

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- NEWPORT AND BRISTOL
COUNTY CONVENTION AND VISITORS' BUREAU

Introduced By: Senator Dawn M. Euer

Date Introduced: March 07, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-105-1, 42-105-2, 42-105-3, 42-105-6, 42-105-8 and 42-105-10
2 of the General Laws in Chapter 42-105 entitled "Newport and Bristol County Convention and
3 Visitors' Bureau" are hereby amended to read as follows:

4 **42-105-1. Newport and Bristol County Convention and Visitors' Bureau — Creation.**

5 (a) There is authorized, created and established a public corporation having a distinct legal
6 existence from the state and not constituting a department of state government, which is a
7 governmental agency and public instrumentality of the municipalities within Newport and Bristol
8 Counties, to be known as the ~~"Newport and Bristol County convention and visitors' bureau"~~
9 "Newport and Bristol County convention and visitors' bureau dba Discover Newport" ~~with those~~
10 ~~powers as are set convention and visitors' bureau"~~ with those powers as are set forth in this chapter.

11 (b) The exercise by the corporation of the powers conferred by this chapter shall be deemed
12 and held to be the performance of an essential governmental function of the municipalities within
13 Newport and Bristol County for public purposes. It is the intent of the general assembly by the
14 passage of this chapter, to vest in the corporation all powers, authority, rights, privileges, and titles
15 which may be necessary to enable it to accomplish the purposes herein set forth, and this chapter
16 and the powers granted hereby shall be liberally construed in conformity with those purposes.

17 (c)(1) The corporation and its corporate existence shall continue until terminated by law or
18 until the corporation shall cease entirely and continuously to conduct or be involved in any business

1 whatsoever in the furtherance of its purposes.

2 (2) Upon termination of the existence of the corporation, all its rights and properties shall
3 pass to and be vested in the state. At no time shall the assets or other property of the corporation
4 inure to the benefit of any person or other corporation or entity.

5 **42-105-2. Composition.**

6 (a)(1) The ~~Newport and Bristol County convention and visitors' bureau~~ Newport and
7 Bristol County convention and visitors' bureau dba Discover Newport shall be comprised of
8 eighteen (18) members who are residents of the state of Rhode Island, preferably from Newport
9 and Bristol Counties.

10 (2) All members of the bureau as of September 1, 2005 shall cease to be members of the
11 authority on September 1, 2005, and the bureau shall thereupon the board of directors be
12 reconstituted as follows:

13 (i) Three (3) board members shall be appointed by the Newport City Council; two (2) of
14 whom shall be associated with the hospitality industry within Newport and/or Bristol Counties;

15 (ii) Three (3) board members shall be appointed by the Middletown Town Council; two (2)
16 of whom shall be associated with the hospitality industry within Newport and/or Bristol Counties;

17 (iii) One board member shall be appointed by the Jamestown Town Council who shall be
18 associated with the hospitality industry within Newport and/or Bristol Counties;

19 (iv) One board member shall be appointed by the Portsmouth Town Council who shall be
20 associated with the hospitality industry within Newport and/or Bristol Counties;

21 (v) One board member shall be appointed by the Tiverton Town Council who shall be
22 associated with the hospitality industry within Newport and/or Bristol Counties;

23 (vi) One board member shall be appointed by the Little Compton Town Council who shall
24 be associated with the hospitality industry within Newport and/or Bristol Counties;

25 (vii) One board member shall be appointed by the Bristol Town Council who shall be
26 associated with the hospitality industry within Newport and/or Bristol Counties;

27 (viii) One board member shall be appointed by the Warren Town Council who shall be
28 associated with the hospitality industry within Newport and/or Bristol Counties;

29 (ix) One board member shall be appointed by the Barrington Town Council who shall be
30 associated with the hospitality industry within Newport and/or Bristol Counties; and

31 (x) Those board members appointed pursuant to paragraph (i) — (ix) shall thereupon
32 appoint five (5) board members, who shall be from Newport and/or Bristol Counties:

33 (A) One representative of hotels of more than one hundred (100) rooms;

34 (B) One representative of hotels, inns or bed-and-breakfasts of less than one hundred (100)

1 rooms;

2 (C) One representative of the restaurant industry;

3 (D) One representative of the attractions industry; and

4 (E) One member of the ~~general~~ public to serve as an at-large representative who shall be
5 associated with the hospitality industry.

6 (3) Each board member shall be appointed to serve a term of three (3) years. Members of
7 the board shall be eligible for appointment for two (2) consecutive terms or until their successor is
8 appointed and qualified.

9 (4) Those ~~persons~~ board members ~~initially~~ appointed under paragraphs (2)(i) and (2)(ii) of
10 this section, shall ~~serve initial terms of one year~~ be Group A and terms shall expire in 2025, 2028,
11 and every successive three (3) year period thereafter.

12 (4)(5) Those ~~persons~~ board members ~~initially~~ appointed under paragraphs (2)(iii), (2)(iv),
13 (2)(v), (2)(vi), (2)(vii), and (2)(viii) under this section shall ~~serve initial terms of two (2) years~~ be
14 Group B and terms shall expire in 2023, 2026, and every successive three (3) year period thereafter.

15 (5)(6) Those ~~persons~~ board members ~~initially~~ appointed under paragraphs (2)(ix) and (2)(x)
16 of this section shall ~~serve an initial term of three (3) years~~ be Group C and terms shall expire in
17 2024, 2027, and every successive three (3) year period thereafter.

18 (6) ~~Thereafter, all members shall be appointed to serve terms of three (3) years. Members~~
19 ~~of the bureau shall be eligible for appointment for two (2) consecutive terms.~~

20 (7) The chairperson shall be elected by the members of the board of directors.

21 (i) The chairperson may be permitted to serve up to two (2) additional one-year terms on
22 the board; provided they are serving in the position of chair.

23 (7)(8)(i) No state legislator shall serve or be otherwise eligible ~~for membership on the~~
24 ~~bureau~~ to serve on the board of directors of Discover Newport.

25 (b)(ii) The members of the board of directors of ~~the Newport and Bristol County~~
26 ~~convention and visitors' bureau~~ Discover Newport shall serve without compensation.

27 (e)(iii) ~~The Newport and Bristol County convention and visitors' bureau~~ Discover Newport
28 shall meet ~~every other month~~ six (6) times a year at a time to be designated by the chairperson
29 and/or president/CEO of Discover Newport.

30 (iv) Special meetings of ~~the authority~~ Discover Newport may be called by the chairperson
31 and/or president/CEO of Discover Newport in accordance with the open meetings law. ~~The~~
32 ~~chairperson shall be elected by the membership of the authority.~~

33 **42-105-3. Purposes.**

34 The ~~Newport and Bristol County convention and visitors' bureau~~ Newport and Bristol

1 [County convention and visitors' bureau dba Discover Newport](#) is authorized, created, and
2 established for the following purposes:

- 3 (1) To establish an operating program to promote and encourage tourism;
- 4 (2) To coordinate tourism activities within Newport and Bristol Counties and the state;
- 5 (3) To establish a fund to promote and encourage tourism; and
- 6 (4) To aid the municipalities in Newport and Bristol County in resolving problems which
7 may arise due to growth in the tourism industry and to improve the quality of life in Newport and
8 Bristol County.

9 **42-105-6. Transfer of assets, rights, and responsibilities.**

10 All assets presently held by the Newport and Bristol tourism and convention authority are
11 transferred to the corporation created by this chapter. Assets include all property, tangible and
12 intangible whether located within or without the state. Whenever in the general laws or any public
13 law reference is made to the Newport and Bristol tourism and convention authority, the ~~Newport~~
14 ~~and Bristol County convention and visitors' bureau~~ [Newport and Bristol County convention and](#)
15 [visitors' bureau dba Discover Newport](#) shall be substituted, and the bureau shall assume all
16 responsibilities and rights as may be set forth in the general or public law.

17 **42-105-8. ~~Audits~~ Audits and Annual Report.**

18 The books of the ~~Newport and Bristol County convention and visitors' bureau~~ [Newport](#)
19 [and Bristol County convention and visitors' bureau dba Discover Newport](#) as they pertain to the
20 revenues derived from the room tax shall be audited by an independent certified public accountant
21 annually who shall make a report to the ~~bureau~~, [Discover Newport board of directors within six \(6\)](#)
22 [months after the close of the fiscal year. Included with the audit shall be the management's](#)
23 [discussion and analysis \(MD&A\), which will serve as the annual report. The MD&A shall include](#)
24 [an organization chart, a summary of performance of sales and marketing activities during the fiscal](#)
25 [year under audit, highlights of next year's fiscal budget, and a schedule of the following calendar](#)
26 [year's meetings. Discover Newport shall file copies of the annual audit with](#) the speaker of the
27 house of representatives, the president of the senate, the governor, and to each city or town council
28 in Newport [and Bristol](#) County.

29 **42-105-10. Training.**

30 The bureau shall conduct a training course for newly appointed and qualified members [of](#)
31 [the board](#) and new designees of ex-officio members within six (6) months of their qualification or
32 designation. The course shall be developed by the chair of the bureau, approved by the bureau, and
33 conducted by the chair of the bureau. The bureau may approve the use of any bureau or staff
34 members or other individuals to assist with training. The training course shall include instruction

1 in the subject area of this chapter and ~~chapters~~ chapter 46 of this title, ~~14 of title 36~~ and chapter 2
2 of title 38; and the bureau's rules and regulations. ~~The director of the department of administration~~
3 ~~shall;~~ The president and CEO of Newport and Bristol County convention and visitors' bureau dba
4 Discover Newport shall, within ninety (90) days of ~~the effective date of this act~~ a member of the
5 board of directors being appointed, disseminate training materials relating to the provisions of
6 ~~chapters~~ chapter 46 of this title, ~~14 of title 36~~ and chapter 2 of title 38.

7 SECTION 2. Section 42-105-11 of the General Laws in Chapter 42-105 entitled "Newport
8 and Bristol County Convention and Visitors' Bureau" is hereby repealed.

9 **42-105-11. Annual report.**

10 ~~Within six (6) months after the close of its fiscal year the bureau shall approve and submit~~
11 ~~an annual report to the governor, the speaker of the house of representatives, the president of the~~
12 ~~senate, the secretary of state, and each of the following city and town councils: Jamestown,~~
13 ~~Middletown, Newport, Portsmouth, Little Compton and Tiverton of its activities during that fiscal~~
14 ~~year. The report shall provide: an operating statement summarizing meetings or hearings held,~~
15 ~~meeting minutes if requested, subjects addressed, decisions rendered, rules or regulations~~
16 ~~promulgated, studies conducted, policies and plans developed, approved, or modified, and~~
17 ~~programs administered or initiated; a consolidated financial statement of all funds received and~~
18 ~~expended including the source of the funds, a listing of any staff supported by these finds, and a~~
19 ~~summary of any clerical administrative or technical support received; a summary of performance~~
20 ~~during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis~~
21 ~~of hearings, complaints, suspensions, or other legal matters related to the bureau; a summary of any~~
22 ~~training courses held pursuant to this chapter; a briefing on anticipated activities in the upcoming~~
23 ~~fiscal year; and findings and recommendations for improvements. The report shall be posted~~
24 ~~electronically on the general assembly and the secretary of state's websites as prescribed in § 42-~~
25 ~~20-8.2. The director of the department of administration shall be responsible for the enforcement~~
26 ~~of this provision.~~

27 ~~The bureau shall cause an audit of its books and accounts to be made at least once each~~
28 ~~fiscal year by certified public accountants selected by it and its cost shall be paid by the bureau~~
29 ~~from funds available to it pursuant to this chapter.~~

30 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 STATE AFFAIRS AND GOVERNMENT -- NEWPORT AND BRISTOL
COUNTY CONVENTION AND VISITORS' BUREAU

1 This act would make amendments to the general laws relative to the Newport and Bristol
2 county convention and visitors' bureau including extending the terms of the board members, and
3 requiring the board to generate a management's discussion and analysis, which shall serve as the
4 annual report.

5 This act would take effect upon passage.

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