

Testimony of Common Cause Rhode Island in opposition to H 7069 -- An Act Relating to State Affairs and Government -- Rhode Island Commerce Corporation

Position: Oppose

Common Cause Rhode Island opposes H 7069 that changes the appointments process for the Airport Corporation Board because it violates the Rhode Island Constitution's Separation of Powers, including the Appointments Clause in Article IX, Section 5.

Currently the Airport Corporation Board consists of seven members appointed by the governor with the advice and consent of the Senate. H 7069 would change that so one of the members is appointed directly by the mayor of Warwick.

This directly violates Article IX, Section 5, that reads, in part:

“The *governor* shall, by and with the advice and consent of the senate, appoint all officers of the state whose appointment is not herein otherwise provided for and all members of any board, commission or other state or quasi-public entity which exercises executive power under the laws of this state.” [Emphasis added]

This section of our constitution, along with three others, was amended in 2004. Prior to that members of the legislature both served on executive boards and commissions and made appointments to boards and commissions. In adopting the Separation of Powers amendments more than 78% of voters chose to end those practices.

This change to our constitution was affirmed in *In re: Request for an Advisory Opinion of the House of Representatives (Coastal Resources Management Council)* (2007) when the Rhode Island Supreme Court made clear that executive boards and agencies, of which the Airport Corporation Board is one, are subject to the Separations of Powers generally, and the Appointments Clause, specifically.