

2016 -- S 2179

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY  
CORPORATION -- MEMBERSHIP

Introduced By: Senators Coyne, Pagliarini, Lombardo, Picard, and Pichardo

Date Introduced: January 27, 2016

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-19-6 of the General Laws in Chapter 23-19 entitled "Rhode  
2 Island Resource Recovery Corporation" is hereby amended to read as follows:

3 **23-19-6. Creation, membership, and terms of the Rhode Island Resource Recovery**  
4 **Corporation.** -- (a) There is authorized, created, and established a public corporation of the state,  
5 having a distinct legal existence from the state and not constituting a department of the state  
6 government, with the politic and corporate powers set forth in this chapter, to be known as the  
7 Rhode Island resource recovery corporation, ("the corporation") to carry out the provisions of this  
8 chapter. The corporation is constituted a public instrumentality and agency exercising public and  
9 essential governmental functions, and the exercise by the corporation of the powers conferred by  
10 this chapter shall be deemed and held to be the performance of an essential governmental  
11 function of the state.

12 (b) It is the intent of the general assembly by the passage of this chapter to create and  
13 establish a public corporation and instrumentality and agency of the state for the purpose of the  
14 activities authorized by this chapter, and to vest the corporation with all powers, authority, rights,  
15 privileges, and titles that may be necessary to enable it to accomplish those purposes. This  
16 chapter shall be liberally construed in conformance with the purpose expressed in this section.

17 (c) The powers of the corporation shall be vested in ~~nine (9)~~ ten (10) commissioners,  
18 consisting of the secretary of the Rhode Island executive office of commerce, or the secretary's

1 [designee, who shall serve as an ex officio member](#), the director of administration, or the director's  
2 designee, who shall be a subordinate within the department of administration, who shall serve as  
3 an ex-officio member, and eight (8) public members to be appointed by the governor with advice  
4 and consent of the senate, at least three (3) of whom shall be a resident of the town of Johnston.  
5 In making these appointments, the governor shall give due consideration to recommendations  
6 from the mayor of the town of Johnston and from the League of Cities and Towns. The governor  
7 shall also give due consideration to recommendations from representatives of the commercial  
8 waste haulers, and environmental advocacy organizations, and shall consider persons experienced  
9 in the field of recycling. Those members of the corporation as of May 4, 2006 who were  
10 appointed to the corporation by members of the general assembly shall cease to be members of  
11 the corporation on May 4, 2006, and the governor shall thereupon nominate one new member  
12 who shall serve the balance of the unexpired term of his or her predecessor. Those members of  
13 the corporation as of May 4, 2006 who were appointed to the corporation by the governor shall  
14 continue to serve the balance of their current terms. Thereafter, the appointments shall be made  
15 by the governor with advice and consent of the senate as prescribed in this section.

16 (d) All public members shall serve staggered three (3) year terms except as otherwise  
17 provided in subsection (c) of this section. In the month of June each year thereafter, the governor  
18 shall appoint the successor(s) to the commissioners the governor has appointed whose terms  
19 expire that year, to serve for a term of three (3) years commencing on the day they are qualified.  
20 All public members shall serve until their respective successors are appointed and qualified. The  
21 members of the corporation shall be eligible to succeed themselves.

22 (e) Any vacancy occurring in the office of a member by death, resignation, or otherwise  
23 shall be filled by the governor with advice and consent of the senate in the same manner as the  
24 original appointment for the balance of the unexpired term of the former member as prescribed in  
25 subsection 23-19-6(c).

26 (f) Members of the corporation shall be removable by the governor pursuant to § 36-1-7  
27 of the Rhode Island general laws, and removal solely for partisan or personal reasons unrelated to  
28 capacity or fitness for the office shall be unlawful.

29 (g) The commissioners shall annually elect from among their number a chair, vice chair  
30 and a treasurer, and any other officers that they may determine. Meetings shall be held at the call  
31 of the chair or whenever two (2) commissioners so request. Four (4) commissioners shall  
32 constitute a quorum, and any action taken by the corporation under the provisions of this chapter  
33 may be authorized by resolution approved by a majority of the commissioners present and voting  
34 at any regular or special meeting. No vacancy in the membership of the corporation's board of

1 commissioners shall impair the right of a quorum to exercise all the rights and perform all the  
2 duties of the corporation.

3 (h) Commissioners shall receive no compensation for the performance of their duties, but  
4 the commissioner shall be reimbursed for his or her reasonable expenses incurred in carrying out  
5 the duties under this chapter.

6 (i) The commissioners of the corporation shall at regular intervals at least eight (8) times  
7 a year conduct business meetings for the purpose of carrying out its general business. The  
8 meetings shall be open to the public and all records and minutes will be a matter of public record.  
9 The corporation shall be considered a "public body" and shall be subject to the provisions of the  
10 Open Meetings Law, chapter 42-46 and to the provisions of title 38 concerning public records.

11 (j) The corporation shall continue until its existence is terminated by law. At that time its  
12 holdings and assets shall pass to and become vested in the state.

13 (k) The state shall indemnify and hold harmless every past, present, or future  
14 commissioner, officer, or employee of the corporation who is made a party to or is required to  
15 testify in any action, investigation, or other proceeding in connection with or arising out of the  
16 performance or alleged lack of performance of that person's duties on behalf of the corporation.  
17 These persons shall be indemnified and held harmless, whether they are sued individually or in  
18 their capacities as commissioners, officers, or employees of the corporation, for all expenses,  
19 legal fees and/or costs incurred by them during or resulting from the proceedings, and for any  
20 award or judgment arising out of their service to the corporation that is not paid by the  
21 corporation and is sought to be enforced against a person individually, as expenses, legal fees,  
22 costs, awards or judgments occur. Provided, however, that neither the state nor the corporation  
23 shall indemnify any commissioner, officer, or employee:

24 (1) For acts or omissions not in good faith or which involve intentional misconduct or a  
25 knowing violation of law;

26 (2) For any transaction from which the member derived an improper personal benefit; or

27 (3) For any malicious act.

28 (l) No one shall be eligible for appointment unless he or she is a resident of the state.

29 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 HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY  
CORPORATION -- MEMBERSHIP

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1           This act would add the secretary of the Rhode Island executive office of commerce, or  
2 the secretary's designee, as an ex officio member of the board of commissioners of the Rhode  
3 Island resource recovery corporation.

4           This act would take effect upon passage.

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