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ARTICLE 15 AS AMENDED

RELATING TO GOVERNMENT ORGANIZATION

SECTION 1. Section 8-8-1 of the General Laws in Chapter 8-8 entitled "District Court" is hereby amended to read as follows:

8-8-1. District Court established -- Chief and associate justices. -- There is established a district court for the state of Rhode Island which shall consist of a chief judge and ~~twelve (12)~~ thirteen (13) associate judges. The district court shall be a court of record and shall have a seal with such words and devices as it shall adopt.

SECTION 2. Chapter 8-8 of the General Laws entitled "District Court" is hereby amended by adding thereto the following section:

8-8-1.1. Veterans' treatment calendar. – (a) Findings and declarations. The general assembly finds and declares as follows:

(1) Veterans and active military, Reserve and National Guard service members have provided or are currently providing an invaluable service to our country. In doing so, many return and suffer from mental health injuries, including, but not limited to, post-traumatic stress disorder, depression, anxiety, acute stress and other injuries that may affect brain function and may also suffer drug and alcohol dependency or co-occurring mental illness and substance abuse problems.

(2) The call back to active duty status rate of Rhode Island's National Guard is the second highest in the entire United States with over ten thousand (10,000) unit deployments.

(3) The number of veterans living in Rhode Island who have served in the Gulf Wars is three (3) times higher than the national per capita average and is expected to grow as troops continue to withdraw from Afghanistan.

(4) While the vast majority of returning military do not have contact with the justice system and are well adjusted, contributing members of society, there exists a growing number of defendants appearing in the district court who have served in the United States armed forces and are involved in the criminal justice system as a result of the above referenced diagnoses.

(5) As a grateful state, we must continue to honor the service of these participants by providing them an alternative to incarceration when feasible, permitting them instead to obtain proper treatment for mental health and substance abuse problems that have resulted from military

1 service through a jail diversion program/treatment program that recognizes their special set of
2 circumstances while at the same time providing accountability for their wrong-doing and
3 providing for the safety of the public.

4 (b) Declaration of policy. It is hereby declared to be the policy of the state of Rhode
5 Island to successfully rehabilitate participants by providing the tools and skills necessary to
6 address their unique challenges and to develop the insight to reintegrate successfully into society
7 and maintain a productive and law abiding lifestyle within the community.

8 (c) Establishment. To accomplish this purpose in an effort to direct defendants who have
9 served in the United States armed forces into a court program which integrates support and
10 treatment plans with the judicial process that will result in potential jail diversion, possible
11 reduction of charges or alternatives in sentencing, there shall be established a separate calendar
12 within the jurisdiction of the district court for hearing, trial and disposition of certain offenses.

13 (d) Veterans' treatment calendar. The chief judge of the district court shall create a
14 veterans' treatment calendar in the district court and shall assign personnel to the extent warranted
15 to exclusively hear and decide all criminal actions involving offenses committed by defendants
16 accepted into the program, and the calendar shall be referred to as the "veterans' treatment court".

17 (e) Use of section. Under no circumstances shall the defendant(s) be permitted to use this
18 section as a basis for a dismissal of an action, as this section is enacted for the benefit and
19 convenience of the district court.

20 SECTION 3. Sections 36-4-2 and 36-4-16.4 of the General Laws in Chapter 36-4 entitled
21 "Merit System" are hereby amended to read as follows:

22 **36-4-2. Positions in unclassified service.** -- (a) The classified service shall comprise all
23 positions in the state service now existing or hereinafter established, except the following specific
24 positions which with other positions heretofore or hereinafter specifically exempted by legislative
25 act shall constitute the unclassified service:

26 (1) Officers and legislators elected by popular vote and persons appointed to fill
27 vacancies in elective offices.

28 (2) Employees of both houses of the general assembly.

29 (3) Officers, secretaries, and employees of the office of the governor, office of the
30 lieutenant governor, department of state, department of the attorney general, and the treasury
31 department.

32 (4) Members of boards and commissions appointed by the governor, members of the
33 state board of elections and the appointees of the board, members of the commission for human
34 rights and the employees of the commission, and directors of departments.

1 (5) The following specific offices:

2 (i) In the department of administration: director, chief information officer; director of
3 office of management and budget, ~~and~~ director of performance management, deputy director,
4 chief of staff, public information officer and legislative/policy director; and within the health
5 benefits exchange: director, deputy director, administrative assistant, senior policy analyst, and
6 chief strategic planning monitoring and evaluation;

7 (ii) In the department of business regulation: director;

8 (iii) In the department of elementary and secondary education: commissioner of
9 elementary and secondary education;

10 (iv) In the department of higher education: commissioner of ~~higher~~ postsecondary
11 education;

12 (v) In the department of health: director, executive director, and deputy director;

13 (vi) In the department of labor and training: director, administrative assistant,
14 administrator of the labor board and legal counsel to the labor board, executive director and
15 communications director;

16 (vii) In the department of environmental management: director;

17 (viii) In the department of transportation: director, chief operating officer,
18 administrator/division of project management, administrator/division of planning, chief of staff,
19 communications director, legislative director and policy director;

20 (ix) In the department of human services: director and director of veterans' affairs;

21 (x) In the state properties committee: secretary;

22 (xi) In the workers' compensation court: judges, administrator, deputy administrator,
23 clerk, assistant clerk, clerk secretary;

24 (xii) In the division of elderly affairs: director;

25 (xiii) In the department of behavioral healthcare, developmental disabilities and
26 hospitals: director;

27 (xiv) In the department of corrections: director, assistant director
28 (institutions/operations), assistant director (rehabilitative services), assistant director
29 (administration), and wardens;

30 (xv) In the department of children, youth and families: director, one assistant director,
31 one associate director, ~~and~~ one executive director, and a chief of staff;

32 (xvi) In the public utilities commission: public utilities administrator;

33 (xvii) In the water resources board: general manager;

34 (xviii) In the human resources investment council: executive director.

1 (xix) In the office of health and human services: secretary of health and human services.

2 (xx) In the office of commerce: secretary, deputy secretary, chief of staff,
3 communications director, legislative director, and policy director.

4 (6) Chief of the hoisting engineers, licensing division, and his or her employees;
5 executive director of the veterans memorial building and his or her clerical employees.

6 (7) One confidential stenographic secretary for each director of a department and each
7 board and commission appointed by the governor.

8 (8) Special counsel, special prosecutors, regular and special assistants appointed by the
9 attorney general, the public defender and employees of his or her office, and members of the
10 Rhode Island bar occupying a position in the state service as legal counsel to any appointing
11 authority.

12 (9) The academic and/or commercial teaching staffs of all state institution schools, with
13 the exception of those institutions under the jurisdiction of the board of regents for elementary
14 and secondary education and the board of governors for higher education.

15 (10) Members of the military or naval forces, when entering or while engaged in the
16 military or naval service.

17 (11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the
18 supreme, superior, family, and district courts, the traffic tribunal, security officers of the traffic
19 tribunal, jurors and any persons appointed by any court.

20 (12) Election officials and employees.

21 (13) Deputy sheriffs and other employees of the sheriffs division within the department
22 of public safety.

23 (14) Patient or inmate help in state charitable, penal, and correctional institutions and
24 religious instructors of these institutions and student nurses in training, residents in psychiatry in
25 training, and clinical clerks in temporary training at the institute of mental health within the state
26 of Rhode Island medical center.

27 (15) (i) Persons employed to make or conduct a temporary and special inquiry,
28 investigation, project or examination on behalf of the legislature or a committee therefor, or on
29 behalf of any other agency of the state if the inclusion of these persons in the unclassified service
30 is approved by the personnel administrator. The personnel administrator shall notify the house
31 fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person
32 in the unclassified service.

33 (ii) The duration of the appointment of a person, other than the persons enumerated in
34 this section, shall not exceed ninety (90) days or until presented to the department of

1 administration. The department of administration may extend the appointment another ninety (90)
2 days. In no event shall the appointment extend beyond one hundred eighty (180) days.

3 (16) Members of the division of state police within the department of public safety.

4 (17) Executive secretary of the Blackstone Valley district commission.

5 (18) Artist and curator of state owned art objects.

6 (19) Mental health advocate.

7 (20) Child advocate.

8 (21) The position of aquaculture coordinator and marine infrastructure specialist within
9 the coastal resources management council.

10 (22) Employees of the office of the health insurance commissioner.

11 (23) In the department of revenue: the director, secretary, attorney.

12 (24) In the department of public safety: the director.

13 (b) Provided however that, if any position added to the unclassified service by legislative
14 act after January 1, 2015, is occupied by a classified employee on June 30, 2015, such position
15 shall remain in the classified service until such position becomes vacant.

16 **36-4-16.4. Salaries of directors.** -- (a) In the month of March of each year, the
17 department of administration shall conduct a public hearing to determine salaries to be paid to
18 directors of all state executive departments for the following year, at which hearing all persons
19 shall have the opportunity to provide testimony, orally and in writing. In determining these
20 salaries, the department of administration will take into consideration the duties and
21 responsibilities of the aforementioned officers, as well as such related factors as salaries paid
22 executive positions in other states and levels of government, and in comparable positions
23 anywhere which require similar skills, experience, or training. Consideration shall also be given
24 to the amounts of salary adjustments made for other state employees during the period that pay
25 for directors was set last.

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

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

32 (d) Upon determination by the department of administration, the proposed salaries of
33 directors will be referred to the general assembly by the last day in April of that year to go into
34 effect thirty (30) days hence, unless rejected by formal action of the house and the senate acting

1 concurrently within that time.

2 (e) Notwithstanding the provisions of this section, for 2015 only, the time period for the
3 Department of Administration to conduct the public hearing shall be extended to July and the
4 proposed salaries shall be referred to the general assembly by August 30. The salaries may take
5 effect before next year, but all other provisions of this section shall apply.

6 SECTION 4. Section 37-5-5 of the General Laws in Chapter 37-5 entitled "Department
7 of Transportation" is hereby repealed.

8 ~~**37-5-5. Highway engineer as deputy director.** -- The director of transportation shall~~
9 ~~appoint a deputy director who shall be a highway engineer.~~

10 SECTION 5. Section 42-13-2 of the General Laws in Chapter 42-13 entitled "Department
11 of Transportation" is hereby amended to read as follows:

12 **42-13-2. Organization and functions of the department.** -- ~~(a) The department shall be~~
13 ~~organized into such divisions as are described in this section and such other divisions,~~
14 ~~subdivisions, and agencies as the director shall find are necessary to carry out the responsibilities~~
15 ~~of the department.~~

16 ~~(1) Division of administration.~~ -- ~~This division shall be headed by an assistant director for~~
17 ~~administration. The division shall provide assistance to the director in managing and controlling~~
18 ~~the work of the department, shall collect bridge tolls and administer any financial support made~~
19 ~~available to support railroad passenger or freight service. The division of administration shall~~
20 ~~include:~~

21 ~~(i) A business management office which shall provide central personnel, financial~~
22 ~~programming, payroll, and other management services to all divisions and agencies of the~~
23 ~~department.~~

24 ~~(ii) A legal counsel who shall prepare or review any legislation pertaining to the~~
25 ~~department, assist in preparing contracts, handle claims against the department, and provide other~~
26 ~~legal services as required.~~

27 ~~(iii) A public information office which shall inform the public of the programs and~~
28 ~~projects of the department, answer inquiries by the public, prepare and release progress reports~~
29 ~~and other publications, and provide photographic services.~~

30 ~~(iv) An audits office which shall continuously audit all of the activities of the department~~
31 ~~and insure compliance with state and federal laws and administrative regulations.~~

32 ~~(v) A property management office which shall acquire all real property for the~~
33 ~~department, make appraisals of property, manage real property under the department's~~
34 ~~jurisdiction, and operate a family and business relocation program. The property management~~

1 ~~office shall manage those state piers and related facilities which are used for port or waterways~~
2 ~~transportation purposes.~~

3 ~~(2) Planning division.— This division shall be headed by a chief of transportation~~
4 ~~planning. The division shall assist the division of planning in the department of administration to~~
5 ~~prepare transportation elements of the long range state guide plan. The division will prepare~~
6 ~~functional and area plans, project plans, improvement programs, and implementation programs~~
7 ~~which are consistent with the long range state guide plan. The division will undertake corridor,~~
8 ~~route location, feasibility, facility needs, and other studies as required to support the work of the~~
9 ~~department. The division shall collect and analyze statistical and other data on all types of~~
10 ~~transportation needs and facilities.~~

11 ~~(3) Public works division.— This division shall be headed by a chief engineer. The~~
12 ~~division shall be responsible for the design and engineering of roads, bridges, transit facilities,~~
13 ~~airport facilities, port and waterways facilities, and all other transportation facilities. The division~~
14 ~~shall prepare contracts and specifications for all construction projects undertaken by the~~
15 ~~department. The division shall supervise the execution of all construction projects. The division~~
16 ~~shall perform traffic engineering functions, make surveys and soil studies, test materials, and~~
17 ~~perform other functions necessary to support the department's design and construction activities.~~

18 ~~(4) Maintenance division.— This division shall be headed by a maintenance engineer.~~
19 ~~The division shall maintain all roads, bridges, airports, piers, port terminal facilities, and other~~
20 ~~transportation facilities and landscaped areas which are under the jurisdiction of the department~~
21 ~~of transportation. The division shall install and maintain traffic control signs and signals.~~

22 ~~(5) Airports division.— This division shall be headed by an assistant director for airports.~~
23 ~~The division shall operate all state owned airports, heliports, and other facilities for air~~
24 ~~transportation, including passenger and cargo terminals, parking facilities and other supporting~~
25 ~~facilities, emergency services, and security services. The division shall regulate aeronautical~~
26 ~~matters and shall supervise the location, maintenance, operation, and use of privately owned civil~~
27 ~~airports, landing areas, navigation facilities, air schools, and flying clubs.~~

28 ~~(b) The director may assign such other responsibilities to the divisions and agencies as~~
29 ~~he or she shall find appropriate and may reassign functions to divisions and agencies other than as~~
30 ~~set out in this section if he or she shall find this reassignment necessary to the proper and efficient~~
31 ~~functioning of the department or of the state's transportation system. (a) The department shall be~~
32 ~~organized in accordance with a project management-based program and shall utilize an asset~~
33 ~~management system.~~

34 (1) A project management-based program, manages the delivery of the department's

1 portfolio of transportation improvement projects from project conception to the project
2 completion. Project management activities include:

3 (i) Managing and reporting on the delivery status of portfolio projects;

4 (ii) Developing overall workload and budget for the portfolio;

5 (iii) Developing and implementing the tools to estimate the resources necessary to deliver
6 the projects; and

7 (iv) Developing and implementing processes and tools to improve the management of the
8 projects.

9 (2) Asset management is the process used for managing transportation infrastructure by
10 improving decision making for resource allocation. Asset management activities include a
11 systemic process based on economic, engineering and business principles which includes the
12 following functions:

13 (i) Completing a comprehensive inventory of system assets;

14 (ii) Monitoring system performance; and

15 (iii) Performing analysis utilizing accurate data for managing various assets within the
16 transportation network.

17 (b) The director of transportation shall appoint a chief operating officer to oversee the
18 day-to-day operations of the department.

19 (c) The department shall be organized into such divisions as are described in this section
20 and such other divisions, subdivision, and agencies as the director shall find are necessary to
21 carry out the responsibilities of the department, including: office of audit; division of finance;
22 division of planning; division of project management; division of operations and maintenance;
23 office of civil rights; office of safety; office of external affairs; office of legal; office of personnel;
24 office of information services.

25 (d) The director may assign such other responsibilities as he or she shall find appropriate
26 and may reassign functions other than as set out in this section if he or she finds the reassignment
27 necessary to the proper and efficient functioning of the department or of the state's transportation
28 system.

29 (e) The department shall submit a report annually no later than March 31 to the speaker
30 of the house, the president of the senate, and the house and senate fiscal advisors concerning the
31 status of the ten (10) year transportation plan.

32 SECTION 6. Section 42-75-12 of the General Laws in Chapter 42-75 entitled "Council
33 on the Arts" is hereby amended to read as follows:

34 **42-75-12. Rhode Island film and television office.** -- Within the ~~department of~~

1 ~~administration~~ Rhode Island Council on the Arts there is established a separate, distinct office
2 entitled the "Rhode Island film and television office." This office is established in order to
3 promote and encourage film and television productions within the state of Rhode Island. This
4 office is also responsible for the review of applications of motion picture productions pursuant to
5 the requirements of chapter 31.2 of title 44.

6 SECTION 7. This article shall take effect upon passage.

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