



STATE OF RHODE ISLAND  
OFFICE OF GOVERNOR DANIEL J. MCKEE

March 26, 2024

Honorable Joseph J. Solomon, Jr.,  
Chair, House Corporations Committee  
Room 101, Rhode Island State House  
Providence, Rhode Island 02903

Re: *2024 – H 7069, An Act Relating to State Affairs and Government – Rhode Island  
Commerce Corporation*

Dear Chairman Solomon:

The Administration writes in opposition to H 7069, An Act Relating to State Affairs and Government – Rhode Island Commerce Corporation (Act). The Act would eliminate one gubernatorial appointment to the Rhode Island Airport Corporation (RIAC) board of directors and replace it with a direct appointment by the Mayor of Warwick.

Article 9, section 5 of the Rhode Island Constitution vests the Governor with the power to appoint all members of any board, commission, or quasi-public entity of the State that exercises executive power. The Act's authorization of a direct municipal appointment vitiates the Governor's power to appoint all the members of RIAC's board and, therefore, violates the Constitution.

The Governor understands and appreciates that, as the host community, Warwick should have a voice in the operation of the State's primary airport. But that end can be achieved in a way that comports with the Constitution and is consistent with gubernatorial appointments to other quasi-public corporations. For example, the enabling legislation for the Rhode Island Resource Recovery Corporation (RIRRC) allows for the participation of the host community by requiring the Governor to appoint residents of Johnston to the RIRRC board with "due consideration to recommendations from the Mayor of the Town of Johnston and from the League of Cities and Towns." Such a construct ensures the host community's input in the operation of statewide operations like the RIRRC without violating the Governor's appointment power as set forth in the Constitution.

Honorable Joseph J. Solomon, Jr.

March 26, 2024

Page 2

We urge the General Assembly to amend the Act to comply with our constitutional framework and to be consistent with other statutes permitting the appointment of residents from communities that host critical state infrastructure.

Sincerely,



Claire Richards  
Executive Counsel

cc: Honorable Members of the House Corporations Committee  
Honorable Joseph M. McNamara  
Nicole McCarty, Esq.