LC004221

# 2016 -- S 2427

# STATE OF RHODE ISLAND

# IN GENERAL ASSEMBLY

#### JANUARY SESSION, A.D. 2016

#### JOINT RESOLUTION

#### TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE-ETHICS COMMISSION

Introduced By: Senators Sheehan, Conley, McCaffrey, Metts, and Jabour

Date Introduced: February 11, 2016

Referred To: Senate Judiciary

1	RESOLVED, That a majority of all members elected to each house of the general
2	assembly voting therefor, the following amendment to the Constitution of the state be proposed to
3	the qualified electors of the state in accordance with the provisions of Article XIV of the
4	Constitution for their approval and the following Articles are hereby amended, as hereinafter set
5	forth, effective on January 3, 2017, to read as follows:
6	ARTICLE III
7	OF QUALIFICATION FOR OFFICE
8	SECTION 8. Ethics commission Code of ethics The general assembly shall
9	establish an independent non-partisan ethics commission which shall adopt a code of ethics
10	including, but not limited to, provisions on conflicts of interest, confidential information, use of
11	position, contracts with government agencies and financial disclosure. All elected and appointed
12	officials and employees of state and local government, of boards, commissions and agencies shall
13	be subject to the code of ethics and the jurisdiction of the ethics commission. The ethics
14	commission shall have the jurisdiction and authority to investigate and adjudicate all alleged
15	violations of the code of ethics and to impose penalties, as provided by law; and the commission
16	shall have the power to remove from office officials who are not subject to impeachment:
17	provided, however, that any person against whom the commission finds a violation of the code of
18	ethics for any conduct that was criminal in nature at common law shall be entitled to a trial by
19	j <u>ury</u> .

1 SECTION 9. Ethics commission composition .-- Notwithstanding Article IX, Section 5, 2 the ethics commission shall be composed of nine (9) members, appointed for five (5) year terms 3 by the governor; provided, that one of the nine (9) shall be appointed from a list of four (4) 4 candidates submitted jointly by the speaker of the house of representatives and the president of 5 the senate and four (4) of the nine (9) shall be appointed each from lists of three (3) candidates submitted by the majority leader of the house of representatives, the minority leader of the house 6 7 of representatives, the majority leader of the senate, and the minority leader of the senate. No 8 commissioner shall be appointed to more than two (2) five (5) year terms but may serve until 9 their successors are appointed and qualified. 10 **ARTICLE VI** 11 **OF THE LEGISLATIVE POWER** 12 SECTION 5. Immunities of general assembly members. -- The persons of all members of 13 the general assembly shall be exempt from arrest and their estates from attachment in any civil 14 action, during the session of the general assembly, and two days before the commencement and 15 two days after the termination thereof, and all process served contrary hereto shall be void. For 16 any speech in debate in either house, no member shall be questioned in any other place, except by 17 the ethics commission as set forth in Article III, Section 8 of this Constitution; provided, 18 however, that members shall be free, without questions, to engage in public discussion, prior to 19 any vote, on the floor of the House of Representatives or the Senate or in committees thereof. 20 RESOLVED, That the said proposition of amendment shall be submitted to the electors 21 for their approval or rejection at the next statewide general election. The voting places in the 22 several cities and towns shall be kept open during the hours required by law for voting therein for 23 general officers of the state; and be it further 24 RESOLVED, That the secretary of state shall cause the said proposition of amendment to 25 be published as a part of this resolution in the newspapers of the state prior to the date of the said 26 meetings of the said electors; and the said proposition shall be inserted in the warrants or notices 27 to be issued previous to said meetings of the electors for the purpose or warning the town, ward, 28 or district meetings, and said proposition shall be read by the town, ward, or district meetings to 29 be held as aforesaid; and be it further 30 RESOLVED, That the town, ward, and district meetings to be held aforesaid shall be 31 warned, and the list of voters shall be canvassed and made up, and the said town, ward, and 32 district meetings shall be conducted in the same manner as now provided by law for the town,

1 ward, and district meetings for the election of general officers of the state.

LC004221

#### **EXPLANATION**

#### BY THE LEGISLATIVE COUNCIL

## OF

### JOINT RESOLUTION

# TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE-ETHICS COMMISSION

\*\*\*

1 This resolution would expand Article VI of the RI Constitution to permit legislators to be 2 questioned by the ethics commission in certain circumstances for speech in debate and votes 3 occurring in the House and Senate. However, legislators could not be questioned for what they 4 said in public discussion, prior to any vote, on the floor of the House or Senate or in committees thereof. It would also expand Article III and give a legislator who is found by the ethics 5 commission to have violated the code of ethics for conduct that was criminal in nature at common 6 7 law the right to a trial de novo by jury. Further, it would amend the composition of the ethics 8 commission and the appointment of its members.

\_\_\_\_\_ LC004221 ======