

2012 -- H 8205 SUBSTITUTE A AS AMENDED

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LC02706/SUB A/2
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY
CORPORATION

Introduced By: Representatives Ucci, Fellela, Petrarca, Marcello, and Carnevale

Date Introduced: May 24, 2012

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-19-6 and 23-19-23 of the General Laws in Chapter 23-19
2 entitled "Rhode Island Resource Recovery Corporation" are 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 ~~eight (8)~~ nine (9) commissioners,
18 consisting of the director of administration, or the director's designee, who shall be a subordinate

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

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

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

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

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

1 duties of the corporation.

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

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

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

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

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

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

26 (3) For any malicious act.

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

28 ~~**23-19-23. Citizen advisory board. Citizens advisory board. -- The governor shall**~~
29 ~~appoint from among interested citizens of the state eleven (11) members, and the mayor of~~
30 ~~Johnston shall appoint one member to a citizens solid waste management advisory board~~
31 ~~consisting of twelve (12) persons. In the month of June each year, the governor shall appoint a~~
32 ~~successor to the member of the board whose term shall expire in that year, to hold office~~
33 ~~commencing on the first day of July in the year of appointment and until the first day of July in~~
34 ~~the third year after their respective appointments and until their respective successors are~~

1 ~~appointed and qualified. In the month of June upon the expiration of the terms, the mayor of the~~
2 ~~town of Johnston shall appoint a successor to the member of the board whose term shall expire in~~
3 ~~that year, to hold office commencing on the first day of July in the year of appointment and until~~
4 ~~the first day of July in the third year after his or her appointment, and until his or her successor is~~
5 ~~appointed and qualified. Any vacancy which may occur in the board shall be filled by the~~
6 ~~governor or the mayor of Johnston in accordance with the original manner of appointment, for the~~
7 ~~duration of the unexpired term. It shall be the role of the citizens advisory board to give advice to~~
8 ~~the corporation concerning rules and regulations and legislation affecting solid waste~~
9 ~~management, resource recovery, and recycling; and to study the effects of existing recovery and~~
10 ~~recycling programs, and to annually report its findings to the corporation for inclusion in the~~
11 ~~annual report and to recommend to the corporation, special studies and projects which it feels are~~
12 ~~needed to further economic solid waste management, resource recovery, and recycling. At least~~
13 ~~two (2) members of the board shall be designated from time to time to attend all meetings of the~~
14 ~~solid waste management corporation. The members of the citizen advisory board shall serve~~
15 ~~without compensation. The board shall, at regular intervals, conduct business meetings for the~~
16 ~~purpose of carrying out its general business, and the meetings shall be open to the public and all~~
17 ~~records and minutes will be a matter of public record.~~

18 (a) There is hereby created a permanent board to be known as the "Citizens Advisory
19 Board" to consist of twelve (12) members, six (6) to be appointed by the governor, two (2) of
20 whom shall be from the city of Cranston, two (2) of whom shall be from the town of Scituate and
21 two (2) from the town of Johnston; three (3) of whom shall be appointed by the mayor of
22 Johnston and three (3) of whom shall be appointed by the town council of Johnston. The term of
23 appointment shall be three (3) years.

24 (b) It shall be the role of the citizens advisory board to advise the Rhode Island resource
25 recovery corporation concerning: rules and regulations and legislation affecting solid waste
26 management, resource recovery and recycling; effects of existing recovery and recycling
27 programs; all landfill expansion plans; all single expenditures which exceed five hundred
28 thousand dollars (\$500,000); all land clearing proposals of over one quarter (1/4) of an acre of
29 land in the landfill; proposed construction of all new buildings of the landfill and additions to
30 existing landfill buildings that exceed two hundred (200) square feet; annually reporting their
31 findings to the governor, speaker of the house of representatives and president of the senate, and
32 to recommend to the corporation, special studies and projects which it feels are needed to further
33 economic solid waste management resource recovery and recycling.

34 (c) At least two (2) members of the board shall be designated from time to time to attend

1 all meetings of the Rhode Island resource recovery corporation. The board shall, at regular
2 monthly intervals, conduct business meetings for the purpose of carrying out its general business,
3 and the meetings shall be open to the public and all records and minutes shall be a matter of
4 public record.

5 (d) The board shall elect annually a chairperson and vice chairperson from among its
6 membership.

7 (e) The Rhode Island resource recovery corporation shall furnish the advisory board a
8 suitable location to hold its meetings.

9 (f) The board shall meet at least quarterly and at the call of the chairperson or four (4)
10 board members. The executive director of the Rhode Island resource recovery corporation shall
11 be present for all board meetings to inform the board of the actions of the corporation and to
12 respond to the board's inquiries.

13 (g) The board shall review legislative proposals and comment on existing state laws
14 relating to solid waste management, resource recovery and recycling.

15 (h) The board shall have free access to all public records and documents of the Rhode
16 Island resource recovery corporation which may be of value to it in connection with the research
17 and study of the board.

18 (i) A board member shall not receive compensation for his or her service on the board.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY
CORPORATION

- 1 This act would set forth the composition, purpose and powers of the citizens advisory
- 2 board to the Rhode Island resource recovery corporation.
- 3 This act would take effect upon passage.

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