

2018 -- H 8042

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LC005378
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO PUBLIC OFFICES AND EMPLOYEES -- CODE OF ETHICS

Introduced By: Representatives McKiernan, Mattiello, Donovan, McEntee, and Serpa

Date Introduced: April 04, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 36-14-16 of the General Laws in Chapter 36-14 entitled "Code of
2 Ethics" is hereby amended to read as follows:

3 **36-14-16. Financial statement to be filed.**

4 (a) On or before the last Friday in April of each year, the following officials and
5 employees subject to this code of ethics shall file with the commission a financial statement
6 complying with the requirements of this chapter.

7 (1) All state elected officials;

8 (2) All state appointed officials;

9 (3) All state appointed officials and employees who hold a major decision-making
10 position in a state agency;

11 (4) All municipal elected officials; and

12 (5) All municipal appointed officials whose official duties and responsibilities include
13 exercising decision-making authority over the expenditure of more than fifty thousand dollars
14 (\$50,000) in public funds in any fiscal or calendar year, and expressly including solicitors and
15 assistant solicitors, police chiefs, fire chiefs, superintendents of schools, principals,
16 superintendents and administrators of charter schools, board members of charter schools,
17 principals, superintendents and administrators of state schools, board members of state schools,
18 building inspectors, members of planning boards, zoning boards, licensing boards and tax appeal
19 boards. This subsection shall also include all municipal appointed officials whose official duties

1 and responsibilities include nominating, appointing or hiring any persons that will receive
2 compensation of more than fifty thousand dollars (\$50,000) in public funds in any fiscal or
3 calendar year.

4 (b) In the case of state and municipal appointed officials on and after January 1, 1988, the
5 appointee shall file the financial statement within thirty (30) days after the date of his or her
6 appointment or the date he or she qualifies for the office; provided, however, that in the case of
7 the appointment of officials that require senate confirmation, the appointee shall file the financial
8 statement with the appropriate senate committee prior to the institution of those confirmation
9 proceedings.

10 (c) Within thirty (30) days after the filing deadline, every person who is a candidate for
11 an office as an elected officer, except those candidates for moderator and clerk of a voting district
12 of the cities and towns, shall file the financial statement as required by this chapter. Filings of
13 candidates for general office shall include information as required in subdivision 36-14-17(b)(2).
14 The commission shall grant an extension for good cause shown of not more than fifteen (15)
15 days, provided a request for the extension is received prior to the filing deadline for the financial
16 statement.

17 (d) Except as otherwise provided in this chapter, at least thirty (30) days before the
18 deadline date for the filing of a financial statement by each individual required to file, the
19 commission shall mail to the individual a copy of the financial statement form. In the case of
20 candidates other than those covered by subsection (f) of this section, the forms shall be mailed
21 within ten (10) days after the filing deadline date. In the case of appointed officers covered by this
22 section, the forms shall be mailed within seven (7) days after the date of the appointment.

23 (e) If a person has filed a financial statement as required by one subsection of this section
24 covering the preceding calendar year, he or she is not required to file a financial statement as
25 required by another subsection if, before the deadline for filing under the other subsection, he or
26 she notifies the commission in writing that he or she has already filed a financial statement under
27 the subsection specified.

28 (f) A person required to file a financial statement under subsection (a) of this section may
29 request the commission to grant an extension of time of not more than sixty (60) days for filing
30 the statement. The commission shall grant the extension of not more than sixty (60) days if the
31 request is received prior to the filing deadline or if a timely filing or request for extension is
32 prevented because of physical or mental incapacity. Not more than one extension may be given to
33 a person in one year except for good cause shown.

34 (g) The deadline for filing any statement required by this section is 5:00 P.M. of the last

1 day designated in the pertinent subsection of this section for filing the statement. When the last
2 day of filing falls on a Saturday or Sunday or an official state holiday, the deadline for filing is
3 extended to 5:00 P.M. of the next day which is not a Saturday or Sunday or holiday. Any
4 statement required by any provision of this section to be filed within a specified time period shall
5 be deemed to be timely filed if it is placed in the United States post office or in the hands of a
6 common or contract carrier properly addressed to the appropriate authority within the time limits
7 applicable to the statement. The postmark or receipt mark (if received by a common or contract
8 carrier) will be prima facie evidence of the date that the statement was deposited with the post
9 office or carrier. The person filing the statement may show by competent evidence that the actual
10 date of posting was to the contrary.

11 [\(h\) Financial statements, required pursuant to this section, and any disclosure required](#)
12 [pursuant to § 36-14-18, shall be made available for public inspection on the Rhode Island ethics](#)
13 [commission's website no later than two \(2\) business days after the reports are received by the](#)
14 [ethics commission commencing with the financial statement required on or before the last Friday](#)
15 [in April 2018.](#)

16 SECTION 2. This act shall take effect upon passage and shall apply to all financial
17 statements required to be filed by April 27, 2018, and thereafter.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC OFFICES AND EMPLOYEES -- CODE OF ETHICS

1 This act would require that the Rhode Island ethics commission make all financial
2 statements required of certain public officials available online for public inspection.

3 This act would take effect upon passage and would apply to all financial statements
4 required to be filed by April 27, 2018, and thereafter.

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