

2016 -- S 2028

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ADMINISTRATIVE
PROCEDURES ACT

Introduced By: Senators DiPalma, DaPonte, Coyne, Felag, and Gee

Date Introduced: January 13, 2016

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-35-9.1 of the General Laws in Chapter 42-35 entitled
2 "Administrative Procedures" is hereby amended to read as follows:

3 **42-35-9.1. Administrative hearing assessment and study.** -- (a) In order to assess,
4 standardize and create efficiency and fairness in the administrative hearing process in state
5 agencies, the department of administration, with the assistance from the state office of
6 management and budget and the personnel administrator, shall conduct an assessment and study
7 of the administrative hearing practices across state government performed by individuals
8 employed by the state. The study shall not include administrative hearings conducted by boards,
9 committees, or commissions which are unpaid by the state for their time.

10 (b) All state agencies on or before September 30, 2013, shall each provide the following
11 information and records to the director of the department of administration:

12 (1) A complete list of the types of administrative hearings performed on behalf of the
13 agency including a description of the type of hearing, expertise that may be required and statutory
14 authority for conducting such a hearing;

15 (2) The number of hearings listed by each type of hearing as described in subdivision (1)
16 performed by each agency in each fiscal year for the past three (3) fiscal years ending June 30,
17 2013, along with the average time-frame for each type of matter to be adjudicated;

18 (3) The agency rules or regulations governing any such administrative hearings;

1 (4) A complete list of personnel by name, title, grade, division of agency, and total rate
2 of salary, who conduct agency administrative hearings including the type of hearing performed by
3 each individual, along with the percentage of the person's time spent on administrative hearing
4 duties as a full-time equivalent;

5 (5) A complete list of all agency positions with name, title, division, and total rate of
6 salary of each position, that include administrative hearing duties in either the job title or job
7 description;

8 (6) A complete list of vacancies that have administrative hearing duties in the job title
9 job description; and

10 (7) The total number, as a full-time equivalent, performing all administrative hearings
11 for the agency.

12 (c) On or before December 30, 2013, the department of administration, with assistance
13 from the state office of management and budget and the personnel administrator, shall provide to
14 the governor, speaker of the house of representatives, senate president, and chairpersons of the
15 house and senate finance committees a report regarding the assessment and study of
16 administrative hearing practices in the state agencies. The report shall include:

17 (1) An executive summary of administrative hearing practices across state government;

18 (2) A recommendation and/or a plan on how to standardize, consolidate and make more
19 efficient the administrative hearing process across state agencies;

20 (3) A recommendation regarding the potential need for certain hearing officers to be
21 qualified subject matter experts;

22 (4) Legislative or regulatory recommendations for a standardized administrative hearing
23 process across state agencies;

24 (5) Recommendations regarding the number of full-time equivalents needed to perform
25 administrative hearing duties;

26 (6) A copy of the information and records supplied by each of the agencies listed in
27 subsection (b); and

28 (7) Any other information deemed to be appropriate.

29 (d) Each agency shall fully cooperate with the department of administration regarding
30 the assessment and study and shall dedicate appropriate resources as needed to complete this
31 assessment. Additionally, the state office of management and budget and the personnel
32 administrator shall dedicate appropriate resources and assist the department of administration in
33 compiling and analyzing the information and completing the report for the general assembly.

34 [\(e\) On or before December 31, 2016, the office of management and budget shall develop](#)

1 [an implementation plan for a centralized hearing agency which will standardize the state's](#)
2 [administrative hearing process, reduce confusion, improve efficiency by dedicating qualified state](#)
3 [personnel to administrative hearing duties only, and increase trust and transparency in the state](#)
4 [hearing process. This implementation plan shall be provided to the speaker of the house, president](#)
5 [of the senate, and the chairs of both the house and senate finance committees on or before](#)
6 [December 31, 2016.](#)

7 SECTION 2. 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 -- ADMINISTRATIVE
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- 1 This act would direct the office of management and budget to develop a plan to
- 2 implement a centralized administrative hearing agency on or before December 31, 2016.
- 3 This act would take effect upon passage.

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