

2012 -- S 3035 AS AMENDED

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LC02743
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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 STATE AFFAIRS AND GOVERNMENT

Introduced By: Senators Picard, and Cote

Date Introduced: May 31, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 4.2

4 CATEGORY ONE MEMORIAL ITEMS

5 **42-4.2-1. Definition of category one memorial item.** -- (a) As used in this chapter, a
6 category one memorial item shall include a structure, sculpture, inscription, or icon, or similar
7 item, which meets the following criteria:

8 (1) Has attained a secular traditional, cultural, or community recognition and/or value;

9 (2) Is located on property that is owned by either the state, a city or town, or any
10 instrumentality thereof;

11 (3) Was in existence prior to January 1, 2012; and

12 (4) Is designated as a category one memorial pursuant to section 42-4.2-2.

13 (b) A memorial may, but does not need to be, related to military affairs in order to be
14 designated as a category one memorial.

15 (c) The potential identification of an item or the item having recognizable identification
16 with a known or established religion shall not exclude the item from being designated as a
17 category one memorial item, so long as the provisions of subsection (a) are met.

18 **42-4.2-2. Creation of commission.** – (a) There is hereby established a permanent
19 commission, to be known as the category one memorial designation commission, to consist of

1 five (5) members; two (2) of whom shall be appointed by the speaker from a list of nominations
2 provided by the chairperson of the Rhode Island historical society, one of whom shall be an
3 elected official; two (2) shall be appointed by the senate president from a list of nominations
4 provided by the adjutant general of the Rhode Island national guard, one to be a member of the
5 Rhode Island veterans of foreign wars, and one to be a member of the American legion; and one
6 to be the spouse or a child of a deceased veteran, to be appointed by the speaker.

7 (b) The members of the commission shall, in February of each odd-numbered year, elect
8 from among themselves a chairperson. Vacancies in the commission shall be filled in like manner
9 as the original appointment.

10 (c) The purpose of the commission shall be to hear and make determinations on requests
11 by members of the general public to designate items within the state as described in section 42-
12 4.2-1 as category one memorial items. Upon deliberation, the commission may communicate
13 their majority decision to designate an item as such in written form to the city or town clerk of the
14 municipality wherein the item is located, for recording in the land records, and to the chief
15 executive of the municipality.

16 (d) Three (3) members of the commission shall constitute a quorum.

17 (e) The commission shall meet upon receipt of a request to designate.

18 (f) All departments and agencies of the state shall furnish advice and information,
19 documentary and otherwise, to the commission and its agents as may be necessary or desirable to
20 facilitate the purposes of this chapter.

21 (g) The speaker is authorized and directed to provide suitable quarters for the
22 commission.

23 (h) The commission shall file a report with the general assembly.

24 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 STATE AFFAIRS AND GOVERNMENT

1 This act would provide for the designation of certain memorials as category one
2 memorial items. By definition, such memorials would have a secular traditional, cultural, or
3 community recognition and/or value, and would not constitute the making of a law regarding the
4 establishment of a state religion.

5 This act would take effect upon passage.

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