

2022 -- S 2781

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT -
LIMITATIONS

Introduced By: Senator Kendra Anderson

Date Introduced: March 24, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 30-15-4 of the General Laws in Chapter 30-15 entitled "Emergency
2 Management" is hereby amended to read as follows:

3 **30-15-4. Limitations.**

4 Nothing in this chapter shall be construed:

5 (1) To interfere with the course or conduct of a labor dispute except that actions otherwise
6 authorized by this chapter or other laws may be taken when necessary to forestall or mitigate
7 imminent or existing danger to public health or safety;

8 (2) To interfere with dissemination of news or comment on public affairs; but any
9 communications facility or organization (including, but not limited to, radio or television stations,
10 wire services, and newspapers) may be required to transmit or print public service messages
11 furnishing information or instructions in connection with a disaster emergency;

12 (3) To affect the jurisdiction or responsibilities of police forces, firefighting forces, or units
13 of the armed forces of the United States, or of any personnel thereof, when on active duty; but state
14 and local disaster emergency plans shall place reliance upon the forces available for performance
15 of functions related to disaster emergencies; ~~or~~

16 (4) To limit, modify, or abridge the authority of the governor to proclaim martial law or
17 exercise any other powers vested in the governor under the constitution, statutes, or common law
18 of this state independent of, or in conjunction with, any provisions of this chapter; ~~or~~ or

1 (5) To allow for any contract that causes a property to be used in a manner that is in
2 violation of municipal zoning ordinance(s), unless the chief executive officer of the city or town in
3 which the property is located is provided advanced notice of the contract and the option to be added
4 to the contract as a third-party beneficiary, providing the city or town:

5 (i) The right, but not the obligation, to enforce rights, remedies, powers and privileges
6 under the contract; and

7 (ii) Compensation amounting to three percent (3%) of the total consideration of the
8 contract; provided, however, that the city or town shall not be obligated to use such compensation
9 to mitigate the impact of the use of the property.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would allow the chief executive officer of any city or town to add the municipality
2 as a third-party beneficiary where the original contract causes a violation of a municipal ordinance,
3 due to use of emergency management resources or authority which create the above mentioned
4 violations, and further provides compensation to the city or town in the amount of three percent
5 (3%) of the total compensation of the contract.

6 This act would take effect upon passage.

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