Introduction

- New Articles
  - Department of Corrections
  - Multi-state Litigation & Deceptive Trade Practices
  - Statewide Planning
- Changes to H 5151
  - Article 3, Sec. 16 & 17 – Background Checks
  - Article 11 – Rhode Island Promise
Department of Corrections currently uses a manual system for recruiting potential correctional officers.

New article would allow the Director to establish an application fee:
- Allows use of an on-line application system
- Fee otherwise prohibited in current law
Most recent recruitment experience

- 2,500 applicants
- Previous classes had closer to 5,000 applicants
  - DOC attributes drop to low unemployment rate
  - Last recruitment was one year prior

On-line system would expand reach to more potential applicants
Vendor would be PublicSafetyApp
- CT-based company specializing in recruitment for public safety jobs
  - Currently used in CT, TN, MT, NH, NJ, OH, PA, FL, GA, MD, VT

Application fees would cover cost of processing and be kept by the company
- Article requires fee to be determined by DOC Director
  - Presumably this would equal vendor cost
Current law prohibits an employer or agent of any employer from charging an application fee for state employment.

- Exception for State & Municipal Police Training Academy
  - Applicants pay $50 fee
  - Goes to General Fund which supports the academy
Deceptive Trade Practices

- Unlawful acts or practices: *unfair methods of competition and unfair or deceptive acts or practices*

Examples

- Passing off goods or services as those of another
- Causing likelihood of confusion or misunderstanding as to source of goods or services
  - Representing that goods or services are of a particular standard or grade, or that goods are of a particular style or model, if they are of another
Deceptive Trade Practices

- Attorney General has general authority over enforcement
  - Violations subject to up to $10,000 civil penalty
- RIGL 6-13.1 also prohibits certain specific practices that are enforceable by different entities or have different penalties
  - Price discrimination on appliance part replacement
    - $500 fine and misdemeanor
  - Recording piracy
    - Felony
Deceptive Trade Practices

- Transactions permitted under laws administered by DBR or any other state or federal statutory authority are exempt from provision of current law on deceptive trade practices
  - Provision has been interpreted by state courts to limit the authority of the Attorney General to pursue violations
  - Current statute is common language used in other states
New Article - Multi-state Litigation

- Deceptive Trade Practices
  - Article clarifies the exemption to only apply to activities expressly allowed by state or federal authority
    - This ensures the authority of the Attorney General to pursue violations of entities regulated by state or federal authority
  - Article also subjects all violations of 6-13.1 to same civil penalty
    - This conflicts with other sections of the chapter
Multi-State Litigation Efforts

Under current law the Attorney General may retain 10% of settlements received

- Capped at $65,000 in any fiscal year
- Retained funds held in restricted receipt account for associated expenses

Settlements occur annually and vary widely

- Some contain provisions that the funds be spent a certain way
- Can conflict with appropriation requirements
New Article - Multi-state Litigation

- Multi-State Litigation Efforts
  - Increases amount to 30% and eliminates the $65,000 cap in any fiscal year
  - Transfers any balance in excess of $1.5 million at the end of fiscal year to the General Fund
  - Authorizes the Attorney General to recover attorneys’ fees and costs incurred
  - Clarifies requirement that use of settlement proceeds are subject to appropriation process
Office of Attorney General would like to add 5 staff to expand its efforts
- 4 attorneys & 1 paralegal - $0.5 million
- Training, investigation & litigation costs
  - Between $0.4 million and $0.8 million annually
- Governor expected to request an amendment to authorize expense and FTE

Balance into the General Fund
- Unclear exact impact - likely about $5 million
- Current balance and pending settlements
Statewide Planning Council
- 27 members
  - Governor and staff, various executive branch state agencies, nonprofits, City of Providence planning, RI League of Cities and Towns, RIPTA, RI Housing

Guidance in State Guide Plan development

GBA changes membership to increase participation by communities
- Based on a recertification review of state’s Metropolitan Planning Organization conducted in 2018
New Article – Statewide Planning

- Adds 2 members from municipalities for total of 3 based on local population
  - One each from locals with populations
    - Greater than 40,000
    - Between 20,000 & 40,000
    - Less than than 20,000
- Removes State Budget Officer
- Adds director of RI Emergency Management Agency
- Reduces public members from 6 to 4
New Article – Statewide Planning

- Current law allows for Council to have committees
  - Article codifies existing Transportation Advisory Committee
    - Advises Statewide Planning Council in developing Transportation Improvement Program
  - Also adds two new committees
    - Technical
    - Executive
  - Renames Division of Planning to Statewide Planning
New Article – Statewide Planning

- Statewide Planning is within DOA
  - Receives about $2 million from fed. funds
    - Transportation related planning projects
    - Significant prior year balances also budgeted

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$ in millions - Excludes Water Resources Board
Establishes new requirements for who must undergo state and national fingerprint criminal background checks
- Volunteers and employees at RI Training School
- State employees and vendors who have access to federal tax information
Personnel administrator to coordinate background checks for employees

Requirement for vendors will be included in contracts

- New employees and current employees
  - Must be complete within time approved by agency director/designee

- Agency directors must be notified to determine if person is suitable for having access
H 5151
Article 3, Sections 14 – 17

- Governor’s requested amendment based on feedback from FBI
  - Makes clarification to several definitions
  - Other technical changes
Article 11 – Rhode Island Promise

- Need-based scholarships
  - Eliminates restrictions on use
- Current CCRI program
  - Removes sunset
  - Excludes some funds from last dollar requirement
- Expansion
  - CCRI adult learners
  - Rhode Island College
    - Juniors & seniors retroactive to fall 2017 enrollment
- Related changes
Article 11 – RI Promise

- Degree completion initiatives
  - Series of requirements for Council and “Promise” institutions
    - Codification of some current Council policies
    - Establishment of other new requirements
      - Some of which would be implemented by Council
      - Some extended to URI with nature of the change
        - Articulation issues
- GBA relaxes many requirements
Article 11 – RI Promise

- Degree Completion Initiatives
  - Colleges must offer credit-earning courses in summer & winter sessions by January 1, 2020

- GBA
  - Requires course work in most in-demand courses of study that are pedagogically appropriate to offer in an abbreviated term be available
  - Removes requirement for enrollment to be open to all current students
Article 11 – RI Promise

- Transfer Policies
  - Unified transfer agreement by Jan. 1, 2020
  - Revise Transfer & Articulation policies by July 1, 2021
  - Common curriculum for all general education coursework by 2020-2021 academic year
    - Eliminate need for students to duplicate courses
  - Common course numbering by July 1, 2021
Article 11 – RI Promise

- GBA removes requirement for revised transfer & articulation policies
- Creates permanent inter-institutional committee on articulation/transfer
  - Review data
  - Solicit suggestions from administrators, faculty, students
  - Provide system-level appeals of transfer decisions
Article 11 – RI Promise

- GBA removes requirement for
  - Common course numbering
  - Common curriculum for general education coursework
  - Policy to set standards for making course offerings predictable, structured and more flexible to meet student scheduling needs
    - Instead Council shall review and evaluate course schedules
Institutions must establish guided pathway program by September 1, 2020
  - To improve student outcomes & reduce time to attain degrees

Institutions must complete academic prioritization process by Sept. 1, 2021
  - Analyze workforce needs
  - Plan for program expansion, consolidation, & closure
GBA adds elements to academic prioritization process

- Analysis of:
  - Career tracks & starting & mid-career earnings of graduates of similar programs
  - Program’s contribution to
    - Formation of a well-rounded, well-informed, citizenry capable of critical thought & effective participation in democratic self-government
    - State’s artistic & cultural vibrancy
    - Social services & social welfare of residents
    - Students’ future life-satisfaction
Article 11 – RI Promise

- Article requires Council to adopt policy to reduce “performance incentive funding” by January 1, 2020
  - Discourages earning credits that do not count towards the degree
    - More credits than needed for degree
- Governor’s FY 2020 budget includes
  - $2.3 million for RIC; $2.7 million for CCRI
  - Practically speaking operating money
- GBA removes this requirement
Governor’s FY 2020 Budget: Articles

Staff Presentation to the House Finance Committee
May 22, 2019