

# Governor's FY 2020 Budget: Articles

Staff Presentation to the House Finance  
Committee  
May 22, 2019

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# 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

# New Article – DOC

- 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

# New Article - DOC

- 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

# New Article – DOC

- 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

# New Article – DOC

- 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

# New Article - Multi-state Litigation

- 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

# New Article - Multi-state Litigation

- 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



# New Article - Multi-state Litigation

- 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

# New Article - Multi-state Litigation

- 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

# New Article - Multi-state Litigation

- 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

# New Article – Statewide Planning

- 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

	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019 Enacted</b>	<b>FY 2019 Rev.</b>	<b>FY 2020 Rec.</b>
General Revenues	\$0.7	\$0.4	\$0.5	\$0.4	\$0.7
Federal/Other	2.1	2.7	4.7	4.8	4.9
Total	\$2.8	\$3.1	\$5.3	\$5.3	\$5.7
<b>Staffing</b>	<b>23.0</b>	<b>23.0</b>	<b>23.0</b>	<b>22.0</b>	<b>23.0</b>

*\$ in millions - Excludes Water Resources Board*

# H 5151

## Article 3, Sections 14 – 17

- 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

# H 5151

## Article 3, Sections 14 – 17

- 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

- 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

# Article 11 – RI Promise

- 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

# Article 11 – RI Promise

- 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

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