

PUBLIC LAWS
OF THE
STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS
PASSED AT THE
GENERAL ASSEMBLY
AT THE
JANUARY SESSION, A.D., 1985
VOLUME II
CHAPTERS 246 THROUGH 534
AND AT THE
JANUARY SESSION, A.D., 1984
CHAPTERS 270 AND 442



JOINT COMMITTEE ON LEGISLATIVE AFFAIRS
SPEAKER MATTHEW J. SMITH, CHAIRMAN

LAW REVISION

1985

RHODE ISLAND STATE LIBRARY

20-2-25. Scallop license. — Commercial: ~~twenty-five dollars (\$25)~~ one hundred (\$100.00) dollars. Such license shall only be issued to a resident of this state and shall be valid only for the reason for which issued.

SECTION 2. This act shall take effect upon passage.

CHAPTER 326

85-H 6125 am

Effective Without the Governor's Signature

Jun. 27, 1985.

AN ACT CALLING FOR A CONSTITUTIONAL CONVENTION OF THE PEOPLE OF THE STATE OF RHODE ISLAND FOR THE PURPOSE OF AMENDING OR REVISING THE CONSTITUTION AND MAKING AN APPROPRIATION THEREFOR

It is enacted by the General Assembly as follows:

SECTION 1. Special election of delegates. — A special election shall be held on November 5, 1985, for the purpose of electing delegates to a constitutional convention in accordance with the provisions of this act.

SECTION 2. Time and place of convening — Selection of permanent meeting place. — The convention shall convene at state expense in the city of Providence at 7:00 p.m. eastern standard time on January 6, 1986, in the house of representatives' chambers in the state capitol, for the purpose of organizing and choosing a permanent meeting place thereafter to adjourn to the permanent meeting place selected by them, to consider whether the constitution of the state should be revised or amended in accordance with the approval of the voters in the November, 1984, general election of the question "Shall There be a Convention to Amend or Revise the Constitution?"

SECTION 3. Number and apportionment of nonpartisan delegates. — The number of delegates to be elected to the convention shall be one hundred (100). The qualified electors of each of the then existing one hundred (100) representative districts shall elect one delegate on a nonpartisan basis from each such district. No person shall be a candidate for delegate from a representative district unless that person is a qualified elector of said district.

SECTION 4. Applicability of election laws — Nonpolitical affiliation — Nomination papers. — The provisions of the general laws of Rhode Island relating to elections and any and all other provisions of the laws of the state of Rhode Island relating to the qualifications of electors, registration, the manner of voting, the duties of election officials and to the preparation for, conducting and management of elections, shall govern insofar as they may be applicable, excepting those provisions which are inconsistent with this special act, and in such case the provisions of this special act shall control.

The election of delegates to the convention shall be on a nonpartisan basis and there shall be no party mark or designation upon any ballot nor upon any declaration of candidacy, nomination petition or list of candidates.

The nomination papers of each candidate for nomination as a delegate from a representative district shall be signed by at least fifty (50) qualified electors of such representative district. There shall be no primary election preceding the special election.

During the first ten (10) days of September, 1985 each voter desiring to be a candidate for election as delegate at the constitutional convention to be held in January, 1986 shall on such form as shall be provided by the secretary of state, sign his name as the name appears on the voting list and file not later than four P.M. (4:00 P.M.) of the last day of filing with the local board of the place of his voting residence a declaration of his candidacy which shall include the following information:

1. His name and address as the same appears on the voting list, place and date of birth, and length of residence in the state and in the town or city where he resides.

2. A certification that he has not served a prison sentence on final conviction of a felony in Rhode Island or in any other state unless his right to vote has been restored by an act of the general assembly.

3. A certification that he has not been lawfully adjudicated to be non compos mentis, of unsound mind.

The local board shall retain each declaration of candidacy and after three (3) days of the final day for filing declarations of candidacy, shall deliver nomination papers to the proper candidate or to such persons as he in writing designates to receive them.

At the head of the space on the nomination papers where voters are to endorse their approval of the candidates shall be printed the following:

Each of the signers of this paper by so signing severally certifies that he is a voter in the area from and for which the candidate seeks to be elected.

Each such nomination paper shall be submitted before four (4) o'clock on the seventh (7th) day following the delivery of nomination papers to the candidate or to such persons as he in writing has designated to receive them to the local board of the city or town where the signers appear to be voters. Each local board shall proceed forthwith to check signatures, on each nomination paper filed with it, against the voting list as last canvassed or published according to law. Within three (3) days after the submission of said nomination paper the local boards shall certify a sufficient number of names appearing thereon that are in conformity with the requirements of section 17-14-8 to qualify such candidate for a position on the ballot and after considering any challenge under this section and, if necessary, certifying any additional valid names, shall file such nomination papers. If any candidate questions the validity or authenticity of any signature on such nomination paper, the local board shall forthwith and summarily decide the question, and for this purpose, shall have the same powers as are conferred upon the board by the provisions of section 17-14-14, if any challenged signature is

found to be invalid, for any reason in law, or forged, then such signature shall not be counted.

All such nomination papers shall be filed in the office of the secretary of state, not later than two (2) days after the certification of said nomination papers.

When nomination papers have been duly filed, they shall be conclusively presumed to be valid, unless written objections thereto are made as to the eligibility of the candidate or the sufficiency of the nomination papers or the signatures thereon. All such objections shall be filed in the office of the local board by four (4) o'clock on the next business day after the last day fixed for filing such nomination papers.

A person nominated as a candidate may withdraw his name from such nomination prior to the election for constitutional delegates by a request signed and duly acknowledged by him setting forth the reason for the withdrawal, that the same is the candidate's own free act and deed, and that the same is not executed as the result of any threat or promise made to the said candidate. Such certificate of withdrawal shall be filed in the local board not later than five (5) weeks before the date said election for convention delegates is to be held.

The provisions of chapter 17-20 of the general laws, "Mail ballots," shall be given application to the election of delegates to the constitutional convention provided for herein.

The combination of voting districts as provided for in section 17-11-1.1 is prohibited for the election of delegates to the constitutional convention.

Names shall be arranged on the ballot for election as delegate to the constitutional convention by lot to be drawn by the secretary of state. The name first drawn by lot shall be placed first upon the ballot for the district from which said candidate is a voter, the name drawn second for said district shall appear second and so on until all the names of all the candidates have been drawn and placed in order by lot upon the ballot for the district from which said candidate is a voter.

Names shall be placed upon the ballot in horizontal order.

In those cities and towns having regularly scheduled elections on the same day as the election for constitutional delegates the names of candidates for the constitutional convention shall appear on the top of the ballot and above those matters for which the local election is being held.

If a delegate shall die or become otherwise incapacitated and unable to serve as a delegate to the convention, then the candidate for delegate to the convention from the same district receiving the next greatest number of votes shall serve in his stead.

In the event a delegate has been elected unopposed and shall die or otherwise become incapacitated and unable to serve as a delegate, then the members of the convention shall elect a delegate from his district to serve in his stead.

SECTION 5. Conduct of the convention. — The delegates of the convention shall be called to order by the governor who shall act as chairman pro tempore until the convention shall have elected a permanent presiding officer. The secretary of state shall serve as secretary pro tempore until the convention shall have

elected a permanent secretary. Upon the call of the roll and the determination of a quorum, the convention shall proceed to organize by choosing a presiding officer, secretary and such other officers and committees as they shall see fit, and by establishing rules of procedure. A majority of the elected qualified delegates shall constitute a quorum for the transaction of business and may adjourn the convention from time to time. The delegates may consider any question dealing with revision or amendment of the constitution. They may appoint and engage such aides, consultants, secretaries and other assistants as they shall determine necessary. The convention shall be a "public body" as that term is used in chapter 38-2 of the general laws, as amended (Access to Public Records) and shall be subject to all of the provisions of said chapter. The convention shall also be a "public body" as that term is defined in chapter 42-46 of the general laws (Open Meetings) and shall be subject to all of the provisions of said chapter.

All candidates seeking office as a delegate to the convention, and all persons, groups or organizations promoting or opposing candidates, issues and the ultimate questions submitted to the voters for ratification, shall be subject to the provisions of chapter 17-25 of the general laws as amended. (Rhode Island Campaign Contributions and Expenditures)

The vote of each delegate on issues before the convention shall be recorded and entered into its journals. The actions of the convention shall be certified by the presiding officer and the secretary; and the journals and papers of the convention shall be deposited in the office of the secretary of state who shall cause to be advertised copies of the proposed amendment or amendments in all daily newspapers published in Rhode Island having general circulation in a specific county or in the state of Rhode Island, at least once prior to the special election described in section 7 of this act. Delegates shall receive no compensation for attendance upon said convention.

SECTION 6. Request of the supreme court — Advisory opinions. — The convention by a majority vote of the delegates may request advisory opinions from the supreme court of the state of Rhode Island.

SECTION 7. Subpoena power. — Any twenty-five (25) delegates of the convention shall have full power and authority to compel the attendance of absent members and to call upon any sheriffs or deputy sheriffs to execute the orders thereof. For these purposes the authority of such sheriffs or deputy sheriffs shall extend throughout the state.

SECTION 8. Adoption of amendments by the people of the state. — Any amendment or amendments to the constitution proposed and approved by the convention in accordance with this act shall be submitted to the people for their ratification and adoption at the general election to be held in November, 1986.

The proposition or propositions of amendment submitted to the electors at such election shall be submitted in conformity with chapter 17-5, entitled "Statewide Referenda Elections," as amended.

Such election shall present to the people the amendment or amendments approved by said convention as one (1) single proposition or as separate propositions, the single proposition or each of the separate propositions shall be preceded by the words "Shall the action of the constitutional convention in amending the

constitution in the following manner be ratified and approved?" If a majority of the electors voting thereon shall approve the single proposition, or in each case in which a majority of the electors voting thereon approve one of the separate propositions, all such propositions so approved shall be and become a part of the constitution of the state of Rhode Island and shall go into effect at such time and in such manner as the constitution has determined.

SECTION 9. Appropriations. — For the purpose of this act, the sum of fifty thousand dollars (\$50,000) shall be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, and the state controller is hereby authorized and director to draw his orders upon the general treasurer for the payment of said sum, or so much thereof, as may be required from time to time upon receipt by him of properly authenticated vouchers.

SECTION 10. Severability. — If the provisions of this act, or any subdivision thereof, or the application therefor to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect upon passage.

CHAPTER 327

85-H 6499 am

Effective Without the Governor's Signature

Jun. 27, 1985.

**AN ACT PROVIDING FOR MAJOR CAPITAL IMPROVEMENTS TO THE
PAWTUCKET WATER SYSTEM AND AUTHORIZING THE FINANCING
THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$250,000
BONDS THEREFOR**

It is enacted by the General Assembly as follows:

SECTION 1. The city of Pawtucket is hereby authorized, in addition to authority previously granted, to issue bonds to an amount not exceeding \$250,000 from time to time under its corporate name and seal or a facsimile of such seal. The first installment of principal shall be paid not later than one year and the last installment to be paid not later than twenty years after the date of the bonds.

SECTION 2. The bonds shall be signed by the city treasurer and by the manual or facsimile signature of the mayor and shall be issued and sold at not less than par and accrued interest in such amounts as the city council may determine. The manner of sale, denominations, maturities, interest rates and other terms, conditions, and details of any bonds or notes issued under this act may be fixed by the proceedings of the city council authorizing the issue or by separate resolution of the city council, or to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or notes. Interest