

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

TO: DISTRIBUTION

FROM: Beverly E. Najarian
Director, Department of Administration

DATE: October 24, 2006

RE: Separation of Powers
Electronic Posting of Annual Reports

As stated in my memorandum on Separation of Powers Training Materials dated September 27, 2006, 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 or 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 passed as duplicate bills, 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 (46) 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 Code of Ethics, the Access to Public Records Act,

and the Open Meetings Act. In addition, many of the boards and commissions referred to in the enactments are required to submit detailed annual reports to the Governor, the Speaker of the House of Representatives, the Senate President and the Secretary of State. (emphasis added). When these annual reports are submitted, they must be “posted electronically on the websites of the general assembly and the secretary of state pursuant to the provisions of section 42-20-8.2”.¹ Moreover, the enactments require that the director of the department of administration is responsible for the enforcement of this provision.

I have asked staff from the Division of Information Technology to develop procedures that would assist affected agencies with the filing of their annual reports on the websites of the general assembly and the secretary of state. The procedures that were developed are contained in attached Appendix C. By following the procedures contained in Appendix C, agencies that are affected by the 2005 and 2006 Separation of Powers enactments will be able to electronically file their annual reports, as required by the enactments.

After reviewing these enactments, my staff advise me that the first annual report, containing the information specifically required by the 2006 enactment, must be filed ninety (90) days after the fiscal year that ends on June 30, 2007. While the affected agencies are certainly not prohibited from submitting an annual report for FY 2006 within ninety (90) days of June 30, 2006, my staff has advised me that the affected agencies are not statutorily required to do so. (emphasis added)

If you have any questions regarding this memo or any of the procedures for the electronic filing of annual reports as described in Appendix C, please contact Information Technology Manager Alan S. Dias at 222-6091 or Deputy Chief Legal Counsel Peter Dennehy at 222-3417.

Appendices (3)

¹ The above mentioned Section 42-20-8.2, as last amended in 2004, refers to the posting of audits on appropriate websites.

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; Health Professional Loan Repayment Program
George Johnson – State Greenways 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; Rhode Island Rivers Council
General Treasurer Paul Tavares – Sinking Fund Commission; Refunding Bond Authority; State Investment Commission; 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

