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ARTICLE 7 SUBSTITUTE A

RELATING TO RHODE ISLAND PUBLIC TELECOMMUNICATIONS AUTHORITY

SECTION 1. Chapter 16-61 of the General Laws entitled "Public Telecommunications Authority" is hereby repealed in its entirety:

~~**16-61-1. Definitions.** For the purposes of this chapter, unless indicated by the context, the following words and terms shall have the following meanings:~~

~~(1) "Advisory commission" means the Rhode Island advisory commission on public telecommunications.~~

~~(2) "Authority" means the Rhode Island public telecommunications authority.~~

~~(3) "Commission" means the Rhode Island advisory commission on public telecommunications.~~

~~(4) "Fiscal year" shall coincide with that period utilized by the state, i.e. from July 1 to the next succeeding June 30.~~

~~(5) "Public broadcasting" includes all aspects of noncommercial radio and television, open and closed circuit, including the production and dissemination of public and community affairs, civil defense, educational, cultural, and instructional information to the public at large within the state.~~

~~(6) "Public broadcasting telecommunications" includes all public broadcasting services relating to public broadcasting including intercommunications, closed circuit instructional television fixed service (ITFS), and other services requiring federal communications commission spectrum allocations for transmission of electrical impulses that specifically and integrally relate to Rhode Island public broadcasting. Facilities typical for application of these services would encompass microwave interconnection, aural and video TV transmission, multiplexing, laser beam utilization, satellite interconnection systems, cable systems, and other appropriate technological devices.~~

~~**16-61-2. Authority established.** (a) There is created a public telecommunications authority, sometimes referred to as the "authority", which shall be and is constituted a public corporation, empowered to sue and be sued in its own name, to have a corporate seal, and to exercise all the powers, in addition to those specifically enumerated in this chapter, usually appertaining to public corporations entrusted with control of public telecommunications property~~

1 ~~and functions. The authority shall exercise the authority previously vested in the board of regents~~
2 ~~for education with relation to educational television. The authority shall be protected from sudden~~
3 ~~changes in membership and reversal of policy by having staggered terms for its public members.~~
4 ~~Upon its organization the authority shall be invested with the legal title (in trust for the state) to~~
5 ~~all licenses and property, real and personal, now owned by and/or under the control or in custody~~
6 ~~of the board of regents for education for the use of publicly owned educational television.~~

7 ~~(b) The authority is empowered to hold and operate that property in trust for the state, and~~
8 ~~to acquire, hold, and dispose of that property and other like property as deemed necessary for the~~
9 ~~execution of its corporate purposes. The authority is made successor to all powers, rights, duties,~~
10 ~~and privileges formerly belonging to the board of regents for education pertaining to publicly~~
11 ~~owned educational television.~~

12 ~~**16-61-3. Membership of authority.** (a) The authority shall consist of nine (9)~~
13 ~~members as follows: seven (7) public members appointed pursuant to the terms of § 16-61-4, the~~
14 ~~chairperson of the board of regents for elementary and secondary education or his or her designee~~
15 ~~who shall serve as a non-voting ex-officio member, and the chairperson of the board of governors~~
16 ~~for higher education or his or her designee who shall serve as a non-voting ex-officio member.~~
17 ~~The governor shall designate one of the public members as chairperson of the authority.~~

18 ~~(b) Four (4) voting members of the committee shall constitute a quorum. A majority vote~~
19 ~~of those present and voting shall be required for action.~~

20 ~~(c) No one shall be eligible for appointment unless he or she is a resident of this state.~~

21 ~~**16-61-4. Appointment of public members — Renewal.** (a) The governor shall with~~
22 ~~the advice and consent of the senate establish the authority by appointing seven (7) members to~~
23 ~~serve staggered terms. The appointments shall be made for terms of three (3) years commencing~~
24 ~~on February 1st in the year of appointment and ending on January 31st in the third (3rd) year after~~
25 ~~this. Any vacancy among the public members of the authority shall be filled by appointment of~~
26 ~~the governor, subject to the advice and consent of the senate, for the remainder of the unexpired~~
27 ~~term. In the selection and appointment of members of the authority, the governor shall seek~~
28 ~~persons who best serve the entire needs of the state. Public members shall not be appointed for~~
29 ~~more than two (2) successive three (3) year terms each; provided, that this limitation shall not~~
30 ~~apply to that person designated as chairperson by the governor who may be a member so long as~~
31 ~~he or she shall serve as chairperson. The authority may elect from among its members such other~~
32 ~~officers as they deem necessary.~~

33 ~~(b) Members of the board shall be removable by the governor pursuant to the provisions~~
34 ~~of § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal~~

1 ~~reasons unrelated to capacity or fitness for the office shall be unlawful.~~

2 ~~**16-61-5. Removal of public members.** -- Public members of the authority shall be~~
3 ~~removable by the governor for cause only, and removal solely for partisan or personal reasons~~
4 ~~unrelated to capacity or fitness for the office shall be unlawful. No removal shall be made for any~~
5 ~~cause except after ten (10) days' notice in writing of specific charges, with opportunity for the~~
6 ~~member to be present in person and with counsel at a public hearing before the governor, to~~
7 ~~introduce witnesses and documentary evidence in his or her own defense, and to confront and~~
8 ~~cross-examine adversary witnesses; and appeal shall lie to the superior court from the governor's~~
9 ~~determination.~~

10 ~~**16-61-6. Powers and duties of authority.** -- (a) The authority shall be empowered to:~~

11 ~~(1) Adopt and amend and repeal suitable bylaws for the management of its affairs;~~

12 ~~(2) Adopt and use the official seal and alter it at its pleasure;~~

13 ~~(3) Maintain an office at any place or places within the state that it may designate;~~

14 ~~(4) Establish, own, and operate noncommercial educational television or radio~~
15 ~~broadcasting stations, one or more public broadcasting and public broadcasting~~
16 ~~telecommunications networks or systems, and interconnection and program production facilities;~~

17 ~~(5) Apply for, receive, and hold any authorizations and licenses and assignments and~~
18 ~~reassignments of channels from the federal communications commission (FCC) as may be~~
19 ~~necessary to conduct its operations; and prepare and file and prosecute before the FCC all~~
20 ~~applications, reports, or other documents or requests for authorization of any type necessary or~~
21 ~~appropriate to achieve the authorized purposes of the authority;~~

22 ~~(6) Provide coordination and information on matters relating to public broadcasting~~
23 ~~telecommunications among the agencies of the state government, all facets of Rhode Island~~
24 ~~public education and individual associations, and institutions working in these fields both within~~
25 ~~and without the state;~~

26 ~~(7) Establish state-wide equipment compatibility policies and determine the method of~~
27 ~~interconnection to be employed within the state's public broadcasting system;~~

28 ~~(8) Assume responsibility for establishing broad programming philosophy which will~~
29 ~~encourage diversity, quality, and excellence of programming which is released via its facilities.~~
30 ~~The general manager shall be responsible for implementing programming policy in accordance~~
31 ~~with the rules and regulations of the federal communications commission;~~

32 ~~(9) Provide appropriate advisory assistance to other agencies of the state and local and~~
33 ~~regional groups regarding public broadcasting techniques, planning, budgeting, and related~~
34 ~~issues;~~

1 ~~(10) Make to the governor and the legislature any recommendations that the authority~~
2 ~~deems necessary with regard to appropriations relating to public broadcasting and public~~
3 ~~broadcasting telecommunications equipment and facilities;~~

4 ~~(11) Subject to the approval of the governor, receive and administer gifts, contributions,~~
5 ~~and funds from public and private sources to be expended for public broadcasting and public~~
6 ~~broadcasting telecommunications operations, facilities, and programming consistent with~~
7 ~~furthering the purposes of the authority;~~

8 ~~(12) Cooperate with federal agencies for the purpose of obtaining matching and other~~
9 ~~federal funds and providing public broadcasting and public broadcasting telecommunications~~
10 ~~facilities throughout the state and to make any reports that may be required of the state. The~~
11 ~~authority shall provide appropriate advisory assistance to local school districts and others on these~~
12 ~~matters;~~

13 ~~(13) Contract with program production organizations, individuals, and noncommercial~~
14 ~~educational television and radio stations within and without the state to produce or to procure~~
15 ~~educational television or radio programs for use by noncommercial stations within the state;~~

16 ~~(14) Establish and maintain a library and archives of educational television and radio~~
17 ~~programs and related materials, disseminate information about those programs and make suitable~~
18 ~~arrangements for the use of the programs and materials by colleges, universities, schools, and~~
19 ~~noncommercial television and radio stations;~~

20 ~~(15) Conduct explorations, research, demonstrations, or training in matters related to~~
21 ~~public broadcasting and public broadcasting telecommunications in the state, directly or through~~
22 ~~contracts with appropriate agencies, organizations, or individuals, or by grants to nonprofit,~~
23 ~~noncommercial organizations such as colleges, universities, schools, and noncommercial~~
24 ~~television and radio stations;~~

25 ~~(16) Acquire, subject to the provisions of the general laws, through lease, purchase, or~~
26 ~~other means, real and other property and to hold and use this property for public broadcasting and~~
27 ~~public broadcasting telecommunications purposes;~~

28 ~~(17) Contract, subject to the provisions of the general laws, for the construction, repair,~~
29 ~~maintenance, and operations of public broadcasting and public broadcasting telecommunications~~
30 ~~facilities including program production center, stations, and interconnection facilities;~~

31 ~~(18) Make arrangements, where appropriate, with companies or other agencies and~~
32 ~~institutions operating suitable interconnection facilities (e.g., landlines or satellites);~~

33 ~~(19) Be empowered to set and collect reasonable fees for services provided through~~
34 ~~contracts with agencies, companies, organizations, and individuals;~~

1 ~~(20) Make reasonable rules and regulations to carry out the provisions of this chapter.~~

2 ~~(21) Manage and operate public, education and government (PEG) access studios in~~
3 ~~compliance with rules promulgated by the division of public utilities and carriers.~~

4 ~~(22) To conduct a training course for newly appointed and qualified members within six~~
5 ~~(6) months of their qualification or designation. The course shall be developed by the chair of the~~
6 ~~authority, approved by the authority, and conducted by the chair of the authority. The authority~~
7 ~~may approve the use of any authority or staff members or other individuals to assist with training.~~
8 ~~The training course shall include instruction in the following areas: the provisions of chapters 42-~~
9 ~~46, 36-14, and 38-2; and the committee's rules and regulations. The director of the department of~~
10 ~~administration shall, within ninety (90) days of the effective date of this act [March 29, 2006],~~
11 ~~prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and~~
12 ~~38-2.~~

13 ~~(b) In carrying out its powers and duties under this section, the authority shall be~~
14 ~~empowered to enter into contracts or agreements with any nonprofit entity for the operations in~~
15 ~~whole or in part of the public telecommunications functions assigned to it by this chapter.~~

16 ~~**16-61-6.2. Acquisition of public education and government television studios and**~~
17 ~~**equipment.** (a) No later than December 31, 2006, the division of public utilities and carriers~~
18 ~~(the Division) shall promulgate rules to allow the transition of management of PEG access~~
19 ~~television including responsibility for programming the three (3) statewide interconnect channels,~~
20 ~~and managing interconnect playback in conjunction with its management of PEG playback, from~~
21 ~~current cable television certificate holders to the Rhode Island public telecommunications~~
22 ~~authority or its designee.~~

23 ~~(b) Existing certificate holders may transfer to the Rhode Island public~~
24 ~~telecommunications authority or its designee the ownership of PEG access studio and playback~~
25 ~~equipment, and statewide interconnect playback equipment, currently in existing public access~~
26 ~~studios and playback facilities.~~

27 ~~(c) The Rhode Island public telecommunications authority or its designee may purchase~~
28 ~~this equipment from existing certificate holders for the book value of the equipment based on the~~
29 ~~effective date of the transition.~~

30 ~~(d) The Rhode Island public telecommunications authority or its designee may assume~~
31 ~~the leases for public access studios in those facilities where existing certificate holders currently~~
32 ~~lease space. Studios in buildings owned by existing certificate holders shall be leased by the~~
33 ~~Rhode Island public telecommunications authority or its designee at fair market value subject to~~
34 ~~the approval of the division. Employees of existing certificate holders working in public access~~

1 facilities shall become employees of the Rhode Island public telecommunications authority or its
2 designee on the effective date of the transition.

3 (e) ~~An existing cable television certificate holder may, at its sole discretion, elect to~~
4 ~~continue to manage PEG access studios within its service area. If an existing cable television~~
5 ~~certificate holder does elect to continue to operate and manage PEG access studios, it may at any~~
6 ~~time subsequently elect not to operate PEG access studios and implement the provisions of this~~
7 ~~section.~~

8 ~~**16-61-7. General manager.** — The authority may appoint and determine the~~
9 ~~compensation of a general manager. The general manager shall devote his or her entire time to~~
10 ~~the performance of his or her duties and shall hold office at the pleasure of the authority.~~

11 ~~**16-61-8. Duties of the general manager.** — The general manager shall have any duties~~
12 ~~that are defined in this section and in this title and any other additional duties that may be~~
13 ~~determined by the authority, and shall perform any other duties that may be vested in the general~~
14 ~~manager by law. In addition to the general supervision of public telecommunications, it shall be~~
15 ~~the duty of the general manager to:~~

16 (1) ~~Serve as secretary of the authority and maintain custody of its official seal.~~

17 (2) ~~Subject to the approval of the authority, appoint any assistants and employees as the~~
18 ~~authority shall deem necessary, and prescribe their powers and duties.~~

19 (3) ~~Present annually to the authority for their approval or modification a budget~~
20 ~~encompassing both operating and capital development areas.~~

21 (4) ~~Assist the authority in preparing and maintaining a master plan for public~~
22 ~~telecommunications in the state.~~

23 ~~**16-61-8.1. Longevity payments — Nonclassified employees.** — (a) Non-classified~~
24 ~~employees of the Rhode Island public telecommunications authority, except for non-classified~~
25 ~~employees already receiving longevity increases, shall be entitled to a longevity payment in the~~
26 ~~amount of five percent (5%) of base salary after ten (10) years of service and increasing in a total~~
27 ~~of ten percent (10%) of base salary after twenty (20) years of service. The provisions of this~~
28 ~~section shall apply only to employees under the grade of nineteen (19). The longevity payments~~
29 ~~shall not be included in base salary.~~

30 (b) ~~The telecommunications authority is authorized to promulgate regulations~~
31 ~~implementing the provisions of this section.~~

32 (c) ~~Beginning on July 1, 2011, notwithstanding any rule, regulation, or provision of the~~
33 ~~public laws or general laws to the contrary, there shall be no further longevity increases for~~
34 ~~employees of the Rhode Island public telecommunications authority; provided, however, for~~

1 ~~employees with longevity provisions pursuant to a collective bargaining agreement in effect on~~
2 ~~June 1, 2011, longevity increases shall cease beginning on July 1, 2011 or beginning upon the~~
3 ~~expiration of the applicable collective bargaining agreement, whichever occurs later. To the~~
4 ~~extent an employee has previously accrued longevity payments, the amount of the longevity~~
5 ~~payment earned by the employee for the last pay period in June, 2011 shall be added to the~~
6 ~~employee's base salary as of June 30, 2011, or in the case of an employee with longevity~~
7 ~~provisions pursuant to a collective bargaining agreement in effect on June 1, 2011, the amount of~~
8 ~~the longevity payment earned by the employee for the latter of the last pay period in June or the~~
9 ~~last pay period prior to the expiration of the applicable collective bargaining agreement shall be~~
10 ~~added to the employee's base salary as of June 30, 2011 or upon the expiration of the applicable~~
11 ~~collective bargaining agreement, whichever occurs later.~~

12 ~~**16-61-9. Meaning of terms in existing law.** --- When in any law, resolution, document,~~
13 ~~record, instrument, proceeding or other place the words "board of education," "state board of~~
14 ~~education," or "board of regents for education" as they shall apply to educational television shall~~
15 ~~appear, they shall be construed to mean the Rhode Island public telecommunications authority.~~

16 ~~**16-61-10. Encumbering of assets.** --- The authority shall have no power to issue bonds,~~
17 ~~notes, or other obligations, or to mortgage, pledge, or encumber the assets of the authority or any~~
18 ~~of its income; and no part of the income or the assets of the authority shall inure to the benefit of~~
19 ~~any director, officer, employee, or any other individual, except as may be provided as salary or~~
20 ~~reasonable compensation for services.~~

21 ~~**16-61-11. Political activities prohibited.** --- The authority shall be prohibited from~~
22 ~~supporting or opposing any political party or candidate for public office, elective or otherwise,~~
23 ~~and from attempting to influence the enactment of legislation. The authority shall not be~~
24 ~~precluded from promoting full discussions of public issues pursuant to rules and regulations that~~
25 ~~the authority may promulgate.~~

26 ~~**16-61-12. Annual report.** --- Within ninety (90) days after the end of each fiscal year, the~~
27 ~~authority shall approve and submit an annual report to the governor, the speaker of the house of~~
28 ~~representatives, the president of the senate, and secretary of state of its activities during that fiscal~~
29 ~~year. The report shall provide: an operating statement summarizing meetings or hearings held,~~
30 ~~including meeting minutes, subjects addressed, decisions rendered, rules or regulations~~
31 ~~promulgated, studies conducted, policies and plans developed, approved or modified, and~~
32 ~~programs administered or initiated; a consolidated financial statement of all funds received and~~
33 ~~expended including the source of the funds, a listing of any staff supported by these funds and a~~
34 ~~summary of any clerical, administrative or technical support received; a summary of performance~~

1 ~~during the previous fiscal year including accomplishments, shortcomings and remedies; a~~
2 ~~synopsis of hearings, complaints, suspensions or other legal matters related to the authority; a~~
3 ~~summary of any training courses held pursuant to the provisions of this chapter; a briefing on~~
4 ~~anticipated activities in the upcoming fiscal year; and findings and recommendations for~~
5 ~~improvements. The authority shall cause an audit of its books and accounts, including the records~~
6 ~~pertaining to any entity created at the direction and/or under the auspices of the authority, to be~~
7 ~~made at least once each fiscal year by the auditor general. The report shall be posted~~
8 ~~electronically on the general assembly's and secretary of state's websites as prescribed in § 42-20-~~
9 ~~8.2. The director of the department of administration shall be responsible for the enforcement of~~
10 ~~this provision.~~

11 ~~**16-61-13. Annual appropriation.** --- The general assembly shall annually appropriate~~
12 ~~any sums as it deems necessary for the support and maintenance of public telecommunications in~~
13 ~~the state, and the state controller is authorized and directed to draw his or her orders upon the~~
14 ~~general treasurer for the payment of those appropriations or so much of this sum as may be~~
15 ~~necessary for the purposes appropriated, upon the receipt by the controller of properly~~
16 ~~authenticated vouchers, as the authority may by rule provide.~~

17 ~~**16-61-14. Liberal construction of chapter required.** --- This chapter shall be construed~~
18 ~~liberally in aid of its declared purposes.~~

19 ~~**16-61-15. Severability.** --- If any provision of this chapter or of any rule or regulation~~
20 ~~made under this chapter, or its application to any person or circumstance, is held invalid by a court~~
21 ~~of competent jurisdiction, the remainder of the chapter, rule, or regulation and the application of~~
22 ~~that provision to other persons or circumstances shall not be affected by the invalidity. The~~
23 ~~invalidity of any section or sections or parts of any section or sections shall not affect the validity~~
24 ~~of the remainder of the chapter.~~

25 SECTION 2. Sections 16-28-4, 16-28-5 and 16-28-6 of the General Laws in Chapter 16-
26 28 entitled "Educational Television" are hereby repealed.

27 ~~**16-28-4. Advisory commission—Appointment and qualification of members.** --- (a)~~
28 ~~There is created for the purposes of this chapter the Rhode Island advisory commission on public~~
29 ~~telecommunications consisting of not less than twenty-five (25) members who shall be appointed~~
30 ~~by the governor as provided in this section. The members of the commission shall serve three (3)~~
31 ~~year terms or until their successors have been appointed and duly qualified; provided, upon the~~
32 ~~initial appointment of members to the commission and upon any expansion of the membership of~~
33 ~~the commission, the governor shall appoint one third (1/3) of the members to one year terms, one~~
34 ~~third (1/3) of the members to two (2) year terms, and the remainder of the members to three (3)~~

1 ~~year terms.~~

2 ~~(b) The governor shall appoint the chairperson of the commission who shall serve at the~~
3 ~~governor's pleasure.~~

4 ~~(2) Appointment shall be made in February of each year by the governor.~~

5 ~~(c) Vacancies on the commission may be filled by the governor at any time and shall be~~
6 ~~for the remainder of the unexpired term of the vacancy.~~

7 ~~(d) The membership of the commission shall include one member of each of the counties~~
8 ~~of the state and insofar as possible be broadly representative of the different educational, cultural,~~
9 ~~professional, religious, and social interests of the state.~~

10 ~~(e) The advisory commission, among other matters as may be appropriate, is authorized~~
11 ~~and empowered:~~

12 ~~(1) To advise the general manager respecting his powers pursuant to § 16-61-7, if the~~
13 ~~Rhode Island public telecommunications authority has appointed a general manager; if the~~
14 ~~authority has entered into a contract or agreement with a nonprofit entity for the operation of~~
15 ~~public telecommunications functions pursuant to § 16-61-6, then the advisory committee shall~~
16 ~~advise the entity concerning educational television programming.~~

17 ~~(2) To do any other things as may be necessary to assist the general manager in carrying~~
18 ~~out the powers expressly provided for in § 16-61-7.~~

19 ~~(f) Additionally, the advisory commission shall:~~

20 ~~(1) Maintain minutes of all meetings;~~

21 ~~(2) Delineate its goals and responsibilities;~~

22 ~~(3) Provide forums at state educational institutions on educational television;~~

23 ~~(4) Provide for promotional activities in educational television;~~

24 ~~(5) Have media publicity on educational television;~~

25 ~~(6) Continue efforts to obtain funding both public and private and establishment of a~~
26 ~~transmitter needed for the operation of the station;~~

27 ~~(7) Provide twenty-five dollars (\$25.00) per meeting up to three hundred dollars (\$300),~~
28 ~~annually, as compensation for public members for attendance at meetings and travel expenses;~~

29 ~~(8) Provide a written annual report to the Rhode Island public telecommunications~~
30 ~~authority of its activities.~~

31 ~~**16-28-5. Organization and functions of advisory commission — Expenses.** — (a) The~~
32 ~~governor shall designate one of the members of the advisory commission as chairperson. The~~
33 ~~commission shall adopt rules for its own procedure and appoint any other officers from its~~
34 ~~members as it deems fit.~~

1 ~~(b) The commission shall have no administrative power but shall confer at regular~~
2 ~~intervals and cooperate with, advise, and make recommendations to the board of regents for~~
3 ~~elementary and secondary education in the administration of this chapter.~~

4 ~~(c) It shall be the duty of the board to consult with the advisory commission on matters~~
5 ~~relating to the operation of the educational television station, providing that ultimate policy~~
6 ~~decisions shall rest with the board.~~

7 ~~(d) The members of the commission shall serve without compensation, but shall be~~
8 ~~entitled to receive reimbursement for reasonable actual and necessary expenses incurred in~~
9 ~~performance of their duties.~~

10 ~~**16-28-6. Appropriations and disbursements.** -- The general assembly shall annually~~
11 ~~appropriate a sum sufficient to carry out the purposes of this chapter; and the state controller is~~
12 ~~authorized and directed to draw his or her orders upon the general treasurer for the payment of the~~
13 ~~sum, or so much of a sum as may be required, from time to time, upon the receipt by the~~
14 ~~controller of properly authenticated vouchers.~~

15 SECTION 3. Section 17-23-18 of the General Laws in Chapter 17-23 entitled "Election
16 Offenses" is hereby amended to read as follows:

17 **17-23-18. Political advertising from official budgets prohibited.** -- (a) No elected
18 official shall permit the expenditure of public funds from any official budget under his or her
19 authority for any publication, advertisement, broadcast, or telecast of his or her photograph,
20 voice, or other likeness to be broadcast or distributed to the public during the one hundred and
21 twenty (120) days preceding any primary or general election in which he or she is a candidate.

22 (b) This section shall not be construed to prohibit an official from appearing on regular
23 capitol television programming operated by the general assembly or on television stations
24 operated by ~~the Rhode Island public telecommunications authority~~ [the Rhode Island PBS](#)
25 [Foundation](#) during the period of time or programming of regular or special meetings of city or
26 town councils or any local governmental board, agency or other entity.

27 SECTION 4. Section 17-25-30 of the General Laws in Chapter 17-25 entitled "Rhode
28 Island Campaign Contributions and Expenditures Reporting" is hereby amended to read as
29 follows:

30 **17-25-30. Public financing of election campaigns – Compliance benefits.** – (1)
31 Entitled to an additional benefit of free time on community antenna television to be allocated
32 pursuant to rules determined by the administrator for the division of public utilities. During all
33 allocated free time, the candidate shall personally appear and present the message of the
34 advertisement; provided, however, the content of all television time shall include captioning for

1 the deaf and hard of hearing and the content of all radio time must be available in a written or text
2 format at the time of request; and

3 (2) Entitled to an additional benefit of free time on any public broadcasting station
4 operating under the jurisdiction of the Rhode Island ~~public telecommunications authority~~ [PBS](#)
5 [foundation](#) pursuant to rules determined by the ~~authority~~ [federal communications commission](#)
6 [\(FCC\)](#). During all allocated free time, the candidate shall personally appear and personally
7 present the message of the advertisement; provided, however, the content of all television time
8 shall include captioning for the deaf and hard of hearing and the content of all radio time must be
9 available in a written or text format at the time of request.

10 SECTION 5. Section 22-13-9 of the General Laws in Chapter 22-13 entitled "Auditor
11 General" is hereby amended to read as follows:

12 **22-13-9. Access to executive sessions of a public agency – Access to records –**
13 **Disclosure by the auditor general.** -- (a) Whenever a public agency goes into executive session,
14 the auditor general or his or her designated representative shall be permitted to attend the
15 executive session or if the auditor general or his or her designee is not in attendance at the
16 executive session, the auditor general or his or her designee, upon written request, shall be
17 furnished with copies of all data or materials furnished to the members of the public agency at the
18 executive session. If the auditor general or his or her designee attends the executive session, the
19 auditor general shall be furnished the same data in the same form and at the same time as
20 members of the public agency.

21 (b) Within three (3) working days of a written request by the auditor general, the public
22 agency shall furnish a copy, whether approved by the agency or not, of the minutes of any
23 meeting, including any executive session of the public agency.

24 (c) The auditor general shall have full and unlimited access to any and all records of any
25 public agency, in whatever form or mode the records may be, unless the auditor general's access
26 to the records is specifically prohibited or limited by federal or state law. In no case shall any
27 confidentiality provisions of state law be construed to restrict the auditor general's access to the
28 records; provided, the auditor general's access to any confidential data shall not in any way
29 change the confidential nature of the data obtained. Where an audit or investigative finding
30 emanates from confidential data, specific confidential information will not be made public. The
31 records shall include those in the immediate possession of a public agency as well as records
32 which the agency itself has a right to. In the event of a dispute between the agency involved and
33 the auditor general as to whether or not the data involved are confidential by law, the matter will
34 be referred to the attorney general for resolution.

1 (d) (1) If in the course of an executive session any fact comes to the attention of the
2 auditor general or his or her designated representative, which in his or her judgment constitutes an
3 impropriety, irregularity, or illegal transaction, or points to the onset of an impropriety or illegal
4 transaction, then the auditor general shall disclose that information to the joint committee on
5 legislative services, the director of administration, and the chairperson of the public agency
6 involved. Where the facts or the data upon which the facts are based are deemed confidential
7 pursuant to the provisions of federal or state law, the auditor general's access to the information
8 shall not in any way change the confidential nature of the data obtained.

9 (2) In the event of a dispute between the agency involved and the auditor general as to
10 whether or not the data involved are confidential by law, the matter will be referred to the
11 attorney general for resolution.

12 (e) The auditor general or his or her designated representative shall be immune from any
13 liability to any party for claims arising out of disclosure authorized by this section.

14 (f) For the purposes of this section, the phrase "public agency" shall include the
15 following: the Rhode Island industrial building authority, the Rhode Island recreational building
16 authority, the Rhode Island economic development corporation, the Rhode Island industrial
17 facilities corporation, the Rhode Island refunding bond authority, the Rhode Island housing and
18 mortgage finance corporation, the Rhode Island resource recovery corporation, the Rhode Island
19 public transit authority, the Rhode Island student loan authority, the water resources board, the
20 Rhode Island health and educational building corporation, the Rhode Island higher education
21 assistance authority, the Rhode Island turnpike and bridge authority, the Narragansett Bay
22 commission, ~~Rhode Island public telecommunications authority~~, the convention center authority,
23 ~~channel 36 foundation~~, their successors and assigns, and any other body corporate and politic
24 which has been or which is subsequently created or established within this state.

25 SECTION 6. Chapter 39-19 of the General Laws entitled "Community Antenna
26 Television Systems" is hereby amended by adding thereto the following section:

27 **39-19-6.1. Public education and government television studios and equipment.** -- (a)
28 The division shall be empowered to manage and operate public, education and government (PEG)
29 access television in Rhode Island; provided, however, that an existing cable television certificate
30 holder may, at its sole discretion, and for as long as it desires to do so, elect to continue to
31 manage a PEG access studio within its service area.

32 (b) In carrying out the purposes of this section, the division may designate another entity,
33 whether public or private, to actually manage the day-to-day operations of any PEG access
34 studios not being actively managed and operated by an existing cable television certificate holder.

1 These day-to-day operations shall include the responsibility of programming statewide
2 interconnect channels, and managing interconnect playback in conjunction with the management
3 of PEG playback.

4 (c) The division shall fund the operations authorized under this section through PEG
5 access and interconnect fees, which shall be established by the division following public hearing
6 and notice to the state's cable television certificate holders. Such fees shall be paid by the state's
7 cable television certificate holders, who may in turn pass through such expenses to their
8 respective subscribers in accordance with federal law.

9 (d) In furtherance of exercising this authority, the division shall promulgate such
10 reasonable rules and regulations that the division deems necessary to carry out its responsibilities.

11 SECTION 7. This article shall take effect as of July 1, 2013.