

2012 -- S 3039

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LC02786
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF LABOR
AND TRAINING

Introduced By: Senator Donna M. Nesselbush

Date Introduced: June 05, 2012

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-16.1-2 of the General Laws in Chapter 42-16.1 entitled
2 "Department of Labor and Training" is hereby amended to read as follows:

3 **42-16.1-2. Functions of director.** -- The director of labor and training shall:

4 (1) Have all the powers and duties formerly vested by law in the director of labor with
5 regard to factory inspectors and steam boiler inspectors, and such other duties as may be by law
6 conferred upon the department;

7 (2) Administer the labor laws of this state concerning women and children and be
8 responsible for satisfactory working conditions of women and children employed in industry in
9 this state by a division in the department which shall be known as the division of labor standards;

10 (3) Administer the act relating to state wage payment and wage collection;

11 (4) Have all of the powers and duties formerly vested in the director of the department of
12 labor and administer those responsibilities set forth in chapters 29 -- 38, inclusive, of title 28;

13 (5) Have all the powers and duties formerly vested by law in the director of employment
14 and training and administer those responsibilities set forth in chapters 39 -- 44, inclusive, of title
15 28 and chapter 102 of title 42.

16 (6) Provide to the department of administration any information, records or documents
17 they certify as necessary to investigate suspected misclassification of employee status, wage and
18 hour violations, or prevailing wage violations subject to their jurisdiction, even if deemed

1 confidential under applicable law, provided that the confidentiality of such materials shall be
2 maintained, to the extent required of the releasing department by any federal or state law or
3 regulation, by all state departments to which the materials are released and no such information
4 shall be publicly disclosed, except to the extent necessary for the requesting department or agency
5 to adjudicate a violation of applicable law. The certification must include a representation that
6 there is probable cause to believe that a violation has occurred. State departments sharing this
7 information or materials may enter into written agreements via memorandums of understanding
8 to ensure the safeguarding of such released information or materials.

9 SECTION 2. Section 44-1-2 of the General Laws in Chapter 44-1 entitled "State Tax
10 Officials" is hereby amended to read as follows:

11 **44-1-2. Powers and duties of tax administrator.** -- The tax administrator is required:

12 (1) To assess and collect all taxes previously assessed by the division of state taxation in
13 the department of revenue and regulation, including the franchise tax on domestic corporations,
14 corporate excess tax, tax upon gross earnings of public service corporations, tax upon interest
15 bearing deposits in national banks, the inheritance tax, tax on gasoline and motor fuels, and tax on
16 the manufacture of alcoholic beverages;

17 (2) To assess and collect the taxes upon banks and insurance companies previously
18 administered by the division of banking and insurance in the department of revenue and
19 regulation, including the tax on foreign and domestic insurance companies, tax on foreign
20 building and loan associations, deposit tax on savings banks, and deposit tax on trust companies;

21 (3) To assess and collect the tax on pari-mutuel or auction mutuel betting, previously
22 administered by the division of horse racing in the department of revenue and regulation.

23 (4) [Deleted by P.L. 2006, ch. 246, art. 38, section 10_.

24 (5) To assess and collect the monthly surcharges that are collected by telecommunication
25 services providers pursuant to section 39-21.1-14 and are remitted to the division of taxation.

26 (6) To audit, assess and collect all unclaimed intangible and tangible property pursuant
27 to chapter 21.1 of title 33.

28 (7) To provide to the department of labor and training any state tax information, state
29 records or state documents they or the requesting agency certify as necessary to assist the agency
30 in efforts to investigate suspected misclassification of employee status, wage and hour violations,
31 or prevailing wage violations subject to the agency's jurisdiction, even if deemed confidential
32 under applicable law, provided that the confidentiality of such materials shall be maintained, to
33 the extent required of the releasing department by any federal or state law or regulation, by all
34 state departments to which the materials are released and no such information shall be publicly

1 disclosed, except to the extent necessary for the requesting department or agency to adjudicate a
2 violation of applicable law. The certification must include a representation that there is probable
3 cause to believe that a violation has occurred. State departments sharing this information or
4 materials may enter into written agreements via memorandums of understanding to ensure the
5 safeguarding of such released information or materials.

6 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF LABOR
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- 1 This act would require the disclosure by state agencies of labor-related information
- 2 necessary to investigate certain violations pursuant to this chapter.
- 3 This act would take effect upon passage.

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