

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

AGENCY: Department of State
RULE IDENTIFIER: ERLID 1884
REGULATION TITLE: Gubernatorial Portraits
RULEMAKING ACTION: Direct Final

If no formal objection is received on or before **September 29, 2017** the Department of State will file the repeal without opportunity for public comment.

TYPE OF FILING: Repeal

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Public notice date: **August 30, 2017**

End of comment period: **September 29, 2017**

SUMMARY OF PROPOSED RULE: The purpose of this rulemaking action is to repeal the regulation "Gubernatorial Portraits" identified by ERLID 1884. The contents of the regulation correspond to the provisions of R.I. Gen. Laws § 37-8-9. There is no statutory authority supporting the enforcement of this regulation.

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulation by **September 29, 2017** to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address: Administrative Records Office
Department of State
82 Smith Street
Rm. 38
Providence, RI 02903

Email Address: rulesregs@sos.ri.gov

WHERE COMMENTS MAY BE INSPECTED:

Mailing Address: 82 Smith Street
Rm. 38
Providence, RI 02903

FOR FURTHER INFORMATION CONTACT:

ATTN: Kristen Cordeiro
Administrative Rules Editor
Division of State Archives, Library, and Public Information

Department of State
82 Smith Street
Rm. 38
Providence, RI 02903
rulesregs@sos.ri.gov

SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation:

This proposed repeal will result in little to no small business economic impact.

Authority for This Rulemaking: R.I. Gen. Laws § 37-8-9

Regulatory Findings:

In the development of the proposed repeal, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Amendment:

The Department of State proposes to amend “Gubernatorial Portraits” as follows:

~~RULES AND REGULATIONS ADOPTED BY THE OFFICE OF THE SECRETARY OF
STATE IN CONNECTION WITH GUBERNATORIAL PORTRAITS AND THE ROLE OF
THE SECRETARY IN CONJUNCTION WITH AND PURSUANT TO TITLE 37 CHAPTER 8
OF THE RHODE ISLAND GENERAL LAWS OF 1956, AS AMENDED~~

~~The Secretary of State and the Gubernatorial Portrait Commission as formulated have promulgated the within rules and regulations relative to the creation and commission of governor's portraits as mandated by, and in accordance with, the provisions of section 37-8-9 of the Rhode Island General Laws of 1956, as amended.~~

~~Said rules and regulations are established pursuant to the Administrative Procedures Act (R.I.G.L. section 42-35-1, et al) and available for public inspection, submission or requests at the Office of the Secretary of State, State House, Providence, Rhode Island.~~

~~In order for the Secretary of State to properly provide for the preparation of a gubernatorial portrait for each governor of the state, the following rules and regulations shall apply with respect to the creation and submission of such portraits to the Department of Administration:~~

1. Gubernatorial Portrait Commission:

~~There is hereby created a Gubernatorial Portrait Commission which shall be constituted by the Secretary of State or his designee, one member from the Rhode Island Historical and Preservation Commission, one member from the Office of the Governor, one member from the Department of Administration, one member from the Rhode Island State Council on the Arts, one member from the Administrative Section of the Office of the Secretary of State, one member from the Office of Archives and one member of the Administrative Records Division of the Office of the Secretary of State in order to make recommendations to the Secretary of State regarding the commissioning of gubernatorial portraits, including but not limited to advice and recommendations relative to the selection of artists, specifications as to art form, proposal for selection, notices of publications and acceptance of bids with regard to the creation of portraits pursuant to Section 37-8-9 of the Rhode Island General Laws of 1956, as amended.~~

2. Time Period:

~~In accordance with the statutory scheme set forth by the General Assembly of the State of Rhode Island, the Secretary of State in conjunction with the Commission established herein shall cause a portrait of each Governor to be commissioned in accordance with the procedures and guidelines as set forth in the within rules and regulations during the first year of said Governor's initial term of office. Should the Gubernatorial Portrait Commission referenced herein be unable or fail to discharge any of its enunciated duties, the Secretary of State may assume any or all said duties in his or her discretion~~

3. Procedure:

~~During the first year of the initial term of any Governor, the Secretary of State in conjunction with the Gubernatorial Portrait Commission shall cause a portrait of the Governor to be commissioned in the following manner:~~

~~a) An advertisement shall be placed in a newspaper of general publication in the State of Rhode Island for proposals and bids by prospective artists with regard to the creation of the portrait in question.~~

~~b) Thereafter an advertisement should be published in a newspaper of general publication within the State of Rhode Island for the purpose of soliciting new candidates for entry into a registry of artists.~~

~~c) The response for closure of bids and proposals shall be open for a period of not less than thirty (30) days from the date of publication.~~

~~d) The advertisement referenced shall contain a request for proposals and shall reference a list of specifications to be provided to prospective artists upon request.~~

~~e) With respect to the medium, size, and framing of the portrait, the artist shall be required to collaborate with and receive direction from the Rhode Island Historical and Preservation Commission.~~

~~f) The physical size of the portrait shall be not less than the smallest gubernatorial portrait on display at the Rhode Island State House and not larger than the maximum portrait on display at the Rhode Island State House.~~

~~4. Cost.~~

~~a) The total costs for portrait and framing in this regard shall not exceed the sum of \$15,000.00.~~

~~b) In no event shall a Governor be precluded from contributing private resources to the recreation of a portrait in excess of said \$15,000.00 sum.~~

~~5. Timetable.~~

~~As set forth herein, a procedure for creation and completion of the portrait referenced herein shall be as follows:~~

~~a) An artist shall be chosen by the Governor during the first year of his or her initial term in office.~~

~~b) The portrait shall be completed prior to the conclusion of the Governor's initial term in office.~~

~~c) The portrait shall be delivered to the Secretary of State prior to the conclusion of the Governor's initial term in office.~~

~~d) Upon completion, receipt and acceptance, the Secretary of State shall forthwith deliver the portrait in question to the Department of Administration.~~

~~e) The aforesaid portrait shall be stored by the Department of Administration until its hanging within the confines of the Rhode Island State House.~~

~~f) The official presentation of the portrait shall be made no less than one (1) week subsequent to the inauguration of a new Governor in office.~~

~~g) All payments with regard to the portrait in question shall be made upon receipt and acceptance of said portrait by the Secretary of State.~~

~~6. Creation of Registry.~~

~~a) There is hereby created a central registry of artists which will be maintained within the Office of the Secretary of State, Documents and Records Division. Said registry shall contain the names and addresses of the artists submitted in accordance with the advertisement referenced in paragraph 3 above.~~

~~b) A slide registry shall be maintained at the Rhode Island State Council on the Arts as a repository for samples of an artist's proposal as submitted by each respective artist referenced above.~~

~~e) Should any Governor seek to recommend an artist or artists for creation of a gubernatorial portrait, the Governor's recommendation of artist shall become a part of the registry of artists maintained at the Office of the Secretary of State and the artist shall submit samples to the slide registry which shall be maintained at the Rhode Island State Council on the Arts.~~

~~The central registry of artists created herein shall be maintained as a reference source for the Governor to assist in his or her choice of artists. The use of the central registry of artists created herein shall remain totally and wholly within the discretion of the Governor.~~