

ARTICLE 3 AS AMENDED

RELATING TO GOVERNMENT REFORM AND REORGANIZATION

SECTION 1. *Transferring certain revenue collection functions of the Department of Revenue, Division of Taxation, to the Department of Labor and Training.*

In any General or Special Law of the State of Rhode Island, and specifically in Title 28, Chapters 39, 40, 42 and 43 of the General Laws of Rhode Island, 1956, as amended, reference to the collection of temporary disability insurance, employment security taxes or job development fund by the division of taxation within the department of administration, now within the department of revenue, shall be construed to refer to the department of labor and training. Any reference to the tax administrator within the department of administration, now within the department of revenue, with reference to the collection of temporary disability insurance, employment security taxes or job development fund revenues shall be construed to refer to the director of the department of labor and training. Any revenue collection duties conferred upon the division of taxation or the tax administrator by said Title 28, Chapters 39, 40, 42 and 43 shall be construed to refer to the department of labor and training or the director of the department of labor and training.

The law revision director of the joint committee on legislative services is authorized and empowered to make appropriate changes in said Title 28, Chapters 39, 40, 42 and 43 and any other section of the laws to carry out the intent of this act.

SECTION 2. Section 27-4.6-3 of the General Laws in Chapter 27-4.6 entitled "Risk-Based Capital (RBC) for Insurers Act" is hereby amended to read as follows:

27-4.6-3. Company action level event.

(a) "Company action level event" means any of the following events:

(1) The filing of an RBC report by an insurer that indicates that:

(i) The insurer's total adjusted capital is greater than or equal to its regulatory action level RBC but less than its company action level RBC;

(ii) If a life and/or health insurer, the insurer has total adjusted capital that is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and ~~2.5~~ 3.0 and has a negative trend; or

(iii) If a property and casualty insurer, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control

1 level RBC and 3.0 and triggers the trend test determined in accordance with the trend test
2 calculation included in the property and casualty RBC instructions.

3 (2) The notification by the commissioner to the insurer of an adjusted RBC report that
4 indicates an event in subdivision (a)(1), provided the insurer does not challenge the adjusted RBC
5 report under § 27-4.6-7; or

6 (3) If, pursuant to § 27-4.6-7, an insurer challenges an adjusted RBC report that indicates
7 the event in subdivision (a)(1), the notification by the commissioner to the insurer that the
8 commissioner has, after a hearing, rejected the insurer's challenge.

9 (b) In the event of a company action level event, the insurer shall prepare and submit to the
10 commissioner an RBC plan which shall:

11 (1) Identify the conditions that contribute to the company action level event;

12 (2) Contain proposals of corrective actions that the insurer intends to take and would be
13 expected to result in the elimination of the company action level event;

14 (3) Provide projections of the insurer's financial results in the current year and at least the
15 four (4) succeeding years, both in the absence of proposed corrective actions and giving effect to
16 the proposed corrective actions, including projections of statutory operating income, net income,
17 capital and/or surplus. (The projections for both new and renewal business might include separate
18 projections for each major line of business and separately identify each significant income, expense
19 and benefit component);

20 (4) Identify the key assumptions impacting the insurer's projections and the sensitivity of
21 the projections to the assumptions; and

22 (5) Identify the quality of, and problems associated with, the insurer's business, including,
23 but not limited to, its assets, anticipated business growth and associated surplus strain,
24 extraordinary exposure to risk, mix of business and use of reinsurance, if any, in each case.

25 (c) The RBC plan shall be submitted:

26 (1) Within forty-five (45) days of the company action level event; or

27 (2) If the insurer challenges an adjusted RBC report pursuant to § 27-4.6-7, within forty-
28 five (45) days after notification to the insurer that the commissioner has, after a hearing, rejected
29 the insurer's challenge.

30 (d) Within sixty (60) days after the submission by an insurer of an RBC plan to the
31 commissioner, the commissioner shall notify the insurer whether the RBC plan shall be
32 implemented or is, in the judgment of the commissioner, unsatisfactory. If the commissioner
33 determines that the RBC plan is unsatisfactory, the notification to the insurer shall set forth the
34 reasons for the determination, and may set forth proposed revisions which will render the RBC plan

1 satisfactory in the judgment of the commissioner. Upon notification from the commissioner, the
2 insurer shall prepare a revised RBC plan, which may incorporate by reference any revisions
3 proposed by the commissioner, and shall submit the revised RBC plan to the commissioner:

4 (1) Within forty-five (45) days after the notification from the commissioner; or

5 (2) If the insurer challenges the notification from the commissioner under § 27-4.6-7,
6 within forty-five (45) days after a notification to the insurer that the commissioner has, after a
7 hearing, rejected the insurer's challenge.

8 (e) In the event of a notification by the commissioner to an insurer that the insurer's RBC
9 plan or revised RBC plan is unsatisfactory, the commissioner may at the commissioner's discretion,
10 subject to the insurer's right to a hearing under § 27-4.6-7, specify in the notification that the
11 notification constitutes a regulatory action level event.

12 (f) Every domestic insurer that files an RBC plan or revised RBC plan with the
13 commissioner shall file a copy of the RBC plan or revised RBC plan with the insurance
14 commissioner in any state in which the insurer is authorized to do business if:

15 (1) That state has an RBC provision substantially similar to § 27-4.6-8(a); and

16 (2) The insurance commissioner of that state has notified the insurer of its request for the
17 filing in writing, in which case the insurer shall file a copy of the RBC plan or revised RBC plan
18 in that state no later than the later of:

19 (i) Fifteen (15) days after the receipt of notice to file a copy of its RBC plan or revised
20 RBC plan with the state; or

21 (ii) The date on which the RBC plan or revised RBC plan is filed under subsections (c) and
22 (d) of this section.

23 SECTION 3. Section 30-15-9 of the General Laws in Chapter 30-15 entitled "Emergency
24 Management" is hereby amended to read as follows:

25 **30-15-9. Governor's responsibilities relating to disaster emergencies.**

26 (a) The governor shall be responsible for meeting the dangers to the state and people
27 presented by disasters.

28 (b) A state of emergency shall be declared by executive order or proclamation of the
29 governor if he or she finds a disaster has occurred or that this occurrence, or the threat thereof, is
30 imminent. The state of disaster emergency shall continue until the governor finds that the threat or
31 danger has passed or the disaster has been dealt with to the extent that emergency conditions no
32 longer exist and terminates the state of disaster emergency by executive order or proclamation, but
33 no state of disaster emergency may continue for longer than thirty (30) days unless renewed by the
34 governor. The general assembly, by concurrent resolution, may terminate a state of disaster

1 emergency at any time. Thereupon, the governor shall issue an executive order or proclamation
2 ending the state of disaster emergency and what actions are being taken to control the emergency
3 and what action the public should take to protect themselves. All executive orders or proclamations
4 issued under this subsection shall indicate the nature of the disaster, the area or areas threatened,
5 and the conditions that have brought it about or that make possible termination of the state of
6 disaster emergency. An executive order or proclamation shall be disseminated promptly by means
7 calculated to bring its contents to the attention of the general public and, unless the circumstances
8 attendant upon the disaster prevent or impede, promptly filed with the agency, the secretary of state,
9 and the city and town clerks in the area to which it applies.

10 (c) An executive order or proclamation of a state of disaster emergency, shall activate the
11 state and local disaster emergency plans applicable to the political subdivision or area in question
12 and shall be authority for the deployment and use of any forces to which the plan or plans apply
13 and for the use or distribution of any supplies, equipment, and materials and facilities assembled,
14 stockpiled, or arranged to be made available pursuant to this chapter or any other provision of law
15 relating to disaster emergencies.

16 (d) During the continuance of any state of disaster emergency the governor is commander-
17 in-chief of the organized and unorganized militia and of all other forces available for emergency
18 duty. To the greatest extent practicable, the governor shall delegate or assign command authority
19 by prior arrangement embodied in appropriate executive orders or regulations, but nothing herein
20 restricts the governor's authority to do so by orders issued at the time of the disaster emergency.

21 (e) In addition to any other powers conferred upon the governor by law, the governor may
22 exercise the following powers, [subject to the provisions of subsection \(g\) of this section](#), limited in
23 scope and duration as is reasonably necessary for emergency response:

24 (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct
25 of state business, or the orders, rules, or regulations of any state agency, if strict compliance with
26 the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay
27 necessary action in coping with the emergency, provided that the suspension of any statute, order,
28 rule or regulation will be limited in duration and scope to the emergency action requiring said
29 suspension;

30 (2) Utilize all available resources of the state government as reasonably necessary to cope
31 with the disaster emergency and of each political subdivision of the state;

32 (3) Transfer the direction, personnel, or functions of state departments and agencies or units
33 thereof for the purpose of performing or facilitating emergency services;

34 (4) Subject to any applicable requirements for compensation under § 30-15-11,

1 commandeer or utilize any private property if the governor finds this necessary to cope with the
2 disaster emergency;

3 (5) Direct and compel the evacuation of all or part of the population from any stricken or
4 threatened area within the state if the governor deems this action necessary for the preservation of
5 life or other disaster mitigation, response, or recovery;

6 (6) Prescribe routes, modes of transportation, and destinations in connection with
7 evacuation;

8 (7) Control ingress and egress to and from a high risk area, the movement of persons within
9 the area, and the occupancy of premises therein;

10 (8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms,
11 explosives, and combustibles;

12 (9) Make provision for the availability and use of temporary emergency shelter;

13 (10) Make and promulgate such rules and regulations as the governor may deem advisable
14 for the assigning, detailing, and making available for duty and use in any city or town of this state
15 any of the personnel, apparatus, or equipment of any police or fire department of any other city or
16 town, or of any volunteer fire company, or of any fire district, and that personnel shall have the
17 same powers, duties, rights, privileges, and immunities as if performing their duties in the city or
18 town in which they normally would be employed, but the personnel shall obey the orders of the
19 police and fire authorities of the city or town to which assigned, detailed, or made available. When
20 assigned, detailed, or made available as aforesaid, the city or town in which the police or firemen
21 shall perform outside duties shall provide them with subsistence or pay them a reasonable
22 allowance therefor, and shall also be liable for any damage to the apparatus or equipment incurred
23 while being so used; provided, however, that a city or town shall be reimbursed by the state out of
24 the general fund of the state for all expenses incurred under the foregoing provisions of this
25 subsection;

26 (11) Designate as a special emergency health and sanitation area, any area within the state
27 that has been seriously damaged by disaster, or in which the existence of any military, naval, or air
28 establishment of the United States of America or of any industrial establishment constructed or
29 enlarged for purposes of national defense, has caused an increase in the population of that area to
30 such an extent as to produce unusual problems of health and sanitation. It is the duty of state health
31 authorities and the local code enforcement officials to make and enforce rules and regulations
32 designed to prevent the introduction of any contagious or infectious disease and to safeguard the
33 public health within the area. The governor may promulgate and enforce additional rules and
34 regulations for the protection of the public health within areas as may be necessary;

1 (12) Whenever, in the governor's opinion, due to a disaster there is liable to be a serious
2 shortage in the supply of food, fuel, clothing, antitoxins, serums, immunizing agents, or any other
3 pharmaceutical agents or medical supplies, or any other necessity of life or defense, and the federal
4 authorities are not adequately dealing with the situation, promulgate such rules and regulations as
5 he or she, from time to time, deems necessary to regulate the sale, purchase, or distribution of those
6 necessities and to prohibit and prevent the wasting, secreting, hiding, or hoarding of, or profiteering
7 from, those necessities; additionally, during a declared time of state or national emergency, no
8 person, firm, or corporation shall increase the price of any item it sells or offers for sale at retail
9 immediately prior to the proclamation of emergency or during the proclaimed state of emergency.
10 Nothing in this section shall prohibit the fluctuation in the price of items sold at retail that occurs
11 during the normal course of business. Any person, firm, or corporation who or that violates any
12 provision of this subsection shall be fined not more than one hundred dollars (\$100);

13 (13) Do all other things necessary to effectively cope with disasters in the state not
14 inconsistent with other provisions of law;

15 (14) Adopt and enforce measures to provide for the safe disposal of infectious waste as
16 may be reasonable and necessary for emergency response due to a state disaster emergency. Such
17 measures may include, but are not limited to, the collection, storage, handling, destruction,
18 treatment, transportation, and disposal of infectious waste;

19 (15) Adopt and enforce measures to provide for the safe disposal of corpses as may be
20 reasonable and necessary for emergency response due to a state disaster emergency. Such measures
21 may include, but are not limited to, the embalming, burial, cremation, interment, disinterment,
22 transportation, and disposal of corpses; and

23 (16) Compel a person to submit to a physical examination and/or testing as necessary to
24 diagnose or treat the person. The medical examination and/or testing may be performed by any
25 qualified person authorized by the department of health and must not be reasonably likely to result
26 in serious harm to the affected individual. The medical examination and/or testing shall be
27 performed immediately upon the order of the department of health without resort to judicial or
28 quasi-judicial authority. If the department of health is uncertain whether a person who refuses to
29 undergo medical examination and/or testing may have been exposed to an infectious disease or
30 otherwise poses a danger to public health, the department of health may subject the individual to
31 isolation or quarantine pursuant to § 23-8-4.

32 [\(f\) Nothing contained herein shall be construed to limit or restrict the power of the general](#)
33 [assembly to appropriate any federal funds received by the state of Rhode Island pursuant to § 35-](#)
34 [4-22.1.](#)

1 (g) Powers conferred upon the governor pursuant to the provisions of subsection (e) of this
2 section for disaster emergency response shall not exceed a period of one hundred eighty (180) days
3 from the date of the emergency order or proclamation of a state of disaster emergency, unless and
4 until the general assembly extends the one hundred eighty (180) day period by concurrent
5 resolution.

6 (h) Nothing contained in subsection (g) of this section shall be construed to apply to the
7 following executive orders issued by the governor which shall remain in effect and may be extended
8 by further executive order up to, but not beyond, September 1, 2021:

9 (1) 20-06;

10 (2) 20-19;

11 (3) 20-37;

12 (4) 20-46 as amended by 21-60;

13 (5) 20-72;

14 (6) 21-26;

15 (7) 21-67; and

16 (8) 21-68, limited to paragraph 8.

17 SECTION 4. Section 31-3-33 of the General Laws in Chapter 31-3 entitled "Registration
18 of Vehicles" is hereby amended to read as follows:

19 **31-3-33. Renewal of registration.**

20 (a) Application for renewal of a vehicle registration shall be made by the owner on a proper
21 application form and by payment of the registration fee for the vehicle as provided by law.

22 (b) The division of motor vehicles may receive applications for renewal of registration, and
23 may grant the renewal and issue new registration cards and plates at any time prior to expiration of
24 registration.

25 (c) Upon renewal, owners will be issued a renewal sticker for each registration plate that
26 shall be placed at the bottom, right-hand corner of the plate. Owners shall be issued a new, fully
27 reflective plate beginning ~~June 1, 2020~~ July 1, 2022, at the time of initial registration or at the
28 renewal of an existing registration and reissuance will be conducted no less than every ten (10)
29 years.

30 (d) No later than August 15, 2019, and every fifteenth day of the month through August
31 15, 2020, the division of motor vehicles shall submit a report outlining the previous month's activity
32 and progress towards the implementation of the license plate reissuance to the chairpersons of the
33 house finance and senate finance committee, the house fiscal advisor, and the senate fiscal advisor.
34 The report shall include, but not be limited to, information on the status of project plans, obstacles

1 to implementation, and actions taken toward implementation.

2 SECTION 5. Section 31-10.3-20 of the General Laws in Chapter 31-10.3 entitled “Rhode
3 Island Uniform Commercial Driver's License Act” is hereby amended to read as follows:

4 **31-10.3-20. Fees.**

5 The fees charged for commercial licenses, endorsements, classifications, restrictions, and
6 required examinations shall be as follows:

7 (1) For every commercial operator's first license, thirty dollars (\$30.00);

8 (2) For every renewal of a commercial license, fifty dollars (\$50.00);

9 (3) For every duplicate commercial license, ten dollars (\$10.00);

10 (4) For every duplicate commercial learner's permit, ten dollars (\$10.00);

11 (5) For any change of:

12 (i) Classification(s), ten dollars (\$10.00);

13 (ii) Endorsement(s), ten dollars (\$10.00);

14 (iii) Restriction(s), ten dollars (\$10.00);

15 (6) For every written and/or oral examination, ten dollars (\$10.00);

16 (7) ~~The Rhode Island board of education shall establish fees that are deemed necessary for~~
17 ~~the Community College of Rhode Island~~ For the division of motor vehicles to administer the skill
18 test, ~~not to exceed~~ one hundred dollars (\$100);

19 (8) For every commercial learner's permit, sixty dollars (\$60.00).

20 (9) [Deleted by P.L. 2019, ch. 49, § 1 and P.L. 2019, ch. 75, § 1].

21 SECTION 6. Sections 35-17-1 and 35-17-3 of the General Laws in Chapter 35-17 entitled
22 “Medical Assistance and Public Assistance Caseload Estimating Conference” are hereby amended
23 to read as follows:

24 **35-17-1. Purpose and membership.**

25 (a) In order to provide for a more stable and accurate method of financial planning and
26 budgeting, it is hereby declared the intention of the legislature that there be a procedure for the
27 determination of official estimates of anticipated medical assistance expenditures and public
28 assistance caseloads, upon which the executive budget shall be based and for which appropriations
29 by the general assembly shall be made.

30 (b) The state budget officer, the house fiscal advisor, and the senate fiscal advisor shall
31 meet in regularly scheduled caseload estimating conferences (C.E.C.). These conferences shall be
32 open public meetings.

33 (c) The chairpersonship of each regularly scheduled C.E.C. will rotate among the state
34 budget officer, the house fiscal advisor, and the senate fiscal advisor, hereinafter referred to as

1 principals. The schedule shall be arranged so that no chairperson shall preside over two (2)
2 successive regularly scheduled conferences on the same subject.

3 (d) Representatives of all state agencies are to participate in all conferences for which their
4 input is germane.

5 (e) The department of human services shall provide monthly data to the members of the
6 caseload estimating conference by the fifteenth day of the following month. Monthly data shall
7 include, but is not limited to, actual caseloads and expenditures for the following case assistance
8 programs: Rhode Island Works, SSI state program, general public assistance, and child care. For
9 individuals eligible to receive the payment under § 40-6-27(a)(1)(vi), the report shall include the
10 number of individuals enrolled in a managed care plan receiving long-term care services and
11 supports and the number receiving fee-for-service benefits. The executive office of health and
12 human services shall report relevant caseload information and expenditures for the following
13 medical assistance categories: hospitals, long-term care, managed care, pharmacy, and other
14 medical services. In the category of managed care, caseload information and expenditures for the
15 following populations shall be separately identified and reported: children with disabilities,
16 children in foster care, and children receiving adoption assistance and RIte Share enrollees under §
17 40-8.4-12(j). The information shall include the number of Medicaid recipients whose estate may
18 be subject to a recovery and the anticipated amount to be collected from those subject to recovery,
19 the total recoveries collected each month and number of estates attached to the collections and each
20 month, the number of open cases and the number of cases that have been open longer than three
21 months.

22 (f) Beginning July 1, 2021, behavioral healthcare, developmental disabilities and hospitals
23 shall provide monthly data to the members of the caseload estimating conference by the fifteenth
24 day of the following month. Monthly data shall include, but is not limited to, actual caseloads and
25 expenditures for the private community developmental disabilities services program. Information
26 shall include, but not be limited to the number of cases and expenditures from the beginning of the
27 fiscal year at the beginning of the prior month; cases added and denied during the prior month;
28 expenditures made; and the number of cases and expenditures at the end of the month. The
29 information concerning cases added and denied shall include summary information and profiles of
30 the service-demand request for eligible adults meeting the state statutory definition for services
31 from the division of developmental disabilities as determined by the division, including age,
32 Medicaid eligibility and agency selection placement with a list of the services provided, and the
33 reasons for the determinations of ineligibility for those cases denied. The department shall also
34 provide, monthly, the number of individuals in a shared-living arrangement and how many may

1 have returned to a 24-hour residential placement in that month. The department shall also report,
2 monthly, any and all information for the consent decree that has been submitted to the federal court
3 as well as the number of unduplicated individuals employed; the place of employment; and the
4 number of hours working. The department shall also provide the amount of funding allocated to
5 individuals above the assigned resource levels; the number of individuals and the assigned resource
6 level; and the reasons for the approved additional resources. The department will also collect and
7 forward to the house fiscal advisor, the senate fiscal advisor, and the state budget officer, by
8 November 1 of each year, the annual cost reports for each community-based provider for the prior
9 fiscal year. The department shall also provide the amount of patient liability to be collected and the
10 amount collected as well as the number of individuals who have a financial obligation. The
11 department will also provide a list of community-based providers awarded an advanced payment
12 for residential and community-based day programs; the address for each property; and the value of
13 the advancement. If the property is sold, the department must report the final sale, including the
14 purchaser, the value of the sale, and the name of the agency that operated the facility. If residential
15 property, the department must provide the number of individuals residing in the home at the time
16 of sale and identify the type of residential placement that the individual(s) will be moving to. The
17 department must report if the property will continue to be licensed as a residential facility. The
18 department will also report any newly licensed twenty-four hour (24) group home; the provider
19 operating the facility; and the number of individuals residing in the facility. Prior to December 1,
20 2017, the department will provide the authorizations for community-based and day programs,
21 including the unique number of individuals eligible to receive the services and at the end of each
22 month the unique number of individuals who participated in the programs and claims processed.

23 (g) The executive office of health and human services shall provide direct assistance to the
24 department of behavioral healthcare, developmental disabilities and hospitals to facilitate
25 compliance with the monthly reporting requirements in addition to preparation for the caseload
26 estimating conferences.

27 **35-17-3. Additional meetings.**

28 (a) Any time during a fiscal year that any principal feels that the recommendations of the
29 caseload estimating conference are no longer valid, then that principal, with the appropriate notice,
30 may convene a caseload estimating conference. The principal requesting the additional conference
31 shall be the chairperson for that conference.

32 (b) If at any time during a fiscal year any participant feels that the recommendations of the
33 caseload estimating conference are no longer valid with the respect to their caseload sources then
34 that participant has a duty to and shall notify each of the principals. The ~~director of the department~~

1 ~~of human services~~ [secretary of the executive office of health and human services](#) shall review the
2 concerns of each participant and determine whether the problems are sufficient to request an
3 additional conference.

4 SECTION 7. Section 36-4-16.4 of the General Laws in Chapter 36-4 entitled "Merit
5 System" is hereby amended to read as follows:

6 **36-4-16.4. Salaries of directors.**

7 (a) In the month of March of each year, the department of administration shall conduct a
8 public hearing to determine salaries to be paid to directors of all state executive departments for the
9 following year, at which hearing all persons shall have the opportunity to provide testimony, orally
10 and in writing. In determining these salaries, the department of administration will take into
11 consideration the duties and responsibilities of the aforementioned officers, as well as such related
12 factors as salaries paid executive positions in other states and levels of government, and in
13 comparable positions anywhere that require similar skills, experience, or training. Consideration
14 shall also be given to the amounts of salary adjustments made for other state employees during the
15 period that pay for directors was set last.

16 (b) Each salary determined by the department of administration will be in a flat amount,
17 exclusive of such other monetary provisions as longevity, educational incentive awards, or other
18 fringe additives accorded other state employees under provisions of law, and for which directors
19 are eligible and entitled.

20 (c) In no event will the department of administration lower the salaries of existing directors
21 during their term of office.

22 (d) Upon determination by the department of administration, the proposed salaries of
23 directors will be referred to the general assembly by the last day in April of that year to go into
24 effect thirty (30) days hence, unless rejected by formal action of the house and the senate acting
25 concurrently within that time.

26 (e) Notwithstanding the provisions of this section, for 2015 only, the time period for the
27 department of administration to conduct the public hearing shall be extended to July and the
28 proposed salaries shall be referred to the general assembly by August 30. The salaries may take
29 effect before next year, but all other provisions of this section shall apply.

30 (f) Notwithstanding the provisions of this section or any law to the contrary, for 2017 only,
31 the salaries of the director of the department of transportation, the secretary of health and human
32 services, and the director of administration shall be determined by the governor.

33 [\(g\) Notwithstanding the provisions of this section or any law to the contrary, for 2021 only,](#)
34 [the salary of the director of the department of children, youth and families shall be determined by](#)

1 [the governor.](#)

2 SECTION 8. Section 40.1-22-39 of the General Laws in Chapter 40.1-22 entitled
3 “Developmental Disabilities” is hereby is hereby repealed.

4 **40.1-22-39. Monthly reports to the general assembly.**

5 ~~On or before the fifteenth (15th) day of each month, the department shall provide a~~
6 ~~monthly report of monthly caseload and expenditure data, pertaining to eligible, developmentally~~
7 ~~disabled adults, to the chairperson of the house finance committee; the chairperson of the senate~~
8 ~~finance committee; the house fiscal advisor; the senate fiscal advisor; and the state budget officer.~~
9 ~~The monthly report shall be in such form, and in such number of copies, and with such explanation~~
10 ~~as the house and senate fiscal advisors may require. It shall include, but is not limited to, the number~~
11 ~~of cases and expenditures from the beginning of the fiscal year at the beginning of the prior month;~~
12 ~~cases added and denied during the prior month; expenditures made; and the number of cases and~~
13 ~~expenditures at the end of the month. The information concerning cases added and denied shall~~
14 ~~include summary information and profiles of the service demand request for eligible adults meeting~~
15 ~~the state statutory definition for services from the division of developmental disabilities as~~
16 ~~determined by the division, including age, Medicaid eligibility and agency selection placement with~~
17 ~~a list of the services provided, and the reasons for the determinations of ineligibility for those cases~~
18 ~~denied.~~

19 ~~The department shall also provide, monthly, the number of individuals in a shared living~~
20 ~~arrangement and how many may have returned to a 24 hour residential placement in that month.~~
21 ~~The department shall also report, monthly, any and all information for the consent decree that has~~
22 ~~been submitted to the federal court as well as the number of unduplicated individuals employed;~~
23 ~~the place of employment; and the number of hours working.~~

24 ~~The department shall also provide the amount of funding allocated to individuals above the~~
25 ~~assigned resource levels; the number of individuals and the assigned resource level; and the reasons~~
26 ~~for the approved additional resources. The department will also collect and forward to the house~~
27 ~~fiscal advisor, the senate fiscal advisor, and the state budget officer, by November 1 of each year,~~
28 ~~the annual cost reports for each community based provider for the prior fiscal year.~~

29 ~~The department shall also provide the amount of patient liability to be collected and the~~
30 ~~amount collected as well as the number of individuals who have a financial obligation.~~

31 ~~The department will also provide a list of community based providers awarded an~~
32 ~~advanced payment for residential and community based day programs; the address for each~~
33 ~~property; and the value of the advancement. If the property is sold, the department must report the~~
34 ~~final sale, including the purchaser, the value of the sale, and the name of the agency that operated~~

1 ~~the facility. If residential property, the department must provide the number of individuals residing~~
2 ~~in the home at the time of sale and identify the type of residential placement that the individual(s)~~
3 ~~will be moving to. The department must report if the property will continue to be licensed as a~~
4 ~~residential facility. The department will also report any newly licensed twenty four hour (24) group~~
5 ~~home; the provider operating the facility; and the number of individuals residing in the facility.~~

6 ~~Prior to December 1, 2017, the department will provide the authorizations for community-~~
7 ~~based and day programs, including the unique number of individuals eligible to receive the services~~
8 ~~and at the end of each month the unique number of individuals who participated in the programs~~
9 ~~and claims processed.~~

10 SECTION 9. Section 42-6-3 of the General Laws in Chapter 42-6 entitled "Departments
11 of State Government" is hereby amended to read as follows:

12 **42-6-3. Appointment of directors.**

13 (a) At the January session following his or her election to office, the governor shall appoint
14 a director of administration, a director of revenue, a director of public safety, a director of human
15 services, a director of behavioral healthcare, developmental disabilities and hospitals, a director of
16 transportation, a director of business regulation, a director of labor and training, a director of
17 environmental management, a director for children, youth and families, and a director of
18 corrections. The governor shall, in all cases of appointment of a director while the senate is in
19 session, notify the senate of his or her appointment and the senate shall, within sixty (60) legislative
20 days after receipt of the notice, act upon the appointment. If the senate shall, within sixty (60)
21 legislative days, vote to disapprove the appointment, it shall so notify the governor, who shall
22 forthwith appoint and notify the senate of the appointment of a different person as director and so
23 on in like manner until the senate shall fail to so vote disapproval of the governor's appointment. If
24 the senate shall fail, for sixty (60) legislative days next after notice, to act upon any appointment of
25 which it has been notified by the governor, the person so appointed shall be the director. The
26 governor may withdraw any appointment of which he or she has given notice to the senate, at any
27 time within sixty (60) legislative days thereafter and before action has been taken thereon by the
28 senate.

29 (b) Except as expressly provided in § 42-6-9, and except that the governor may enter into
30 a contract of employment for a director of the department of children, youth and families for a
31 period of time up to three (3) years, no director of any department shall be appointed or employed
32 pursuant to any contract of employment for a period of time greater than the remainder of the
33 governor's current term of office. Any contract entered into in violation of this section after July 1,
34 1994, is hereby declared null and void.

1 SECTION 10. Section 42-9-19 of the General Laws in Chapter 42-9 entitled "Department
2 of Attorney General" is hereby amended to read as follows:

3 **42-9-19. Acceptance of settlements -- Attorney General settlement restricted account.**

4 (a) The attorney general is hereby authorized and empowered to accept in the name of the
5 state any settlement resulting from a multi-state initiative. The attorney general is additionally
6 authorized and empowered to recover attorney's fees and costs that shall be considered settlement
7 proceeds for purposes of this chapter.

8 (b) The settlement proceeds shall be transferred to the general treasurer for deposit in the
9 general fund. The general treasurer shall transfer ~~ten percent (10%) of such~~ proceeds, up to ~~sixty-~~
10 ~~five thousand dollars (\$65,000)~~ seven hundred and fifty thousand dollars (\$750,000) in any fiscal
11 year, to the "attorney general multi-state initiative restricted-receipt account." Any balance in
12 excess of seven hundred and fifty thousand dollars (\$750,000) remaining in the account at the end
13 of the fiscal year shall be transferred back to the state general fund. The restricted-receipt account
14 shall be used to pay for staff, operational, and litigation costs associated with multi-state initiatives.

15 (c) Expenditure of all settlement proceeds accepted by the attorney general as part of the
16 terms of the relevant master settlement agreement shall be subject to the annual appropriation
17 process and approval by the general assembly.

18 SECTION 11. Section 42-11-2 of the General Laws in Chapter 42-11 entitled "Department
19 of Administration" is hereby amended to read as follows:

20 **42-11-2. Powers and duties of department.**

21 The department of administration shall have the following powers and duties:

22 (1) To prepare a budget for the several state departments and agencies, subject to the
23 direction and supervision of the governor;

24 (2) To administer the budget for all state departments and agencies, except as specifically
25 exempted by law;

26 (3) To devise, formulate, promulgate, supervise, and control accounting systems,
27 procedures, and methods for the state departments and agencies, conforming to such accounting
28 standards and methods as are prescribed by law;

29 (4) To purchase or to contract for the supplies, materials, articles, equipment, printing, and
30 services needed by state departments and agencies, except as specifically exempted by law;

31 (5) To prescribe standard specifications for those purchases and contracts and to enforce
32 compliance with specifications;

33 (6) To supervise and control the advertising for bids and awards for state purchases;

34 (7) To regulate the requisitioning and storage of purchased items, the disposal of surplus

1 and salvage, and the transfer to or between state departments and agencies of needed supplies,
2 equipment, and materials;

3 (8) To maintain, equip, and keep in repair the state house, state office building, and other
4 premises owned or rented by the state for the use of any department or agency, excepting those
5 buildings, the control of which is vested by law in some other agency;

6 (9) To provide for the periodic inspection, appraisal or inventory of all state buildings and
7 property, real and personal;

8 (10) To require reports from state agencies on the buildings and property in their custody;

9 (11) To issue regulations to govern the protection and custody of the property of the state;

10 (12) To assign office and storage space and to rent and lease land and buildings for the use
11 of the several state departments and agencies in the manner provided by law;

12 (13) To control and supervise the acquisition, operation, maintenance, repair, and
13 replacement of state-owned motor vehicles by state agencies;

14 (14) To maintain and operate central duplicating and mailing service for the several state
15 departments and agencies;

16 (15) To furnish the several departments and agencies of the state with other essential office
17 services;

18 (16) To survey and examine the administration and operation of the state departments and
19 agencies, submitting to the governor proposals to secure greater administrative efficiency and
20 economy, to minimize the duplication of activities, and to effect a better organization and
21 consolidation of functions among state agencies;

22 (17) To operate a merit system of personnel administration and personnel management as
23 defined in § 36-3-3 in connection with the conditions of employment in all state departments and
24 agencies within the classified service;

25 (18) To assign or reassign, with the approval of the governor, any functions, duties, or
26 powers established by this chapter to any agency within the department;

27 (19) To establish, maintain, and operate a data processing center or centers, approve the
28 acquisition and use of electronic data processing services by state agencies, furnish staff assistance
29 in methods, systems and programming work to other state agencies, and arrange for and effect the
30 centralization and consolidation of punch card and electronic data processing equipment and
31 services in order to obtain maximum utilization and efficiency;

32 (20) To devise, formulate, promulgate, supervise, and control a comprehensive and
33 coordinated statewide information system designed to improve the data base used in the
34 management of public resources, to consult and advise with other state departments and agencies

1 and municipalities to assure appropriate and full participation in this system, and to encourage the
2 participation of the various municipalities of this state in this system by providing technical or other
3 appropriate assistance toward establishing, within those municipalities, compatible information
4 systems in order to obtain the maximum effectiveness in the management of public resources;

5 (i) The comprehensive and coordinated statewide information system may include a Rhode
6 Island geographic information system of land-related economic, physical, cultural and natural
7 resources.

8 (ii) In order to ensure the continuity of the maintenance and functions of the geographic
9 information system, the general assembly may annually appropriate such sum as it may deem
10 necessary to the department of administration for its support.

11 (21) To administer a statewide planning program including planning assistance to the state
12 departments and agencies;

13 (22) To administer a statewide program of photography and photographic services;

14 (23) To negotiate with public or private educational institutions in the state, in cooperation
15 with the department of health, for state support of medical education;

16 (24) To promote the expansion of markets for recovered material and to maximize their
17 return to productive economic use through the purchase of materials and supplies with recycled
18 content by the state of Rhode Island to the fullest extent practically feasible;

19 (25) To approve costs as provided in § 23-19-32; and

20 (26) To provide all necessary civil service tests for child protective investigators and social
21 workers at least twice each year and to maintain an adequate hiring list for these positions at all
22 times.

23 (27)(a) To prepare a report every three (3) months by all current property leases or rentals
24 by any state or quasi-state agency to include the following information:

25 (i) Name of lessor;

26 (ii) Description of the lease (purpose, physical characteristics, and location);

27 (iii) Cost of the lease;

28 (iv) Amount paid to date;

29 (v) Date initiated;

30 (vi) Date covered by the lease.

31 (b) To prepare a report by October 31, 2014, of all current property owned by the state or
32 leased by any state agency or quasi-state agency to include the following information:

33 (i) Total square feet for each building or leased space;

34 (ii) Total square feet for each building and space utilized as office space currently;

- 1 (iii) Location of each building or leased space;
- 2 (iv) Ratio and listing of buildings owned by the state versus leased;
- 3 (v) Total occupancy costs which shall include capital expenses, provided a proxy should
- 4 be provided to compare properties that are owned versus leased by showing capital expenses on
- 5 owned properties as a per square foot cost at industry depreciation rates;
- 6 (vi) Expiration dates of leases;
- 7 (vii) Number of workstations per building or leased space;
- 8 (viii) Total square feet divided by number of workstations;
- 9 (ix) Total number of vacant workstations;
- 10 (x) Percentage of vacant workstations versus total workstations available;
- 11 (xi) Date when an action is required by the state to renew or terminate a lease;
- 12 (xii) Strategic plan for leases commencing or expiring by June 30, 2016;
- 13 (xiii) Map of all state buildings which provides: cost per square foot to maintain, total
- 14 number of square feet, total operating cost, date each lease expires, number of persons per building
- 15 and total number of vacant seats per building; and
- 16 (xiv) Industry benchmark report which shall include total operating cost by full-time
- 17 equivalent employee, total operating cost by square foot and total square feet divided by full-time
- 18 equivalent employee.

19 (28) To prepare a report to the chairs of the House and Senate finance committees by

20 December 15, 2021, and each year thereafter of all current property owned by the state or leased

21 by any state agency or quasi-state agency to include the following information:

- 22 (i) Total square feet for each building or leased space;
- 23 (ii) Total square feet for each building and space utilized as office space currently;
- 24 (iii) Location of each building or leased space;
- 25 (iv) Ratio and listing of buildings owned by the state versus leased;
- 26 (v) Total occupancy costs which shall include capital expenses, provided a proxy should
- 27 be provided to compare properties that are owned versus leased by showing capital expenses on
- 28 owned properties as a per square foot cost at industry depreciation rates;
- 29 (vi) Expiration dates of leases;
- 30 (vii) Number of workstations per building or leased space;
- 31 (viii) Total square feet divided by number of workstations;
- 32 (ix) Total number of vacant workstations;
- 33 (x) Percentage of vacant workstations versus total workstations available;
- 34 (xi) Date when an action is required by the state to renew or terminate a lease;

1 (xii) Strategic plan for leases commencing or expiring by June 30, 2022, and each
2 subsequent year thereafter;

3 (xiii) Map of all state buildings which provides: cost per square foot to maintain, total
4 number of square feet, total operating cost, date each lease expires, number of persons per building
5 and total number of vacant seats per building; and

6 (xiv) Industry benchmark report which shall include total operating cost by full-time
7 equivalent employee, total operating cost by square foot and total square feet divided by full-time
8 equivalent employee.

9 ~~(28)~~(29) To provide by December 31, 1995, the availability of automatic direct deposit to
10 any recipient of a state benefit payment, provided that the agency responsible for making that
11 payment generates one thousand (1,000) or more such payments each month.

12 ~~(29)~~(30) To encourage municipalities, school districts, and quasi-public agencies to
13 achieve cost savings in health insurance, purchasing, or energy usage by participating in state
14 contracts, or by entering into collaborative agreements with other municipalities, districts, or
15 agencies. To assist in determining whether the benefit levels including employee cost sharing and
16 unit costs of such benefits and costs are excessive relative to other municipalities, districts, or quasi-
17 public agencies as compared with state benefit levels and costs.

18 ~~(30)~~(31) To administer a health benefit exchange in accordance with chapter 157 of title
19 42.

20 SECTION 12. Section 42-142-8 of the General Laws in Chapter 42-14 entitled
21 “Department of Revenue” is hereby amended to read as follows:

22 **42-142-8. Collection unit.**

23 (a) The director of the department of revenue is authorized to establish within the
24 department of revenue a collection unit for the purpose of assisting state agencies in the collection
25 of debts owed to the state. The director of the department of revenue may enter into an agreement
26 with any state agency(ies) to collect any delinquent debt owed to the state.

27 (b) The director of the department of revenue shall initially implement a pilot program to
28 assist the agency(ies) with the collection of delinquent debts owed to the state.

29 (c) The agency(ies) participating in the pilot program shall refer to the collection unit
30 within the department of revenue, debts owed by delinquent debtors where the nature and amount
31 of the debt owed has been determined and reconciled by the agency and the debt is: (i) The subject
32 of a written settlement agreement and/or written waiver agreement and the delinquent debtor has
33 failed to timely make payments under the agreement and/or waiver and is therefore in violation of
34 the terms of the agreement and/or waiver; (ii) The subject of a final administrative order or decision

1 and the debtor has not timely appealed the order or decision; (iii) The subject of final order,
2 judgment, or decision of a court of competent jurisdiction and the debtor has not timely appealed
3 the order, judgment, or decision. The collection unit shall not accept a referral of any delinquent
4 debt unless it satisfies subsection (c)(i), (ii) or (iii) of this section.

5 (d) Any agency(ies) entering into an agreement with the department of revenue to allow
6 the collection unit of the department to collect a delinquent debt owed to the state shall indemnify
7 the department of revenue against injuries, actions, liabilities, or proceedings arising from the
8 collection, or attempted collection, by the collection unit of the debt owed to the state.

9 (e) Before referring a delinquent debt to the collection unit, the agency(ies) must notify the
10 debtor of its intention to submit the debt to the collection unit for collection and of the debtor's right
11 to appeal that decision not less than thirty (30) days before the debt is submitted to the collection
12 unit.

13 (f) At such time as the agency(ies) refers a delinquent debt to the collection unit, the agency
14 shall: (i) Represent in writing to the collection unit that it has complied with all applicable state and
15 federal laws and regulations relating to the collection of the debt, including, but not limited to, the
16 requirement to provide the debtor with the notice of referral to the collection unit under subsection
17 (e) of this section; and (ii) Provide the collection unit personnel with all relevant supporting
18 documentation including, but not limited to, notices, invoices, ledgers, correspondence,
19 agreements, waivers, decisions, orders, and judgments necessary for the collection unit to attempt
20 to collect the delinquent debt.

21 (g) The referring agency(ies) shall assist the collection unit by providing any and all
22 information, expertise, and resources deemed necessary by the collection unit to collect the
23 delinquent debts referred to the collection unit.

24 (h) Upon receipt of a referral of a delinquent debt from an agency(ies), the amount of the
25 delinquent debt shall accrue interest at the annual rate of interest established by law for the referring
26 agency or at an annual rate of 13%, whichever percentage rate is greater.

27 (i) Upon receipt of a referral of a delinquent debt from the agency(ies), the collection unit
28 shall provide the delinquent debtor with a "Notice of Referral" advising the debtor that:

29 (1) The delinquent debt has been referred to the collection unit for collection; and

30 (2) The collection unit will initiate, in its names, any action that is available under state law
31 for the collection of the delinquent debt, including, but not limited to, referring the debt to a third
32 party to initiate said action.

33 (j) Upon receipt of a referral of a delinquent debt from an agency(ies), the director of the
34 department of revenue shall have the authority to institute, in its name, any action(s) that are

1 available under state law for collection of the delinquent debt and interest, penalties, and/or fees
2 thereon and to, with or without suit, settle the delinquent debt.

3 (k) In exercising its authority under this section, the collection unit shall comply with all
4 state and federal laws and regulations related to the collection of debts.

5 (l) Upon the receipt of payment from a delinquent debtor, whether a full or partial payment,
6 the collection unit shall disburse/deposit the proceeds of the payment in the following order:

7 (1) To the appropriate federal account to reimburse the federal government funds owed to
8 them by the state from funds recovered; and

9 (2) The balance of the amount collected to the referring agency.

10 (m) Notwithstanding the above, the establishment of a collection unit within the department
11 of revenue shall be contingent upon an annual appropriation by the general assembly of amounts
12 necessary and sufficient to cover the costs and expenses to establish, maintain, and operate the
13 collection unit including, but not limited to, computer hardware and software, maintenance of the
14 computer system to manage the system, and personnel to perform work within the collection unit.

15 (n) In addition to the implementation of any pilot program, the collection unit shall comply
16 with the provisions of this section in the collection of all delinquent debts under this section.

17 (o) The department of revenue is authorized to promulgate rules and regulations as it deems
18 appropriate with respect to the collection unit.

19 (p) By September 1, 2020, and each year thereafter, the department of revenue shall
20 specifically assess the performance, effectiveness, and revenue impact of the collections associated
21 with this section, including, but not limited to, the total amounts referred and collected by each
22 referring agency during the previous state fiscal year to the governor, the speaker of the house of
23 representatives, the president of the senate, the chairpersons of the house and senate finance
24 committees, and the house and senate fiscal advisors. The report shall include the net revenue
25 impact to the state of the collection unit.

26 (q) No operations of a collection unit pursuant to this chapter shall be authorized after June
27 30, ~~2021~~ 2023.

28 SECTION 13. Section 5 shall take effect on January 1, 2022. The remaining shall take
29 effect upon passage.