property, the name of the person on whose account it is being
3 stored and the time and place of sale. The sale must take place no sooner than ten (10) days after
4 the first publication. If there is no newspaper of general circulation where the sale is to be held,
5 the advertisement must be posted at least ten (10) days before the sale in not less than six (6)
6 conspicuous places in the neighborhood of the proposed sale.

7 (e) The sale shall be held at the self-service storage facility or the nearest suitable place
8 and it shall conform to the terms of the notification.

9 (f) Before a sale of personal property, any person claiming a right to the personal
10 property may pay the amount necessary to satisfy the lien and the reasonable expenses incurred
11 by the owner to redeem the personal property. Upon receipt of this payment, the owner shall
12 release the personal property to the payor and have no further liability to any person with respect
13 to the personal property.

14 (g) The owner may buy at any sale of personal property pursuant to this section to
15 enforce the owner's lien.

16 (h) A purchaser in good faith of the personal property sold to enforce the owner's lien
17 takes the personal property free of any rights of persons against whom the lien was valid, despite
18 noncompliance by the owner with the requirements of this section.

19 (i) The owner may satisfy its lien from the proceeds of any sale pursuant to this section
20 but must hold the balance, if any, for delivery on demand to any person to whom it would have
21 been bound to deliver the personal property. If the other party does not claim the balance of the
22 proceeds within two (2) years of the date of the sale, it shall eschew to the state.

23 (j) The owner shall be liable for damages caused by failure to comply with the
24 requirements for sale under this section and in case of willful violation is liable for conversion.

25 SECTION 20. Section 34-46-6 of the General Laws in Chapter 34-46 entitled "Dry Dock
26 Facilities" is hereby amended to read as follows:

27 **34-46-6. Cessation of enforcement actions.** -- A facility operator shall cease
28 enforcement actions immediately upon any of the following:

29 ~~(a)~~(1) Payment by owner. - The vessel owner pays the facility operator the full amount
30 necessary to satisfy the lien. At any time before the conclusion of a sale conducted under this
31 chapter, the vessel owner may redeem the vessel by paying the full amount necessary to satisfy
32 the lien;

33 ~~(b)~~(2) Payment by other lienholders. - A person other than the facility operator who has a
34 lien on the vessel pays the facility operator the full amount necessary to satisfy the lien held by

1 the facility operator. Upon payment by a lienholder of record, the facility operator shall hold the
2 vessel for the benefit of and at the direction of that lienholder and may not deliver possession of
3 the vessel to the vessel owner. Unless the facility operator and the lienholder enter into a new
4 storage agreement, the lienholder shall arrange removal of the vessel from the facility forthwith;
5 or

6 ~~(e)~~(3) Initiation of Civil Action. - An owner of a vessel files in a court of competent
7 jurisdiction and serves on the facility operator, not less than ten (10) days before the scheduled
8 date of sale, a complaint against the facility operator relating to the obligations incurred by the
9 storage of the vessel or any claims related to the vessel and in such complaint objects to the
10 enforcement of the lien and sets forth the legal reasons why the lien should not be enforced. The
11 enforcement action shall not resume until either the civil action is resolved or the court enters an
12 order permitting the enforcement action to proceed.

13 SECTION 21. Section 35-3-23 of the General Laws in Chapter 35-3 entitled "State
14 Budget" is hereby amended to read as follows:

15 **35-3-23. Interfund transfers.** - (a) The governor may make an interfund transfer. - Prior
16 to making an interfund transfer the governor shall give five (5) days written notification of the
17 proposed interfund transfer to the speaker of the house, the president of the senate, the
18 chairperson of the house finance committee, the chairperson of the senate finance committee, the
19 minority leader of the senate, and the minority leader of the house.

20 (b) An interfund transfer must comply with this section. An interfund transfer can be
21 made under the following circumstances and on the following conditions:

22 (1) The governor must make the findings that:

23 (i) All cash in the general fund, including the payroll clearing account, has been or is
24 about to be exhausted;

25 (ii) The anticipated cash expenditures exceed the anticipated cash available.

26 (2) The governor may make an interfund transfer to the general fund from the:

27 (i) Temporary disability fund created in section 28-39-4;

28 (ii) Intermodal surface transportation fund created in section 35-4-11; and/or

29 (iii) Tobacco settlement financing trust fund created in section 42-133-9.

30 (3) Once in each fiscal quarter from each fund the governor may make an interfund
31 transfer. The fund(s) from which money is transferred must be made whole by June 30th in the
32 same fiscal year as the transfer is made.

33 (4) The interfund transfer may be made notwithstanding the provisions of sections 28-37-
34 3 and 28-39-4.

1 SECTION 22. Sections 35-4-18 and 35-4-25 of the General Laws in Chapter 35-4
2 entitled "State Funds" are hereby amended to read as follows:

3 **35-4-18. Health education, alcohol, and substance abuse prevention program. --**

4 There is hereby created and established a program to be known as the "health education, alcohol,
5 and substance abuse prevention program", which shall be funded annually by the general
6 assembly. All moneys now or hereafter in the health education, alcohol, and substance abuse
7 prevention program are hereby appropriated for the purpose of establishing continuous health
8 education programs dealing primarily in the areas of alcohol and substance abuse for students in
9 grades kindergarten (K) through twelve (12). The department of behavioral healthcare,
10 developmental disabilities and hospitals ~~mental health, retardation, and hospitals~~ and the
11 department of elementary and secondary education are charged with administration of the
12 program for the purposes specified in this section. Independent evaluation of the programs in
13 grades kindergarten (K) through twelve (12) shall be made annually. Funds for evaluation shall
14 emanate from the health education, alcohol, and substance abuse appropriations. Claims against
15 the funds shall be examined, audited, and allowed in the manner now or hereafter provided by
16 law.

17 **35-4-25. Funds attributable to agency business operations. --** State agencies which

18 operate business-like enterprises at the state institutions shall maintain the funds attributable to
19 these operations in accounts within the general fund. All funds received by the department of
20 corrections, the department of behavioral healthcare, developmental disabilities and hospitals
21 ~~mental health, retardation, and hospitals~~, and the department of children, youth, and families from
22 these operations shall be deposited as general revenues. The agency shall, through the annual
23 budget process, report to the general assembly the estimated amount for the next fiscal year,
24 together with the intended use of the funds. Nothing contained in this section, however, shall
25 conflict with the powers and duties granted the board of governors for higher education and the
26 board of regents for elementary and secondary education in chapters 59 and 60 of title 16.

27 SECTION 23. Sections 35-8-26 and 35-8-27 of the General Laws in Chapter 35-8
28 entitled "Bonded Indebtedness of State" are hereby amended to read as follows:

29 **35-8-26. Refunding bonds. – (a)** When bonds or notes have been issued as provided in

30 this chapter, the general treasurer shall be authorized and empowered hereby, with the approval of
31 the governor and in accordance with this chapter, to issue, from time to time, refunding bonds or
32 notes of the state to refund any of such outstanding bonds or notes as may be specified from time
33 to time by the governor provided that the outstanding amount of debt on account of any project
34 shall not be increased thereby to an amount in excess of the amount approved for such project by

1 the people.

2 (b) If the people shall have approved the issuance of refunding bonds or notes, at the
3 election at which the incurring of debt for the respective project or projects was approved or as a
4 separate approval at another time, the proceeds of the refunding bonds or notes, exclusive of any
5 premium or accrued interest thereon, shall upon receipt be applied to retire the bonds or notes
6 being refunded or shall be deposited by the general treasurer with an escrow agent, which may be
7 the paying agent for the bonds being refunded, in trust for application to payment of such bonds
8 or notes at maturity or upon earlier call. Such escrowed amounts shall be invested for the benefit
9 of the owners of the refunded bonds or notes and shall be invested only in direct or guaranteed
10 obligations of the United States of America or the state of Rhode Island. Money held in escrow,
11 together with the earnings thereon, shall be applied to any principal, interest and early redemption
12 premiums, if any, to the owners of the refunded bonds or notes, in accordance with the
13 instructions of the general treasurer included in the terms of the escrow. An amount of bonds or
14 notes being refunded, which is the largest amount of such bonds or notes for which the escrowed
15 deposit will provide sufficient funds to pay all principal, interest and early redemption premiums,
16 if any, when due, will be considered no longer outstanding and not debts of the state for the
17 purpose of determining the amount of debt outstanding for the respective project or projects from
18 and after the deposit of funds into escrow.

19 (c) If the people have not approved the issuance of refunding bonds or notes as aforesaid,
20 the general treasurer may nevertheless issue refunding bonds or notes as provided herein for the
21 purpose of paying or refunding all or any portion of an issue of bonds or notes then outstanding,
22 including the amount of any redemption premium and costs of issuance related thereto; provided,
23 however, that no such refunding bonds shall be payable over a period longer than the period
24 during which the original bonds or notes so refunded must be paid pursuant to law, and provided
25 further that the present value of the principal and interest payments due on refunding bonds
26 issued under this section shall not exceed the present value of the principal and interest payments
27 to be paid by the state on account of bonds or notes to be refunded.

28 **35-8-27. Variable rate obligations and interest rate exchange agreements.** – (a) In
29 connection with the issuance of duly authorized bonds or notes of the state, notwithstanding any
30 other authority to the contrary, such bonds or notes may be issued in the form of variable rate
31 obligations, so-called. In connection therewith, the state, acting through the general treasurer,
32 may enter into agreements with banks, trust companies or other financial institutions within or
33 without the state, whether in the form of letters or lines of credit, liquidity facilities, insurance or
34 other support arrangements. Any debt issued as variable rate obligations shall bear such terms as

1 the general treasurer shall determine, including provisions for prepayment at any time with or
2 without premium at the option of the state, may be sold at a premium or discount, and may bear
3 interest or not and if interest bearing, may bear interest at such rate or rates variable from time to
4 time as determined by such index, banking loan rate or other method specified in any such
5 agreement. Any such agreement may also include such other covenants and provisions for
6 protecting the rights, security and remedy of the lenders as may, in the discretion of the general
7 treasurer, be reasonable and proper and not in violation of law. The general treasurer may also
8 enter into agreements with brokers for the placement or marketing of any such debt or notes of
9 the state issued as variable rate obligations.

10 (b) In addition, the general treasurer, with the approval of the governor, may from time to
11 time, enter into and amend interest rate exchange agreements including, but not limited to,
12 interest rate "caps", "floors", "collars", or "swaps" that the general treasurer determines to be
13 necessary or desirable for the purpose of generating savings, managing an interest rate, or similar
14 risk that arises in connection with, or subsequent to or is incidental to the issuance, carrying or
15 securing of variable rate obligations, fixed rate bonds or fixed rate obligations. Such interest rate
16 exchange agreements entered into by the state shall contain such provisions, including payment,
17 term, security, default and remedy provisions, and shall be with such parties, as the general
18 treasurer shall determine to be necessary or desirable after due consideration to the
19 creditworthiness of those parties.

20 SECTION 24. Section 35-8.1-8.3 of the General Laws in Chapter 35-8.1 entitled
21 "Refunding Bond Authority" is hereby amended to read as follows:

22 **35-8.1-8.3. Eminent domain proceedings.** -- The authority shall have the right to
23 acquire any land, or any interest therein, by the exercise of the power of eminent domain,
24 whenever it shall be determined by the authority that the acquisition of the land, or interest, is
25 necessary for the construction or the operation of any project.

26 ~~(a)~~(1) The necessity for an acquisition shall be conclusively presumed upon the adoption
27 by the authority of a resolution declaring that the acquisition of the land, or interest therein,
28 described in the resolution is necessary for the construction or operation. Within six (6) months
29 thereafter the authority shall cause to be filed in the land evidence records of the city or town in
30 which the land is located, a copy of the resolution of the authority, together with a plat of the
31 land, or interest therein described, and a statement, signed by the chairperson of the authority, that
32 the lands, or interest therein, are taken pursuant to the provisions of this chapter. Thereupon the
33 authority shall file in the superior court in and for the county in which the land, or interest therein
34 lies, a statement of the sum of money estimated by the authority to be just compensation for the

1 land taken.

2 ~~(b)~~(2) Upon the filing of the copy of the resolution, plat, and statement in the land
3 evidence records of the city or town, the filing in the superior court, of the statement, and the
4 depositing in the superior court, to the use of the persons entitled thereto, of such sum as the court
5 shall determine to be amply sufficient to satisfy the claims of all persons interested in the land
6 (and the court may, in its discretion, take evidence on the question to determine the sum to be
7 deposited), title to the land, or interest therein, shall vest in the authority in fee simple absolute
8 and the authority thereupon may take possession of the land, or interest therein.

9 ~~(e)~~(3) No sum so paid into the court shall be charged with clerk's fees of any nature. After
10 the filing of the copy, plat, and statement, notice of the taking of the land, or interest therein, shall
11 be served upon the owners of and persons having an estate in and interested in the land by the
12 sheriff or his or her deputies of the county in which the land, or interest therein, lies, leaving a
13 true and attested copy of the description and statement with each of the persons personally, or at
14 their last and usual place of abode in this state with some person living there, and in the case any
15 of the persons are absent from this state and have no last and usual place of abode therein
16 occupied by any person, the copy shall be left with the persons, if any, in charge of or having
17 possession of the land, or interest therein, taken of the absent persons if the same are known to the
18 officer; and after the filing of the resolution, plat, and statement, the secretary of the authority
19 shall cause a copy of the resolution and statement to be published in some newspaper published
20 or having general circulation in the county where the land, or interest therein, may be located, at
21 least once a week for three (3) successive weeks. If any person shall agree with the authority for
22 the price of the land, or interest therein, so taken, the court upon the application of the parties in
23 interest, may order that the sum agreed upon be paid forthwith from the money deposited, as the
24 just compensation to be awarded in the proceeding.

25 ~~(f)~~(4) Any owner of or persons entitled to any estate in or interested in any part of the
26 land, or interest therein, so taken, who cannot agree with the authority for the price of the land, or
27 interest therein, so taken in which he or she is interested as aforesaid, may, within three (3)
28 months after personal notice of the taking, or, if he or she have no personal notice, may within
29 one year from the first publication of the copy of the resolution and statement, apply by petition
30 to the superior court in and for the county in which the land, or interest therein, lies, setting forth
31 the taking of his or her land or interest therein, and praying for an assessment of damages by a
32 jury. Upon the filing of the petition the court shall cause twenty (20) days notice of the pendency
33 thereof to be given to the authority by serving the chairperson or vice chairperson of the authority
34 with a certified copy thereof, and may proceed after notice to the trial thereof; and the trial shall

1 determine all questions of fact relating to the value of the land, or interest therein, and the amount
2 thereof, and judgment shall be entered upon the verdict of the jury and execution shall be issued
3 therefor against the money so deposited in court and in default thereof against any other property
4 of the authority. In case two (2) or more conflicting petitioners make claim to the same land, or to
5 any interests therein, or to different interests in the same parcel of land, the court upon motion
6 shall consolidate their several petitions for trial at the same time by the same jury, and may frame
7 all necessary issues for the trial thereof; and all proceedings taken pursuant to the provisions of
8 this chapter shall take precedence over all other civil matters then pending before the court, or if
9 the superior court in and for the county in which the land, or interest therein, lies, be not in
10 session in the county, then the trial may be heard in the superior court for the counties of
11 Providence and Bristol.

12 ~~(e)~~(5) If any lands, or interests therein, in which any minor or other person not capable in
13 law to act in his or her own behalf is interested, are taken by the authority under the provisions of
14 this chapter, the superior court, upon the filing therein of any petition by or in behalf of the minor
15 or other person, may appoint a guardian ad litem for the minor or other person, and the guardian
16 may appear and be heard in behalf of the minor or other person; and the guardian may also, with
17 the advice and consent of the superior court and upon the terms as said superior court may
18 prescribe, release to the authority all claims for damages for the lands of the minor or other
19 person or for any interests therein. Any lawfully appointed, qualified, and acting guardian or
20 other fiduciary of the estate of any minor or other person, with the approval of the court of
21 probate within this state having jurisdiction to authorize the sale of lands and properties within
22 this state of any minor or other person, may, before the filing of any petition, agree with the
23 authority upon the amount of damages suffered by the minor or other person by any taking of his
24 or her lands or of his or her interests in any lands, and may, upon receiving the amount, release to
25 the authority all claims of damages of the minor or other person for such taking.

26 ~~(e)~~(6) Whenever, from time to time the authority has satisfied the court that the amount
27 deposited with the court is greater than is amply sufficient to satisfy the claims of all persons
28 interested in the land, the court may order that the amount of any excess including any interest or
29 increment on any sums so deposited shall be repaid to the authority. Whenever the authority has
30 satisfied the court that the claims of all persons interested in the land taken have been satisfied,
31 the unexpended balance, including any interest of increment on any sums so deposited, shall be
32 paid forthwith to the authority.

33 ~~(e)~~(7) In any proceedings for the assessment of compensation and damages for land or
34 interest therein taken or to be taken by eminent domain by the authority the following provisions

1 shall be applicable:

2 ~~(i)~~ (i) At any time during the pendency of the action or proceeding, the authority or an
3 owner may apply to the court for an order directing an owner or the authority, as the case may be,
4 to show cause why further proceedings should not be expedited, and the court may upon an
5 application make an order requiring that the hearings proceed and that any other steps be taken
6 with all possible expedition.

7 ~~(ii)~~ (ii) If any of the land, or interest therein, is devoted to a public use, it may,
8 nevertheless, be acquired, and the taking shall be effective provided that no land, or interest
9 therein, belonging to a public utility corporation may be acquired without the approval of the
10 public utilities administrator or other officer or tribunal having regulatory power over the
11 corporation. Any land, or interest therein, already acquired by the authority may, nevertheless be
12 included within the taking for the purpose of acquiring any outstanding interests in the land.

13 SECTION 25. Sections 35-18-2 and 35-18-3 of the General Laws in Chapter 35-18
14 entitled "Public Corporation Debt Management" are hereby amended to read as follows:

15 **35-18-2. Definitions.** -- The words defined in this section shall have the meanings set
16 forth below whenever they appear in this chapter, unless the context in which they are used
17 clearly requires a different meaning:

18 (1) "Bond" and "obligation" mean an agreement by any person to repay borrowed
19 money.

20 (2) "Economic development project" means any project which the Rhode Island
21 industrial facilities corporation is authorized to undertake, including, without limitation, a project
22 related to financing the acquisition of any land and any building or other improvement which
23 shall be suitable for manufacturing, warehousing, or other industrial or commercial purposes,
24 including research, production, processing, agricultural, and marine commerce; provided,
25 however, that the project may include, in addition, the construction or improvement of access
26 roads and utilities, but only access roads and utilities, and only those which are necessary for the
27 operation of that project.

28 (3) "Essential public facilities" means roads, bridges, airports, prisons, reservoirs, waste
29 and wastewater treatment facilities, educational facilities, and any other facilities used by any
30 state agency, department, board, or commission, including the board of governors for higher
31 education, to provide services to the public pursuant to the requirements of state or federal law,
32 all fixtures for any of those facilities and facilities financed or refinanced by bonds or other
33 obligations of the water resources board corporate. It does not include any personal property.

34 (4) "Financing lease" means an agreement in the form of a lease between the state and

1 any person which provides that upon payment by the state as lessee of aggregate rent equal to no
2 less than all of the principal and interest on bonds or other obligations issued by the lessor to
3 finance the acquisition, construction, or improvement of all or any part of an essential public
4 facility, the state shall have the right to possess, use and enjoy that facility pursuant to the lease
5 for a specified period and the option to purchase that facility for a nominal sum at the end of the
6 period.

7 (5) "Governor" means the governor of the state.

8 (6) "Guarantee" and "guarantee lease" mean an agreement on the part of the state to
9 guarantee any liability of a public corporation except a liability of the Rhode Island industrial
10 recreational building authority.

11 ~~(7) [Deleted by P.L. 2005, ch. 117, art. 6, section 1.]~~

12 ~~(8)~~(7) "Person" means an individual, partnership, corporation, public corporation, trust,
13 or association.

14 ~~(9)~~(8) "Public corporation" means any body corporate and politic created or to be created
15 pursuant to statute, including, without limitation, the Rhode Island industrial recreational building
16 authority, the Rhode Island economic development corporation and any subsidiaries thereof, the
17 Rhode Island industrial facilities corporation, the Rhode Island refunding bond authority, the
18 Rhode Island health and educational building authority, the board of governors for higher
19 education, the Rhode Island housing and mortgage finance corporation, the Rhode Island resource
20 recovery corporation, the Rhode Island public transit authority, the Rhode Island student loan
21 authority, the water resources board corporate, (except as provided below), the Rhode Island
22 health and educational building corporation, the Rhode Island depositors economic protection
23 corporation, the Rhode Island convention center authority, the Rhode Island turnpike and bridge
24 authority, their successors and assigns. Cities, towns, and any corporation created by a city or
25 town pursuant to statute, and fire and water districts, are not public corporations under this
26 chapter. The water resources board corporate is not a public corporation under this chapter to the
27 extent it is financing or refinancing bonds or other obligations on behalf of a city, town, city or
28 town instrumentalities or agencies, or fire or water districts.

29 ~~(10)~~(9) "State" means the state of Rhode Island and Providence Plantations, and any
30 department, office, board, commission, or agency of the state.

31 **35-18-3. Approval by the general assembly.** -- (a) No elected or appointed state official
32 may enter into any financing lease or into any guarantee with any person without the prior
33 approval of the general assembly unless:

34 ~~(1) [Deleted by P.L. 2005, ch. 117, art. 6, section 1.]~~

1 ~~(2) [Expired pursuant to P.L. 1994, ch. 148, section 2.]~~

2 ~~(3)~~(1) The governor certifies that federal funds will be available to make all of the
3 payments which the state is or could be obligated to make under the financing lease or guarantee;
4 or

5 ~~(4)~~(2) The general assembly has adjourned for the year with the expectation that it will
6 not meet again until the following year and the governor certifies that action is necessary, because
7 of events occurring after the general assembly has adjourned, to protect the physical integrity of
8 an essential public facility, to ensure the continued delivery of essential public services, or to
9 maintain the credit worthiness of the state in the financial markets.

10 (b) No bonds may be issued or other obligation incurred by any public corporation to
11 finance, in whole or in part, the construction, acquisition, or improvement of any essential public
12 facility without the prior approval of the general assembly, unless:

13 ~~(1) [Deleted by P.L. 2005, ch. 117, art. 6, section 1.]~~

14 ~~(2) [Expired pursuant to P.L. 1994, ch. 148, section 2.]~~

15 ~~(3)~~(1) The governor certifies that federal funds will be available to make all of the
16 payments required to be made by the public corporation in connection with the bond or
17 obligation. The certification shall be transmitted to the speaker of the house and the president of
18 the senate with copies to the chairpersons of the respective finance committees and fiscal
19 advisors; or

20 ~~(4)~~(2) The general assembly has adjourned for the year with the expectation that it will
21 not meet again until the following year and the governor certifies that action is necessary, because
22 of events occurring after the general assembly has adjourned, to protect the physical integrity of
23 an essential public facility, to ensure the continued delivery of essential public services, or to
24 maintain the credit worthiness of the state in the financial markets. The certification shall be
25 transmitted to the speaker of the house and the president of the senate, with copies to the
26 chairpersons of the respective finance committees and fiscal advisors.

27 (c) In addition to, and not by way of limitation on, the exemptions provided in
28 subsections (a) and (b), prior approval by the general assembly shall not be required under this
29 chapter for bonds or other obligations issued by, or financing leases or guarantee agreements
30 entered into by:

31 (1) The Rhode Island Industrial Facilities Corporation; provided financing leases, bonds
32 or other obligations are being issued for an economic development project;

33 (2) The Rhode Island clean water finance agency;

34 (3) The Rhode Island housing and mortgage finance corporation;

1 (4) The Rhode Island student loan authority;

2 (5) Any public corporation to refund any bond or other obligation issued by the public
3 corporation to finance the acquisition, construction, or improvement of an essential public facility
4 provided that the governor certifies to the speaker of the house and the president of the senate,
5 with copies to the chairpersons of the respective finance committees and fiscal advisors that the
6 refunding shall provide a net benefit to the issuer; provided, however, obligations of the Rhode
7 Island resource recovery corporation outstanding on July 31, 1999, may be refunded by the
8 issuance of obligations on or before August 1, 1999;

9 (6) The Narragansett Bay water quality management district commission; and

10 (7) The Rhode Island health and educational building corporation, except bonds or other
11 obligations issued in connection with the acquisition, construction, or improvement of any facility
12 used by any state agency, department, board, or commission, including the board of governors for
13 higher education, to provide services to the public pursuant to the requirements of state or federal
14 law, and all fixtures for any of those facilities.

15 (d) Nothing contained in this section applies to any loan authorized to be borrowed under
16 Article VI, section 16 or 17 of the Rhode Island Constitution.

17 (e) Nothing in this section is intended to expand in any way the borrowing authority of
18 any public corporation under its charter.

19 (f) (1) Any certification made by the governor under subsection (a), (b), or (c) of this
20 section may be relied upon by any person, including without limitation, bond counsel.

21 (2) The certifications shall be transmitted to the speaker of the house and the president of
22 the senate with copies to the chairpersons of the respective finance committees and fiscal
23 advisors.

24 (g) Except as provided for in this chapter, the requirements of this chapter supersede any
25 other special or general provision of law, including any provision which purports to exempt sales
26 or leases between the state and a public corporation from the operation of any law.

27 SECTION 26. Section 36-4-2 of the General Laws in Chapter 36-4 entitled "Merit
28 System" is hereby amended to read as follows:

29 **36-4-2. Positions in unclassified service.** -- The classified service shall comprise all
30 positions in the state service now existing or hereinafter established, except the following specific
31 positions which with other positions heretofore or hereinafter specifically exempted by legislative
32 act shall constitute the unclassified service:

33 (1) Officers and legislators elected by popular vote and persons appointed to fill
34 vacancies in elective offices.

- 1 (2) Employees of both houses of the general assembly.
- 2 (3) Officers, secretaries, and employees of the office of the governor, office of the
3 lieutenant governor, department of state, department of the attorney general, and the treasury
4 department.
- 5 (4) Members of boards and commissions appointed by the governor, members of the
6 state board of elections and the appointees of the board, members of the commission for human
7 rights and the employees of the commission, and directors of departments.
- 8 (5) The following specific offices:
- 9 (i) In the department of administration: director, chief information officer;
- 10 (ii) In the department of business regulation: director;
- 11 (iii) In the department of elementary and secondary education: commissioner of
12 elementary and secondary education;
- 13 (iv) In the department of higher education: commissioner of higher education;
- 14 (v) In the department of health: director;
- 15 (vi) In the department of labor and training: director, administrative assistant,
16 administrator of the labor board and legal counsel to the labor board;
- 17 (vii) In the department of environmental management: director;
- 18 (viii) In the department of transportation: director;
- 19 (ix) In the department of human services: director;
- 20 (x) In the state properties committee: secretary;
- 21 (xi) In the workers' compensation court: judges, administrator, deputy administrator,
22 clerk, assistant clerk, clerk secretary;
- 23 (xii) In the department of elderly affairs: director;
- 24 (xiii) In the department of [behavioral healthcare, developmental disabilities and hospitals](#)
25 ~~mental health, retardation, and hospitals~~: director;
- 26 (xiv) In the department of corrections: director, assistant director
27 (institutions/operations), assistant director (rehabilitative services), assistant director
28 (administration), and wardens;
- 29 (xv) In the department of children, youth and families: director, one assistant director,
30 one associate director, and one executive director;
- 31 (xvi) In the public utilities commission: public utilities administrator;
- 32 (xvii) In the water resources board: general manager;
- 33 (xviii) In the human resources investment council: executive director.
- 34 (xix) In the office of health and human services: secretary of health and human services.

1 (6) Chief of the hoisting engineers, licensing division, and his or her employees;
2 executive director of the veterans memorial building and his or her clerical employees.

3 (7) One confidential stenographic secretary for each director of a department and each
4 board and commission appointed by the governor.

5 (8) Special counsel, special prosecutors, regular and special assistants appointed by the
6 attorney general, the public defender and employees of his or her office, and members of the
7 Rhode Island bar occupying a position in the state service as legal counsel to any appointing
8 authority.

9 (9) The academic and/or commercial teaching staffs of all state institution schools, with
10 the exception of those institutions under the jurisdiction of the board of regents for elementary
11 and secondary education and the board of governors for higher education.

12 (10) Members of the military or naval forces, when entering or while engaged in the
13 military or naval service.

14 (11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the
15 supreme, superior, family, and district courts, the traffic tribunal, jurors and any persons
16 appointed by any court.

17 (12) Election officials and employees.

18 (13) Administrator, executive high sheriff, sheriffs, chief deputy sheriffs, deputy sheriffs,
19 and other employees of the sheriff's division within the department of administration and security
20 officers of the traffic tribunal.

21 (14) Patient or inmate help in state charitable, penal, and correctional institutions and
22 religious instructors of these institutions and student nurses in training, residents in psychiatry in
23 training, and clinical clerks in temporary training at the institute of mental health within the state
24 of Rhode Island medical center.

25 (15) (i) Persons employed to make or conduct a temporary and special inquiry,
26 investigation, project or examination on behalf of the legislature or a committee therefor, or on
27 behalf of any other agency of the state if the inclusion of these persons in the unclassified service
28 is approved by the personnel administrator. The personnel administrator shall notify the house
29 fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person
30 in the unclassified service.

31 (ii) The duration of the appointment of a person, other than the persons enumerated in
32 this section, shall not exceed ninety (90) days or until presented to the department of
33 administration. The department of administration may extend the appointment another ninety (90)
34 days. In no event shall the appointment extend beyond one hundred eighty (180) days.

1 (16) Members of the division of state police within the department of public safety.

2 (17) Executive secretary of the Blackstone Valley district commission.

3 (18) Artist and curator of state owned art objects.

4 (19) Mental health advocate.

5 (20) Child advocate.

6 (21) The position of aquaculture coordinator and marine infrastructure specialist within
7 the coastal resources management council.

8 (22) Employees of the office of the health insurance commissioner.

9 (23) In the department of revenue: the director, secretary, attorney.

10 (24) In the department of public safety: the director.

11 SECTION 27. Sections 36-8-1, 36-8-4 and 36-8-5 of the General Laws in Chapter 36-8
12 entitled "Retirement System - Administration" are hereby amended to read as follows:

13 **36-8-1. Definition of terms.** -- The following words and phrases as used in chapters 8 to
14 10 of this title unless a different meaning is plainly required by the context, shall have the
15 following meanings:

16 (1) "Accumulated contributions" shall mean the sum of all the amounts deducted from
17 the compensation of a member and credited to his or her individual account together with regular
18 interest thereon.

19 (2) "Active member" shall mean any employee of the state of Rhode Island as defined in
20 this section for whom the retirement system is currently receiving regular contributions pursuant
21 to sections 36-10-1 and 36-10-1.1.

22 ~~(2)~~(3) "Actuarial equivalent" shall mean an allowance or benefit of equal value to any
23 other allowance or benefit when computed upon the basis of the actuarial tables in use by the
24 system .

25 ~~(3)~~(4) "Annuity reserve" shall mean the present value of all payments to be made on
26 account of any annuity, benefit, or retirement allowance granted under the provisions of chapter
27 10 of this title computed upon the basis of such mortality tables as shall be adopted from time to
28 time by the retirement board with regular interest.

29 ~~(4)~~(5) "Average compensation" for members eligible to retire as of September 30, 2009
30 shall mean the average of the highest three (3) consecutive years of compensation, within the total
31 service when the average compensation was the highest. For members eligible to retire on or after
32 October 1, 2009, "Average compensation" shall mean the average of the highest five (5)
33 consecutive years of compensation within the total service when the average compensation was
34 the highest.

1 ~~(5)~~(6) "Beneficiary" shall mean any person in receipt of a pension, an annuity, a
2 retirement allowance, or other benefit as provided by chapter 10 of this title.

3 ~~(6)~~(7) "Casual employee" shall mean those persons hired for an occasional period to
4 perform special jobs or functions not necessarily related to the work of regular employees.

5 ~~(7)~~(8) "Compensation" as used in chapters 8 -- 10 of this title, chapters 16 and 17 of title
6 16, and chapter 21 of title 45 shall mean salary or wages earned and paid for the performance of
7 duties for covered employment, including regular longevity or incentive plans approved by the
8 board, but shall not include payments made for overtime or reasons other than performance of
9 duties or activities, including but not limited to the types of payments listed below:

10 (i) Payments contingent on the employee having terminated or died;

11 (ii) Payments made at termination for unused sick leave, vacation leave, or
12 compensatory time;

13 (iii) Payments contingent on the employee terminating employment at a specified time in
14 the future to secure voluntary retirement or to secure release of an unexpired contract of
15 employment;

16 (iv) Individual salary adjustments which are granted primarily in anticipation of the
17 employee's retirement;

18 (v) Additional payments for performing temporary or extra duties beyond the normal or
19 regular work day or work year.

20 ~~(8)~~(9) "Employee" shall mean any officer or employee of the state of Rhode Island
21 whose business time is devoted exclusively to the services of the state, but shall not include one
22 whose duties are of a casual or seasonal nature. The retirement board shall determine who are
23 employees within the meaning of this chapter. The governor of the state, the lieutenant governor,
24 the secretary of state, the attorney general, the general treasurer, and the members of the general
25 assembly, ex officio, shall not be deemed to be employees within the meaning of that term unless
26 and until they elect to become members of the system as provided in section 36-9-6, but in no case
27 shall it deem as an employee, for the purposes of this chapter, any individual who devotes less
28 than twenty (20) business hours per week to the service of the state, and who receives less than
29 the equivalent of minimum wage compensation on an hourly basis for his or her services, except
30 as provided in section 36-9-24. Any commissioner of a municipal housing authority or any
31 member of a part-time state board, commission, committee or other public authority shall not be
32 deemed to be an employee within the meaning of this chapter.

33 ~~(9)~~(10) "Full actuarial costs" or "full actuarial value" shall mean the lump sum payable
34 by a member claiming service credit for certain employment for which that payment is required

1 which is determined according to the age of the member and the employee's annual rate of
2 compensation at the time he or she applies for service credit and which is expressed as a rate
3 percent of the employee's annual rate of compensation to be multiplied by the number of years for
4 which he or she claims service credit as prescribed in a schedule adopted by the retirement board
5 from time to time on the basis of computation by the actuary. All service credit purchases
6 requested after June 16, 2009, except military credit as provided by sections 36-9-31 and 16-16-
7 7.1, shall be at full actuarial value.

8 ~~(10)~~(11) "Inactive member" shall mean a member who has withdrawn from service as an
9 employee but who has not received a refund of contributions.

10 ~~(11)~~(12) "Members" shall mean any person included in the membership of the retirement
11 system as provided in sections 36-9-1 -- 36-9-7.

12 ~~(12)~~(13) "Prior service" shall mean service as a member rendered before July 1, 1936,
13 certified on his or her prior service certificate and allowable as provided in section 36-9-28.

14 ~~(13)~~(14) "Regular interest" shall mean interest at the rate of two percent (2%) per annum,
15 compounded annually, or at such other rate determined from the actual experience of the system
16 as may be prescribed from time to time by the board.

17 ~~(14)~~(15) "Retirement allowance" shall mean annual payments for life made after
18 retirement under and in accordance with chapters 8 to 10 of this title. All allowances shall be paid
19 in equal monthly installments beginning as of the effective date thereof; provided, that a smaller
20 pro rata amount may be paid for part of a month where separation from service occurs during the
21 month in which the application was filed, and when the allowance ceases before the last day of
22 the month.

23 ~~(15)~~(16) "Retirement board" shall mean the board provided in section 36-8-3 to
24 administer the retirement system.

25 ~~(16)~~(17) "Retirement system" shall mean the employees' retirement system of the state of
26 Rhode Island as defined in section 36-8-2.

27 ~~(17)~~(18) "Service" shall mean service as an employee of the state of Rhode Island as
28 described in subdivision (8) of this section.

29 ~~(18)~~(19) "Total service" shall mean prior service as defined above, plus service rendered
30 as a member on or after July 1, 1936.

31 ~~(19) "Active member" shall mean any employee of the state of Rhode Island as defined~~
32 ~~in this section for whom the retirement system is currently receiving regular contributions~~
33 ~~pursuant to sections 36-10-1 and 36-10-1.1.~~

34 **36-8-4. Composition of retirement board.** -- (a) There is hereby authorized, created and

1 established in the office of the general treasurer an independent retirement board which shall hold
2 and administer, in trust, the funds of the retirement system in accordance with the provisions of
3 chapters 8 -- 10 of this title and shall perform such functions as authorized by law. The
4 membership of the retirement board shall consist of: the general treasurer or his or her designee
5 who shall be a subordinate within the general treasurer's office; the director of administration or
6 his or her designee who shall be a subordinate within the department of administration; a
7 representative of the budget office or his or her designee from within the budget office, who shall
8 be appointed by the director of administration; the president of the league of cities and towns or
9 his or her designee; two (2) active state employee members of the retirement system or officials
10 from state employee unions to be elected by active state employees; two (2) active teacher
11 members of the retirement system or officials from a teachers union to be elected by active
12 teachers; one active municipal employee member of the retirement system or an official from a
13 municipal employees union to be elected by active municipal employees; two (2) retired members
14 of the retirement system to be elected by retired members of the system; and four (4) public
15 members, all of whom shall be competent by training or experience in the field of finance,
16 accounting or pensions; two (2) of the public members shall be appointed by the governor, one of
17 whom shall serve an initial term of three (3) years and one of whom shall serve an initial term of
18 four (4) years and until his or her successor is appointed and qualified; and two (2) of the public
19 members shall be appointed by the general treasurer, one of whom shall serve an initial term of
20 three (3) years and one of whom shall serve an initial term of four (4) years and until his or her
21 successor is appointed and qualified. Thereafter, the term of these four (4) public members shall
22 be for four (4) years or until their successors are appointed and qualified. Meetings shall be open
23 to the public in accordance with the provisions of chapter 42-46 of the general laws. Any member
24 of the general public who was appointed by the governor prior to ~~the effective date of this act~~
25 ~~[July 4, 2006]~~ [July 4, 2006](#) shall continue to serve until such time as a successor is appointed and
26 qualified. Any member who was elected prior to ~~the effective date of this act~~ ~~[July 4, 2006]~~ [July](#)
27 [4, 2006](#) shall serve for the remainder of his or her elected term.

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

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

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

34 (2) The term of office for elected members shall be for four (4) years, and election of

1 their successors shall be given by the board prior to the expiration of the terms of the incumbent
2 elected members.

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

5 (d) All gubernatorial and general treasurer appointments made under this section after
6 ~~the effective date of this act [July 4, 2006]~~ July 4, 2006 shall be subject to the advice and consent
7 of the senate. No one shall be eligible for appointment unless he or she is a resident of this state.

8 (e) Public members of the board shall be removable by the chair for cause only, and
9 removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall
10 be unlawful.

11 (f) Newly appointed and qualified public members shall, within six (6) months of their
12 appointment, attend a training course that shall be developed and provided by the office of the
13 general treasurer and shall include instruction in the following areas: the provisions of chapters
14 42-46, 36-14 and 38-2 of the Rhode Island general laws, the retirement statutes; and the board's
15 rules and regulations. The director of the department of administration shall, within ninety (90)
16 days of ~~the effective date of this act [July 4, 2006]~~ July 4, 2006 prepare and disseminate training
17 materials relating to the provisions of chapters 42-46, 36-14 and 38-2.

18 **36-8-5. Vacancies on board.** -- If, for any reason whatsoever, there shall be a vacancy in
19 the office of an appointed member of the board the appointing authority shall appoint a successor
20 within seventy (70) days for the balance of the vacated term; provided, however, that all
21 gubernatorial and general treasurer appointments made under this section after ~~the effective date~~
22 ~~of this act [July 4, 2006]~~ July 4, 2006 shall be subject to the advice and consent of the senate. If,
23 for any reason whatsoever, there shall be a vacancy in the office of an elected member of the
24 board the seat shall be filled by a new election of the respective group within seventy (70) days
25 for the balance of the vacated term.

26 SECTION 28. Section 36-8-21 of the General Laws in Chapter 36-8 entitled "Retirement
27 System - Administration" is hereby repealed.

28 ~~**36-8-21. Special commission.** -- (a) There is hereby created a special commission~~
29 ~~entitled "Special Commission to Study the Alteration of the Pension System for New~~
30 ~~Employees", the purpose of which shall be to study changes to the current state pension system to~~
31 ~~be applied to new employees and to report to the governor and to the general assembly with~~
32 ~~advice and recommendations as to those changes on or before April 1, 1997.~~

33 ~~(b) The commission shall consist of nine (9) members as follows:~~

34 ~~(1) The director of administration who shall be chairperson of the commission;~~

- 1 ~~-(2) The governor's policy director;~~
- 2 ~~-(3) One member of the house of representatives as appointed by the speaker of the~~
- 3 ~~house;~~
- 4 ~~-(4) One member of the state senate appointed by the majority leader of the senate;~~
- 5 ~~-(5) One member appointed by the president of the Rhode Island AFL-CIO who shall be~~
- 6 ~~an official of organized labor representing public school teachers in Rhode Island;~~
- 7 ~~-(6) One member appointed by the president of the Rhode Island AFL-CIO who shall be~~
- 8 ~~an official of organized labor representing state employees; and~~
- 9 ~~-(7) Three (3) members of the public appointed by the governor.~~
- 10 ~~-(c) The commission shall be appointed no later than September 1, 1995.~~
- 11 ~~-(d) Members of the commission shall serve without compensation.~~
- 12 ~~-(e) The commission may request and shall receive from any instrumentality of the state~~
- 13 ~~such information and assistance as it deems necessary for the proper execution of its powers and~~
- 14 ~~duties under this section.~~
- 15 ~~-(f) The commission shall expire on June 1, 1997.~~

16 SECTION 29. Section 36-9-31.1 of the General Laws in Chapter 36-9 entitled
 17 "Retirement System-Membership and Service Credits" is hereby amended to read as follows:

18 **36-9-31.1. Peace corps, teacher corps, and volunteers in service to America.** -- (a)
 19 Any active member who served in the peace corps, teacher corps, or in volunteers in service to
 20 America may purchase credit for that service up to a maximum of four (4) years in the aggregate;
 21 provided, that any member on an official leave of absence for illness or injury shall be eligible to
 22 purchase those credits while on the leave of absence.

23 (b) The cost to purchase these credits shall be the full actuarial cost as defined in
 24 subsection 36-8-1(9) of that service in the peace corps, teacher corps, or VISTA, up to a
 25 maximum of four (4) years.

26 ~~-(c) [Deleted by P.L. 2009, ch. 68, art. 7, section 2.]~~

27 SECTION 30. Sections 36-10-9.3, 36-10-15 and 36-10-36 of the General Laws in
 28 Chapter 36-10 entitled "Retirement System-Contributions and Benefits" are hereby amended to
 29 read as follows:

30 **36-10-9.3. Retirement on service allowance -- Registered nurses.** -- (a) This section
 31 shall apply to the retirement of members employed as registered nurses within the department of
 32 behavioral healthcare, developmental disabilities and hospitals ~~mental health, retardation, and~~
 33 ~~hospitals.~~

34 (b) Any member who has attained the age of fifty (50) years may be retired subsequent

1 to the proper execution and filing of written application; provided, however, that the member
2 shall have completed twenty-five (25) years of total service within the department of behavioral
3 healthcare, developmental disabilities and hospitals ~~mental health, retardation, and hospitals~~ and
4 who retires before October 1, 2009 or is eligible to retire as of September 30, 2009.

5 ~~(ii)~~(c) For members who become eligible to retire on or after October 1, 2009, benefits
6 are available to members who have attained the age of fifty-five (55) and have completed at least
7 twenty-five (25) years of total service within the department of behavioral healthcare,
8 developmental disabilities and hospitals ~~mental health, retardation, and hospitals~~. For members in
9 service as of October 1, 2009 who were not eligible to retire as of September 30, 2009, the
10 minimum retirement age of fifty-five (55), the retirement age will be adjusted downward in
11 proportion to the amount of service the member has earned as of September 30, 2009. The
12 proportional formula shall work as follows:

13 (1) The formula shall determine the first age of retirement eligibility under the laws in
14 effect on September 30, 2009 which shall then be subtracted from the minimum retirement age of
15 fifty-five (55).

16 (2) The formula shall then take the member's total service credit as of September 30,
17 2009 as the numerator and the years of service credit determined under (1) as the denominator.

18 (3) The fraction determined in (2) shall then be multiplied by the age difference
19 determined in (1) to apply a reduction in years from age fifty-five (55).

20 **36-10-15. Amount of accidental disability benefit.** -- (a) For disability applications
21 submitted on or before September 30, 2009, upon retirement for accidental disability under
22 section 36-10-14, a member shall receive a benefit which shall be equal to sixty-six and two-
23 thirds percent (66 2/3%) of his or her annual compensation at the time of his or her retirement,
24 subject to the provisions of section 36-10-31.

25 (b) Upon any application for accidental disability submitted on or after October 1, 2009,
26 if the member has been found to be permanently and totally disabled from service but has not
27 been found by the board to be permanently and totally disabled from any employment as a result
28 of his/her accidental disability, a member shall receive a retirement allowance equal to fifty
29 percent (50%) of the rate of the member's compensation at the date of the member's retirement,
30 subject to the provisions of section 36-10-31. The retiree shall, as a condition of continued receipt
31 of a disability retirement allowance, on or before a date fixed by the retirement board, annually
32 under penalties of perjury provide the board with such affidavits and accurate evidence of
33 earnings, employment and gainful activity as the board may require, including, but not limited,
34 joint and/or individual tax returns. Payment of the disability retirement allowance shall continue

1 as long as the individual remains disabled, and regardless of service or age.

2 (c) Upon retirement for accidental disability that has been found by the board to be
3 permanently and totally disabling from any employment, a member shall receive a retirement
4 allowance equal to sixty-six and two-thirds percent (66 2/3%) of the rate of the member's
5 compensation at the date of the member's retirement subject to the provisions of section 36-10-31.
6 The retirement board shall apply the terms of subsection 28-33-17(b) in determining total
7 disability.

8 **36-10-36. Post retirement employment.** -- (a) On and after July 7, 1994, no member
9 who has retired under the provisions of titles 16, 36, or 45 may be employed or reemployed by
10 any state agency or department unless any and all retirement benefits to which he or she may be
11 entitled by virtue of the provisions of titles 16, 36 or 45 are suspended for the duration of any
12 employment or reemployment. No additional service credits shall be granted for any post-
13 retirement employment or reemployment and no deductions shall be taken from an individual's
14 salary for retirement contribution. Notice of any such post-retirement employment or
15 reemployment shall be sent monthly to the retirement board by the employing agency or
16 department and by the retired member.

17 (b) Any member who has retired under the provisions of titles 16, 36, or 45 may be
18 employed or reemployed by any municipality within the state, which municipality has accepted
19 the provisions of chapter 21 of title 45 and which participates in the municipal employees'
20 retirement system for a period of not more than seventy-five (75) working days or one hundred
21 fifty (150) half days with half day pay in any one calendar year without any forfeiture of or
22 reduction of any retirement benefits and allowances the member is receiving or may receive as a
23 retired member. Pension payments shall be suspended whenever this period is exceeded. No
24 additional contributions shall be taken and no additional service credits shall be granted for this
25 service. Notice of this employment or re-employment shall be sent monthly to the retirement
26 board by the employer and by the retired member.

27 (c) Any member who has retired under the provisions of title 16, 36, or 45 may be
28 employed or re-employed by any municipality within the state which has not accepted the
29 provisions of chapter 21 of title 45 and which does not participate in the municipal employees'
30 retirement system.

31 (d) Notwithstanding the provisions of this section:

32 (1) Any retired member of the system shall be permitted to serve as an elected mayor,
33 the town administrator, the city administrator, the town manager, the city manager, the chief
34 administrative officer or the chief executive officer of any city or town, city or town council

1 member, school committee member, or unpaid member of any part-time state board or
2 commission or member of any part-time municipal board or commission, and shall continue to be
3 eligible for and receive the retirement allowance for service other than that as a mayor,
4 administrator, council member, school committee member, or member of any state board or
5 commission or member of any part-time municipal board or commission; provided, however, that
6 no additional service credits shall be granted for any service under this subsection;

7 (2) Any retired member who retired from service at any state college, university, state
8 school, or who retired from service as a teacher under the provisions of title 16, or who retired
9 from service under title 36 or title 45, may be employed or reemployed, on a part-time basis, by
10 any state college, university or state school for the purpose of providing classroom instruction,
11 academic advising of students and/or coaching. Compensation shall be provided at a level not to
12 exceed the salary provided to other faculty members employed under a collective bargaining
13 agreement at the institution. In no event shall "part-time" mean gross pay of more than fifteen
14 thousand dollars (\$15,000) in any one calendar year. Any retired member who provides such
15 instruction or service shall do so without forfeiture or reduction of any retirement benefit or
16 allowance; and provided, however, that no additional service credits shall be granted for any
17 service under this subsection;

18 (3) Any retired member who retired from service as a teacher under the provisions of
19 title 16, or as a state employee who while an active state employee was certified to teach driver
20 education by the department of elementary and secondary education or by the board of governors
21 for higher education, may be employed or reemployed, on a part-time basis, by the department of
22 elementary and secondary education or by the board of governors for higher education for the
23 purpose of providing classroom instruction in driver education courses in accordance with section
24 31-10-19 and/or motorcycle driver education courses in accordance with section 31-10.1-1.1. In
25 no event shall "part-time" mean gross pay of more than fifteen thousand dollars (\$15,000) in any
26 one calendar year. Any retired teacher who provides that instruction shall do so without forfeiture
27 or reduction of any retirement benefit or allowance the retired teacher is receiving as a retired
28 teacher; provided, however, that no additional service credits shall be granted for any service
29 under this subsection; and

30 (4) Any retired member who retired from service as a registered nurse may be employed
31 or reemployed, on a per diem basis, for the purpose of providing professional nursing care and/or
32 services at a state operated facility in Rhode Island. In no event shall "part-time" mean gross pay
33 of more than twelve thousand dollars (\$12,000) in any one calendar year. Any retired nurse who
34 provides such care and/or services shall do so without forfeiture or reduction of any retirement

1 benefit or allowance the retired nurse is receiving as a retired nurse; provided, however, that no
2 additional service credits shall be granted for any service under this subsection.

3 ~~-(5) (a) [Effective until March 2, 2009.] Any retired member who retired from service
4 with the department of labor and training, is proficient in the processing of unemployment
5 insurance claims, as established by the department, and has extensive experience working in the
6 administration of the unemployment insurance program may be employed or reemployed by the
7 department for the purpose processing unemployment insurance claims between January 27, 2009
8 and March 1, 2009 without any forfeiture of or reduction of any retirement benefits and
9 allowances that he or she is receiving or may receive. Compensation shall be provided at a level
10 not to exceed the salary provided to others employed under the collective bargaining agreement.
11 Pension payments shall be suspended whenever this period is exceeded. No additional
12 contributions shall be taken and no additional service credits shall be granted for this service.
13 Notice of this employment or re-employment shall be sent monthly to the retirement board by the
14 employer and by the retired member.~~

15 ~~-(b) The provisions of subsection 36-10-36(d)(5)(a) shall expire on March 2, 2009.~~

16 ~~-(c) [Effective until April 4, 2009.] Any retired member who retired from service with the
17 department of labor and training, is proficient in the processing of unemployment insurance
18 claims, as established by the department, and has extensive experience working in the
19 administration of the unemployment insurance program may be employed or reemployed by the
20 department for the purpose processing unemployment insurance claims between March 3, 2009
21 and April 3, 2009 without any forfeiture of or reduction of any retirement benefits and allowances
22 that he or she is receiving or may receive. Compensation shall be provided at a level not to
23 exceed the salary provided to others employed under the collective bargaining agreement.
24 Pension payments shall be suspended whenever this period is exceeded. No additional
25 contributions shall be taken and no additional service credits shall be granted for this service.
26 Notice of this employment or re-employment shall be sent monthly to the retirement board by the
27 employer and by the retired member.~~

28 ~~-(d) The provisions of subsection 36-10-36(d)(5)(c) shall expire on April 4, 2009.~~

29 SECTION 31. Section 36-12-2.2 of the General Laws in Chapter 36-12 entitled
30 "Insurance Benefits" is hereby amended to read as follows:

31 **36-12-2.2. Disabled retired employees -- Hospital care and surgical-medical service**
32 **benefits.** -- Notwithstanding any other provision of the law to the contrary, an employee of the
33 state of Rhode Island who retires under the provisions of title 36 of the Rhode Island general laws
34 with a disability pension benefit shall receive only the following state-sponsored health care and

1 subsidies- :

2 ~~(a)~~(1) Disabled retired employees who retire on or before September 30, 2008, and who
3 are at least sixty (60) years of age as of September 30, 2008. (i) Any disabled retired employee of
4 the state of Rhode Island who retires on or before September 30, 2008, and is at least sixty (60)
5 years of age as of September 30, 2008, will be eligible until age sixty-five (65) to continue to
6 purchase hospital care and surgical-medical service benefits as set forth in section 36-12-2 and as
7 are received by classified employees. Furthermore, if he/she retired subsequent to July 1, 1989,
8 he/she shall receive for himself or herself a subsidy on the individual medical plan in accordance
9 with the following formula until attaining age sixty-five (65):

10	Years of Service	State's Share	Employee's Share
11	10 - 15	50%	50%
12	16 - 22	70%	30%
13	23 - 27	80%	20%
14	28+	100%	0%

15 ~~(a)~~(ii) Any disabled retired employee of the state of Rhode Island who retires on or
16 before September 30, 2008, and is at least sixty-five (65) years of age as of September 30, 2008,
17 will be eligible to continue to purchase hospital care and surgical-medical service benefits as set
18 forth in section 36-12-2 and as are received by classified employees. Furthermore, if he/she
19 retired subsequent to July 1, 1989, he/she shall receive for himself or herself a subsidy on his or
20 her individual medical plan in accordance with the following formula applied to the cost of the
21 Medicare supplemental plan:

22	Years of Service	State's Share	Employee's Share
23	10 - 15	50%	50%
24	16 - 19	70%	30%
25	20 - 27	90%	10%
26	28+	100%	0%

27 ~~(a)~~(iii) Payment for the coverage shall be at the same group rate used by the state in
28 making payment for state employees.

29 ~~(a)~~(2) Disabled retired employees who retire after September 30, 2008, or are under sixty
30 (60) years of age on September 30, 2008. Any disabled retired employee of the state of Rhode
31 Island who retires after September 30, 2008, or any disabled retired employee of the state of
32 Rhode Island who is under sixty (60) years of age on September 30, 2008, will be eligible to
33 receive state-sponsored medical coverage and subsidies as follows: ~~(a)~~(i) If the retiree is under
34 fifty-nine (59) years of age, the retiree shall have the right to purchase hospital care and surgical-

1 medical service benefits as set forth in section 36-12-2 and as are received by classified
2 employees. Payment for the coverage shall be at the same group rate used by the state in making
3 payment for state employees.

4 ~~(i)~~ (ii) Furthermore, if the retiree is under fifty-nine (59) years of age, and retired after July
5 1, 1989, and before September 30, 2008, and the retiree had a minimum of twenty-eight (28)
6 years of total service, he/she shall receive for himself or herself a ninety percent (90%) subsidy
7 on the individual medical plan until attaining age fifty-nine (59).

8 ~~(ii)~~ (iii) At age fifty-nine (59) the retiree and his/her dependents shall be eligible only for
9 enrollment in the medical plans available to non-disabled state employee retirees. If the retiree
10 has a minimum of ten (10) years of contributory service, and up to twenty (20) years of total
11 service, the retiree will be eligible for a fifty percent (50%) state subsidy on the cost of the
12 individual retiree medical plan. If the retiree has a minimum of ten (10) years of contributory
13 service, and twenty (20) years or more of total service, the retiree will be eligible for an eighty
14 percent (80%) state subsidy on the cost of the individual retiree medical plan. The retiree is
15 responsible for full payment for any additional dependent plans.

16 ~~(iii)~~ (3) Disabled retired employees who retire after September 30, 2008, or are under
17 sixty-five (65) years of age on September 30, 2008. Any disabled retired employee of the state of
18 Rhode Island who retires after September 30, 2008, or any disabled retired employee of the state
19 of Rhode Island who is under sixty-five (65) years of age on September 30, 2008, will be eligible
20 to receive only the following state-sponsored medical coverage and subsidies upon attaining age
21 sixty-five (65):

22 ~~(i)~~ (i) If the retiree is eligible for Medicare at age sixty-five (65), the retiree and spouse
23 shall enroll in a state-sponsored Medicare supplemental plan.

24 ~~(ii)~~ (ii) If a retiree is not eligible for Medicare at age sixty-five (65), the retiree may
25 remain in the same medical plan that the retiree was enrolled in prior to attaining age sixty-five
26 (65).

27 ~~(iii)~~ (iii) If the retiree has a minimum of ten (10) years of contributory service, and up to
28 twenty (20) years of total service, the retiree will receive a fifty percent (50%) state subsidy based
29 on the cost of the individual Medicare supplemental plan. If the retiree has a minimum of ten (10)
30 years of contributory service and twenty (20) years or more of total service, the retiree will be
31 eligible for an eighty percent (80%) state subsidy based on the cost of the individual Medicare
32 supplemental plan. The retiree is responsible for full payment for any additional dependent plans.

33 ~~(4)~~ (4) Payments for retiree and dependent medical coverage shall be deducted from the
34 purchaser's retirement benefits received pursuant to chapter 10 of this title.

1 SECTION 32. Sections 36-12.1-4, 36-12.1-7 and 36-12.1-18 of the General Laws in
2 Chapter 36-12.1 entitled "Retiree Health Care Trust Fund" are hereby amended to read as
3 follows:

4 **36-12.1-4. Definitions.** -- The following words and phrases as used in the act, unless a
5 different meaning is plainly required by the context, shall have the following meanings:

6 (1) "Actuary" means the actuary retained by the OPEB Board pursuant to § 36-12.1-15
7 hereof.

8 (2) "Alternate retirement plans" shall mean those retirement plans provided by the Board
9 of Governors for Higher Education for its non-classified employees, and those of the Office of
10 Higher Education, the University of Rhode Island, Rhode Island College, and the Community
11 College of Rhode Island, pursuant to § 16-17.1-1 et seq.

12 ~~(2)~~(3) "Code" means the Internal Revenue Code of 1986, as amended.

13 (4) "Employee" means all persons who are classified employees as the term "classified
14 employee" is defined under § 36-3-3, and all persons in the unclassified and non-classified
15 service of the state. This includes those non-classified employees of the Board of Governors for
16 Higher Education, the Office of Higher Education, the University of Rhode Island, Rhode Island
17 College, and the Community College of Rhode Island pursuant to § 16-59-1 et seq., who are
18 participants in the Board of Governors' alternate retirement plans.

19 ~~(3)~~(5) "Employer" means the state of Rhode Island.

20 ~~(4) "Employee" means all persons who are classified employees as the term "classified~~
21 ~~employee" is defined under § 36-3-3, and all persons in the unclassified and non-classified~~
22 ~~service of the state. This includes those non-classified employees of the Board of Governors for~~
23 ~~Higher Education, the Office of Higher Education, the University of Rhode Island, Rhode Island~~
24 ~~College, and the Community College of Rhode Island pursuant to § 16-59-1 et seq., who are~~
25 ~~participants in the Board of Governors' alternate retirement plans.~~

26 ~~(5)~~(6) "GAAP" shall mean generally accepted accounting principles.

27 ~~(6)~~(7) "GASB" shall mean governmental accounting standards board.

28 ~~(7)~~(8) "GASB 43" shall mean the rules promulgated by GASB governing the manner in
29 which financial statements issued by trusts providing OPEB benefits must be prepared in
30 accordance with GAAP, as they may be amended from time to time.

31 ~~(8)~~(9) "GASB 45" shall mean the rules promulgated by GASB governing the manner in
32 which financial statements issued by employers providing OPEB Benefits must be prepared in
33 accordance with GAAP, as they may be amended from time to time.

34 ~~(9)~~(10) "OPEB" or "OPEB Benefits" shall mean other post employment benefits, and

1 shall include, without limitation, retiree medical, dental, prescription, vision care, life insurance,
2 long term care benefits and similar post-employment benefits for a Retired Employee and/or his
3 or her Dependents.

4 ~~(10)~~(11) "OPEB Board" shall mean the board established in § 36-12.1-7 to administer the
5 OPEB System.

6 ~~(11)~~(12) "OPEB System" shall mean the Rhode Island Employee's OPEB System as
7 defined in § 36-12.1-5.

8 ~~(12)~~(13) "OPEB Trust" shall mean the trust fund or funds, including any sub-funds or
9 sub-trusts created by the OPEB Board pursuant to § 36-12 to hold assets of the OPEB System.

10 ~~(13)~~(14) "Party in Interest" shall mean each member of the OPEB Board, each employee
11 of the OPEB Board, any individual or organization that renders advice to the OPEB Board or the
12 OPEB System; any affiliate of such organization, and any member of the immediate family of
13 any such individual.

14 ~~(14)~~(15) "Retired Employee", means any person retired from the active service of the
15 state, as determined by the retirement board under § 36-8-1, and also all retired teachers who have
16 elected to come under the OPEB System, or any person who was a non-classified employee of the
17 Board of Governors for Higher Education, the Office of Higher Education, the University of
18 Rhode Island, Rhode Island College, or the Community College of Rhode Island pursuant to §
19 16-59-1 et seq, and who is a participant in the Board of Governors' alternate retirement plans.

20 ~~(15) "Alternate retirement plans" shall mean those retirement plans provided by the~~
21 ~~Board of Governors for Higher Education for its non-classified employees, and those of the~~
22 ~~Office of Higher Education, the University of Rhode Island, Rhode Island College, and the~~
23 ~~Community College of Rhode Island, pursuant to § 16-17.1-1 et seq.~~

24 **36-12.1-7. Composition of the OPEB board.** -- ~~(a)~~ The OPEB Board shall consist of the
25 State Controller, the State Budget Officer, the State Personnel Administrator and the General
26 Treasurer, or their designees.

27 **36-12.1-18. Periodic actuarial investigations and valuations.** -- (a) Every year
28 beginning with fiscal year 2012 on a schedule in accordance with generally accepted accounting
29 principles, the actuary shall make an actuarial investigation into the mortality, service, and
30 compensation experience of the members and beneficiaries of the OPEB System, and shall make
31 a valuation of the assets and liabilities of the system, and, taking into account the result of the
32 investigation and valuation, the OPEB Board shall:

33 (1) Adopt for the OPEB System, such mortality, service, and other tables as shall be
34 deemed necessary in the OPEB System; and

1 (2) Certify the levels of contribution payable by the state of Rhode Island to carry out the
2 provisions of chapters 12, 12.1, and 12.2 of this title.

3 (3) Certify the levels of contribution payable by the Board of Governors for Higher
4 Education to carry out the provisions of chapter 17.1 of title 16.

5 (b) On the basis of such tables as the OPEB Board shall adopt, the actuary shall make a
6 valuation of the liabilities of the funds of the system created by this chapter and the investment
7 advisor or investment manager appointed by the OPEB Board shall make a valuation of the assets
8 of the OPEB System.

9 SECTION 33. Section 36-13-1 of the General Laws in Chapter 36-13 entitled "Deferred
10 Compensation Plans" is hereby amended to read as follows:

11 **36-13-1. Deferred compensation plans authorized.** -- (a) The state or any city, town, or
12 other political subdivision may, by contract, agree with any employee to defer, in whole or in
13 part, any portion of that employee's compensation, and may subsequently contract with financial
14 institutions for the purchase of government securities or with other financial entities for the
15 purchase of mutual funds, and procure a fixed or variable life insurance or annuity contract for
16 the purpose of providing funds to meet its obligations under a deferred compensation program for
17 the employees from any financial institutions or from any life underwriters duly licensed by this
18 state who represents an insurance company licensed to contract business in this state.

19 (b) In the administration of a deferred compensation plan for state employees authorized
20 under this chapter, after ~~{October 1, 1998}~~ October 1, 1998 the state shall engage three companies
21 ("Authorized Companies") to administer such deferred compensation plans. After ~~{October 1,~~
22 ~~1998}~~ October 1, 1998 only such Authorized Companies shall be entitled to enroll state
23 employees in such deferred compensation plans in accordance with the following guidelines:

24 (1) Employees must have the option of purchasing or investing in alternative financial
25 products referred to herein which have been approved by the State Investment Commission;

26 (2) The alternative financial products shall include, without limitation, a variable product
27 and a fixed product;

28 (3) The Authorized Companies (or an entity related thereto) must:

29 (i) Be selected in accordance with the provisions of this chapter,

30 (ii) Covenant that all employees covered under any plan authorized under this chapter
31 shall, at all times, be granted the unfettered right to cancel, change, liquidate, amend or
32 interchange any investment contract or product purchased in any such plan without such
33 employees incurring a financial penalty or fee of any kind or nature imposed by contract, and

34 (iii) Be granted equal access to all eligible employees;

1 (4) Procedures shall be established to ensure that personalized information regarding
2 employees shall not be provided to third parties by the Authorized Companies. "Personalized
3 Information" shall include, without limitation, social security numbers, home addresses,
4 telephone numbers, amounts invested, medical or disability information; and

5 (5) The Authorized Companies shall be permitted to offer any financial product referred
6 to herein which shall have been approved by the State Investment Commission. Notwithstanding
7 any other provisions of this section (b), if the department of administration determines that less
8 than three companies are qualified to be engaged as Authorized Companies because of:

9 (a) insufficient experience in the administration of deferred compensation plans; or

10 (b) a failure to assure adherence to the guidelines set forth herein, the state may engage
11 less than three Authorized Companies.

12 (6) If any provision of this section or the application thereof to any person or
13 circumstances is held invalid, that invalidity shall not affect other provisions or applications of
14 the section which can be given effect without the invalid provision or application, and to this end
15 the provisions of this section are declared to be severable.

16 SECTION 34. Sections 37-2.2-2, 37-2.2-3.1 and 37-2.2-4 of the General Laws in Chapter
17 37-2.2 entitled "Disability Business Enterprises" are hereby amended to read as follows:

18 **37-2.2-2. Definitions.** -- As used in this chapter, the following words and phrases shall
19 have the following meanings unless the context shall indicate another or different meaning or
20 intent:

21 (1) "Persons with disabilities" or "person with a disability" shall mean any individual
22 who has a physical or mental impairment which constitutes a substantial barrier to employment as
23 certified by the department of [behavioral healthcare, developmental disabilities and hospitals](#)
24 ~~human services or the department of mental health, retardation, and hospitals.~~

25 (2) "Products" shall mean any goods or merchandise provided by persons with
26 disabilities if not less than sixty percent (60%) of the work hours or direct labor required for the
27 products are performed by persons with disabilities.

28 (3) "Rehabilitation facility" or "rehabilitation facilities" shall mean a facility which is
29 operated for the primary purpose of providing vocational rehabilitation services to and gainful
30 employment for persons with disabilities. The rehabilitation services, listed below, may be
31 provided directly or by the facility's parent corporation. The facility must provide singly or in
32 combination one or more of the following services for persons with disabilities:

33 (i) Comprehensive rehabilitation services which shall include under one management:
34 medical, psychological, social, and vocational services;

1 (ii) Testing, fitting, or training in the use of prosthetic and orthotic services;
2 (iii) Pre-vocational evaluation or recreational therapy;
3 (iv) Physical and occupational therapy;
4 (v) Speech and hearing services;
5 (vi) Psychological and social services;
6 (vii) Evaluation;
7 (viii) Personal and work adjustment;
8 (ix) Vocational training in combination with other rehabilitation services;
9 (x) Evaluation or control of special disabilities; and
10 (xi) Transitional or long-term employment for persons who have severe disabilities and
11 cannot be readily absorbed into the competitive labor market.

12 (4) "Services" shall mean any services provided by persons with disabilities if not less
13 than sixty percent (60%) of the work hours or direct labor required for the services are performed
14 by persons with disabilities.

15 (5) "Small disadvantaged businesses owned and controlled by persons with disabilities "
16 shall mean small business concern, which is at least fifty-one percent (51%) owned by one or
17 more person(s) with disabilities or, in the case of a publicly owned business, at least fifty-one
18 percent (51%) of the stock of which is owned by one or more disabled person, whose
19 management and daily business operations are controlled by one or more person(s) with
20 disabilities, and have fifty or fewer employees.

21 (6) "A physical or mental impairment" shall mean any physiological disorder or
22 condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body
23 systems: neurological; musculoskeletal; special sense organs; respiratory, including speech
24 organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and
25 endocrine; or any mental psychological disorder, such as mental retardation, organic brain
26 syndrome, emotional or mental illness, and specific learning disabilities.

27 (7) "Vocational rehabilitation services" shall mean any goods and services including
28 diagnostic and related services necessary to render a person with a disability fit to engage in a
29 gainful occupation and services to the families of persons with disabilities when those services
30 will contribute substantially to the rehabilitation of those individuals.

31 **37-2.2-3.1. Policy and applicability.** – (a) It is the policy of the state of Rhode Island
32 that small disadvantaged disability businesses shall have the maximum opportunity to participate
33 in the performance of procurements and projects as outlined in this chapter. This chapter shall
34 apply to any and all state purchasing, including, but not limited to, the procurement of goods and

1 services, construction projects, or contracts funded in whole or in part by state funds, or funds
2 which, in accordance with a federal grant or otherwise, the state expends or administers or in
3 which the state is a signatory to the construction contract.

4 (b) The director of administration, in consultation with the governor's commission on
5 disabilities, is authorized and directed to establish rules and regulations for awarding contracts to
6 small disadvantaged businesses owned and controlled by persons with disabilities in the
7 procurement of goods, services, construction projects, or contracts funded in whole or in part by
8 state funds, in accordance with section 37-2-9(b)(14).

9 **37-2.2-4. Disability business enterprise committee -- Membership -- Duties. --** (a)

10 There is hereby established within the governor's commission on disabilities a committee,
11 consisting of nine (9) persons, to be known as the disability business enterprise committee.

12 (b) The committee, shall consist of the director of the department of human services or
13 his or her designee; the director of the department of behavioral healthcare, developmental
14 disabilities and hospitals ~~mental health, retardation, and hospitals~~ or his or her designee; the
15 director of the economic development corporation or his or her designee; the state purchasing
16 agent or his or her designee; and two (2) persons with disabilities and three (3) representatives of
17 rehabilitation facilities in the state of Rhode Island appointed by the chairperson of the governor's
18 commission on disabilities. All members of the committee shall serve without compensation. Of
19 the number appointed originally under this chapter, one-third (1/3) shall be appointed for a term
20 of one year; one-third (1/3) shall be appointed for a term of two (2) years; and one-third (1/3)
21 shall be appointed for a term of three (3) years. Thereafter, vacancies created by expiration of
22 terms shall be filled with appointments for terms of three (3) years. Members whose terms expire
23 may be reappointed to succeed themselves. The chairperson of the governor's commission on
24 disabilities or his or her designee shall serve as chairperson of the committee. The members of the
25 committee shall elect a vice chairperson and other officers as are necessary from amongst
26 themselves annually.

27 (c) The governor's commission on disabilities shall promulgate such rules and
28 regulations, in accordance with the Administrative Procedures Act, chapter 35 of title 42, as are
29 necessary and proper to ensure responsible management, operation, oversight of the committee,
30 and ensure that all facilities, both nonprofit and profit-making, referred to in sections 37-2.2-3
31 and 37-2.2-3.1 meet all applicable government regulations and standards, including those of the
32 United States department of labor, the state department of human services, and the chief
33 purchasing officer with regard to developing a program which involves small disadvantaged
34 businesses as contractors, section 37-2-9(b)(14).

1 (d) The committee shall establish a procedure to certify small disadvantaged disability
2 businesses and rehabilitation facilities that qualify under their regulation for a preference under
3 section 37-2.2-3 or 37-2.2-3.1 and submit a list of the certified small disadvantaged disability
4 businesses and rehabilitation facilities and the products and services provided by them to the chief
5 purchasing officer at least once a year. The chief purchasing officer shall utilize that list in the
6 program which involves small disadvantaged businesses as contractors established by ~~section~~
7 subsection 37-2-9(b)(14).

8 SECTION 35. Section 37-2.3-3 of the General Laws in Chapter 37-2.3 entitled
9 "Government Oversight and Fiscal Accountability Review Act" is hereby amended to read as
10 follows:

11 **37-2.3-3. Definitions.** -- As used in this chapter, the following terms shall have the
12 following meanings:

13 (1) "Agency" includes any executive office, department, division, board, commission, or
14 other office or officer in the executive branch of the government.

15 (2) "Person" includes an individual, institution, federal, state, or local governmental
16 entity, or any other public or private entity.

17 ~~(2)~~(3) "Private contractor employee" includes a worker directly employed by a private
18 contractor, as defined in this section, as well as an employee of a subcontractor or an independent
19 contractor that provides supplies or services to a private contractor.

20 ~~(3) "Services" includes, with respect to a private contractor, all aspects of the provision of~~
21 ~~services provided by a private contractor pursuant to a privatization contract, or any services~~
22 ~~provided by a subcontractor of a private contractor.~~

23 ~~(4) "Person" includes an individual, institution, federal, state, or local governmental~~
24 ~~entity, or any other public or private entity.~~

25 ~~(5)~~(4) "Privatization or privatization contract" means an agreement or combination or
26 series of agreements by which a non-governmental person or entity agrees with an agency to
27 provide services expected to result in a fiscal year expenditure of at least one hundred fifty
28 thousand dollars (\$150,000) (as of July 1 each year, the amount shall increase to reflect increases
29 in the consumer price index calculated by the United States Bureau of Labor Statistics for all
30 urban consumers nationally during the most recent twelve (12) month period for which data are
31 available or more), which would contract services which are substantially similar to and in
32 replacement of work normally performed by an employee of an agency as of June 30, 2007.

33 "Privatization" or "privatization contract" excludes:

34 (i) Contracts resulting from an emergency procurement;

1 (ii) Contracts with a term of one hundred eighty (180) days or less on a non-recurring
2 basis;

3 (iii) Contracts to provide highly specialized or technical services not normally provided
4 by state employees;

5 (iv) Any subsequent contract which:

6 (a) renews or rebids a prior privatization contract which existed before June 30, 2007; or

7 (b) renews or rebids a privatization contract that was subject to the provisions of this
8 statute after its enactment; and

9 (v) An agreement to provide legal services or management consulting services.

10 ~~(6)~~(5) "Privatization contractor" is any contractor, consultant, subcontractor, independent
11 contractor or private business owner that contracts with a state agency to perform services in
12 accordance with the definition of a "~~privatization~~ privatization contract."

13 (6) "Services" includes, with respect to a private contractor, all aspects of the provision of
14 services provided by a private contractor pursuant to a privatization contract, or any services
15 provided by a subcontractor of a private contractor.

16 SECTION 36. Section 37-6-23 of the General Laws in Chapter 37-6 entitled "Acquisition
17 of Land" is hereby amended to read as follows:

18 **37-6-23. Calculation of interest and payment of judgment.** – (a) If a petition for
19 assessment of damages is filed, then the property owner shall be entitled to interest on the fair
20 market value of the property taken by the acquiring authority from the date it is condemned to the
21 day that judgment enters. Interest thereon shall be calculated on the fair market value of the
22 property which exceeds the amount offered by the acquiring authority pending final disposition of
23 the court proceedings. Upon a recovery of final judgment, an execution shall be issued therefor
24 and shall be forthwith paid by the general treasurer out of any funds appropriated and available
25 therefor. Interest on any judgment shall be computed daily to the date of payment and shall be
26 compounded annually. Interest shall be calculated as follows:

27 (1) Where the period for which interest is owed does not exceed one year, interest shall
28 be calculated for such period from the date of taking at an annual rate equal to the weekly average
29 one year constant maturity Treasury yield, as published by the Board of Governors of the Federal
30 Reserve System, for the calendar week preceding the date of the taking.

31 (2) Where the period for which interest is owed is more than one year, interest for the
32 first year shall be calculated in accordance with ~~paragraph~~ subdivision (1) of this section and
33 interest for each additional year shall be calculated on the combined amount of the principal and
34 accrued interest at an annual rate equal to the weekly average one year constant maturity Treasury

1 yield, as published by the Board of Governors of the Federal Reserve System, for the calendar
2 week preceding the beginning of each additional year.

3 (b) In the event the one year constant maturity Treasury yield is converted to a different
4 standard reference base or otherwise revised, the determination of interest shall be made with the
5 use of such converted or revised standard reference base. In the event the Board of Governors of
6 the Federal Reserve System ceases to publish a converted or revised rate, interest shall be
7 calculated at a rate published by the United States Treasury Department, or other comparable
8 entity, that establishes a rate reflecting or best approximating the market conditions for one year
9 investments at the time of the taking and each additional year that interest is owed pursuant to
10 ~~paragraph~~ subdivision (2) above.

11 SECTION 37. Section 37-21-3 of the General Laws in Chapter 37-21 entitled "Minority
12 Business Development Compliance Act" is hereby amended to read as follows:

13 **37-21-3. Use of minority business development compliance funding.** -- (a) All sums
14 appropriated for minority business development compliance account shall be used for the primary
15 purpose of developing the monitoring and compliance functions relating to equal opportunity
16 laws and the state's minority business enterprise programs. The purpose of the program shall be to
17 guarantee maximum minority business enterprise and minority workforce participation on state
18 and federally funded construction projects, and to assure the fullest possible implementation of
19 the state's minority business enterprise procurement program.

20 (b) Funds shall be used for compliance analysis, on-site monitoring, special studies,
21 outreach to the minority business enterprise community, training and apprenticeship programs,
22 general administration of the program, and related purposes.

23 ~~(c) [Deleted by P.L. 1997, ch. 30, art. 27, section 1.]~~

24 SECTION 38. Sections 37-23-2 and 37-23-4 of the General Laws in Chapter 37-23
25 entitled "Safety Awareness Programs" are hereby amended to read as follows:

26 **37-23-2. Board of safety awareness created.** – (a) There is hereby established, within
27 the Division of Professional Regulation, a Board of Safety Awareness, hereinafter referred to as
28 "the board", which shall at all times consist of nine (9) qualified electors of the state, all of whom
29 shall have successfully completed the OSHA ten (10) hour construction safety program.

30 (b) Annually, on or before January 31st, the director of labor and training shall appoint a
31 member or members of the board to succeed the member or members whose term is at that time
32 expiring who shall serve for three (3) years or until his/her successor is appointed and qualified.
33 Any vacancy, which may occur in the board from any cause, shall be filled by the director for the
34 remainder of the unexpired term. In the interest of maintaining consistency, the nine (9) members

1 initially appointed to the Board of Safety Awareness will serve staggered term as follows: the
2 three (3) officers will serve a three (3) year term; three (3) members will serve a two (2) year
3 term; and three (3) members will serve a one (1) year term.

4 (c) The board shall elect from its membership a chairperson, who shall have obtained at
5 least a minimum of the thirty (30) hour construction safety program as it pertains to the
6 construction sector under OSHA regulations 1926.

7 (d) The board shall also elect from its membership a vice-chairperson and a secretary,
8 both of whom shall have successfully completed at least a minimum of the thirty (30) hour
9 construction safety program as it pertains to the construction sector under OSHA regulations
10 1926.

11 (e) The board shall advise and assist the division of professional regulation on promoting
12 and promulgating such policies as may be necessary to improve safety on construction worksites
13 subject to the approval of the director.

14 (f) The board may recommend to the director of labor and training, the replacement of a
15 member who misses three (3) consecutive regularly scheduled monthly meetings.

16 (g) The final authority on all questions of procedure and parliamentary law not covered
17 by the rules/bylaws of this board or by the Administrative Procedures Act of the State of Rhode
18 Island shall be Robert's Rules of Order.

19 (h) There shall be a chief investigator for the division who shall have obtained at least a
20 minimum successful completion of the thirty (30) hour construction safety program as it pertains
21 to the construction sector under OSHA regulations 1926. He or she shall be appointed by the
22 director of labor and training, upon recommendation from the board of safety awareness, and the
23 position shall be in the classified service.

24 (i) There shall be a secretary for the safety awareness section who is in the classified
25 service.

26 **37-23-4. Exemptions. --** The following individuals are exempt from the requirements of
27 the OSHA ten (10) hour construction safety program:

28 ~~(a)~~(1) Law enforcement officers dealing with traffic control and/or jobsite security;

29 ~~(b)~~(2) All relevant federal, state and municipal government inspectors.

30 SECTION 39. Section 37-24-3 of the General Laws in Chapter 37-24 entitled "The Green
31 Buildings Act" is hereby amended to read as follows:

32 **37-24-3. Definitions. --** For purposes of this chapter, the following definitions shall
33 apply:

34 (1) "Construction" means the process of building, altering, repairing, improving, or

1 demolishing forty percent (40%) or more of any public structures or buildings, or other public
2 improvements of any kind to any public real property.; ~~and~~

3 ~~(1)~~(2) "Department" means the department of administration.

4 (3) "Equivalent standard" means a high-performance green building standard other than
5 LEED, which provides a rating system or measurement tool, that, when used, leads to outcomes,
6 similar or equivalent to, LEED, outcomes, in terms of green building performance; current
7 accepted equivalent standards include green globes, Northeast collaborative high-performance
8 schools protocol; or other equivalent high-performance green building standard accepted by the
9 department;

10 ~~(4) "Construction" means the process of building, altering, repairing, improving, or~~
11 ~~demolishing forty percent (40%) or more of any public structures or buildings, or other public~~
12 ~~improvements of any kind to any public real property; and~~

13 ~~(2)~~(4) "LEED certified standard" means the current version of the United States Green
14 Building Council Leadership in Energy and Environmental Design green building rating standard
15 referred to as LEED certified.

16 (5) "Major facility project" means:

17 (i) A building construction project larger than five thousand (5,000) gross square feet of
18 occupied or conditioned space; or

19 (ii) A building renovation project is larger than ten thousand (10,000) gross square feet of
20 occupied or conditioned space.

21 (6) "Public agency" means every state office, board, commission, committee, bureau,
22 department or public institution of higher education.

23 ~~(5)~~(7) "Public facility" means any public institution, public facility, public equipment, or
24 any physical asset owned, leased or controlled in whole or in part by this state or any agency or
25 political subdivision thereof; ~~and~~.

26 ~~(6) "Major facility project" means:~~

27 ~~(i) A building construction project larger than five thousand (5,000) gross square feet of~~
28 ~~occupied or conditioned space; or~~

29 ~~(ii) A building renovation project is larger than ten thousand (10,000) gross square feet of~~
30 ~~occupied or conditioned space.~~

31 ~~(7) "Public agency" means every state office, board, commission, committee, bureau,~~
32 ~~department or public institution of higher education.~~

33 SECTION 40. Section 38-1-1.1 of the General Laws in Chapter 38-1 entitled "Custody
34 and Protection" is hereby amended to read as follows:

1 **38-1-1.1. Definitions.** -- For the purpose of this chapter:

2 ~~(a)~~(1) "Agency" or "public body" shall mean any executive, legislative, judicial,
3 regulatory, administrative body of the state, or any political subdivision thereof; including, but
4 not limited to, any department, division, agency, commission, board, office, bureau, authority,
5 any school, fire, or water district, or other agency of Rhode Island state or local government
6 which exercises governmental functions, or any other public or private agency, person,
7 partnership, corporation, or business entity acting on behalf of any public agency.

8 ~~(b)~~(2) "Public business" means any matter over which the public body has supervision,
9 control, jurisdiction, or advisory power.

10 ~~(c)~~(3) "Public record" or "public records" shall mean all documents, papers, letters,
11 maps, books, tapes, photographs, films, sound recordings, or other material regardless of physical
12 form or characteristics made or received pursuant to law or ordinance or in connection with the
13 transaction of official business by any agency.

14 ~~(d)~~(4) "Supervisor of the regulatory body" means the chief or head of a section having
15 enforcement responsibility for a particular statute or set of rules and regulations within a
16 regulatory agency.

17 SECTION 41. Sections 38-2-2 and 38-2-3 of the General Laws in Chapter 38-2 entitled
18 "Access to Public Records" are hereby amended to read as follows:

19 **38-2-2. Definitions.** -- As used in this chapter:

20 (1) "Agency" or "public body" shall mean any executive, legislative, judicial, regulatory,
21 or administrative body of the state, or any political subdivision thereof; including, but not limited
22 to, any department, division, agency, commission, board, office, bureau, authority, any school,
23 fire, or water district, or other agency of Rhode Island state or local government which exercises
24 governmental functions, any authority as defined in section 42-35-1(b), or any other public or
25 private agency, person, partnership, corporation, or business entity acting on behalf of and/or in
26 place of any public agency.

27 (2) "Chief administrative officer" means the highest authority of the public body as
28 defined in subsection (a) of this section.

29 (3) "Prevailing plaintiff" means and shall include those persons and entities deemed
30 prevailing parties pursuant to 42 U.S.C. section 1988.

31 ~~(3)~~(4) "Public business" means any matter over which the public body has supervision,
32 control, jurisdiction, or advisory power.

33 ~~(4)~~(5) (i) "Public record" or "public records" shall mean all documents, papers, letters,
34 maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data

1 processing records, computer stored data (including electronic mail messages, except specifically
2 for any electronic mail messages of or to elected officials with or relating to those they represent
3 and correspondence of or to elected officials in their official capacities) or other material
4 regardless of physical form or characteristics made or received pursuant to law or ordinance or in
5 connection with the transaction of official business by any agency. For the purposes of this
6 chapter, the following records shall not be deemed public:

7 (A) (I) All records which are identifiable to an individual applicant for benefits, client,
8 patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare,
9 employment security, pupil records, all records relating to a client/attorney relationship and to a
10 doctor/patient relationship, and all personal or medical information relating to an individual in
11 any files, including information relating to medical or psychological facts, personal finances,
12 welfare, employment security, student performance, or information in personnel files maintained
13 to hire, evaluate, promote, or discipline any employee of a public body; provided, however, with
14 respect to employees, the name, gross salary, salary range, total cost of paid fringe benefits, gross
15 amount received in overtime, and other remuneration in addition to salary, job title, job
16 description, dates of employment and positions held with the state or municipality, work location,
17 business telephone number, the city or town of residence, and date of termination shall be public.

18 (II) Notwithstanding the provisions of this section, or any other provision of the general
19 laws to the contrary, the pension records of all persons who are either current or retired members
20 of the retirement systems established by the general laws as well as all persons who become
21 members of those retirement systems after June 17, 1991 shall be open for public inspection.
22 "Pension records" as used in this section shall include all records containing information
23 concerning pension and retirement benefits of current and retired members of the retirement
24 systems established in title 8, title 36, title 42, and title 45 and future members of said systems,
25 including all records concerning retirement credits purchased and the ability of any member of
26 the retirement system to purchase retirement credits, but excluding all information regarding the
27 medical condition of any person and all information identifying the member's designated
28 beneficiary or beneficiaries.

29 (B) Trade secrets and commercial or financial information obtained from a person, firm,
30 or corporation which is of a privileged or confidential nature.

31 (C) Child custody and adoption records, records of illegitimate births, and records of
32 juvenile proceedings before the family court.

33 (D) All records maintained by law enforcement agencies for criminal law enforcement
34 and all records relating to the detection and investigation of crime, including those maintained on

1 any individual or compiled in the course of a criminal investigation by any law enforcement
2 agency. Provided, however, such records shall not be deemed public only to the extent that the
3 disclosure of the records or information:

4 (a) could reasonably be expected to interfere with investigations of criminal activity or
5 with enforcement proceedings;

6 (b) would deprive a person of a right to a fair trial or an impartial adjudication;

7 (c) could reasonably be expected to constitute an unwarranted invasion of personal
8 privacy;

9 (d) could reasonably be expected to disclose the identity of a confidential source,
10 including a state, local, or foreign agency or authority, or any private institution which furnished
11 information on a confidential basis, or the information furnished by a confidential source;

12 (e) would disclose techniques and procedures for law enforcement investigations or
13 prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions; or

14 (f) could reasonably be expected to endanger the life or physical safety of any individual.
15 Records relating to management and direction of a law enforcement agency and records or reports
16 reflecting the initial arrest of an adult and the charge or charges brought against an adult shall be
17 public.

18 (E) Any records which would not be available by law or rule of court to an opposing
19 party in litigation.

20 (F) Scientific and technological secrets and the security plans of military and law
21 enforcement agencies, the disclosure of which would endanger the public welfare and security.

22 (G) Any records which disclose the identity of the contributor of a bona fide and lawful
23 charitable contribution to the public body whenever public anonymity has been requested of the
24 public body with respect to the contribution by the contributor.

25 (H) Reports and statements of strategy or negotiation involving labor negotiations or
26 collective bargaining.

27 (I) Reports and statements of strategy or negotiation with respect to the investment or
28 borrowing of public funds, until such time as those transactions are entered into.

29 (J) Any minutes of a meeting of a public body which are not required to be disclosed
30 pursuant to chapter 46 of title 42.

31 (K) Preliminary drafts, notes, impressions, memoranda, working papers, and work
32 products; provided, however, any documents submitted at a public meeting of a public body shall
33 be deemed public.

34 (L) Test questions, scoring keys, and other examination data used to administer a

1 licensing examination, examination for employment or promotion, or academic examinations;
2 provided, however, that a person shall have the right to review the results of his or her
3 examination.

4 (M) Correspondence of or to elected officials with or relating to those they represent and
5 correspondence of or to elected officials in their official capacities.

6 (N) The contents of real estate appraisals, engineering, or feasibility estimates and
7 evaluations made for or by an agency relative to the acquisition of property or to prospective
8 public supply and construction contracts, until such time as all of the property has been acquired
9 or all proceedings or transactions have been terminated or abandoned; provided the law of
10 eminent domain shall not be affected by this provision.

11 (O) All tax returns.

12 (P) All investigatory records of public bodies, with the exception of law enforcement
13 agencies, pertaining to possible violations of statute, rule, or regulation other than records of final
14 actions taken provided that all records prior to formal notification of violations or noncompliance
15 shall not be deemed to be public.

16 (Q) Records of individual test scores on professional certification and licensing
17 examinations; provided, however, that a person shall have the right to review the results of his or
18 her examination.

19 (R) Requests for advisory opinions until such time as the public body issues its opinion.

20 (S) Records, reports, opinions, information, and statements required to be kept
21 confidential by federal law or regulation or state law, or rule of court.

22 (T) Judicial bodies are included in the definition only in respect to their administrative
23 function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt
24 from the operation of this chapter.

25 (U) Library records which by themselves or when examined with other public records,
26 would reveal the identity of the library user requesting, checking out, or using any library
27 materials.

28 (V) Printouts from TELE -- TEXT devices used by people who are deaf or hard of
29 hearing or speech impaired.

30 (W) All records received by the insurance division of the department of business
31 regulation from other states, either directly or through the National Association of Insurance
32 Commissioners, if those records are accorded confidential treatment in that state. Nothing
33 contained in this title or any other provision of law shall prevent or be construed as prohibiting
34 the commissioner of insurance from disclosing otherwise confidential information to the

1 insurance department of this or any other state or country, at any time, so long as the agency or
2 office receiving the records agrees in writing to hold it confidential in a manner consistent with
3 the laws of this state.

4 (X) Credit card account numbers in the possession of state or local government are
5 confidential and shall not be deemed public records.

6 (Y) Any documentary material, answers to written interrogatories, or oral testimony
7 provided under any subpoena issued under Rhode Island general law section 9-1.1-6.

8 (ii) However, any reasonably segregable portion of a public record excluded by this
9 section shall be available for public inspections after the deletion of the information which is the
10 basis of the exclusion, if disclosure of the segregable portion does not violate the intent of this
11 section.

12 ~~(5)~~(6) "Supervisor of the regulatory body" means the chief or head of a section having
13 enforcement responsibility for a particular statute or set of rules and regulations within a
14 regulatory agency.

15 ~~(6) "Prevailing plaintiff" means and shall include those persons and entities deemed~~
16 ~~prevailing parties pursuant to 42 U.S.C. section 1988.~~

17 **38-2-3. Right to inspect and copy records -- Duty to maintain minutes of meetings --**

18 **Procedures for access.** -- (a) Except as provided in section ~~38-2-2(4)~~ 38-2-2(5), all records
19 maintained or kept on file by any public body, whether or not those records are required by any
20 law or by any rule or regulation, shall be public records and every person or entity shall have the
21 right to inspect and/or copy those records at such reasonable time as may be determined by the
22 custodian thereof.

23 (b) Each public body shall make, keep, and maintain written or recorded minutes of all
24 meetings.

25 (c) Each public body shall establish procedures regarding access to public records but
26 shall not require written requests for public information available pursuant to R.I.G.L. section 42-
27 35-2 or for other documents prepared for or readily available to the public.

28 (d) If a public record is in active use or in storage and, therefore, not available at the time
29 a person requests access, the custodian shall so inform the person and make an appointment for
30 the citizen to examine such records as expeditiously as they may be made available.

31 (e) Any person or entity requesting copies of public records may elect to obtain them in
32 any and all media in which the public agency is capable of providing them. Any public body
33 which maintains its records in a computer storage system shall provide any data properly
34 identified in a printout or other reasonable format, as requested.

1 (f) Nothing in this section shall be construed as requiring a public body to reorganize,
2 consolidate, or compile data not maintained by the public body in the form requested at the time
3 the request to inspect the public records was made except to the extent that such records are in an
4 electronic format and the public body would not be unduly burdened in providing such data.

5 (g) Nothing in this section is intended to affect the public record status of information
6 merely because it is stored in a computer.

7 (h) No public records shall be withheld based on the purpose for which the records are
8 sought.

9 SECTION 42. Sections 38-3-2 and 38-3-3 of the General Laws in Chapter 38-3 entitled
10 "Public Records Administration" are hereby amended to read as follows:

11 **38-3-2. Definitions.** -- For the purpose of this chapter:

12 (1) "Agency" or "public body" shall mean any executive, legislative, judicial, regulatory,
13 administrative body of the state, or any political subdivision thereof; including, but not limited to,
14 any department, division, agency, commission, board, office, bureau, authority, any school, fire,
15 or water district, or other agency of state or local government which exercises governmental
16 functions, or any other public or private agency, person, partnership, corporation, or business
17 entity acting on behalf of any public agency.

18 (2) "Program" shall mean the public records administration program of the secretary of
19 state.

20 (3) "Public record" or "public records" shall mean all documents, papers, letters, maps,
21 books, tapes, photographs, films, sound recordings, or other material regardless of physical form
22 or characteristics made or received pursuant to law or ordinance or in connection with the
23 transaction of official business by any agency.

24 (4) "Public records repository" shall mean the establishment maintained by the program
25 for preservation of those public records determined by the program to have permanent value
26 warranting their continued preservation and which has been accepted by the program for transfer
27 to its custody.

28 ~~(2)~~(5) "Records center" shall mean an establishment maintained by the program for the
29 storage, processing, servicing, and security of public records that must be retained for varying
30 periods of time but need not be retained in an agency's office equipment or space.

31 ~~(3)~~(6) "Records control schedule" shall mean the document establishing the official
32 retention, maintenance, and disposal requirements for a series or type of record based on
33 administrative, legal, fiscal, and historical values for the scheduled records.

34 ~~(4) "Program" shall mean the public records administration program of the secretary of~~

1 state.

2 ~~-(5) "Public record" or "public records" shall mean all documents, papers, letters, maps,~~
3 ~~books, tapes, photographs, films, sound recordings, or other material regardless of physical form~~
4 ~~or characteristics made or received pursuant to law or ordinance or in connection with the~~
5 ~~transaction of official business by any agency.~~

6 ~~-(6) "Public records repository" shall mean the establishment maintained by the program~~
7 ~~for preservation of those public records determined by the program to have permanent value~~
8 ~~warranting their continued preservation and which has been accepted by the program for transfer~~
9 ~~to its custody.~~

10 **38-3-3. Public records administration program.** -- ~~(1)~~(a) The public records
11 administration program shall be organized as deemed necessary by the secretary of state for the
12 proper discharge of its duties and responsibilities under this chapter. All personnel, furnishings,
13 equipment, finances, property, and contractual arrangements of the public records administration
14 shall be the responsibility of the secretary of state.

15 ~~(2)~~(b) There shall be a public records advisory commission consisting of seventeen (17)
16 members, one of whom shall be a member of the senate chosen by the president of the senate, one
17 of whom shall be a member of the house of representatives chosen by the speaker of the house,
18 six (6) of whom shall be chosen by the governor, and seven (7) of whom shall be chosen by the
19 secretary of state. The secretary of state or designee shall serve as a permanent member of the
20 commission. The state archivist shall serve as a permanent member of the commission. The
21 appointments shall consist of persons who are qualified by training and experience with proven
22 interest in historical records and public records management. In the first instance, five (5)
23 members shall be appointed for a one year term, two (2) by the governor and three (3) by the
24 secretary of state; five (5) members shall be appointed for a two (2) year term, one by the speaker
25 of the house, one by the president of the senate, two (2) by the governor, and one by the secretary
26 of state; five (5) members shall be appointed for a three (3) year term, two (2) by the governor,
27 and three (3) by the secretary of state. The members shall hold office until July 1, in the years in
28 which their respective terms end. Thereafter, prior to July 1, successors shall be appointed to the
29 commission to the members of the commission whose terms expired. Vacancy of a member shall
30 be filled by appointment by the corresponding authority for the remainder of the unexpired terms.

31 ~~(3)~~(c) The secretary of state or designee shall serve as the chairperson of the
32 commission. The state archivist or designee shall serve as the secretary of the commission with
33 voting rights.

34 ~~(4)~~(d) It shall be the duty of the public records advisory commission to provide

1 professional and technical assistance to the public records administration program, the state
2 archives, and the local governments of the state in all matters relating to the administration of
3 public records. Members of the commission shall serve without pay.

4 ~~(5)~~(e) The secretary of state may appoint an administrator of the program and shall
5 establish his or her qualifications other than the professional competence required. The
6 administrator shall coordinate, direct, and administer the activities and responsibilities of the
7 program. The administrator shall serve at the pleasure of the secretary of state.

8 ~~(6)~~(f) The program may make and enter into contracts and agreements with other
9 agencies, organizations, associations, corporations, and individuals, or federal agencies as it may
10 determine are necessary, expedient, or incidental to the performance of its duties or the execution
11 of its powers under this chapter.

12 ~~(7)~~(g) The program shall adopt rules and regulations deemed necessary to carry out its
13 duties and responsibilities under this chapter which rules shall be binding on all agencies and
14 persons affected thereby. The willful violation of any of the rules and regulations adopted by the
15 program shall constitute a misdemeanor.

16 ~~(8)~~(h) The program may accept gifts, grants, bequests, loans, and endowments for
17 purposes not inconsistent with its responsibilities under this chapter.

18 SECTION 43. This act shall take effect upon passage.

=====
LC01148/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATUTES AND STATUTORY CONSTRUCTION

1 This act is the annual statutory construction bill, prepared based upon recommendations
2 of the Law Revision Office. The act would make technical changes and revisions to various
3 general laws by correcting typographical errors and redesignating subsections into proper
4 alphabetical and numerical order.

5 This act would take effect upon passage.

=====
LC01148/SUB A
=====