

2023 -- H 5785

LC001715

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF
ADMINISTRATION

Introduced By: Representatives Giraldo, Alzate, Henriess, Sanchez, Cruz, Potter, and
Stewart

Date Introduced: February 22, 2023

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,

1 equipment, and materials;

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

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

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

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

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

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

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

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

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

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

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

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

31 (20) To devise, formulate, promulgate, supervise, and control a comprehensive and
32 coordinated statewide information system designed to improve the database used in the
33 management of public resources, to consult and advise with other state departments and agencies
34 and municipalities to assure appropriate and full participation in this system, and to encourage the

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

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

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

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

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

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

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

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

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

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

24 (i) Name of lessor;

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

26 (iii) Cost of the lease;

27 (iv) Amount paid to date;

28 (v) Date initiated;

29 (vi) Date covered by the lease.

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

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

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

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

- 1 (iv) Ratio and listing of buildings owned by the state versus leased;
- 2 (v) Total occupancy costs which shall include capital expenses, provided a proxy should
3 be provided to compare properties that are owned versus leased by showing capital expenses on
4 owned properties as a per square foot cost at industry depreciation rates;
- 5 (vi) Expiration dates of leases;
- 6 (vii) Number of workstations per building or leased space;
- 7 (viii) Total square feet divided by number of workstations;
- 8 (ix) Total number of vacant workstations;
- 9 (x) Percentage of vacant workstations versus total workstations available;
- 10 (xi) Date when an action is required by the state to renew or terminate a lease;
- 11 (xii) Strategic plan for leases commencing or expiring by June 30, 2016;
- 12 (xiii) Map of all state buildings which provides: cost per square foot to maintain, total
13 number of square feet, total operating cost, date each lease expires, number of persons per building
14 and total number of vacant seats per building; and
- 15 (xiv) Industry benchmark report which shall include total operating cost by full-time
16 equivalent employee, total operating cost by square foot and total square feet divided by full-time
17 equivalent employee;
- 18 (28) To prepare a report to the chairs of the house and senate finance committees by
19 December 15, 2021, and each year thereafter of all current property owned by the state or leased
20 by any state agency or quasi-state agency to include the following information:
- 21 (i) Total square feet for each building or leased space;
- 22 (ii) Total square feet for each building and space utilized as office space currently;
- 23 (iii) Location of each building or leased space;
- 24 (iv) Ratio and listing of buildings owned by the state versus leased;
- 25 (v) Total occupancy costs which shall include capital expenses, provided a proxy should
26 be provided to compare properties that are owned versus leased by showing capital expenses on
27 owned properties as a per square foot cost at industry depreciation rates;
- 28 (vi) Expiration dates of leases;
- 29 (vii) Number of workstations per building or leased space;
- 30 (viii) Total square feet divided by number of workstations;
- 31 (ix) Total number of vacant workstations;
- 32 (x) Percentage of vacant workstations versus total workstations available;
- 33 (xi) Date when an action is required by the state to renew or terminate a lease;
- 34 (xii) Strategic plan for leases commencing or expiring by June 30, 2022, and each

1 subsequent year thereafter;

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

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

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

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

17 (31) To administer a health benefit exchange in accordance with chapter 157 of this title ;
18 and

19 (32) No state agency shall enter into any contracts with the U.S. Immigration and Customs
20 Enforcement (ICE) for the purposes of housing and detaining people.

21 SECTION 2. Section 42-56-10 of the General Laws in Chapter 42-56 entitled "Corrections
22 Department" is hereby amended to read as follows:

23 **42-56-10. Powers of the director.**

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

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

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

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

- 1 (4) Supervise and/or approve the administration by the assistant directors of the
2 department;
- 3 (5) Manage, direct, and supervise the operations of the department;
- 4 (6) Direct employees in the performance of their official duties;
- 5 (7) Hire, promote, transfer, assign, and retain employees and suspend, demote, discharge,
6 or take other necessary disciplinary action;
- 7 (8) Maintain the efficiency of the operations of the department;
- 8 (9) Determine the methods, means, and personnel by which those operations of the
9 department are to be conducted;
- 10 (10) Relieve employees from duties because of lack of work or for other legitimate reasons;
- 11 (11) Establish, maintain, and administer programs, including, but not limited to, education,
12 training, and employment, of persons committed to the custody of the department, designed as far
13 as practicable to prepare and assist each person to assume the responsibilities and exercise the rights
14 of a citizen of this state;
- 15 (12) Establish a system of classification of persons committed to the custody of the
16 department for the purpose of developing programs for each person in order to effectively develop
17 an individualized program for each sentenced inmate that will address each offender's individual
18 treatment and rehabilitative needs, the department of corrections is authorized to receive, with the
19 express consent of the inmate, and upon request to the department of children, youth and families,
20 the offender's juvenile arrest and/or adjudication records. Information related to the juvenile's
21 family members and other third parties, excluding law enforcement personnel, shall be redacted
22 from the records provided prior to their release to the department. The records will be disclosed to
23 only those department personnel directly responsible for, and only for the purpose of, developing
24 the individualized program for the offender;
- 25 (13) Determine at the time of commitment, and from time to time thereafter, the custody
26 requirements and program needs of each person committed to the custody of the department and
27 assign or transfer those persons to appropriate facilities and programs;
- 28 (14) Establish training programs for employees of the department, including the use of an
29 application system for the department's correctional officer training academy that leverages other
30 law enforcement entity recruiting and the establishment of any fee associated with such system,
31 provided that a state application process compliant with § 28-6.3-1 also be provided;
- 32 (15) Investigate grievances and inquire into alleged misconduct within the department;
- 33 (16) Maintain adequate records of persons committed to the custody of the department;
- 34 (17) Establish and maintain programs of research, statistics, and planning, and conduct

1 studies relating to correctional programs and responsibilities of the department;

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

5 (19) Make and enter into any contracts and agreements necessary or incidental to the
6 performance of the duties and execution of the powers of the department, including, but not limited
7 to, contracts to render services to committed offenders, and to provide for training or education for
8 correctional officers and staff, except that no contracts shall be entered into with a private, for-
9 profit prison facility, or with the U.S. Immigration and Customs Enforcement (ICE) for the
10 purposes of housing and detaining people;

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

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

16 (22) Make and promulgate necessary rules and regulations incident to the exercise of his
17 or her powers and the performance of his or her duties, including, but not limited to, rules and
18 regulations regarding nutrition, sanitation, safety, discipline, recreation, religious services,
19 communication, and visiting privileges, classification, education, training, employment, care, and
20 custody for all persons committed to correctional facilities;

21 (23) Make and promulgate regulations to provide:

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

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

33 (c) The written notice to licensed nursing facilities, assisted living residences, or housing
34 for the elderly shall include charge information and disposition about the offense for which the

1 resident or client has been paroled, contact information for the resident's or client's parole
2 supervisor, a copy of the risk assessment and recommendations, if any, regarding safety and
3 security measures. A copy of the written notice shall be provided to the parolee; and

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

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

11 SECTION 3. Section 45-2-4 of the General Laws in Chapter 45-2 entitled "General
12 Powers" is hereby amended to read as follows:

13 **45-2-4. Power to own property and make contracts.**

14 Cities and towns may take, purchase, and hold real and personal property, and alienate and
15 convey the property; and may also take, hold, and manage the property in trust for any charitable,
16 other than religious, uses, and may make all contracts, including lease or lease-purchase agreements
17 of real and personal property, necessary and convenient for the transaction of the business of the
18 city or town except that no contracts shall be entered into with the U.S. Immigration and Customs
19 Enforcement (ICE) for the purposes of housing and detaining people.

20 SECTION 4. Section 45-54-6 of the General Laws in Chapter 45-54 entitled "Municipal
21 Detention Facility Corporations" is hereby amended to read as follows:

22 **45-54-6. Powers.**

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

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

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

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

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

33 (5) To purchase, hold, and use any property, real, personal, or mixed, tangible or intangible,
34 or any interest in it, necessary or desirable for carrying out the purposes for the corporation, and to

1 mortgage, lease, or sell any of that property;

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

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

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

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

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

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

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

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

27 (14) To make and enter into all contracts, leases, and other agreements necessary or
28 incidental to the performance of its duties and the execution of its powers under this chapter;
29 provided, that those contracts, leases, and other agreements with the federal government or other
30 federal agency are governed by federal procurement procedures, and other contracts, leases, or
31 other agreements are governed by the procurement requirements of the municipality, if any; and,
32 provided further, that no contract shall be entered into with a private, for-profit prison facility or
33 with the U.S. Immigration and Customs Enforcement (ICE) for the purposes of housing and
34 detaining people;

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

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

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

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

19 (19) To do all other acts and to do any and all things necessary or convenient to carry out
20 its purposes and exercise the powers given and granted in this chapter;

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

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

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

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

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

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

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

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

12 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF
ADMINISTRATION

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

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