

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

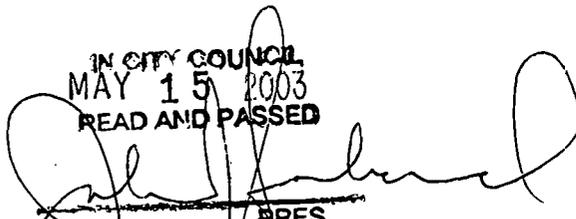
RESOLUTION OF THE CITY COUNCIL

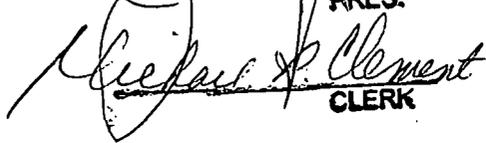
No. 406

Approved May 27, 2003

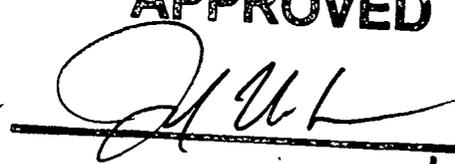
RESOLVED, That the Members of the Providence City Council hereby Endorse and Urge Passage by the General Assembly of House Bill 2003-H 6326, Relative to An Act Relating to Courts and Civil Procedure – Governmental Tort Liability.

IN CITY COUNCIL
MAY 15 2003
READ AND PASSED


PRES.


CLERK

APPROVED


MAYOR 5/27/03

IN CITY COUNCIL
APR 22 2003
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION

Michael S. Clement CLERK

THE COMMITTEE ON
State Legislation
~~Recommendations Be Approved~~
Claudia Bestwick CLERK
4/30/03

Councilman Aponte (By Request)

LC02939

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2003

AN ACT

RELATING TO COURTS AND CIVIL PROCEDURE -- GOVERNMENTAL TORT
LIABILITY

Introduced By: Representatives Fox, and DeSimone

Date Introduced: April 10, 2003

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-31-12 of the General Laws in Chapter 9-31 entitled
2 "Governmental Tort Liability" is hereby amended to read as follows:

3 **9-31-12. Indemnification -- Reservation of obligation -- Certification. --** (a) The state
4 and any political subdivision thereof, including all cities and towns, reserves the right to
5 determine whether or not it will indemnify any employees defened pursuant to sections 9-31-8 --
6 9-31-11, if a judgment is rendered against the employee.

7 (b) Upon certification by the court in which the tort action against a state employee or
8 an employee of any political subdivision of the state including all cities and towns, is pending that
9 (1) the defendant employee was acting within the scope of his or her office or employment when
10 the claim arose, and (2) the claim does not arise out of actual fraud, willful misconduct, or actual
11 malice by the employee, any civil action or proceeding commenced upon the claim under this
12 statute shall be deemed to be an action or proceeding brought against the state or any political
13 subdivision thereof, including all cities and towns, under the provisions of this title and all
14 references thereto, and the state or any political subdivision thereof, including all cities and towns
15 shall be substituted as the party defendant.

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

LC02939

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE – GOVERNMENTAL TORT
LIABILITY

- 1 This act would expand indemnification reservation of obligation and certification, in
- 2 government tort liability, to include all cities and towns and their political subdivisions.
- 3 This act would take effect upon passage.

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LC02939
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PROVIDENCE LEGISLATIVE PACKAGE

SUMMARY SHEET

An Act Relating To: Courts and Civil Procedure - Governmental Tort Liability

Amends: R.I.G.L. § 9-31-12

Summary: This act would extend to the cities and towns the same privileges extended to the state regarding indemnification of public employees who commit a tort while in the course of their employment. More importantly, upon certification by the court that the tort was committed by the employee while in the course of a governmental function and was not the result of actual fraud, willful misconduct or actual malice, then the city or town is substituted as the named defendant. The significance of this is that the remaining protections of sovereign immunity would protect the city. Those are: cap on damages of \$100,000; prohibition on assessment of pre-judgment interest; prohibition on assessment of post-judgment interest; and prohibition on assessment of court costs. As the law stands now, following the Supreme Court decision of Pridemore v. Napolitano, if a governmental employee is named individually as a defendant, then he or she is treated like any other tortfeasor; that is, damages over \$100,000 may be awarded along with pre-judgment interest, post-judgment interest and court costs, all of which the city would be responsible for due to the law and contracts relative to indemnification of public employees. The passage of this legislation would restore the cities and towns to the same status as before the Pridemore decision, and would afford the city significant protection against large judgments.

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 407

Approved May 27, 2003

CITY COUNCIL
OFFICE OF THE CLERK
CITY OF PROVIDENCE
RHODE ISLAND

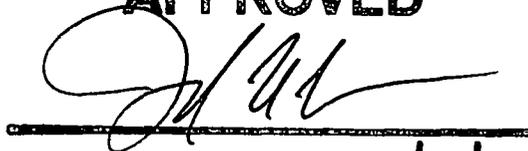
RESOLVED, That the Members of the Providence City Council hereby Endorse and Urge Passage by the General Assembly of House Bill 2003-H 6330, Relative to An Act Relating to Public Utilities and Carriers – Rhode Island Public Transit Authority.

IN CITY COUNCIL
MAY 15 2003
READ AND PASSED



PRES.


CLERK

APPROVED


MAYOR 5/27/03

IN CITY COUNCIL
APR 22 2003
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION

Michael R. Clement CLERK

THE COMMITTEE ON

State Legislation
Recommends Be Approved

Charles Bestwick
CLERK

4/30/03

Councilman Aponte (By Request)

LC02940

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2003

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- RHODE ISLAND PUBLIC
TRANSIT AUTHORITY

Introduced By: Representatives Tejada, Almeida, Moura, Williams, and DeSimone

Date Introduced: April 10, 2003

Referred To: House Finance

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Chapter 39-18 of the General Laws entitled "Rhode Island Public Transit
2 Authority" is hereby amended by adding thereto the following section:
- 3 39-18-22.1. State appropriations -- Maintenance of routes. -- Notwithstanding section
4 39-18-22 , adequate funds shall be provided to the Rhode Island Public Transit Authority,
5 appropriated from funds in the treasury not otherwise appropriated, to ensure there shall be no
6 cuts in routes and/or service.
- 7 SECTION 2. This act shall take effect upon passage.

LC02940

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- RHODE ISLAND PUBLIC
TRANSIT AUTHORITY

- 1 This act would require funds be appropriated to the Rhode Island Public Transit
- 2 Authority to maintain service.
- 3 This act would take effect upon passage.

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LC02940
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PROVIDENCE LEGISLATIVE PACKAGE

SUMMARY SHEET

An Act Relating To: Rhode Island Public Transit Authority

Amends: R.I.G.L Chapter 39-18, by adding § 39-18-22.1

Summary: This act would ensure that adequate funding would be provided by the state so that there would be no reduction in either service or routes of the R. I. Public Transit Authority. The bill is particularly important to the City due to the large number of residents who are dependent on public transportation on a daily basis.

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 408

Approved May 27, 2003

STATE OF RHODE ISLAND
CITY OF PROVIDENCE
CITY COUNCIL
RESOLVED TO CONSIDER
FIRST READING
MAY 27 2003

RESOLVED, That the Members of the Providence City Council hereby Endorse and Urge Passage by the General Assembly of House Bill 2003-H 6320, Relative to An Act Relating to Probate Practice and Procedure – Collection and Management of Decedents' Estates.

IN CITY COUNCIL
MAY 15 2003
READ AND PASSED

PRES.
Michael X. Clement
CLERK

APPROVED

MAYOR 5/27/03

IN CITY COUNCIL
APR 22 2003
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION

Michael R. Clement
CLERK

THE COMMITTEE ON
State Regulation
Recommendations *Be Approved*
Clare Besting
4/24/03
CLERK

Councilman Oponte (By Request)

LC02941

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2003

A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE -- COLLECTION AND
MANAGEMENT OF DECEDENTS' ESTATES

Introduced By: Representatives DeSimone, Moura, Smith, and Fox

Date Introduced: April 10, 2003

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 33-9-29 of the General Laws in Chapter 33-9 entitled "Collection
2 and Management of Decedents' Estates" is hereby amended to read as follows:
3 **33-9-29. Descent or distribution of real estate to be recorded.** -- When the real
4 property of any deceased person, or any part thereof or interest therein, is devised or distributed
5 or set out to the devisee or devisees, heir or heirs, or spouse of the decedent, or is legally divided
6 by all the persons interested, or descends to the heir or heirs or spouse of the decedent, the
7 executor or administrator of the decedent, within one month after acceptance by the probate court
8 of the final administration account or affidavit of complete administration, submit an affidavit to
9 the probate court and procure a certificate of descent, signed by the judge, clerk, or assistant clerk
10 of the probate court, which shall contain the name and place of residence of each person to whom
11 the real property, or any portion thereof or interest therein, is distributed, set out, or divided or
12 descends, and a particular description of the estate, portion, or interest distributed, set out, or
13 divided or descending to each person. The executor or administrator shall cause that certificate to
14 be recorded in the land evidence records of every city or town in which real property of the
15 decedent is situated, and it shall constitute prima facie evidence of the facts stated in it, so far as
16 those facts affect real estate of the decedent. In addition, the executor or administrator shall cause
17 a deed to be filed with the recorder of deeds of every city or town in which property of the
18 decedent is situated, transferring ownership of the property to the devisee or devisees, heir or

1 heirs, or spouse of the decedent, or other persons entitled to receive interest in the property.

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

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LC02941
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE -- COLLECTION AND
MANAGEMENT OF DECEDENTS' ESTATES

- 1 This act would require the executor or administrator of any probate estate where there is a
2 descent or distribution of real estate to cause a deed to be filed with the recorder of deeds of every
3 city or town in which property of the decedent is situated.
4 This act would take effect upon passage.

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LC02941
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PROVIDENCE LEGISLATIVE PACKAGE

SUMMARY SHEET

An Act Relating To: Probate Practice and Procedure - Collection and Management of Decedents' Estates

Amends: R.I.G.L. § 39-9-29

Summary: This act would require the administrator or executor of an estate to file a deed with the recorder of deeds for any real property which is distributed through probate. Passage of this act would aid the tax assessor and collector in determining who the proper taxpayer is, their current address and which, if any exemptions apply.