

# 2013 -- H 6321 SUBSTITUTE A

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LC02937/SUB A  
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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.

7           **42-57-2. Purpose.** -- In order to achieve the objective and to carry out the purposes of  
8 this chapter, the foundation shall, in close cooperation with and through recommendations to the  
9 director of the department of environmental management, initiate, coordinate, and support  
10 planning, development, and conduct of the programs, ~~and~~ projects ~~in furtherance of the~~  
11 ~~restoration~~ and use of Fort Adams, provide for all activities in a manner which will be consistent  
12 with the purposes of this chapter, and carry out all responsibilities provided by this chapter  
13 concerning the restoration and use of the Fort Adams structure.

14           **42-57-3. Organization of foundation.** -- (a) The foundation shall consist of the director  
15 of the department of environmental management, or his or her designee, and ~~nine (9)~~ four (4)  
16 public members, appointed by the governor with the advice and consent of the senate. In making  
17 appointments under this section, the governor shall solicit and give due consideration to the  
18 recommendations of the following persons, communities and organizations:

19           (1) Rhode Island historical preservation commission;

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

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

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

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

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

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

32 **42-57-4. Powers.** -- (a) The foundation is authorized and empowered:

- 33 (1) To adopt by-laws for the regulation of its affairs and the conduct of its business;
- 34 (2) To adopt an official seal and alter the seal at pleasure;

1 (3) To maintain an office at any place or places within the state as it may designate;

2 (4) To sue and be sued in its own name, plead and be impleaded. Service of process in  
3 any action shall be made by service upon the chairperson of the foundation ~~either in hand or by~~  
4 ~~leaving a copy of the process at the office of the foundation with some person having charge~~  
5 ~~thereof;~~

6 (5) To employ assistants, agents, and other employees that may be necessary or desirable  
7 for its purposes; to contract for and engage consultants, and to utilize the service of other  
8 governmental agencies;

9 (6) To accept from a federal agency, loans or grants for use in carrying out its purposes,  
10 and to enter into agreements with that agency respecting those loans or grants;

11 (7) To acquire, purchase, manage, and operate and hold and dispose of real and personal  
12 property, to take assignments of rentals and leases, and make and enter into all contracts, leases,  
13 and agreements necessary or incidental to the performance of its duties;

14 (8) To receive any gifts, grants, or donations made for any of the purposes of its  
15 program, and to disburse and administer them in accordance with the terms thereof; and

16 (9) To do all acts and things necessary or convenient to carry out the powers expressly  
17 granted in this chapter.

18 (b) These powers do not remove from the department of environmental management any  
19 responsibilities for maintaining, operating, and developing the Fort Adams complex State Park as  
20 an integral part of the state park system.

21 (1) The department of environmental management assumes tort liability for the purpose  
22 of public access and use of a tour program at the Fort Adams complex, which shall be operated  
23 by the foundation with oversight by the department. The department in its oversight capacity shall  
24 be engaged in a governmental function, and in any tort action against the state, the damages  
25 recovered shall not exceed the sum of one hundred thousand dollars (\$100,000) as identified in  
26 section 9-31-2.

27 (2) In addition to any other requirements mandated by the department of environmental  
28 management, any contractor hired ~~for the purpose of restoration of the complex~~ shall be required  
29 to carry liability insurance in ~~the an~~ amount ~~of one million dollars (\$1,000,000)~~ to be determined  
30 by the director.

31 (3) The director may, through regulation or memorandum of agreement, create and  
32 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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