

2013 -- S 0698

=====
LC01991
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS

Introduced By: Senator James C. Sheehan

Date Introduced: March 06, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 36-14-8 of the General Laws in Chapter 36-14 entitled "Code of
2 Ethics" is hereby amended to read as follows:

3 **36-14-8. Rhode Island ethics commission -- Establishment -- Members -- Vacancies -**
4 **- Quorum -- Compensation and quarters. --** (a) There is hereby established an independent and
5 nonpartisan Rhode Island ethics commission composed of nine (9) members appointed by the
6 governor. ~~The president of the senate, the minority leader of the senate, the speaker of the house~~
7 ~~of representatives, the majority leader of the house of representatives, and the minority leader of~~
8 ~~the house of representatives shall, within twenty (20) days of July 21, 1992, each submit to the~~
9 ~~governor a list of names of at least five (5) individuals. The governor shall, within forty (40) days~~
10 ~~of July 21, 1992, appoint one individual from each of the lists so submitted and four (4)~~
11 ~~individuals without regard to the lists submitted by the legislative leaders. All members of the~~
12 ~~commission as of the effective date of this section shall continue to serve the balance of the terms~~
13 ~~to which they were appointed. All appointments made pursuant to this section after the effective~~
14 ~~date of this section shall be subject to the advice and consent of the senate.~~

15 (b) Members of the commission shall serve for terms of five (5) years, ~~except that, of~~
16 ~~the members first appointed:~~

17 (1) ~~The individual appointed from the list submitted by the majority leader of the house~~
18 ~~of representatives shall serve for one year;~~

19 (2) ~~The individuals appointed from the lists submitted by the minority leader of the~~

1 ~~senate and one of the individuals appointed by the governor without regard to the lists submitted~~
2 ~~by the legislative leaders shall serve for two (2) years;~~

3 ~~(3) The individual appointed from the list submitted by the minority leader of the house~~
4 ~~of representatives and one of the individuals appointed by the governor without regard to the lists~~
5 ~~submitted by the legislative leaders shall serve for three (3) years;~~

6 ~~(4) The individual appointed from the list submitted by the president of the senate and~~
7 ~~one of the individuals appointed from the list submitted by the minority leader of the house of~~
8 ~~representatives shall serve for four (4) years; and~~

9 ~~(5) The individual appointed from the list submitted by the speaker of the house of~~
10 ~~representatives and one of the individuals appointed from the list submitted by the minority leader~~
11 ~~of the senate shall serve for five (5) years.~~

12 (c) No member shall be appointed for more than one full five (5) year term; provided,
13 however, that each member shall continue to serve until his or her successor is appointed and
14 qualified; and, provided further, that if, at the time of the expiration of any member's term, that
15 member is actively engaged in the adjudication of a complaint, he or she shall continue to serve in
16 that capacity until the commission has completed its responsibilities with respect to that
17 complaint.

18 (d) The governor shall, at the time of the initial appointments to the commission,
19 designate one member to act as chairperson of the commission for a period of one year and
20 another to act as vice chairperson of the commission for a period of one year. Thereafter, the
21 commission shall elect a chairperson and a vice chairperson. The vice chairperson shall act as
22 chairperson in the absence of the chairperson or in the event of a vacancy in that position.

23 (e) Any vacancy on the commission, occurring for any reason prior to the expiration of
24 the term, shall be filled for the unexpired term by the appointing authority in the same manner as
25 the original appointment within thirty (30) days of the vacancy occurring.

26 (f) No individual, while a member or employee of the commission, including any legal
27 counsel engaged by the commission, shall:

28 (1) Hold or campaign for any other public office;

29 (2) Hold office in any political party or political committee;

30 (3) Participate in or contribute to any political campaign;

31 (4) Directly or indirectly attempt to influence any decision by a governmental body,
32 other than as the duly authorized representative of the commission on a matter within the
33 jurisdiction of the commission;

34 (5) Have held elective public office or have been a candidate for elective public office

1 for a one year period prior to appointment.

2 (6) Have any equity interest or ownership interest in, or be employed by a business entity
3 that derives any of its revenue or income by engaging in lobbying, as defined in chapter 22-10
4 and chapter 42-139.

5 (g) The governor shall declare vacant the position on the commission of any member
6 who takes part in activities prohibited by subsection (f) of this section. An individual appointed to
7 fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the
8 unexpired term of the member he or she succeeds, and is eligible for appointment to one full five-
9 year term thereafter. Any vacancy occurring on the commission shall be filled within thirty (30)
10 days ~~in the manner in which that position was originally filled.~~

11 (h) For any action to be taken under the terms of this chapter by the full commission,
12 five (5) members of the commission shall constitute a quorum.

13 (i) Commission members shall not be compensated for attendance at meetings of the
14 commission or of any investigating committee or adjudicative panel of the commission.

15 (j) All departments and agencies of the state or of any city or town or political
16 subdivision within this state shall furnish such advice or information documentary or otherwise,
17 to the commission and its agents as is deemed necessary or desirable by the commission to
18 facilitate the purposes of this chapter.

19 (k) The director of administration is hereby authorized and directed to provide suitable
20 quarters for the commission.

21 (l) When commission members act in good faith within the scope of their authority and
22 in their official capacities they shall be afforded protection against civil liability as provided in
23 section 9-1-31.1.

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

=====
LC01991
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS

- 1 This act would empower the governor to appoint all future members of the Rhode Island
- 2 ethics commission with the advice and consent of the senate.
- 3 This act would take effect upon passage.

=====
LC01991
=====