

2024 -- S 2463

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS

Introduced By: Senators McKenney, Euer, Pearson, DiPalma, Miller, and Gallo

Date Introduced: February 12, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 36-14-8 of the General Laws in Chapter 36-14 entitled "Code of
2 Ethics" is hereby amended to read as follows:

3 **36-14-8. Rhode Island ethics commission — Establishment — Members — Vacancies**
4 **— Quorum — Compensation and quarters.**

5 (a) There is hereby established an independent and nonpartisan Rhode Island ethics
6 commission composed of nine (9) members appointed by the governor with the advice and consent
7 of the senate. ~~The president of the senate, the minority leader of the senate, the speaker of the house~~
8 ~~of representatives, the majority leader of the house of representatives, and the minority leader of~~
9 ~~the house of representatives shall, within twenty (20) days of July 21, 1992, each submit to the~~
10 ~~governor a list of names of at least five (5) individuals. The governor shall, within forty (40) days~~
11 ~~of July 21, 1992, appoint one individual from each of the lists so submitted and four (4) individuals~~
12 ~~without regard to the lists submitted by the legislative leaders.~~

13 (b) Members of the commission shall serve for terms of five (5) years, ~~except that, of the~~
14 ~~members first appointed:~~

15 (1) ~~The individual appointed from the list submitted by the majority leader of the house of~~
16 ~~representatives shall serve for one year;~~

17 (2) ~~The individuals appointed from the lists submitted by the minority leader of the senate~~
18 ~~and one of the individuals appointed by the governor without regard to the lists submitted by the~~
19 ~~legislative leaders shall serve for two (2) years;~~

1 ~~(3) The individual appointed from the list submitted by the minority leader of the house of~~
2 ~~representatives and one of the individuals appointed by the governor without regard to the lists~~
3 ~~submitted by the legislative leaders shall serve for three (3) years;~~

4 ~~(4) The individual appointed from the list submitted by the president of the senate and one~~
5 ~~of the individuals appointed from the list submitted by the minority leader of the house of~~
6 ~~representatives shall serve for four (4) years; and~~

7 ~~(5) The individual appointed from the list submitted by the speaker of the house of~~
8 ~~representatives and one of the individuals appointed from the list submitted by the minority leader~~
9 ~~of the senate shall serve for five (5) years.~~

10 (c) No member shall be appointed for more than one full five (5) year term; provided,
11 however, that each member shall continue to serve until ~~his or her~~ the member's successor is
12 appointed and qualified; and, provided further, that if, at the time of the expiration of any member's
13 term, that member is actively engaged in the adjudication of a complaint, ~~he or she~~ the member's
14 shall continue to serve in that capacity until the commission has completed its responsibilities with
15 respect to that complaint.

16 (d) The governor shall, at the time of the initial appointments to the commission, designate
17 one member to act as chairperson of the commission for a period of one year and another to act as
18 vice chairperson of the commission for a period of one year. Thereafter, the commission shall elect
19 a chairperson and a vice chairperson. The vice chairperson shall act as chairperson in the absence
20 of the chairperson or in the event of a vacancy in that position.

21 (e) Any vacancy on the commission, occurring for any reason prior to the expiration of the
22 term, shall be filled for the unexpired term by the appointing authority in the same manner as the
23 original appointment within thirty (30) days of the vacancy occurring.

24 (f) No individual, while a member or employee of the commission, including any legal
25 counsel engaged by the commission, shall:

- 26 (1) Hold or campaign for any other public office;
- 27 (2) Hold office in any political party or political committee;
- 28 (3) Participate in or contribute to any political campaign;
- 29 (4) Directly or indirectly attempt to influence any decision by a governmental body, other
30 than as the duly authorized representative of the commission on a matter within the jurisdiction of
31 the commission;

32 (5) Have held elective public office or have been a candidate for elective public office for
33 a one year period prior to appointment.

34 (6) Have any equity interest or ownership interest in, or be employed by a business entity

1 that derives any of its revenue or income by engaging in lobbying, as defined in ~~chapter 22-10 and~~
2 ~~chapter 42-139~~ [§ 42-139.1-3](#).

3 (g) The governor shall declare vacant the position on the commission of any member who
4 takes part in activities prohibited by subsection (f) of this section. An individual appointed to fill a
5 vacancy occurring other than by the expiration of a term of office shall be appointed for the
6 unexpired term of the member he or she succeeds, and is eligible for appointment to one full five-
7 year term thereafter. Any vacancy occurring on the commission shall be filled within thirty (30)
8 days in the manner in which that position was originally filled.

9 [\(h\) Notwithstanding anything in this chapter to the contrary, in the event that a vacancy is](#)
10 [not filled within thirty \(30\) days of such vacancy, a quorum shall be deemed to exist with a majority](#)
11 [of the then duly authorized voting commission members present. A vacancy in the membership of](#)
12 [the commission shall not impair the right of a quorum to exercise all of the rights and perform all](#)
13 [of the duties of the commission.](#)

14 ~~(h)~~[\(i\)](#) For any action to be taken under the terms of this chapter by the full commission,
15 five (5) members of the commission shall constitute a quorum.

16 ~~(h)~~[\(j\)](#) Commission members shall not be compensated for attendance at meetings of the
17 commission or of any investigating committee or adjudicative panel of the commission.

18 ~~(j)~~[\(k\)](#) All departments and agencies of the state or of any city or town or political
19 subdivision within this state shall furnish such advice or information documentary or otherwise, to
20 the commission and its agents as is deemed necessary or desirable by the commission to facilitate
21 the purposes of this chapter.

22 ~~(k)~~[\(l\)](#) The director of administration is hereby authorized and directed to provide suitable
23 quarters for the commission.

24 ~~(l)~~[\(m\)](#) When commission members act in good faith within the scope of their authority and
25 in their official capacities they shall be afforded protection against civil liability as provided in §
26 9-1-31.1.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require appointments to the Ethics Commission obtain the advice and
2 consent of the senate and provides that a vacancy on the commission doesn't prevent the remaining
3 quorum from performing their duties.

4 This act would take effect upon passage.

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