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LC005619/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO WATERS AND NAVIGATION

Introduced By: Representatives Ucci, Corvese, Winfield, Costantino, and Lally

Date Introduced: May 07, 2014

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-12.9-8 of the General Laws in Chapter 46-12.9 entitled "Rhode
2 Island Underground Storage Tank Financial Responsibility Act" is hereby amended to read as
3 follows:

4 **46-12.9-8. Review board.** -- (a) There is hereby authorized, created and established the
5 "underground storage tank review board," to approve, modify, or deny disbursements to eligible
6 parties and to have such other powers as are provided herein.

7 (b) The review board shall consist of nine (9) members, as follows: the director of the
8 department of environmental management or his or her designee who shall be a subordinate
9 within the department of environmental management. The governor, with the advice and consent
10 of the senate, shall appoint eight (8) public members one of whom shall have expertise and
11 experience in financial matters. In making these appointments the governor shall give due
12 consideration to recommendations from the American Petroleum Institute, the Independent Oil
13 Marketers Association, the Oil Heat Institute, the Environment Council, the Independent Oil
14 Dealers Association and the Rhode Island Marine Trade Association. The newly appointed
15 members will serve for a term of three (3) years commencing on the day they are qualified. Any
16 vacancy which may occur on the board shall be filled by the governor, with the advice and
17 consent of the senate, for the remainder of the unexpired term in the same manner as the
18 member's predecessor as prescribed in this section. The members of the board shall be eligible to
19 succeed themselves. Members shall serve until their successors are appointed and qualified. No

1 one shall be eligible for appointment unless he or she is a resident of this state. The members of
2 the board shall serve without compensation. Those members of the board as of the effective date
3 of this act [July 15, 2005]who were appointed to the board by members of the general assembly
4 shall cease to be members of the board on the effective date of this act, and the governor shall
5 thereupon nominate three (3) members, each of whom shall serve the balance of the unexpired
6 term of his or her predecessor. Those members of the board as of the effective date of this act
7 [July 15, 2005]who were appointed to the board by the governor shall continue to serve the
8 balance of their current terms. Thereafter, the appointments shall be made by the governor as
9 prescribed in this section.

10 (c) When claims are pending, the review board shall meet at the call of the chair. All
11 meetings shall be held consistent with chapter 46 of title 42.

12 (d) The review board and its corporate existence shall continue until terminated by law.
13 Upon termination of the existence of the review board, all its rights and properties shall pass to
14 and be vested in the state.

15 (e) The review board shall have the following powers and duties, together with all
16 powers incidental thereto or necessary for the performance of those stated in this chapter:

17 (1) To elect or appoint officers and agents of the review board, and to define their duties:

18 (2) To make and alter bylaws, not inconsistent with this chapter, for the administration of
19 the affairs of the review board. Such bylaws may contain provisions indemnifying any person
20 who is or was a director or a member of the review board, in the manner and to the extent
21 provided in section 7-6-6 of the Rhode Island nonprofit corporation act;

22 (3) To approve and submit an annual report within ninety (90) days after the end of each
23 fiscal year to the governor, the speaker of the house of representatives, the president of the senate,
24 and the secretary of state, of its activities during that fiscal year. The report shall provide: an
25 operating statement summarizing meetings or hearings held, including meeting minutes, subjects
26 addressed, and decisions rendered; a summary of the review board's actions, fees levied, collected
27 or received as prescribed in sections 46-12.9-7 and 46-12.9-11, claims submitted, verified,
28 approved, modified, and denied as prescribed in section 46-12.9-7, and reconsideration hearings
29 held as prescribed in section 46-12.9-9; a synopsis of any law suits or other legal matters related
30 to the authority of the review board; and a summary of performance during the previous fiscal
31 year including accomplishments, shortcomings and remedies; a briefing on anticipated activities
32 in the upcoming fiscal year; and findings and recommendations for improvements; and a
33 summary of any training courses held pursuant to subdivision (f)(15) of this section. The report
34 shall be posted electronically as prescribed in section 42-20-8.2.

1 (4) To conduct a training course for newly appointed and qualified members and new
2 designees of ex-officio members within six (6) months of their qualification or designation. The
3 course shall be developed by the executive director, approved by the board, and conducted by the
4 executive director. The board may approve the use of any board or staff members or other
5 individuals to assist with training. The training course shall include instruction in the following
6 areas: the provisions of chapters 46-12.9, 42-46, 36-14, and 38-2; and the boards rules and
7 regulations. The director of the department of administration shall, within ninety (90) days of the
8 effective date of this act [July 15, 2005] prepare and disseminate training materials relating to the
9 provisions of chapters 36-14, 38-2, and 42-46.

10 (f) Upon the passage of this act and the appointment and qualification of the three (3)
11 new members prescribed in subsection (b) of this section, the board shall elect from among its
12 members a chair. Thereafter, the board shall elect annually in February a chair from among the
13 members. The board may elect from among its members such other officers as it deems
14 necessary.

15 (g) ~~Six (6)~~ **Five (5)** members of the board shall constitute a quorum and the vote of the
16 majority of the members present shall be necessary and shall suffice for any action taken by the
17 board. No vacancy in the membership of the board shall impair the right of a quorum to exercise
18 all of the rights and perform all of the duties of the board.

19 (h) Members of the board shall be removable by the governor pursuant to section 36-17
20 and removal solely for partisan or personal reasons unrelated to capacity or fitness for the office
21 shall be unlawful.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO WATERS AND NAVIGATION

- 1 This act would provide that five (5) members of the Underground Storage Tank Review
- 2 Board constitutes a quorum.
- 3 This act would take effect upon passage.

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