

2013 -- H 6321

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LC02937
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- FORT ADAMS FOUNDATION

Introduced By: Representatives Martin, and Abney

Date Introduced: July 01, 2013

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-57-1, 42-57-2, 42-57-3 and 42-57-4 of the General Laws in
2 Chapter 42-57 entitled "Fort Adams Foundation" are hereby amended to read as follows:

3 **42-57-1. Foundation created.** -- The Fort Adams foundation ("the foundation") is
4 created a body, corporate and politic, to promote interest in and to plan, develop, coordinate,
5 encourage, facilitate, set standards, and programs and projects relating to the restoration,
6 renovation, ~~and~~ reconstruction, ~~and use~~ of the ~~historical~~ Fort Adams ~~structure~~ State Park and all
7 facilities and buildings at the park.

8 **42-57-2. Purpose.** -- In order to achieve the objective and to carry out the purposes of
9 this chapter, the foundation shall, in close cooperation with and through recommendations to the
10 director of the department of environmental management, initiate, coordinate, and support
11 planning, development, and conduct of the programs, ~~and~~ projects ~~in furtherance of the~~
12 ~~restoration~~ and use of Fort Adams State Park, provide for all activities in a manner which will be
13 consistent with the purposes of this chapter, and carry out all responsibilities provided by this
14 chapter concerning the restoration and use of the Fort Adams ~~structure~~ State Park.

15 **42-57-3. Organization of foundation.** -- (a) The foundation shall consist of the director
16 of the department of environmental management, or his or her designee, and ~~nine (9)~~ four (4)
17 public members, appointed by the governor with the advice and consent of the senate. In making
18 appointments under this section, the governor shall solicit and give due consideration to the
19 recommendations of the following persons, communities and organizations:

- 1 (1) Rhode Island historical preservation commission;
- 2 (2) ~~Newport city council~~ City of Newport;
- 3 (3) Fort Adams Trust board of directors; and
- 4 (4) ~~Artillery Company of Newport County~~ Chief of the department of environmental
5 management division of parks and recreation;
- 6 ~~(5) Newport Historical Society~~;
- 7 ~~(6) Rhode Island National Guard~~;
- 8 ~~(7) Rhode Island economic development corporation~~;
- 9 ~~(8) Newport county chamber of commerce~~; and
- 10 ~~(9) Preservation society of Newport county~~.

11 In making appointments under this section, the governor shall also give due
12 consideration to the appointment of persons with expertise and experience in the fields of
13 American history, military history, historic preservation, museums, education, historic
14 architecture and/or engineering.

15 (b) The ~~membership of the foundation shall elect from amongst itself a member to~~
16 director of the department of environmental management, or his or her designee shall act as
17 chairperson.

18 (c) The power of the foundation shall vest in and be exercised by or under the authority
19 of its members, ~~five (5)~~ three (3) of whom shall constitute a quorum for the transaction of
20 business.

21 (d) Employees of the foundation shall be selected and appointed by the foundation, and
22 shall be vested with those powers and duties that the foundation may determine.

23 (e) All appointed members of the foundation as of the effective date of this act ~~[June 16,~~
24 ~~2006]~~ shall cease to be members of the foundation as of the effective date of this act ~~[June 16,~~
25 ~~2006]~~ ~~but shall be eligible for reappointment thereafter pursuant to this subsection~~. The governor
26 shall thereupon nominate ~~nine (9)~~ four (4) members: ~~three (3)~~ one of whom shall serve an initial
27 ~~terms term~~ of one year; ~~three (3)~~ one of whom shall serve an initial ~~terms term~~ of two (2) years;
28 and ~~three (3)~~ two (2) of whom shall serve initial terms of three (3) years. Thereafter, all appointed
29 members shall be appointed to serve three (3) year terms. In the event the senate is not in session
30 on the effective date of this act, the governor may make temporary appointments which shall only
31 be in effect until such time as the senate reconvenes at which time the governor shall appoint four
32 (4) members.

33 **42-57-4. Powers.** -- (a) The foundation is authorized and empowered:

- 34 (1) To adopt by-laws for the regulation of its affairs and the conduct of its business;

- 1 (2) To adopt an official seal and alter the seal at pleasure;
- 2 (3) To maintain an office at any place or places within the state as it may designate;
- 3 (4) To sue and be sued in its own name, plead and be impleaded. Service of process in
4 any action shall be made by service upon the chairperson of the foundation ~~either in hand or by~~
5 ~~leaving a copy of the process at the office of the foundation with some person having charge~~
6 ~~thereof;~~
- 7 (5) To employ assistants, agents, and other employees that may be necessary or desirable
8 for its purposes; to contract for and engage consultants, and to utilize the service of other
9 governmental agencies;
- 10 (6) To accept from a federal agency, loans or grants for use in carrying out its purposes,
11 and to enter into agreements with that agency respecting those loans or grants;
- 12 (7) To acquire, purchase, manage, and operate and hold and dispose of real and personal
13 property, to take assignments of rentals and leases, and make and enter into all contracts, leases,
14 and agreements necessary or incidental to the performance of its duties;
- 15 (8) To receive any gifts, grants, or donations made for any of the purposes of its
16 program, and to disburse and administer them in accordance with the terms thereof; and
- 17 (9) To do all acts and things necessary or convenient to carry out the powers expressly
18 granted in this chapter.
- 19 (b) These powers do not remove from the department of environmental management any
20 responsibilities for maintaining, operating, and developing the Fort Adams ~~complex~~ [State Park](#) as
21 an integral part of the state park system.
- 22 (1) The department of environmental management assumes tort liability for the purpose
23 of public access and use of a tour program at the Fort Adams ~~complex~~ [State Park](#), which shall be
24 operated by the foundation with oversight by the department. The department in its oversight
25 capacity shall be engaged in a governmental function, and in any tort action against the state, the
26 damages recovered shall not exceed the sum of one hundred thousand dollars (\$100,000) as
27 identified in section 9-31-2.
- 28 (2) In addition to any other requirements mandated by the department of environmental
29 management, any contractor hired ~~for the purpose of restoration of the complex~~ shall be required
30 to carry liability insurance in ~~the~~ [an](#) amount ~~of one million dollars (\$1,000,000)~~ [to be determined](#)
31 [by the director](#).
- 32 [\(3\) The director may, through regulation or memorandum of agreement, create and](#)
33 [establish an advisory committee for the Fort Adams State Park.](#)

1 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 decrease the number of members of The Fort Adams foundation from
2 nine to four and would include representation from the Rhode Island historical preservation
3 commission, city of Newport, Fort Adams Trust Board of Directors and the DEM division of
4 parks and recreation. It would also authorize the director to determine the amount of insurance
5 coverage and to create an advisory committee.

6 This act would take effect upon passage.

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