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LC02547
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2005

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DISCLOSURE OF NAMES OF
STATE GOVERNMENT CONSULTANTS

Introduced By: Representatives Lima, and Wasylyk

Date Introduced: February 17, 2005

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-90-1 of the General Laws in Chapter 42-90 entitled "Disclosure
2 of Names of State Government Consultants" is hereby amended to read as follows:

3 **42-90-1. Public disclosure required.** -- (a) All departments, commissions, boards,
4 councils, and other agencies in the government of the state shall prepare and submit to the
5 secretary of state quarterly a list containing:

6 (1) The name of any person who performed legal, medical, accounting, engineering, or
7 any other professional, technical or consultant service to the department, commission, board,
8 council, or agency on a contractual basis during the previous quarter; ~~and~~

9 (2) The amount of compensation received ~~by each consultant~~ during the previous
10 quarter: by any person who performed legal, medical, accounting, engineering, or any other
11 professional, technical or consultant service on a contractual basis during that quarter;

12 (3) The contact information, including name, business address, telephone number, fax
13 number, and e-mail address for the department, commission, board or other agency filing the
14 report; and

15 (4) The subject or subjects of consulting work performed, selected from a list of subjects
16 provided by the office of the secretary of state.

17 (b) The secretary of state shall compile, publish, and make available for public
18 inspection all lists prepared in accordance with this chapter.

1 (c) All lists required by this section to be filed with the secretary of state shall be
2 electronically transmitted to the secretary of state in accordance with rules and regulations which
3 shall be promulgated by the secretary of state. This requirement of the electronic transmission and
4 filing of notices with the secretary of state shall take effect one (1) year after this subsection takes
5 effect.

6 SECTION 2. Chapter 42-90 of the General Laws entitled "Disclosure of Names of State
7 Government Consultants" is hereby amended by adding thereto the following sections:

8 **42-90-2. Definitions. -- For the purposes of this chapter:**

9 (1) "Consultant" means any person with whom the state and/or a public agency has a
10 contract which provides for the person to give direction or information regarding particular area
11 of knowledge in which the person is a specialist and/or has expertise.

12 (2) "Person" means an individual, firm, business, corporation, association, partnership, or
13 other group.

14 (3) "Agency of state government" means a public corporation, as defined by sections 35-
15 18-2(9) and 35-20-5(4).

16 **42-90-3. Reporting required. - - (a) All departments, commissions, boards, councils,**
17 and other agencies in the government of the state shall submit the list required by section 42-90-1
18 to the secretary of state according to the following schedule:

19 (1) For the period of July 1 – September 30, the report shall be filed no later than October
20 30;

21 (2) For the period of October 1 – December 31, the report shall be filed no later than
22 January 30;

23 (3) For the period of January 1 – March 31, the report shall be filed no later than April
24 30; and

25 (4) For the period of April 1 – June 30, the report shall be filed no later than July 30.

26 (b) If any department, commission, board, council or other agency in the government of
27 the state does not employ the services of any person or corporation on a contractual basis in a
28 given quarter, such department, commission, board, council or agency shall so report to the
29 secretary of state within the timelines set forth in the preceding subsection.

30 **42-90-4. Administrative appeals. -- (a) Any person denied the right to inspect a list, as**
31 described in section 42-90-1, because the department, commission, board, council or agency has
32 failed to submit a list in a timely manner or because the department, commission, board, council
33 or agency has failed to properly disclose all information required by this chapter, may petition the
34 chief administrative officer of the department, commission, board, council, or other agency in the

1 government of the state to comply with the requirements of this chapter.

2 (b) If the chief administrative officer determines that the quarterly report has been
3 properly filed, the person seeking relief may file a complaint with the attorney general. The
4 attorney general shall investigate the complaint and, if the attorney general determines that the
5 allegations of the complaint are meritorious, he or she may institute proceedings for injunctive or
6 declaratory relief on behalf of the complainant in the Providence County Superior Court.

7 (c) The attorney general shall consider all complaints filed under this chapter to have also
8 been filed under section 38-2-8(b), if applicable.

9 **42-90-5. Jurisdiction of superior court.** – (a) Jurisdiction to hear and determine civil
10 actions brought under this chapter is hereby vested in the superior court.

11 (b) Actions brought under this chapter may be advanced on the calendar upon motion of
12 any party.

13 (c) If the court determines that there has been a violation of this chapter, the court shall
14 order the board or commission to comply with the requirements of this chapter. The court may
15 impose a civil fine not exceeding one thousand dollars (\$1,000) against a department,
16 commission, board, council or agency found to have committed a knowing and willful violation
17 of this chapter.

18 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO STATE AFFAIRS AND GOVERNMENT -- DISCLOSURE OF NAMES OF
STATE GOVERNMENT CONSULTANTS

- 1 This act would amend the public disclosure requirements for state agencies employing
2 consultants.
3 This act would take effect upon passage.

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