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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE -- EMERGENCY MANAGEMENT

Introduced By: Senators Ciccone, DiPalma, Satchell, Kettle, and DaPonte

Date Introduced: April 01, 2015

Referred To: Senate Special Legislation and Veterans Affairs

(EMA)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 30-15-5 and 30-15-6 of the General Laws in Chapter 30-15
2 entitled "Emergency Management" are hereby amended to read as follows:

3 **30-15-5. Emergency management preparedness agency created -- Personnel --**
4 **Facilities.** -- (a) There is hereby created within the executive department, the Rhode Island
5 emergency management agency (hereinafter in this chapter called the "agency"), to be headed by
6 ~~an executive~~ a director, who shall be appointed by and serve at the pleasure of, the governor, and
7 who shall be in the unclassified service.

8 (b) The ~~executive~~ director may employ such technical, clerical, stenographic, and other
9 personnel, all of whom shall be in the classified service, and may make such expenditures within
10 the appropriation therefor, or from other funds made available for the purposes of this chapter, as
11 may be necessary to carry out the purposes of this chapter, consistent with other applicable
12 provisions of law.

13 (c) The agency may provide itself with appropriate office space, furniture, equipment,
14 supplies, stationery, and printing.

15 (d) The ~~executive~~ director, subject to the direction and control of the governor, shall be
16 the ~~executive~~ head of the agency, and shall be responsible to the governor for carrying out the
17 program for disaster preparedness of this state. The ~~executive~~ director shall coordinate the
18 activities of all organizations for disasters within the state, and shall maintain liaison with and
19 cooperate with disaster agencies and organizations of other states and of the federal government.

1 The ~~executive~~ director shall have such additional authority, duties, and responsibilities authorized
2 by this chapter as may be prescribed by the governor.

3 (e) Wherever in the general or public laws, or any rule or regulation, any reference to the
4 "executive director" shall appear, it shall be deemed to mean and shall mean "the director."

5 **30-15-6. Advisory council.** -- (a) There is hereby created the Rhode Island emergency
6 management advisory council (hereinafter in this chapter called the "council"). The council will
7 consist of forty (40) members as follows:

8 (1) Twenty-two (22) ex officio members as follows:

9 (i) The lieutenant governor;

10 (ii) The adjutant general;

11 (iii) The director of administration/statewide planning;

12 (iv) The director of health;

13 (v) The director of transportation;

14 (vi) The director of human services;

15 (vii) The superintendent of state police;

16 (viii) The public utilities administrator;

17 (ix) The director of the department of environmental management;

18 (x) The director of department of behavioral healthcare, developmental disabilities and
19 hospitals;

20 (xi) The director of elderly affairs;

21 (xii) The chairperson of the state water resources board;

22 (xiii) The chairperson of the governor's commission on disabilities;

23 (xiv) The chairperson of the Rhode Island public transit authority;

24 (xv) The executive director of the coastal resources management council or his or her
25 designee;

26 (xvi) The executive director of the American Red Cross, Rhode Island chapter;

27 (xvii) The ~~executive~~ director of the Rhode Island emergency management agency;

28 (xviii) The state court administrator;

29 (xix) The executive director of the commission on the deaf and hard of hearing;

30 (xx) The director of the Providence emergency management agency;

31 (xxi) The executive director of E-911 emergency telephone system division;

32 (xxii) The federal security director of the transportation security administration for
33 Rhode Island; and

34 (2) Eighteen (18) members appointed by and serving at the pleasure of the governor, as

1 follows:

- 2 (i) Two (2) members of the senate, recommended by the president of the senate, not
3 more than one of whom shall be from the same political party;
- 4 (ii) Two (2) members of the house of representatives, recommended by the speaker of
5 the house, not more than one of whom shall be from the same political party;
- 6 (iii) One representative of the electric industry;
- 7 (iv) One representative of the gas industry;
- 8 (v) One representative of the telephone industry;
- 9 (vi) The executive director of the Rhode Island petroleum association or other similarly
10 situated person;
- 11 (vii) Two (2) representatives of the general public, one who shall have expertise in
12 disaster preparedness;
- 13 (viii) One representative of the Rhode Island league of cities and towns;
- 14 (ix) One representative of the media;
- 15 (x) One representative of the water supply industry;
- 16 (xi) One representative of the health care industry;
- 17 (xii) One representative of the Rhode Island firefighters association;
- 18 (xiii) One representative of the Rhode Island association of fire chiefs;
- 19 (xiv) One representative of a private ambulance company; and
- 20 (xv) One representative of a level I trauma hospital who shall have direct expertise in
21 disaster preparedness.
- 22 (b) It shall be the duty of the council to advise the governor and the ~~executive~~ director on
23 all matters pertaining to disaster preparedness. The lieutenant governor shall serve as chairperson
24 of the council and the ~~executive~~ director shall serve as vice-chairperson. In providing advice to
25 the governor and the ~~executive~~ director, the council shall, among other matters reasonably related
26 to their authority, do the following:
- 27 (1) Establish a regular meeting schedule and form subcommittees as may be appropriate;
- 28 (2) Review emergency management plans and other matters as may be acted upon or
29 otherwise provided for in this chapter;
- 30 (3) Establish priorities and goals on emergency management matters on an annual basis;
- 31 (4) Study emergency management plans in conjunction with the ~~adjutant-general~~
32 [director](#), and otherwise conduct such other studies as may be deemed appropriate;
- 33 (5) Review the coordination of the state's emergency management programs with
34 appropriate authorized agencies and conduct studies on the programs as may be necessary;

1 (6) Review the plans and operations of the various cities and towns in disaster
2 preparedness in conjunction with the director and his or her office as required or necessary; and

3 (7) [Deleted by P.L. 2000, ch. 170, § 2];

4 (8) Provide an annual report on its activities in conjunction with the ~~executive~~ director.

5 SECTION 2. Section 30-15.9-14 of the General Laws in Chapter 30-15.9 entitled "The
6 Rhode Island Emergency Management Assistance Compact" is hereby amended to read as
7 follows:

8 **30-15.9-14. Reporting to legislature. --** The director of the Rhode Island defense civil
9 preparedness agency shall, on or before the first day of January, one thousand nine hundred
10 ninety-eight, provide to the general assembly and the governor copies of all mutual aid plans and
11 procedures promulgated, developed or entered into after the effective date of this section. The
12 ~~adjutant-general~~ [director](#) shall annually thereafter provide the general assembly and governor with
13 copies of all new or amended mutual aid plans and procedures on or before the first day of
14 January of each year.

15 SECTION 3. Section 27-5-3.8 of the General Laws in Chapter 27-5 entitled "Fire
16 Insurance Policies and Reserves" is hereby amended to read as follows:

17 **27-5-3.8. Rhode Island commission on hurricane loss projection methodology. --** (a)
18 Legislative findings and intent.

19 (1) Reliable projections of hurricane losses are necessary in order to assure that rates for
20 residential property insurance meet the statutory requirement that rates be neither excessive nor
21 inadequate.

22 (2) The general assembly recognizes the need for expert evaluation of computer models
23 and other recently developed or improved actuarial methodologies for projecting hurricane losses,
24 in order to resolve conflicts among actuarial professionals, and in order to provide both
25 immediate and continuing improvement in the sophistication of actuarial methods used to set
26 rates charged to consumers.

27 (3) It is the intent of the general assembly to create the Rhode Island commission on
28 hurricane loss projection methodology as a panel of experts to provide the most actuarially
29 sophisticated guidelines and standards for projection of hurricane losses possible, given the
30 current state of actuarial science.

31 (b) Commission created.

32 (1) There is created the Rhode Island commission on hurricane loss projection
33 methodology. For the purposes of this section, the term "commission" means the Rhode Island
34 commission on hurricane loss projection methodology. The commission shall be administratively

1 housed within the department of administration, but it shall independently exercise the powers
2 and duties specified in this section.

3 (2) The commission shall consist of the following eight (8) members:

4 (i) The director of business regulation, acting as the administrator of insurance, or
5 designee;

6 (ii) The ~~adjutant general~~ director of the Rhode Island emergency management agency;

7 (iii) A member of the board of directors of the Rhode Island Joint reinsurance
8 Association appointed by the governor;

9 (iv) Five (5) members directly appointed by the governor, as follows:

10 (A) An actuary who is employed full-time by a property and casualty insurer which was
11 responsible for at least one percent of the aggregate statewide direct written premium for
12 homeowner's insurance in the calendar year preceding the member's appointment to the
13 commission;

14 (B) An expert in insurance finance who has a background in actuarial science;

15 (C) An expert in statistics who has a background in insurance;

16 (D) An expert in computer system design.

17 (E) An expert in meteorology who specializes in hurricanes.

18 (3) Members designated under subparagraphs (b)(2)(i)-(iii) shall serve on the
19 commission as long as they maintain the respective offices designated in subparagraphs (b)(2)(i)-
20 (iii). Members under subparagraph (b)(2)(iv)(A)-(E) shall serve for a term of three (3) years, and
21 may be reappointed to the commission. All members may be removed by the governor prior to
22 the expiration of their term, for cause. Vacancies on the commission shall be filled in the same
23 manner as the original appointment.

24 (4) The governor shall annually appoint one of the members of the commission to serve
25 as chair.

26 (5) Members of the commission shall serve without compensation, but shall be
27 reimbursed for per diem and travel expenses.

28 (6) There shall be no liability on the part of, and no cause of action of any nature shall
29 arise against, any member of the commission for any action taken in the performance of their
30 duties under this section. In addition, the commission may, in writing, waive any potential cause
31 of action for negligence of a consultant, contractor, or contract employee engaged to assist the
32 commission.

33 (c) Adoption and effect of standards and guidelines.

34 (1) The commission shall consider any actuarial methods, principles, standards, models,

1 or output ranges that have the potential for improving the accuracy of or reliability of the
2 hurricane loss projections used in residential property insurance rate filings. The commission
3 shall, from time to time, adopt findings as to the accuracy or reliability of particular methods,
4 principles, standards, models, or output ranges.

5 (2) The commission shall adopt revisions to previously adopted actuarial methods,
6 principles, standards, models, or output ranges at least annually.

7 (3) (i) A trade secret that is used in designing and constructing a hurricane loss model
8 and that is provided pursuant to this section, by a private company, to the commission, is
9 confidential and shall not be deemed a public record pursuant to the provisions of chapter 2 of
10 title 38.

11 (ii) That portion of a meeting of the commission or of a rate proceeding on an insurer's
12 rate filing at which a trade secret made confidential and exempt by this paragraph is discussed
13 shall be deemed confidential and not open to disclosure pursuant to the open meetings act, but
14 may be discussed at a closed meeting as provided for in chapter 46 of title 42.

15 (d) The Rhode Island commission is hereby authorized to form a multi-state commission
16 with the states of Massachusetts, Connecticut and any other interested state in furtherance of the
17 goals of this act.

18 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE -- EMERGENCY MANAGEMENT

1 This act would make technical amendment to the general laws to reflect changes to the
2 structure of the emergency management agency and would change the title of the executive
3 director to "director."

4 This act would take effect upon passage.

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