

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

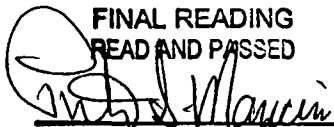
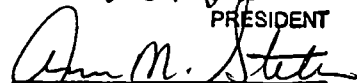
No.328

Approved JUNE 18, 2007

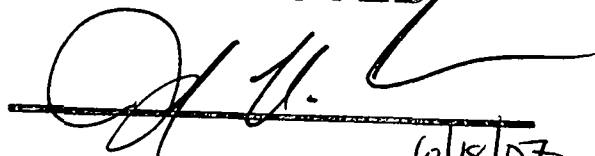
RESOLVED, That the Members of the Providence City Council
hereby Endorse and Urge Passage by the General Assembly of House Bill 2007-H
6337 and Senate Bill 2007-S 0991, An Act Relating to State Affairs and
Government – Distressed Areas Economic Revitalization Act.

IN CITY
COUNCIL
JUN 7 2007

FINAL READING
READ AND PASSED


PRESIDENT

CLERK

APPROVED


6/18/07
MAYOR

Obtained from

13

IN CITY COUNCIL
MAY 17 2007
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION
Alan M. Stahl CLERK

Spent
THE COMMITTEE ON
State Legislation
Recommends *Continue*
Alan M. Stahl
5-22-07 CLERK

THE COMMITTEE ON
STATE LEGISLATION
Recommends Approval, *as amended*
Alan M. Stahl
5-29-07 CLERK

2007 -- H 6337

LC02368

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - DISTRESSED AREAS
ECONOMIC REVITALIZATION ACT

Introduced By: Representatives DeSimone, and Slater

Date Introduced: May 01, 2007

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-64.3-5 of the General Laws in Chapter 42-64.3 entitled
2 "Distressed Areas Economic Revitalization Act" is hereby amended to read as follows:
3 **42-64.3-5. Criteria for enterprise zone designation.** -- (a) The zone shall consist of not
4 more than five (5) contiguous United States census tracts or portions thereof as set forth in the
5 most recent federal census, except in Providence where, because of the expiration of the federal
6 enterprise community, all census tracts that meet the requirements for designation may be
7 included in one zone except that blocks 108, 110 and 111 of the Federal Census tract 8 shall not
8 be eligible for any enterprise zone benefits, except that the council may add Block 101 of Census
9 Tract 135 in the City of Cranston to any enterprise zone abutting that Block; provided, that the
10 addition is approved by the city councils of Cranston and Providence; except that blocks 108,
11 110, and 111 of Federal Census tract 8 of the Providence II Enterprise Zone shall not be eligible
12 for any enterprise zone benefits, and as a replacement of those, the Council may add blocks 318,
13 349, and 307 of census tract 27 and block 104 of census tract 9, and blocks 105, 107 and 120 of
14 census tract 12, to the Providence II Enterprise Zone, provided that such addition is approved by
15 the city council of Providence; and, that portion of federal census tract 114.03 in the town of
16 Cumberland which includes any portion of the Highland II Corporate Park as approved by the
17 Cumberland town council and the Woonsocket city council; and, that portion of the federal
18 census tract 173 in the city of Woonsocket which includes the Singleton Street Mill District as

1 approved by the Woonsocket City Council, and federal census tract 114.02 in the town of
2 Cumberland; except that the council may add blocks 103, 104, 119, and 131, as well as census
3 block group 3 of census tract 308, may add census block groups 2 and 3 of census tract 309.01,
4 and may delete census block 2 of census tract 309.02 to the Mount Hope enterprise zone and
5 those portions of federal census tracts 113.01 and 114.03 that constitute the Ashton/Berkeley Mill
6 Village area; except that the council may add Census Tract 180 in the city of Woonsocket to the
7 Woonsocket/Cumberland Enterprise Zone as approved by the Woonsocket city council; except
8 that the council may add federal census tract 141 in the City of Cranston which includes the site
9 of the former Narragansett Brewery, as approved by the Cranston City Council and except that
10 the council shall add the census blocks that are along the following streets, to the Providence II
11 Enterprise Zone designation: Hartford Avenue from census tract 19 to the Johnston town line,
12 Plainfield Street from census tract 19 to the Johnston town line, and Pocasset Avenue from census
13 tract 19 to the Cranston city line, and further excepting that the council may add block group 1 of
14 census tract 401.02 and delete block groups 1 and 2 of census tract 401.01 in the town of
15 Portsmouth, as approved by the Portsmouth town council; except that the council shall add block
16 groups 1, 2, and 3 of federal census tract 136 and block groups 1, 2, 3 and 4 of federal census
17 tract 137.01 and block groups 1 and 2 of federal census tract 138 in the city of Cranston, as
18 approved by the Cranston city council; and except that the council may add block group 2 of
19 federal census tract 107.01 in the city of East Providence, as approved by the East Providence city
20 council; and except that the council may add blocks 1069, 1070 and 1072 of federal census tract
21 506 in the town of Richmond, as approved by the Richmond town council; and except that the
22 council may add block groups 1 and 2 of federal census tract 405 in the city of Newport, as
23 approved by the Newport city council; and except that the council may add blocks 20400.1,
24 20400.2, and 20400.3 of federal census tract 204, as approved by the West Warwick town
25 council.

26 (b) The council shall promulgate any additional criteria for the designation of an
27 enterprise zone that the council deems appropriate. Additional criteria shall include but not be
28 limited to:

29 (1) The poverty level within the enterprise zone as defined by the federal office of
30 management and budget, or the percent of households receiving public assistance; and

31 (2) The unemployment level within the enterprise zone.

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

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LC02368
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT - DISTRESSED AREAS
ECONOMIC REVITALIZATION ACT

- 1 This act would change the criteria for enterprise zone designation in the city of
- 2 Providence.
- 3 This act would take effect upon passage.

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LC02368
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2007 -- S 0991

LC02225

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - DISTRESSED AREAS
ECONOMIC REVITALIZATION ACT

Introduced By: Senators Goodwin, Jabour, Ruggerio, and Pichardo

Date Introduced: May 10, 2007

Referred To: Senate Corporations

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Section 42-64.3-5 of the General Laws in Chapter 42-64.3 entitled
2 "Distressed Areas Economic Revitalization Act" is hereby amended to read as follows:
3 **42-64.3-5. Criteria for enterprise zone designation.** -- (a) The zone shall consist of not
4 more than five (5) contiguous United States census tracts or portions thereof as set forth in the
5 most recent federal census, except in Providence where, because of the expiration of the federal
6 enterprise community, all census tracts that meet the requirements for designation may be
7 included in one zone except that blocks 108, 110 and 111 of the Federal Census tract 8 shall not
8 be eligible for any enterprise zone benefits, except that the council may add Block 101 of Census
9 Tract 135 in the City of Cranston to any enterprise zone abutting that Block; provided, that the
10 addition is approved by the city councils of Cranston and Providence; ~~except that blocks 108,~~
11 ~~110, and 111 of Federal Census tract 8 of the Providence II Enterprise Zone shall not be eligible~~
12 ~~for any enterprise zone benefits, and as a replacement of those, the Council may add blocks 318,~~
13 ~~319, and 307 of census tract 37 and block 104 of census tract 9, and blocks 105, 107 and 120 of~~
14 ~~census tract 12, to the Providence II Enterprise Zone, provided that such addition is approved by~~
15 ~~the city council of Providence;~~ and, that portion of federal census tract 114.03 in the town of
16 Cumberland which includes any portion of the Highland II Corporate Park as approved by the
17 Cumberland town council and the Woonsocket city council; and, that portion of the federal
18 census tract 173 in the city of Woonsocket which includes the Singleton Street Mill District as

1 approved by the Woonsocket City Council, and federal census tract 114.02 in the town of
2 Cumberland; except that the council may add blocks 103, 104, 119, and 131, as well as census
3 block group 3 of census tract 308, may add census block groups 2 and 3 of census tract 309.01,
4 and may delete census block 2 of census tract 309.02 to the Mount Hope enterprise zone and
5 those portions of federal census tracts 113.01 and 114.03 that constitute the Ashton/Berkeley Mill
6 Village area; except that the council may add Census Tract 180 in the city of Woonsocket to the
7 Woonsocket/Cumberland Enterprise Zone as approved by the Woonsocket city council; except
8 that the council may add federal census tract 141 in the City of Cranston which includes the site
9 of the former Narragansett Brewery, as approved by the Cranston City Council ~~and except that~~
10 ~~the council shall add the census blocks that are along the following streets, to the Providence II~~
11 ~~Enterprise Zone designation: Hartford Avenue from census tract 19 to the Johnston town line,~~
12 ~~Plainfield Street from census tract 19 to the Johnston town line, and Pocasset Avenue from census~~
13 ~~tract 19 to the Cranston city line, and further excepting that the council may add block group 1 of~~
14 census tract 401.02 and delete block groups 1 and 2 of census tract 401.01 in the town of
15 Portsmouth, as approved by the Portsmouth town council; except that the council shall add block
16 groups 1, 2, and 3 of federal census tract 136 and block groups 1, 2, 3 and 4 of federal census
17 tract 137.01 and block groups 1 and 2 of federal census tract 138 in the city of Cranston, as
18 approved by the Cranston city council; and except that the council may add block group 2 of
19 federal census tract 107.01 in the city of East Providence, as approved by the East Providence city
20 council; and except that the council may add blocks 1069, 1070 and 1072 of federal census tract
21 506 in the town of Richmond, as approved by the Richmond town council; and except that the
22 council may add block groups 1 and 2 of federal census tract 405 in the city of Newport, as
23 approved by the Newport city council; and except that the council may add blocks 20400.1,
24 20400.2, and 20400.3 of federal census tract 204, as approved by the West Warwick town
25 council.

26 (b) The council shall promulgate any additional criteria for the designation of an
27 enterprise zone that the council deems appropriate. Additional criteria shall include but not be
28 limited to:

29 (1) The poverty level within the enterprise zone as defined by the federal office of
30 management and budget, or the percent of households receiving public assistance; and

31 (2) The unemployment level within the enterprise zone.

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

LC02225

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT - DISTRESSED AREAS
ECONOMIC REVITALIZATION ACT

- 1 This act would change the criteria for enterprise zone designation in the city of
- 2 Providence.
- 3 This act would take effect upon passage.

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LC02225
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THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 329

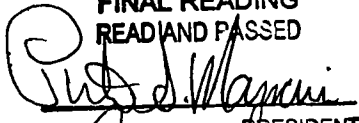
Approved JUNE 18, 2007

RESOLVED, That the Members of the Providence City Council
hereby Endorse and Urge Passage by the General Assembly of House Bill 2007-H
6341, Amending Rhode Island General Law, Section 44, Entitled: "Affordable
Housing and Open Land Assessment".

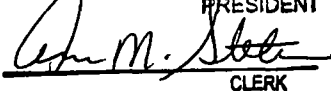
IN CITY
COUNCIL

JUN 7 2007

FINAL READING
READ AND PASSED

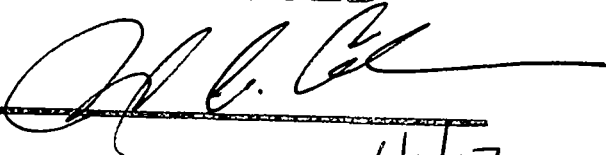


PRESIDENT



CLERK

APPROVED



MAYOR

6/18/07

IN CITY COUNCIL
MAY 17 2007
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION
Ann M. Stein CLERK

Councilman Yurdin By Request

Special
THE COMMITTEE ON
State Legislation
Recommends Continued
Ann M. Stein
5-22-07 CLERK

THE COMMITTEE ON
STATE LEGISLATION
Recommends Approval, *As Amended*
Ann M. Stein
5-29-07 CLERK

It is enacted by the General Assembly as follows:

SECTION 1. Section 44--__ of the General Laws in Chapter 44-entitled "Affordable Housing and Open Land Assessment" is hereby added to read as follows:

44-- . Tax imposed -- Payment -- Burden. -- (a) Notwithstanding any provision of this title to the contrary, any town or city council, by ordinance, may authorize its Recorder to impose, on each deed, instrument, or writing by which any lands, tenements, or other realty sold is granted, assigned, transferred, or conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or her or their direction, a flat tax not to exceed five hundred dollars (\$500) for realty zoned residential and not to exceed one thousand dollars (\$1,000) for all other zoned realty which tax is payable at the time of making, execution, delivery, acceptance or presenting for recording of the instrument. In the absence of an agreement to the contrary, the tax shall be paid by the said purchaser or purchasers.

(b) The ordinance of each city or town council enacting this assessment shall also exempt from this assessment each deed or other instrument underwritten by mortgage or indebtedness originating from Rhode Island Housing or other entity in this state which has underwritten said mortgage or indebtedness to secure affordable housing. Such ordinance shall also provide that no tax may be levied under this section upon realty below a certain minimum amount consistent with the goal of fostering affordable housing within the city or town, provided that in the event the consideration actually paid for the lands, tenements, or realty is less than the aforesaid certain minimum amount, the instrument of conveyance shall contain a statement to the effect that the consideration is such that no documentary stamps are required.

(c) The tax administrator shall contribute to a trust established for the purposes of establishing or maintaining affordable housing or open space within the city or town levying the tax at least fifty percent (50%) of tax collected. If no such trust is established, the tax collected shall be distributed to the Rhode Island Housing Resources Commission for future disbursement to the municipality in providing affordable housing or the preservation of open land therein. The balance of the tax shall be retained by the municipality collecting the tax.

SECTION 2. This act shall take effect upon passage.

2007 -- H 6341

LC02841

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES

Introduced By: Representatives Slater, Diaz, Almeida, and Segal

Date Introduced: May 01, 2007

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 44-5 of the General Laws entitled "Levy and Assessment of Local
2 Taxes" is hereby amended by adding thereto the following section:

3 44-5-81. Tax imposed on mortgages and related nonnegotiable notes. - (a)
4 Notwithstanding any provision of this title to the contrary, any town or city council, by ordinance,
5 may authorize its Recorder to collect a tax on mortgages, trust deeds, security agreements, or
6 other evidences of indebtedness secured by lands, tenements or other realty filed or recorded in
7 this state, and for each renewal of the same. Such tax shall be two dollars and fifty cents (\$2.50)
8 on each one thousand dollars (\$1,000) or fraction thereof of the indebtedness or obligation
9 evidenced thereby. The tax on any document described in this section may not exceed seven
10 hundred and fifty dollars (\$750).

11 (b) Mortgages, including, but not limited to, mortgages executed without the state and
12 recorded in the state, which incorporate the certificate of indebtedness, not otherwise shown in
13 separate instruments, are subject to the same tax at the same rate. When there is both a mortgage,
14 trust deed, or security agreement and a note, certificate of indebtedness, or obligation, the tax
15 shall be paid on the mortgage, trust deed, or security agreement at the time of recordation. A
16 notation shall be made on the note, certificate of indebtedness, or obligation that the tax has been
17 paid on the mortgage, trust deed, or security agreement. If a mortgage, trust deed, security
18 agreement, or other evidence of indebtedness is subsequently filed or recorded in this state to
19 evidence an indebtedness or obligation upon which tax was paid under paragraph (a), tax shall be

1 paid on the mortgage, trust deed, security agreement, or other evidence of indebtedness on the
2 amount of the indebtedness or obligation evidenced which exceeds the aggregate amount upon
3 which tax was previously paid under this paragraph and under paragraph (a). If the mortgage,
4 trust deed, security agreement, or other evidence of indebtedness subject to the tax levied by this
5 section secures future advances, the tax shall be paid at the time of recordation on the initial debt
6 or obligation secured, excluding future advances; at the time and so often as any future advance is
7 made, the tax shall be paid on all sums then advanced regardless of where such advance is made.
8 Notwithstanding the aforesaid general rule, any increase in the amount of original indebtedness
9 caused by interest accruing under an adjustable rate note or mortgage having an initial interest
10 rate adjustment interval of not less than six (6) months shall be taxable as a future advance only to
11 the extent such increase is a computable sum certain when the document is executed. Unless and
12 until the tax due thereon upon each advance that may have been made there under has been paid,
13 the mortgage, trust deed, or other instrument shall not be recorded and shall not be enforceable in
14 any court of this state as to any such advance.

15 (c) No tax shall be levied under this section upon furnishing to the Recorder of Deeds
16 satisfactory proof that the buyer has not owned a home for the past five (5) years or on mortgages
17 originating from Rhode Island Housing or other entity in this state which underwrites affordable
18 housing.

19 (d) Notwithstanding paragraph (b), a supplement or an amendment to a mortgage, deed of
20 trust, indenture, or security agreement, which supplement or amendment is filed or recorded in
21 connection with a new issue of bonds, shall be subject to the tax imposed by paragraph (b) only to
22 the extent of the aggregate amount of the new issue of bonds or other evidence of indebtedness
23 and not to the extent of the aggregate amount of bonds or other evidence of indebtedness
24 previously issued under the instrument being supplemented or amended. In order to qualify for
25 the tax treatment provided for in this subsection, the document which evidences the increase in
26 indebtedness must show the official records book and page number in which, and the county in
27 which, the original obligation and any prior increase in that obligation were recorded.

28 (e) For purposes of this section, a renewal shall only include modifications of an original
29 document which change the terms of the indebtedness evidenced by the original document by
30 adding one or more obligors, increasing the principal balance, or changing the interest rate,
31 maturity date, or payment terms. Modifications to documents which do not modify the terms of
32 the indebtedness evidenced such as those given or recorded to correct error; modify covenants,
33 conditions, or terms unrelated to the debt; sever a lien into separate liens; provide for additional,
34 substitute, or further security for the indebtedness; consolidate indebtedness or collateral; add,

1 change, or delete guarantors; or which, substitute a new mortgagee or payee are not renewals and
2 are not subject to tax pursuant to this section. If the taxable amount of a mortgage is limited by
3 language contained in the mortgage or by the application of rules limiting the tax base when there
4 is collateral in more than one state, then a modification which changes such limitation or tax base
5 shall be taxable only to the extent of any increase in the limitation or tax base attributable to such
6 modification. This subsection shall not be interpreted to exempt from taxation an original
7 mortgage that would otherwise be subject to tax pursuant to paragraph (b).

8 (f) Taxability of a document pursuant to this section shall be determined solely from the
9 face of the document and any separate document expressly incorporated into the document.
10 Taxability of a document pursuant to this section shall not be determined by reference to any
11 separate document referenced or forming part of the same contract or obligation unless the
12 separate document is expressly incorporated into the document. When multiple documents
13 evidence, secure, or form part of the same primary debt, tax pursuant to this section shall not be
14 imposed more than once, on the total indebtedness evidenced, notwithstanding the existence of
15 multiple documents.

16 (g) A mortgage, trust deed, or security agreement filed or recorded in this state which is
17 given by a taxpayer different than or in addition to the taxpayer obligated upon the primary note,
18 certificate of indebtedness, or obligation, or which is given to secure a guaranty or surety of a
19 primary note, certificate of indebtedness, or obligation, shall for purposes of this section be
20 deemed to evidence and secure the primary note, certificate of indebtedness, or obligation, not a
21 separate obligation, and to the extent that tax is paid on any document evidencing or securing the
22 primary note, certificate of indebtedness, or obligation, such tax shall be paid once,
23 notwithstanding that more than one mortgage, trust deed, or security agreement is recorded with
24 respect to such note, certificate of indebtedness, or obligation.

25 (h) The tax administrator shall contribute to a trust established for the purposes of
26 establishing or maintaining affordable housing within the city or town levying the tax at least fifty
27 percent (50%) of tax collected. If no such trust is established, the tax collected shall be distributed
28 to Rhode Island Housing Resources Commission for future disbursement to the municipality in
29 providing affordable housing therein. The balance of the tax shall be retained by the municipality
30 collecting the tax.

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

LC02841

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES

- 1 This act would enable municipalities to impose a tax on mortgages, trust deeds, security
- 2 agreements, or other evidences of indebtedness secured by land or other realty. A portion of the
- 3 tax collected could be used to establish or maintain affordable housing.
- 4 This act would take effect upon passage.

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LC02841
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THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

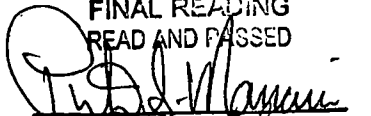
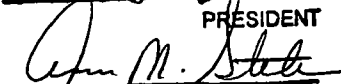
No. 330

Approved JUNE 18, 2007

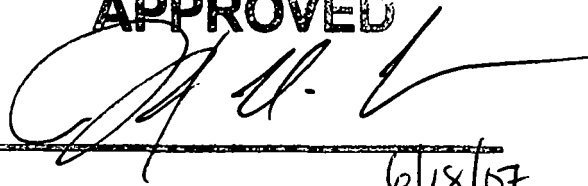
RESOLVED, That the Members of the Providence City Council
hereby Endorse and Urge Passage by the General Assembly of House Bill 2007-H
6336 and Senate Bill 2007-S 0992, An Act Relating to Education – School
Committees and Superintendents.

IN CITY
COUNCIL
JUN 7 2007

FINAL READING
READ AND PASSED


PRESIDENT

CLERK

APPROVED



6/18/07
MAYOR

IN CITY COUNCIL
MAY 17 2007
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION
Ann M. Stahl CLERK

Councilman Yurdin By Request

Special
THE COMMITTEE ON
State Legislation
Recommends - Continued
Ann M. Stahl
5-22-07 CLERK

THE COMMITTEE ON
STATE LEGISLATION
Recommends Approval, *as amended*
Ann M. Stahl
5-29-07 CLERK

2007 -- H 6336

LC02363

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representatives Segal, Slater, Williams, Almeida, and Giannini

Date Introduced: May 01, 2007

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-2-11 of the General Laws in Chapter 16-2 entitled "School
2 Committees and Superintendents" is hereby amended to read as follows:

3 **16-2-11. General powers and duties of superintendent.** -- (a) The superintendent of
4 schools employed in accordance with the provisions of this chapter shall, under the direction of
5 the school committee, have the care and supervision of the public schools and shall be the chief
6 administrative agent of the school committee. The superintendent shall have any duties as are
7 defined in this section and in this title and any other duties as may be determined by the school
8 committee, and shall perform any other duties as may be vested in him or her by law. In addition
9 to the care and supervision of public schools and the appointment of employees of the district, it
10 shall be the duty of the superintendent:

11 (1) To implement policies established by the school committee.

12 (2) To recommend educational plans, policies, and programs to meet the needs of the
13 district.

14 (3) To recommend policies governing curriculum, courses of instruction, textbooks, and
15 transportation of students.

16 (4) To comply with provisions of federal and state law and local charter provisions and
17 ordinances.

18 (5) To have administrative responsibility for the school system.

19 (6) To oversee the care, control, and management of school facilities and equipment.

1 (7) To appoint all school department personnel with the consent of the school committee.

2 (8) To administer the personnel function of the school department consistent with
3 personnel standards, policies, and the table of organization established by the school committee.

4 (9) To provide for the evaluation of department personnel.

5 (10) To prepare a school budget for consideration by the school committee.

6 (11) To authorize purchases consistent with the adopted school budget, policies and
7 directives of the school committee, and applicable municipal policies, ordinances, and charter
8 provisions.

9 (12) To be responsible for keeping the records of the school system.

10 (13) To report to the school committee on a regular basis the financial condition of the
11 school system.

12 (14) To be responsible for discipline in the school system.

13 (15) To evaluate all schools within the school system and to report to the school
14 committee the conformity with regulations of the board of regents and the policies, programs, and
15 directives of the school committee.

16 (16) To report to the school committee on the operation of the school system, including
17 an annual report on the district's progress.

18 (b) Nothing in this section shall be deemed to limit or interfere with the rights of teachers
19 and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28, or
20 to allow any school superintendent to abrogate any agreement reached by collective bargaining.

21 (c) If at any time during the fiscal year the superintendent of schools determines, or is
22 notified by the city or town chief charter officer or treasurer, that the estimated school expenses
23 may exceed all revenue appropriated by the state or city or town or otherwise for public schools
24 in the city or town, the superintendent of schools shall recommend to the school committee and
25 shall, in order to provide for continuous regular public school operations consistent with the
26 requirements of section 16-2-2 without regard to financial conditions, subsequently report to the
27 city or town treasurer and chief charter officer what action will be taken to prevent an excess of
28 expenditures, encumbrances, and accruals over revenues for public schools in the city or town.

29 (d) The oversight of the provision of educational and related services to students in public
30 schools in the state of Rhode Island is the responsibility and duty of the cities' and towns' school
31 committees and superintendents. Certain statutory provisions of the Rhode Island general laws,
32 rules and regulations promulgated by the Rhode Island board of regents, and provisions of the
33 basic education program for Rhode Island public schools of the Rhode Island board of regents,
34 however, create mandates requiring that cities and towns use the funds allocated and available to

1 them in a particular manner. Henceforth, and effective with the date of implementation, it is
2 hereby provided, that no new state mandate shall issue without the provision of adequate and
3 commensurate funding by and from the state to insure that the city or town is able to pay for such
4 mandate.

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

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LC02363
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

- 1 This act would provide that no new state mandate would be issued without adequate
- 2 funding by and from the state.
- 3 This act would take effect upon passage.

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2007 -- S 0992

LC02224

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Senators Jabour, Ruggerio, Pichardo, and Goodwin

Date Introduced: May 10, 2007

Referred To: Senate Education

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Section 16-2-11 of the General Laws in Chapter 16-2 entitled "School
2 Committees and Superintendents" is hereby amended to read as follows:
- 3 **16-2-11. General powers and duties of superintendent.** -- (a) The superintendent of
4 schools employed in accordance with the provisions of this chapter shall, under the direction of
5 the school committee, have the care and supervision of the public schools and shall be the chief
6 administrative agent of the school committee. The superintendent shall have any duties as are
7 defined in this section and in this title and any other duties as may be determined by the school
8 committee, and shall perform any other duties as may be vested in him or her by law. In addition
9 to the care and supervision of public schools and the appointment of employees of the district, it
10 shall be the duty of the superintendent:
- 11 (1) To implement policies established by the school committee.
- 12 (2) To recommend educational plans, policies, and programs to meet the needs of the
13 district.
- 14 (3) To recommend policies governing curriculum, courses of instruction, textbooks, and
15 transportation of students.
- 16 (4) To comply with provisions of federal and state law and local charter provisions and
17 ordinances.
- 18 (5) To have administrative responsibility for the school system.
- 19 (6) To oversee the care, control, and management of school facilities and equipment.

- 1 (7) To appoint all school department personnel with the consent of the school committee.
- 2 (8) To administer the personnel function of the school department consistent with
3 personnel standards, policies, and the table of organization established by the school committee.
- 4 (9) To provide for the evaluation of department personnel.
- 5 (10) To prepare a school budget for consideration by the school committee.
- 6 (11) To authorize purchases consistent with the adopted school budget, policies and
7 directives of the school committee, and applicable municipal policies, ordinances, and charter
8 provisions.
- 9 (12) To be responsible for keeping the records of the school system.
- 10 (13) To report to the school committee on a regular basis the financial condition of the
11 school system.
- 12 (14) To be responsible for discipline in the school system.
- 13 (15) To evaluate all schools within the school system and to report to the school
14 committee the conformity with regulations of the board of regents and the policies, programs, and
15 directives of the school committee.
- 16 (16) To report to the school committee on the operation of the school system, including
17 an annual report on the district's progress.
- 18 (b) Nothing in this section shall be deemed to limit or interfere with the rights of teachers
19 and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28, or
20 to allow any school superintendent to abrogate any agreement reached by collective bargaining.
- 21 (c) If at any time during the fiscal year the superintendent of schools determines, or is
22 notified by the city or town chief charter officer or treasurer, that the estimated school expenses
23 may exceed all revenue appropriated by the state or city or town or otherwise for public schools
24 in the city or town, the superintendent of schools shall recommend to the school committee and
25 shall, in order to provide for continuous regular public school operations consistent with the
26 requirements of section 16-2-2 without regard to financial conditions, subsequently report to the
27 city or town treasurer and chief charter officer what action will be taken to prevent an excess of
28 expenditures, encumbrances, and accruals over revenues for public schools in the city or town.
- 29 (d) The oversight of the provision of educational and related services to students in public
30 schools in the state of Rhode Island is the responsibility and duty of the cities' and towns' school
31 committees and superintendents. Certain statutory provisions of the Rhode Island general laws,
32 rules and regulations promulgated by the Rhode Island board of regents, and provisions of the
33 basic education program for Rhode Island public schools of the Rhode Island board of regents,
34 however, create mandates requiring that cities and towns use the funds allocated and available to

1 them in a particular manner. Henceforth, and effective with the date of implementation, it is
2 hereby provided, that no new state mandate shall issue without the provision of adequate and
3 commensurate funding by and from the state to insure that the city or town is able to pay for such
4 mandate.

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

LC02224

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

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