

RESOLUTION OF THE CITY COUNCIL

No. 207

Approved April 14, 2000

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 2000-S 2672 and House Bill 2000-H 7635 Relating to Municipal Public Building Authorities, in substantially the form attached.

IN CITY COUNCIL
APR 6 2000
READ AND PASSED
PRES.
Michael J. Clement

APPROVED
APR 14 2000
Vincent A. Cianci
MAYOR

2000 --

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LC01912
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

————— **2000-S 2672**

A N A C T

RELATING TO MUNICIPAL PUBLIC BUILDING AUTHORITIES

00-S 2672

Introduced By: Senators Igliazzi, Goodwin, Graziano,
Kells

Date Introduced: February 10, 2000

Referred To: Senate Committee on Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-50-14 of the General Laws in Chapter 45-50 entitled "Municipal
2 Public Buildings Authorities" is hereby amended to read as follows:
3 45-50-14. Revenue bonds -- (a) The authority is authorized to provide by resolution for
4 the issuance, at one time, or from time to time, of revenue bonds of the authority for the purpose
5 of paying all or a part of the cost of any one or more projects, the construction or acquisition of
6 which is authorized by this chapter. The principal of and the interest on the bonds shall be
7 payable from the funds provided for payment. The bonds of each issue shall be dated, bear
8 interest at a rate or rates that the authority determines, payable from time to time, shall mature at
9 a time or times not exceeding forty (40) years from their date or dates, as may be determined by
10 the authority, and may be redeemable before maturity, at the option of the authority, at a price or
11 prices and under terms and conditions as may be fixed by the authority prior to the issuance of
12 the bonds. The authority shall determine the form of bonds, including any interest coupons to be
13 attached to them, and shall fix the denomination or denominations of the bonds and the place or
14 places of payment of the principal and interest, which may be at any bank or trust company
15 within or without the state. The bonds shall be signed by the chairperson of the authority or a
16 facsimile shall be impressed or imprinted on the bonds and attested by the manual or facsimile
17 signature of the secretary of the authority, and any coupons attached to the bonds shall bear the
18 facsimile signature of the chairperson of the authority. In case any officer, whose signature or

1 facsimile of whose signatures appears on any bonds or coupons, ceases to be an officer before the
2 delivery of the bonds, the signature or the facsimile is nevertheless valid and sufficient for all
3 purposes the same as if he or she had remained in office until the delivery. The bonds may be
4 issued in coupon or in registered form, or both, as the authority may determine, and provision
5 may be made for the registration of any coupon bonds as to principal alone, and also as to both
6 principal and interest, for the reconversion into coupon bonds of any bonds registered and coupon
7 bonds. The authority may sell bonds in a manner, either at public or private sale, and for a price
8 that it may determine will best effect the purposes of this chapter.

9 (b) The proceeds of the bonds of each issue shall be used for the payment of the cost of
10 the project or projects for which the bonds have been issued, and shall be disbursed in a manner
11 and under restrictions, if any, that the authority may provide in the resolution authorizing the
12 issuance of the bonds or in the trust agreement securing the bonds. If the proceeds of the bonds of
13 any issue, by error of estimates, are less than the cost, additional bonds may in the same manner
14 be issued to provide the amount of the deficit, and, unless otherwise provided in the resolution
15 authorizing the issuance of the bonds or in the trust agreement securing the bonds, are deemed to
16 be of the same issue and are entitled to payment from the same fund without preference of
17 priority of the bonds first issued. If the proceeds of the bonds of any issue exceed the cost, the
18 surplus shall be deposited to the credit of the sinking fund for the bonds, or may be applied to the
19 payment of the cost of any project financed under the provisions of this chapter.

20 (c) Prior to the preparation of definitive bonds, the authority may, under like restrictions,
21 issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive
22 bonds when definitive bonds have been executed and are available for delivery. The authority
23 may also provide for the replacement of any bonds which become mutilated or are destroyed or
24 lost. Bonds may be issued under the provisions of this chapter without obtaining the consent of
25 any department, division, commission, board, bureau, or agency of the state, and without any
26 other proceedings or the happening of any other conditions, or things, than those proceedings,
27 conditions, or things which are specifically required by this chapter.

28 (d) However, in no event shall the authority borrow in principal amount for any one
29 bond issue more than fifteen percent (15%) of the total of the most recent adopted municipal
30 budget. In addition, the total outstanding principal amount of bonds of the authority shall not
31 exceed fifty percent (50%) of the most recent adopted municipal budget. ; provided, however,
32 that there shall not be included in the calculation of this limitation, fifty percent (50%) of the
33 outstanding principal amount of any bonds issued for projects for which the authority or the

- 1 municipality receives school housing aid pursuant to Rhode Island general laws sections 16-7-44
2 and 16-7-41.
3 SECTION 2. This act shall take effect upon passage.

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LC01912
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2000-S 2672

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO MUNICIPAL PUBLIC BUILDING AUTHORITIES

- 1 This act would provide that in calculating the limitations of revenue bonds, there shall not
2 be included in the calculation fifty percent (50%) of the outstanding principal amount of any
3 bonds issued for projects for which the authority or the municipality receives school housing aid.
4 This act would take effect upon passage.

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

————— **2000-H 7635**
A N A C T

RELATING TO MUNICIPAL PUBLIC BUILDING AUTHORITIES

2000-H 7635

Introduced By: Reps. Fox, Costantino, Smith,
Slater and Almeida
Date Introduced: February 3, 2000

Referred To: Committee on Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-50-14 of the General Laws in Chapter 45-50 entitled "Municipal
2 Public Buildings Authorities" is hereby amended to read as follows:
3 45-50-14. Revenue bonds -- (a) The authority is authorized to provide by resolution for
4 the issuance, at one time, or from time to time, of revenue bonds of the authority for the purpose
5 of paying all or a part of the cost of any one or more projects, the construction or acquisition of
6 which is authorized by this chapter. The principal of and the interest on the bonds shall be
7 payable from the funds provided for payment. The bonds of each issue shall be dated, bear
8 interest at a rate or rates that the authority determines, payable from time to time, shall mature at
9 a time or times not exceeding forty (40) years from their date or dates, as may be determined by
10 the authority, and may be redeemable before maturity, at the option of the authority, at a price or
11 prices and under terms and conditions as may be fixed by the authority prior to the issuance of
12 the bonds. The authority shall determine the form of bonds, including any interest coupons to be
13 attached to them, and shall fix the denomination or denominations of the bonds and the place or
14 places of payment of the principal and interest, which may be at any bank or trust company
15 within or without the state. The bonds shall be signed by the chairperson of the authority or a
16 facsimile shall be impressed or imprinted on the bonds and attested by the manual or facsimile
17 signature of the secretary of the authority, and any coupons attached to the bonds shall bear the
18 facsimile signature of the chairperson of the authority. In case any officer, whose signature or

1 facsimile of whose signatures appears on any bonds or coupons, ceases to be an officer before the
2 delivery of the bonds, the signature or the facsimile is nevertheless valid and sufficient for all
3 purposes the same as if he or she had remained in office until the delivery. The bonds may be
4 issued in coupon or in registered form, or both, as the authority may determine, and provision
5 may be made for the registration of any coupon bonds as to principal alone, and also as to both
6 principal and interest, for the reconversion into coupon bonds of any bonds registered and coupon
7 bonds. The authority may sell bonds in a manner, either at public or private sale, and for a price
8 that it may determine will best effect the purposes of this chapter.

9 (b) The proceeds of the bonds of each issue shall be used for the payment of the cost of
10 the project or projects for which the bonds have been issued, and shall be disbursed in a manner
11 and under restrictions, if any, that the authority may provide in the resolution authorizing the
12 issuance of the bonds or in the trust agreement securing the bonds. If the proceeds of the bonds of
13 any issue, by error of estimates, are less than the cost, additional bonds may in the same manner
14 be issued to provide the amount of the deficit, and, unless otherwise provided in the resolution
15 authorizing the issuance of the bonds or in the trust agreement securing the bonds, are deemed to
16 be of the same issue and are entitled to payment from the same fund without preference of
17 priority of the bonds first issued. If the proceeds of the bonds of any issue exceed the cost, the
18 surplus shall be deposited to the credit of the sinking fund for the bonds, or may be applied to the
19 payment of the cost of any project financed under the provisions of this chapter.

20 (c) Prior to the preparation of definitive bonds, the authority may, under like restrictions,
21 issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive
22 bonds when definitive bonds have been executed and are available for delivery. The authority
23 may also provide for the replacement of any bonds which become mutilated or are destroyed or
24 lost. Bonds may be issued under the provisions of this chapter without obtaining the consent of
25 any department, division, commission, board, bureau, or agency of the state, and without any
26 other proceedings or the happening of any other conditions, or things, than those proceedings,
27 conditions, or things which are specifically required by this chapter.

28 (d) However, in no event shall the authority borrow in principal amount for any one
29 bond issue more than fifteen percent (15%) of the total of the most recent adopted municipal
30 budget. In addition, the total outstanding principal amount of bonds of the authority shall not
31 exceed fifty percent (50%) of the most recent adopted municipal budget. ; provided, however,
32 that there shall not be included in the calculation of this limitation, fifty percent (50%) of the
33 outstanding principal amount of any bonds issued for projects for which the authority or the

1 municipality receives school housing aid pursuant to Rhode Island general laws sections 16-7-44

2 and 16-7-41.

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

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2000-H 7635

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO MUNICIPAL PUBLIC BUILDING AUTHORITIES

- 1 This act would provide that in calculating the limitations of revenue bonds, there shall not
- 2 be included in the calculation fifty percent (50%) of the outstanding principal amount of any
- 3 bonds issued for projects for which the authority or the municipality receives school housing aid.
- 4 This act would take effect upon passage.

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LC01911
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RESOLUTION OF THE CITY COUNCIL

No. 208

Approved April 14, 2000

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 2000-S 2682 and House Bill 2000-H 7690 Relating to Civil Procedure--Governmental Tort Liability, in substantially the form attached.

IN CITY COUNCIL
APR 6 2000
HEAD AND PASSED
PRES.
Michael J. Genest

APPROVED
APR 14 2000
Vincent A. Cianciper
MAYOR

2000 --

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LC01895
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

————— **2000-S 2682**
A N A C T

RELATING TO CIVIL PROCEDURE --
GOVERNMENTAL TORT LIABILITY

00-S 2682

Introduced By: Senators Iglizzi, Goodwin and Kells

Date Introduced: February 10, 2000

Referred To: Senate Committee on Judiciary

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 defended 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 of the state, including all cities and towns under the provisions of this title and all
14 references thereto, and the state or any political subdivision of the state, including all cities and
15 towns shall be substituted as the party defendant.

2000-S 2682

1 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 CIVIL PROCEDURE --
GOVERNMENTAL TORT LIABILITY

1 This act would allow cities and towns to decide, as the state does, whether or not to
2 indemnify an employee who is the subject of a law suit for an action which may or may not be in
3 the line of duty.

4 This act would take effect upon passage.

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LC01894

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

AN ACT

2000-H 7690

RELATING TO CIVIL PROCEDURE --
GOVERNMENTAL TORT LIABILITY

2000-H 7690

Introduced By: Reps. Fox, Williams, Slater, McCauley, and
Costantino

Date Introduced: February 3, 2000

Referred To: Committee on Judiciary

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 defended 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 of the state, including all cities and towns under the provisions of this title and all
14 references thereto, and the state or any political subdivision of the state, including all cities and
15 towns shall be substituted as the party defendant.

2000-H 7690

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

LC01894

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CIVIL PROCEDURE --
GOVERNMENTAL TORT LIABILITY

- 1 This act would allow cities and towns to decide, as the state does, whether or not to
2 indemnify an employee who is the subject of a law suit for an action which may or may not be in
3 the line of duty.
4 This act would take effect upon passage.