

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ADMINISTRATION
INTER-OFFICE MEMORANDUM**

TO: DISTRIBUTION

FROM: Beverly E. Najarian
Director, Department of Administration

DATE: September 27, 2006

RE: Separation of Powers
Training Materials

As you are aware, several amendments to the Rhode Island Constitution were approved by the electorate in November 2004. One of these amendments, contained in Article IX, Section 5, referred to the Governor's authority to appoint members of boards and commissions that exercise executive power.

In order to implement this constitutional amendment, ten (10) bills were enacted in 2005 that required the reorganization of twelve (12) boards, commissions, agencies, and authorities. These Separation of Powers enactments are contained in Rhode Island General Laws Sections 16-62-7; 24-15-10; 29-8-4; 42-24-1; 42-45-2; 42-64-8; 42-113-4; 42-133-6; 44-34-11; 45-9-3; 46-12.2-3; and 46-12.9-8. The names of the boards, commissions, agencies, authorities and entities that are affected by the 2005 enactments are contained in attached Appendix A.

Enacted in the 2006 Legislative Session were twenty (20) bills that required the reorganization of thirty four (34) boards, commissions, agencies, and authorities. These Separation of Powers enactments, many of which are duplicates, are contained in the following Chapters of the 2006 Public Laws: Chapters 14, 18, 22, 23, 26, 27, 28, 52, 53, 54, 70, 103, 104, 144, 319, 332, 408, 435, 444, and 502. The names of the boards, commissions, agencies, authorities and entities that are affected by the 2006 enactments are contained in attached Appendix B. According to our records, you are the chairperson, head or contact person for one or more of the forty six (47) entities listed in Appendices A and B.

The 2005 and 2006 enactments require that newly appointed members of the above entities receive instruction in the following areas: Code of Ethics (Chapter 36-14 of the R.I. General Laws); the Access to Public Records Act (Chapter 38-2 of the R.I. General Laws); and the Open Meetings Act (Chapter 42-46 of the R.I. General Laws).

Furthermore, the enactments require that the department of administration distribute training materials, which relate to the provisions of the above chapters, to many of the entities named in the enactments.

When department staff began to prepare training materials in the three subject areas, it was apparent that considerable background material and many resource documents were already available. The Office of the Attorney General and the Rhode Island Ethics Commission had previously been prepared documents and materials in these areas that were well written, well researched, and are electronically available at these agencies' websites. Because these documents had been prepared by the agencies that are responsible for the enforcement of these laws, the department of administration has decided to provide the named entities with on-line access links to those documents and materials.

Those materials, together with on-line access links, are described in attached Appendix C. The materials are arranged sequentially by references to the Rhode Island General Laws. For each subject area, the materials begin with an access link to the applicable Title and Chapter of the Rhode Island General Laws. Until this department prepares and disseminates additional training materials, we suggest that these materials are distributed to newly appointed members of commissions, boards, and other authorities pursuant to the 2005 and 2006 enactments. Moreover, these materials should be made available as a resource to all members and staff of the affected entities.

If you have any questions regarding this memo or any of the Appendices, please contact Deputy Chief Legal Counsel Peter Dennehy at 222-3417. In the event that you are not the contact person to whom these materials should be sent, please contact Peter Dennehy.

Appendices (3)

DISTRIBUTION:

Barbara Petrarca – Scenic Roadways Board
Edward F. Sanderson – RI Historical Preservation and Heritage Comm.
Anthony Simeone– RI Clean Water Finance Agency
Terrance Gray– RI Underground Storage Tank Review Board
Saul Kaplan– RI Economic Development Corporation
Noreen Shawcross– RI Housing and Conservation Board
William Catelli – RI Vehicle Value Commission
Tracy Williams– RI Information Resources Management Board
Rosemary Booth Gallogly– Tobacco Settlement Financing Corporation
Noel Simpson– RI Student Loan Authority
John O’Connor, Director of Legislative Council – Commission on Uniform State Laws

Donna Dickerman – Interpreters for the Deaf
Beth Perry – Library Board
George Farrell – Fire Education and Training Coordinating Board
Jametta Alston – Child Advocate
John DiTomasso – Motor Vehicle Inspection Commission
Bob Fish – RI Public Telecommunications Authority
Kevin Flynn – State Comprehensive Plan Appeals Board
Kenneth Ayers – State Conservation Committee; Agricultural Lands Preservation Commission
Wendy Hoyle – RI Farm, Forest & Open Space Land Value Subcommittee
Christopher Hannafin – Rabies Control Board
Helen Drew -- Mosquito Abatement Board; State Medical Examiners Commission; and Health Professional Loan Repayment Program
George Johnson – State Greenways Council
Kevin Nelson – Rhode Island Rivers Council
Alicia Pomfret – Industrial Recreational Building Authority
Sherry Mulhearn – RI Resource Recovery Corporation
Jack Wagner – Board of Governors for Higher Education
Peter McWalters – Board of Regents for Elementary and Secondary Education
Dennis Hilliard – State Crime Laboratory Commission
Warren Ducharme – State Building Code Standards Committee
Bob Rochio – State Traffic Commission
Al Moscola – RI Public Transit Authority
Juan Mariscal – Water Resources Board
General Treasurer Paul Tavares – Sinking Fund Commission; Refunding Bond Authority; State Investment Commission; and Public Finance Management Board
Frank Karpinski – State Retirement Board
Michael Marques – Board of Bank Incorporation
William Hurry – Higher Education Assistance Authority
Jerome Williams – State Properties Commission