

2021 -- H 5750

=====  
LC001875  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

---

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT

Introduced By: Representatives Giraldo, and Morales

Date Introduced: February 24, 2021

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 42-11-2 of the General Laws in Chapter 42-11 entitled "Department  
2 of Administration" is hereby amended to read as follows:

3           **42-11-2. Powers and duties of department.**

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

- 5           (1) To prepare a budget for the several state departments and agencies, subject to the  
6 direction and supervision of the governor;
- 7           (2) To administer the budget for all state departments and agencies, except as specifically  
8 exempted by law;
- 9           (3) To devise, formulate, promulgate, supervise, and control accounting systems,  
10 procedures, and methods for the state departments and agencies, conforming to such accounting  
11 standards and methods as are prescribed by law;
- 12           (4) To purchase or to contract for the supplies, materials, articles, equipment, printing, and  
13 services needed by state departments and agencies, except as specifically exempted by law;
- 14           (5) To prescribe standard specifications for those purchases and contracts and to enforce  
15 compliance with specifications;
- 16           (6) To supervise and control the advertising for bids and awards for state purchases;
- 17           (7) To regulate the requisitioning and storage of purchased items, the disposal of surplus  
18 and salvage, and the transfer to or between state departments and agencies of needed supplies,  
19 equipment, and materials;

- 1           (8) To maintain, equip, and keep in repair the state house, state office building, and other  
2 premises owned or rented by the state for the use of any department or agency, excepting those  
3 buildings, the control of which is vested by law in some other agency;
- 4           (9) To provide for the periodic inspection, appraisal or inventory of all state buildings and  
5 property, real and personal;
- 6           (10) To require reports from state agencies on the buildings and property in their custody;
- 7           (11) To issue regulations to govern the protection and custody of the property of the state;
- 8           (12) To assign office and storage space and to rent and lease land and buildings for the use  
9 of the several state departments and agencies in the manner provided by law;
- 10          (13) To control and supervise the acquisition, operation, maintenance, repair, and  
11 replacement of state-owned motor vehicles by state agencies;
- 12          (14) To maintain and operate central duplicating and mailing service for the several state  
13 departments and agencies;
- 14          (15) To furnish the several departments and agencies of the state with other essential office  
15 services;
- 16          (16) To survey and examine the administration and operation of the state departments and  
17 agencies, submitting to the governor proposals to secure greater administrative efficiency and  
18 economy, to minimize the duplication of activities, and to effect a better organization and  
19 consolidation of functions among state agencies;
- 20          (17) To operate a merit system of personnel administration and personnel management as  
21 defined in § 36-3-3 in connection with the conditions of employment in all state departments and  
22 agencies within the classified service;
- 23          (18) To assign or reassign, with the approval of the governor, any functions, duties, or  
24 powers established by this chapter to any agency within the department;
- 25          (19) To establish, maintain, and operate a data processing center or centers, approve the  
26 acquisition and use of electronic data processing services by state agencies, furnish staff assistance  
27 in methods, systems and programming work to other state agencies, and arrange for and effect the  
28 centralization and consolidation of punch card and electronic data processing equipment and  
29 services in order to obtain maximum utilization and efficiency;
- 30          (20) To devise, formulate, promulgate, supervise, and control a comprehensive and  
31 coordinated statewide information system designed to improve the data base used in the  
32 management of public resources, to consult and advise with other state departments and agencies  
33 and municipalities to assure appropriate and full participation in this system, and to encourage the  
34 participation of the various municipalities of this state in this system by providing technical or other

1 appropriate assistance toward establishing, within those municipalities, compatible information  
2 systems in order to obtain the maximum effectiveness in the management of public resources;

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

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

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

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

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

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

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

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

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

23 (i) Name of lessor;

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

25 (iii) Cost of the lease;

26 (iv) Amount paid to date;

27 (v) Date initiated;

28 (vi) Date covered by the lease.

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

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

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

33 (iii) Location of each building or leased space;

34 (iv) Ratio and listing of buildings owned by the state versus leased;

1 (v) Total occupancy costs which shall include capital expenses, provided a proxy should  
2 be provided to compare properties that are owned versus leased by showing capital expenses on  
3 owned properties as a per square foot cost at industry depreciation rates;

4 (vi) Expiration dates of leases;

5 (vii) Number of workstations per building or leased space;

6 (viii) Total square feet divided by number of workstations;

7 (ix) Total number of vacant workstations;

8 (x) Percentage of vacant workstations versus total workstations available;

9 (xi) Date when an action is required by the state to renew or terminate a lease;

10 (xii) Strategic plan for leases commencing or expiring by June 30, 2016;

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

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

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

20 (29) To encourage municipalities, school districts, and quasi-public agencies to achieve  
21 cost savings in health insurance, purchasing, or energy usage by participating in state contracts, or  
22 by entering into collaborative agreements with other municipalities, districts, or agencies. To assist  
23 in determining whether the benefit levels including employee cost sharing and unit costs of such  
24 benefits and costs are excessive relative to other municipalities, districts, or quasi-public agencies  
25 as compared with state benefit levels and costs.

26 (30) To administer a health benefit exchange in accordance with chapter 157 of title 42.

27 [\(31\) No state agency shall enter into any contracts with the U.S. Immigration and Customs](#)  
28 [Enforcement \(ICE\).](#)

29 SECTION 2. Section 45-2-4 of the General Laws in Chapter 45-2 entitled "General  
30 Powers" is hereby amended to read as follows:

31 **45-2-4. Power to own property and make contracts.**

32 Cities and towns may take, purchase, and hold real and personal property, and alienate and  
33 convey the property; and may also take, hold, and manage the property in trust for any charitable,  
34 other than religious, uses, and may make all contracts, including lease or lease-purchase agreements

1 of real and personal property, necessary and convenient for the transaction of the business of the  
2 city or town [except that no contracts shall be entered into with U.S. Immigration and Customs](#)  
3 [Enforcement \(ICE\)](#).

4 SECTION 3. Section 42-56-10 of the General Laws in Chapter 42-56 entitled "Corrections  
5 Department" is hereby amended to read as follows:

6 **42-56-10. Powers of the director.**

7 In addition to exercising the powers and performing the duties, which are otherwise given  
8 to him or her by law, the director of the department of corrections shall:

9 (1) Designate, establish, maintain, and administer those state correctional facilities that he  
10 or she deems necessary, and may discontinue the use of those state correctional facilities that he or  
11 she deems appropriate for that action;

12 (2) Maintain security, safety, and order at all state correctional facilities, utilize the  
13 resources of the department to prevent escapes from any state correctional facility, take all  
14 necessary precautions to prevent the occurrence or spread of any disorder, riot, or insurrection of  
15 any state correctional facility, including, but not limited to, the development, planning, and  
16 coordination of emergency riot procedures, and take suitable measures for the restoration of order;

17 (3) Establish and enforce standards for all state correctional facilities;

18 (4) Supervise and/or approve the administration by the assistant directors of the  
19 department;

20 (5) Manage, direct, and supervise the operations of the department;

21 (6) Direct employees in the performance of their official duties;

22 (7) Hire, promote, transfer, assign, and retain employees and suspend, demote, discharge,  
23 or take other necessary disciplinary action;

24 (8) Maintain the efficiency of the operations of the department;

25 (9) Determine the methods, means, and personnel by which those operations of the  
26 department are to be conducted;

27 (10) Relieve employees from duties because of lack of work or for other legitimate reasons;

28 (11) Establish, maintain, and administer programs, including, but not limited to, education,  
29 training, and employment, of persons committed to the custody of the department, designed as far  
30 as practicable to prepare and assist each person to assume the responsibilities and exercise the rights  
31 of a citizen of this state;

32 (12) Establish a system of classification of persons committed to the custody of the  
33 department for the purpose of developing programs for each person in order to effectively develop  
34 an individualized program for each sentenced inmate that will address each offender's individual

1 treatment and rehabilitative needs, the department of corrections is authorized to receive, with the  
2 express consent of the inmate, and upon request to the department of children, youth and families,  
3 the offender's juvenile arrest and/or adjudication records. Information related to the juvenile's  
4 family members and other third parties, excluding law enforcement personnel, shall be redacted  
5 from the records provided prior to their release to the department. The records will be disclosed to  
6 only those department personnel directly responsible for, and only for the purpose of, developing  
7 the individualized program for the offender;

8 (13) Determine at the time of commitment, and from time to time thereafter, the custody  
9 requirements and program needs of each person committed to the custody of the department and  
10 assign or transfer those persons to appropriate facilities and programs;

11 (14) Establish training programs for employees of the department, including the use of an  
12 application system for the department's correctional officer training academy that leverages other  
13 law enforcement entity recruiting and the establishment of any fee associated with such system,  
14 provided that a state application process compliant with § 28-6.3-1 also be provided;

15 (15) Investigate grievances and inquire into alleged misconduct within the department;

16 (16) Maintain adequate records of persons committed to the custody of the department;

17 (17) Establish and maintain programs of research, statistics, and planning, and conduct  
18 studies relating to correctional programs and responsibilities of the department;

19 (18) Utilize, as far as practicable, the services and resources of specialized community  
20 agencies and other local community groups in the development of programs, recruitment of  
21 volunteers, and dissemination of information regarding the work and needs of the department;

22 (19) Make and enter into any contracts and agreements necessary or incidental to the  
23 performance of the duties and execution of the powers of the department, including, but not limited  
24 to, contracts to render services to committed offenders, and to provide for training or education for  
25 correctional officers and staff, except that no contracts shall be entered into with a private, for-  
26 profit, prison facility or with the United States Immigration and Customs Enforcement (ICE);

27 (20) Seek to develop civic interest in the work of the department and educate the public to  
28 the needs and goals of the corrections process;

29 (21) Expend annually in the exercise of his or her powers, performance of his or her duties,  
30 and for the necessary operations of the department those sums that may be appropriated by the  
31 general assembly;

32 (22) Make and promulgate necessary rules and regulations incident to the exercise of his  
33 or her powers and the performance of his or her duties, including, but not limited to, rules and  
34 regulations regarding nutrition, sanitation, safety, discipline, recreation, religious services,

1 communication, and visiting privileges, classification, education, training, employment, care, and  
2 custody for all persons committed to correctional facilities;

3 (23) Make and promulgate regulations to provide:

4 (a) Written notice to licensed nursing facilities, licensed assisted-living residences, and  
5 housing for the elderly whenever a person seeking to reside in one of these facilities or residences  
6 is being released on parole for any of the following offenses: murder, voluntary manslaughter,  
7 involuntary manslaughter, first-degree sexual assault, second-degree sexual assault, third-degree  
8 sexual assault, assault on persons sixty (60) years of age or older, assault with intent to commit  
9 specified felonies (murder, robbery, rape, or burglary), felony assault, patient abuse, neglect or  
10 mistreatment of patients, burglary, first degree arson, felony larceny, or robbery;

11 (b) A risk assessment process to identify and recommend safety or security measures  
12 necessary for the protection of other residents or clients, including whether the parolee should be  
13 prohibited from residing in any such facility or residence or segregated from other residents or  
14 clients to protect the security and safety of other residents;

15 (c) The written notice to licensed nursing facilities, assisted living residences, or housing  
16 for the elderly shall include charge information and disposition about the offense for which the  
17 resident or client has been paroled, contact information for the resident's or client's parole  
18 supervisor, a copy of the risk assessment and recommendations, if any, regarding safety and  
19 security measures. A copy of the written notice shall be provided to the parolee; and

20 (d) A process for notifying the appropriate state regulatory agency and the state long-term  
21 care ombudsman whenever notice as required in subsection (23)(a) of this section has been given;

22 (24) Notwithstanding the enumeration of the powers of the director as set forth in this  
23 section, and notwithstanding any other provision of the general laws, the validity and enforceability  
24 of the provisions of a collective bargaining agreement shall not be contested, affected, or  
25 diminished, nor shall any arbitration award be vacated, remanded or set aside on the basis of an  
26 alleged conflict with this section or with any other provision of the general laws.

27 SECTION 4. Section 45-2-4 of the General Laws in Chapter 45-2 entitled "General  
28 Powers" is hereby amended to read as follows:

29 **45-2-4. Power to own property and make contracts.**

30 Cities and towns may take, purchase, and hold real and personal property, and alienate and  
31 convey the property; and may also take, hold, and manage the property in trust for any charitable,  
32 other than religious, uses, and may make all contracts, including lease or lease-purchase agreements  
33 of real and personal property, necessary and convenient for the transaction of the business of the  
34 city or town, [except that no contracts shall be entered into with the U.S. Immigration and Customs](#)

1 [Enforcement \(ICE\).](#)

2 SECTION 5. Section 45-54-6 of the General Laws in Chapter 45-54 entitled "Municipal  
3 Detention Facility Corporations" is hereby amended to read as follows:

4 **45-54-6. Powers.**

5 Except to the extent inconsistent with any specific provision of this chapter, the corporation  
6 has the power:

7 (1) To sue and be sued, complain, and defend in its corporate name;

8 (2) To have a seal, which may be altered at pleasure, and to use the seal by causing it or a  
9 facsimile to be impressed, affixed, or in any other manner reproduced. The seal shall be clearly  
10 distinguishable from the seal of any city or town;

11 (3) To maintain an office at a place or places that it may designate within the boundaries  
12 of the city or town whose council established the corporation;

13 (4) To determine the location and character of any project to be financed under the  
14 provisions of this chapter, not inconsistent with local zoning ordinances;

15 (5) To purchase, hold, and use any property, real, personal, or mixed, tangible or intangible,  
16 or any interest in it, necessary or desirable for carrying out the purposes for the corporation, and to  
17 mortgage, lease, or sell any of that property;

18 (6) To acquire, whether by purchase, lease, gift, exchange, or otherwise, and to construct,  
19 reconstruct, improve, erect, maintain, operate, manage, equip, and furnish, one or more projects,  
20 including all real, personal, or mixed properties which it may deem necessary in connection with  
21 that, and regardless of whether or not the project or projects shall then be in existence or shall then  
22 be partially or wholly constructed;

23 (7) To lease, as lessor, to any person, firm, partnership, or corporation, either public or  
24 private, any or all of its projects, and to charge and collect rent for them, and to terminate any lease  
25 upon the failure of the lessee to comply with any of the obligations of the lease;

26 (8) To lease, as lessee, any property, real, personal or mixed, or any interest in property;

27 (9) To sell, exchange, mortgage, donate, and convey any or all of its properties whenever  
28 it finds an action to be in furtherance of the purposes for which the corporation was established;

29 (10) To grant options to purchase any of its projects on whatever terms it may deem  
30 advisable, and to grant options to renew any leases entered into by it in connection with any of its  
31 projects on any terms it may deem advisable;

32 (11) To issue bonds of the corporation for the purpose of carrying out any of its purposes,  
33 payable solely from the revenues pledged by the bonds for their payment, and to refund its bonds,  
34 all as provided in this chapter;



1           (12) As security for the payment of the principal and interest on any bonds so issued and  
2 any agreements made in connection with that, to mortgage and pledge any or all of its projects, or  
3 any part or parts of them, whether then owned or thereafter acquired, to pledge their revenues and  
4 receipts or from an interest of the bonds, and to assign or pledge the income received by virtue of  
5 the lease or leases;

6           (13) To borrow money in anticipation of the issuance of bonds for any of its purposes, and  
7 to issue notes, certificates, or other evidences of the borrowing, upon terms as may be authorized  
8 by resolution of the corporation;

9           (14) To make and enter into all contracts, leases, and other agreements necessary or  
10 incidental to the performance of its duties and the execution of its powers under this chapter;  
11 provided, that those contracts, leases, and other agreements with the federal government or other  
12 federal agency are governed by federal procurement procedures, and other contracts, leases, or  
13 other agreements are governed by the procurement requirements of the municipality, if any; and  
14 provided further, that no contract shall be entered into with a private, for-profit, prison facility or  
15 with the United States Immigration and Customs Enforcement (ICE).

16           (15) Without limitation of the preceding, to borrow money from, to receive and accept  
17 grants for or in aid of construction or acquisition of projects authorized under this chapter from,  
18 and to enter into contracts, leases, or other transactions with, the federal government or any federal  
19 agency; and to receive and accept from the state or any municipality, and from any other source,  
20 aid or contributions of money, property, labor, or other things of value; to be held, used, and applied  
21 only for the purposes for which the grants and contributions may be made;

22           (16) To combine for financing purposes any two (2) or more projects authorized to be  
23 acquired or constructed under the provisions of this chapter;

24           (17) To employ, in its discretion, attorneys, accountants, architectural and engineering  
25 consultants, and other officers, employees, or agents as may be necessary in its judgment, and to  
26 fix their compensation;

27           (18) To acquire in the name of the corporation by purchase or otherwise, on terms and  
28 conditions and in the manner that it may deem proper, or by the exercise of the rights of  
29 condemnation in the manner provided in § 45-54-9, public or private lands, or parts of them or  
30 rights in them, rights-of-way, property, rights, easements, and interests as it may deem necessary  
31 for carrying out the provisions of this chapter; provided, that all public property damaged in  
32 carrying out the powers granted by this chapter is restored or repaired and placed in its original  
33 condition as nearly as practicable;

34           (19) To do all other acts and to do any and all things necessary or convenient to carry out

1 its purposes and exercise the powers given and granted in this chapter;

2 (20) To provide for the care, custody, control and transportation of all detainees or inmates  
3 committed to detention or incarceration at any project and to take all necessary steps to maintain  
4 security, safety and order, to prevent escapes from any project, to take all necessary precautions to  
5 prevent the occurrence or spread of any disorder, riot, or insurrection of any project, including, but  
6 not limited to, the development, planning and coordination of emergency riot procedures, and take  
7 suitable measures for the restoration of order;

8 (21) To establish and enforce standards for each project;

9 (22) To establish and fund training and education programs for employees, under the  
10 direction of the warden, the curriculum for which to be approved annually by the police officers'  
11 commission on standards and training, and to hire, promote, transfer, assign, and retain employees  
12 for the operation of each project and suspend, demote, discharge, or take other necessary  
13 disciplinary action with regard to such employees;

14 (23) To determine the methods, means, and personnel by which the operation of each  
15 project is to be conducted;

16 (24) To relieve employees of duty because of lack of work or for other legitimate reasons;

17 (25) To investigate grievances of its employees and to inquire into alleged misconduct by  
18 employees;

19 (26) To make and promulgate necessary rules and regulations incident to the corporation's  
20 exercise of its powers and the performance of the corporation's duties, including, but not limited  
21 to, rules and regulations regarding nutrition, sanitation, safety, discipline, recreation, religious  
22 services, communication and visiting privileges, classification, education, training, employment,  
23 care, and custody for all persons detained at any project; and

24 (27) To delegate any or all of the above referenced powers to its duly designated agents,  
25 servants, consultants or employees at its discretion, who being so designated may exercise said  
26 power(s) on behalf of the corporation.

27 SECTION 6. This act shall take effect upon passage.

=====  
LC001875  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO STATE AFFAIRS AND GOVERNMENT

\*\*\*

- 1 This act would prohibit contracts with private, for-profit, prison facilities or with the U.S.
- 2 Immigration and Customs Enforcement (ICE).
- 3 This act would take effect upon passage.

=====  
LC001875  
=====