

2010 -- S 2051

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LC00267
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS

Introduced By: Senators Ciccone, Maselli, Ruggerio, and Tassoni

Date Introduced: January 13, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 36-14-2 of the General Laws in Chapter 36-14 entitled "Code of
2 Ethics" is hereby amended to read as follows:

3 **36-14-2. Definitions.** – As used in this chapter:

4 (1) "Any person within his or her family" means a spouse and any dependent children of
5 any public official or public employee as well as a person who is related to any public official or
6 public employee, whether by blood, adoption or marriage, as any of the following: father, mother,
7 son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law,
8 mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother,
9 stepson, stepdaughter, stepbrother, stepsister, halfbrother or halvesister;

10 (2) "Business" means a sole proprietorship, partnership, firm, corporation, holding
11 company, joint stock company, receivership, trust, or any other entity recognized in law through
12 which business for profit or not for profit is conducted;

13 (3) "Business associate" means a person joined together with another person to achieve a
14 common financial objective; provided, however, that a person subject to the code of ethics who is
15 a dues paying member of any bargaining unit to any labor union shall be considered to be a
16 “business associate” of that bargaining unit, but shall not be considered to be a “business
17 associate” of any state or national umbrella union, unless that person is an officer or director of
18 the umbrella organization, or that person is receiving individual services from that umbrella
19 organization;

1 (4) "Employees of state and local government, of boards, commissions and agencies"
2 means any full time or part time employees in the classified, nonclassified and unclassified
3 service of the state or of any city or town within the state, any individuals serving in any
4 appointed state or municipal position, and any employees of any public or quasi-public state or
5 municipal board, commission, or corporation;

6 (5) "Governmental function" means any action that is public in nature and is performed
7 for the common good of all the people;

8 (6) "Open and public process" means the open solicitation for bids or proposals from the
9 general public by public announcement or public advertising followed by a public disclosure of
10 all bids or proposals considered and contracts awarded;

11 (7) "Person" means an individual or a business entity;

12 (8) (i) "State agency" means any department, division, agency, commission, board,
13 office, bureau, authority, or quasi-public authority within Rhode Island, either branch of the
14 Rhode Island general assembly, or an agency or committee thereof, the judiciary, or any other
15 agency that is in any branch of Rhode Island state government and which exercises governmental
16 functions other than in an advisory nature;

17 (ii) "Municipal agency" means any department, division, agency, commission, board,
18 office, bureau, authority, quasi-public authority, or school, fire or water district within Rhode
19 Island other than a state agency and any other agency that is in any branch of municipal
20 government and exercises governmental functions other than in an advisory nature;

21 (9) "State or municipal appointed official" means any officer or member of a state or
22 municipal agency as defined herein who is appointed for a term of office specified by the
23 constitution or a statute of this state or a charter or ordinance of any city or town or who is
24 appointed by or through the governing body or highest official of state or municipal government;

25 (10) "State or municipal elected official" means any person holding any elective public
26 office pursuant to a general or special election;

27 (11) A person's natural child, adopted child, or stepchild is his or her "dependent child"
28 during a calendar year if the person provides over fifty percent (50%) of the child's support
29 during the year;

30 (12) A person "represents" him or herself before a state or municipal agency if he or she
31 participates in the presentation of evidence or arguments before that agency for the purpose of
32 influencing the judgment of the agency in his or her own favor;

33 (13) A person "represents" another person before a state or municipal agency if he or she
34 is authorized by that other person to act, and does in fact act, as that other person's attorney at law

1 or his or her attorney in fact in the presentation of evidence or arguments before that agency for
2 the purpose of influencing the judgment of the agency in favor of that other person.

3 (14) "Major decision-making position" means the executive or administrative head or
4 heads of a state agency, whether elected or appointed or serving as an employee and all members
5 of the judiciary, both state and municipal. For state agencies, a "major decision-making position"
6 shall include the positions of deputy director, executive director, assistant director and chief of
7 staff.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would expand the definition of “business associate” for the purposes of the code
2 of ethics to include persons who are dues paying members of any bargaining unit to any labor
3 union.

4 This act would take effect upon passage.

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