

LC01870

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2003

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS

Introduced By: Senators Paiva-Weed, Felag, Connors, Perry, and Lenihan

Date Introduced: February 26, 2003

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 **36-14-2. Definitions.** – As used in this chapter:

4 (1) "Any person within his other family" means a spouse and any dependent children of
5 any public official or public employee as well as a person who is related to any public official or
6 public employee, whether by blood, adoption or marriage, as any of the following: father, mother,
7 son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law,
8 mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother,
9 stepson, stepdaughter, stepbrother, stepsister, halfbrother or halfsister;

10 (2) "Business" means a sole proprietorship, partnership, firm, corporation, holding
11 company, joint stock company, receivership, trust, or any other entity recognized in law through
12 which business for profit or not for profit is conducted;

13 (3) "Business associate" means a person joined together with another person to achieve a
14 common financial objective;

15 (4) "Employees of state and local government, of boards, commissions and agencies"
16 means any full time or part time employees in the classified, nonclassified and unclassified
17 service of the state or of any city or town within the state, any individuals serving in any
18 appointed state or municipal position, and any employees of any public or quasi-public state or
19 municipal board, commission, or corporation;

(5) "Governmental function" means any action that is public in nature and is performed for the common good of all the people;

(6) "Open and public process" means the open solicitation for bids or proposals from the general public by public announcement or public advertising followed by a public disclosure of all bids or proposals considered and contracts awarded;

(7) "Person" means an individual or a business entity;

(8) (i) "State agency" means any department, division, agency, commission, board, office, bureau, authority, or quasi-public authority within Rhode Island, either branch of the Rhode Island general assembly, or an agency or committee thereof, the judiciary, or any other agency that is in any branch of Rhode Island state government and which exercises governmental functions other than in an advisory nature;

(ii) "Municipal agency" means any department, division, agency, commission, board, office, bureau, authority, quasi-public authority, or school, fire or water district within Rhode Island other than a state agency and any other agency that is in any branch of municipal government and exercises governmental functions other than in an advisory nature;

(9) "State or municipal appointed official" means any officer or member of a state or municipal agency as defined herein who is appointed for a term of office specified by the constitution or a statute of this state or a charter or ordinance of any city or town or who is appointed by or through the governing body or highest official of state or municipal government;

(10) "State or municipal elected official" means any person holding any elective public office pursuant to a general or special election;

(11) A person's natural child, adopted child, or stepchild is his or her "dependent child" during a calendar year if the person provides over fifty percent (50%) of the child's support during the year;

(12) A person "represents" him or herself before a state or municipal agency if he or she participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his or her own favor;

(13) A person "represents" another person before a state or municipal agency if he or she is authorized by that other person to act, and does in fact act, as that other person's attorney at law or his or her attorney in fact in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in favor of that other person;

(14) "Major decision-making position" means the executive or administrative head or heads of a state agency or municipal agency, whether elected or appointed or serving as an employee and all members of the judiciary, both state and municipal. For state agencies, a "major

1 decision-making position" shall also include the positions of deputy director, executive director,
2 assistant director and chief of staff.

3 **36-14-16. Financial statement to be filed.** -- (a) On or before the last Friday in April of
4 each year, ~~every person enumerated in section 36-14-4(1) and section 36-14-4(2)~~ the following
5 officials and employees subject to this code of ethics shall file with the commission a financial
6 statement complying with the requirements of this chapter.:

7 (1) all state elected officials;

8 (2) all state appointed officials whose official duties and responsibilities include
9 exercising decision-making authority over the expenditure of more than fifty thousand dollars
10 (\$50,000) in public funds in any fiscal or calendar year. This subsection shall also include all
11 state appointed officials whose official duties and responsibilities include nominating appointing
12 or hiring any persons that will receive compensation of more than fifty thousand dollars
13 (\$50,000) in public funds in any fiscal or calendar year;

14 (3) all state appointed officials and employees who hold a major decision-making
15 position in a state agency;

16 (4) all municipal elected officials;

17 (5) all municipal appointed officials whose official duties and responsibilities include
18 exercising decision-making authority over the expenditure of more than fifty thousand dollars
19 (\$50,000) in public funds in any fiscal or calendar year, and expressly including solicitors and
20 assistant solicitors, police chiefs, fire chiefs, superintendents of schools, building inspectors,
21 members of planning boards, zoning boards, licensing boards and tax appeal boards; and

22 (6) all municipal appointed officials and employees who hold a major decision-making
23 position in a municipal agency.

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

30 (c) Within thirty (30) days after the filing deadline, every person who is a candidate for
31 an office as an elected officer, except those candidates for moderator and clerk of a voting district
32 of the cities and towns, shall file the financial statement as required by this chapter. The
33 commission shall grant an extension for good cause shown of not more than fifteen (15) days,
34 provided a request for the extension is received prior to the filing deadline for the financial

1 statement.

2 (d) Except as otherwise provided in this chapter, at least thirty (30) days before the
3 deadline date for the filing of a financial statement by each individual required to file, the
4 commission shall mail to the individual ~~two (2) copies~~ a copy of the financial statement form. In
5 the case of candidates other than those covered by subsection (f) of this section, the forms shall be
6 mailed within ten (10) days after the filing deadline date. In the case of appointed officers
7 covered by this section, the forms shall be mailed within seven (7) days after the date of the
8 appointment.

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

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

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

31 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS

- 1 This act would reduce the number of persons who are required to file financial statements
2 with the ethics commission.
3 This act would take effect upon passage.

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