

2010 -- S 2612

LC02080

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO THE RHODE ISLAND INDUSTRIAL RECREATIONAL BUILDING AUTHORITY

Introduced By: Senators DaPonte, Felag, and Connors

Date Introduced: March 02, 2010

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5 of Article 1 in Chapter 100 of the 2008 Public Laws entitled "An
2 Act Relating to Making Appropriations for the Support of the State for Fiscal Year Ending June
3 30, 2009" is hereby amended to read as follows:

4 SECTION 5. (a) Extension of previous authorizations. The general assembly hereby
5 extends by for an additional seven years the authorization granted to the Rhode Island Industrial
6 Recreational Building Authority provided by Chapter 91 of the Public Laws of 1958, and Chapter
7 537, Section 3, of the Public Laws of 1987.

8 (b) Extinguishment of previous authorization. The general assembly hereby extinguishes
9 as of June 30, 2008 the authority to issue the following debt authorization pursuant to the
10 provisions of Section 35-8-25 of the general laws.

<u>Purpose</u>	<u>Statutory</u>	<u>Authority</u>	<u>Amount to be</u>
	<u>Reference</u>		<u>Extinguished</u>
Rhode Island Industrial Recreation Building Authority	Chapter 537 P.L. 1987	\$80,000,000	\$60,000,000 <u>\$20,000,000</u>

17 SECTION 2. Section 42-34-4 of the General Laws in Chapter 42-34 entitled "Industrial-
18 Recreational Building Authority" is hereby amended to read as follows:

1 **42-34-4. Organization of authority.** -- (a) The Rhode Island industrial-recreational
2 building authority, hereinafter in this chapter called the "authority", hereby created and
3 established a body corporate and politic, is constituted a public instrumentality of the state, and
4 the exercise by the authority of the powers conferred by the provisions of this chapter shall be
5 deemed and held to be the performance of essential governmental functions. The authority shall
6 consist of five (5) members, appointed by the governor for a period of five (5) years, as herein
7 provided.

8 (b) During the month of January, 1959, the governor shall appoint one member to serve
9 until the first day of February, 1960, and until his or her successor is appointed and qualified, one
10 member to serve until the first day of February, 1961, and until his or her successor is appointed
11 and qualified, one member to serve until the first day of February, 1962, and until his or her
12 successor is appointed and qualified, one member to serve until the first day of February, 1963,
13 and until his or her successor is appointed and qualified, and one member to serve until the first
14 day of February, 1964, and until his or her successor is appointed and qualified.

15 (c) During the month of January, 1960, and during the month of January annually
16 thereafter, the governor shall appoint a member to succeed the member whose term will then next
17 expire, to serve for a term of five (5) years commencing on the first day of February then next
18 following and until his or her successor is appointed and qualified. A member shall be eligible to
19 succeed himself or herself.

20 (d) A vacancy in the office of a member, other than by expiration, shall be filled in like
21 manner as an original appointment, but only for the remainder of the term of the retiring member.
22 Members may be removed by the governor for cause.

23 (e) The authority may elect such officers from among its members as may be required to
24 conduct the authority's business. The director of the department of economic development shall
25 serve as executive director and chief executive officer, ex officio, of the authority. Three (3)
26 members of the authority shall constitute a quorum and the affirmative vote of a majority of the
27 members, present and voting, shall be necessary for any action taken by the authority; except that,
28 in no case shall any action taken by the authority be taken by an affirmative vote of less than
29 three (3) members. No vacancy in the membership of the authority or disqualification of a
30 member under section 42-34-16 shall impair the right of the quorum to exercise all rights and
31 perform all the duties of the authority. All of the members of the authority shall be reimbursed for
32 their actual expenses necessarily incurred in the performance of their duties.

33 (f) Appointments made under this section after the effective date of this act [April 20,
34 2006] shall be subject to the advice and consent of the senate.

1 (g) Newly appointed and qualified public members and designees of ex-officio members
2 shall, within six (6) months of their qualification or designation, attend a training course that shall
3 be developed with authority approval and conducted by the chairperson of the authority and shall
4 include instruction in the following areas: the provisions of chapters 42-34, 42-46, 36-14 and 38-
5 2; and the authority's rules and regulations. The director of the department of administration shall,
6 within ninety (90) days of the effective date of this act [April 20, 2006] prepare and disseminate
7 training materials relating to the provisions of chapters 42-46, 36-14 and 38-2.29.

8 (h) Members of the authority shall be removable by the governor pursuant to section 36-
9 1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons
10 unrelated to capacity or fitness for the office shall be unlawful.

11 (i) ~~Within one hundred eighty (180) days after the end of each fiscal year, the~~ The
12 authority shall approve and submit ~~an annual~~ a biannual report, each October 1st and each April
13 1st, to the governor, the speaker of the house of representatives, the president of the senate, and
14 the secretary of state, of its activities during ~~that fiscal year~~ the previous six (6) months. The
15 report shall provide: an operating statement summarizing meetings or hearings held, meeting
16 minutes if requested, subjects addressed, decisions rendered, rules or regulations promulgated,
17 studies conducted, policies and plans developed, approved, or modified, and programs
18 administered or initiated; a detailed review of the authority's loan guarantee program, including a
19 summary of each approved project, the guarantee amount for each approved project, and
20 estimated jobs created or retained for each approved project; a consolidated financial statement of
21 all funds received and expended including the source of the funds, a listing of any staff supported
22 by these funds, and a summary of any clerical, administrative or technical support received; a
23 summary of performance during the previous fiscal year including accomplishments,
24 shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal
25 matters related to the authority of the authority; a summary of any training courses held pursuant
26 to subsection (i) of this section; a briefing on anticipated activities in the upcoming fiscal year;
27 and findings and recommendations for improvements. The report shall be posted electronically on
28 the general assembly and the secretary of states websites as prescribed in section 42-20-8.2 of the
29 Rhode Island general laws. The director of the department of administration shall be responsible
30 for the enforcement of this provision.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO THE RHODE ISLAND INDUSTRIAL RECREATIONAL BUILDING
AUTHORITY

- 1 This act would restore to \$60 million the amount of authorized debt of the Rhode Island
- 2 industrial recreational building authority and provide biannual reporting.
- 3 This act would take effect upon passage.

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