

2021 -- S 0063 AS AMENDED

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

**RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENTS OF STATE
GOVERNMENT**

Introduced By: Senators Gallo, Ruggerio, McCaffrey, Goodwin, and Pearson

Date Introduced: January 19, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-6-1, 42-6-2, 42-6-3 and 42-6-4 of the General Laws in Chapter
2 42-6 entitled "Departments of State Government" are hereby amended to read as follows:

3 **42-6-1. Enumeration of departments.**

4 All the administrative powers and duties heretofore vested by law in the several state
5 departments, boards, divisions, bureaus, commissions, and other agencies shall be vested in the
6 following departments and other agencies that are specified in this title:

- 7 (a) Executive department (chapter 7 of this title);
8 (b) Department of state (chapter 8 of this title);
9 (c) Department of the attorney general (chapter 9 of this title);
10 (d) Treasury department (chapter 10 of this title);
11 (e) Department of administration (chapter 11 of this title);
12 (f) Department of business regulation (chapter 14 of this title);
13 (g) Department of children, youth and families (chapter 72 of this title);
14 (h) Department of corrections (chapter 56 of this title);
15 (i) [Deleted by P.L. 2019, ch. 88, art. 4, § 12];
16 (j) Department of elementary and secondary education (chapter 60 of title 16);
17 (k) Department of environmental management (chapter 17.1 of this title);
18 (l) Department of health (chapter 18 of this title);

- 1 (m) Board of governors for higher education (chapter 59 of title 16);
2 (n) Department of labor and training (chapter 16.1 of this title);
3 (o) Department of behavioral healthcare, developmental disabilities and hospitals (chapter
4 12.1 of this title);
5 (p) Department of human services (chapter 12 of this title);
6 (q) Department of transportation (chapter 13 of this title);
7 (r) Public utilities commission (chapter 14.3 of this title);
8 (s) Department of revenue (chapter 142 of this title);
9 (t) Department of public safety (chapter 7.3 of this title);
10 [\(u\) Executive office of commerce \(chapter 64.19 of this title\); and](#)
11 [\(v\) Executive office of health and human services \(chapter 7.2 of this title\).](#)

12 **42-6-2. ~~Heads of departments.~~ Heads of departments, executive offices, and**
13 **commissioners of education.**

14 The governor, secretary of state, attorney general, and general treasurer, hereinafter called
15 general officers, shall each be in charge of a department. There shall also be a director of
16 administration, a director of revenue, a director of public safety, a director of human services, a
17 director of behavioral healthcare, developmental disabilities and hospitals, a director of
18 transportation, a director of business regulation, a director of labor and training, a director of
19 environmental management, a director for children, youth and families, ~~and~~ a director of
20 corrections, [a secretary of the executive office of health and human services, a secretary of](#)
21 [commerce of the executive office of commerce, and the commissioners of elementary and](#)
22 [secondary education and postsecondary education.](#) Each director, ~~secretary, and commissioner~~
23 shall hold office at the pleasure of the governor and he or she shall serve until his or her successor
24 is duly appointed and qualified unless the director, ~~secretary, or commissioner~~ is removed from
25 office by special order of the governor.

26 **42-6-3. ~~Appointment of directors.~~ Appointment of directors, secretaries of executive**
27 **offices, and commissioners of education.**

28 (a) At the January session following his or her election to office, the governor shall appoint
29 a director of administration, a director of revenue, a director of public safety, a director of human
30 services, a director of behavioral healthcare, developmental disabilities and hospitals, a director of
31 transportation, a director of business regulation, a director of labor and training, a director of
32 environmental management, a director for children, youth and families, ~~and~~ a director of
33 corrections, [a secretary of the executive office of health and human services, a secretary of](#)
34 [commerce, and the commissioners of elementary and secondary education and postsecondary](#)

1 [education](#). The governor shall, in all cases of appointment of a director, [secretary, or commissioner](#),
2 while the senate is in session, notify the senate of his or her appointment and the senate shall, within
3 sixty (60) legislative days after receipt of the notice, act upon the appointment. If the senate shall,
4 within sixty (60) legislative days, vote to disapprove the appointment, it shall so notify the
5 governor, who shall forthwith appoint and notify the senate of the appointment of a different person
6 as director, [secretary, or commissioner](#) and so on in like manner until the senate shall fail to so vote
7 disapproval of the governor's appointment. If the senate shall fail, for sixty (60) legislative days
8 next after notice, to act upon any appointment of which it has been notified by the governor, the
9 person so appointed shall be the director, [secretary, or commissioner](#). The governor may withdraw
10 any appointment of which he or she has given notice to the senate, at any time within sixty (60)
11 legislative days thereafter and before action has been taken thereon by the senate.

12 (b) Except as expressly provided in § 42-6-9, no director, [secretary, or commissioner](#) of
13 any department [or office](#) shall be appointed or employed pursuant to any contract of employment
14 for a period of time greater than the remainder of the governor's current term of office. Any contract
15 entered into in violation of this section after July 1, 1994, is hereby declared null and void.

16 **42-6-4. Filling of vacancies.**

17 (a) In case of a vacancy in any of the offices listed in § 42-6-3 while the senate is in session,
18 the governor shall appoint a director, [secretary, or commissioner](#) to hold the office until his or her
19 successor is appointed and qualified [in the same manner as provided in § 42-6-3](#); provided,
20 however, that no person so appointed [to hold the office until his or her successor is appointed and](#)
21 [qualified](#) shall serve in such position for more than ten (10) days unless that person's name shall
22 have been submitted to the senate for its approval.

23 (b) In case of a vacancy while the senate is not in session, the governor shall appoint a
24 director, [secretary, or commissioner](#) to hold the office until the next session thereof; provided,
25 however, that no person should serve in such position for more than three (3) legislative days after
26 the senate convenes unless that person's name shall have been submitted to the senate for its
27 approval.

28 (c) In no case shall the governor appoint or designate any person to serve as "interim" or
29 "acting" director, [secretary, or commissioner](#) of any department [or office](#) in circumvention of this
30 section.

31 SECTION 2. Section 16-97-1.2 of the General Laws in Chapter 16-97 entitled "The Rhode
32 Island Board of Education Act" is hereby amended to read as follows:

33 **16-97-1.2. Powers and duties of the board of education.**

34 The board of education shall have the following powers and duties:

1 (a) To develop and adopt a strategic plan defining broad goals and objectives for education
2 in the state. These goals and objectives shall be expressed in terms of the future educational
3 attainment of the population, quality of life and economy of Rhode Island, including but not limited
4 to what children, men and women should know and be able to do as a result of their educational
5 experience and the contributions of education to meeting the workforce and economic development
6 needs of Rhode Island. The board shall approve the strategic plans for elementary and secondary
7 education and postsecondary education in terms of the alignment of these strategic plans with the
8 overall strategic plan of the board of education. The board shall continuously evaluate the efforts
9 of the council on elementary and secondary education and the council on postsecondary education
10 to implement the strategic plans and shall review the results of education in the light of these
11 objectives;

12 (b) To prepare and maintain a five (5) year strategic funding plan for all levels of education
13 in Rhode Island. The board shall determine priorities of expenditures for public education purposes
14 of state revenues and other public resources made available for the support of public education and
15 direct the council on elementary and secondary education and the council on postsecondary
16 education to implement those priorities when developing the annual budget for elementary and
17 secondary education and higher education. The councils shall present their annual budgets to the
18 board for its review and approval. Nothing contained in this subdivision shall authorize the board
19 to alter the allocation of grants or aid otherwise provided by law;

20 (c) To develop and submit to the general assembly for approval a performance funding
21 formula for public higher education that furthers the purposes of the board and ensures that all
22 students may achieve educational excellence;

23 (d) To develop policies that maximize the potential of collaboration from elementary and
24 secondary education through higher education systems and that improve efficiencies at all levels
25 of the education system through improved coordination of activities;

26 (e) To embrace the legislative findings regarding virtual education established by § 16-
27 22.1-2 of the general laws and adopt goals and policies that address these findings and to encourage
28 the council on elementary and secondary education and the council for postsecondary education to
29 develop and or improve virtual learning experiences for Rhode Island students;

30 (f) ~~To approve the appointment of a commissioner of elementary and secondary education.~~

31 (g) ~~To approve the appointment of a commissioner of postsecondary education.~~

32 (h) To conduct a training course for newly appointed and qualified board members within
33 six (6) months of their qualification. The course shall be developed by the chairperson of the board,
34 approved by the board, and conducted by the chairperson of the board. The board may approve the

1 use of any board or staff members or other individuals to assist with training. The training course
2 shall include instruction in the following areas: the provisions of chapters 42-46, 36-14, and 38-2;
3 and the board's own rules.

4 SECTION 3. This act shall take effect on January 1, 2023.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENTS OF STATE
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1 This act would require that the secretary of the executive office of health and human
2 services (EOHHS), the secretary of commerce of the commerce corporation and the commissioners
3 of elementary and secondary education and postsecondary education be appointed subject to the
4 approval of the senate. Senate approval would also be required for most temporary appointments
5 to these positions.

6 This act would take effect on January 1, 2023.

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