# State of Rhode Island FY 2009 Supplemental **Budget Briefing** January 7, 2009

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#### Projected Deficit- First Quarter Report

- Revenue Estimating Conference estimates \$3.113 billion for FY2009, or \$233.6 million less than the enacted revenues (decrease of \$314.8 million below 2008 preliminary actual)
- Caseload Estimating Conference estimates \$36.1 million more than the enacted caseload costs in FY2009
- Total spending, excluding repayment of \$38.4 million Budget Reserve Fund transfer and an estimated \$10.0 million for the Station Fire Settlement, was projected to be \$79.2 greater than enacted.
- Total projected deficit in November was \$357.4 million.

# FY2009 Current Budget Picture

#### **General Revenue**

	FY 2009 Enacted	FY 2009 First Quarter Report	FY 2009 Jan Revised
Opening Surplus	\$3.2	-	-
Reappropriation	0.0	1.7	1.74
Revenues Adopted	3,346.7	3,346.7	3,346.7
Revenue Enhancements	·	-	41.1
Revenue Revisions	-	(233.6)	(233.6)
Total Revenues	3,346.7	3,113.1	3,154.2
Budget Stabilization	(73.7)	(68.5)	(69.4)
Total Available	3,276.2	3,046.4	3,086.5
	-	-	-
Expenditures Enacted	3,276.2	3,276.2	3,276.2
Expenditure Adjustments	0.0	127.6	(189.8)
Total Expenditures	3,276.2	3,403.7	3,086.4
Total Ending Balance	\$0.06	(\$357.4)	\$0.12

(in millions)





# FY 2009 Recommended Budget

General Revenue Enacted vs. FY 2009 Recommended (in millions)

	FY 2009 Enacted	FY 2009 Governor's Recommended Rev Expenditures	\$ Change from Enacted	% Change
Personnel	\$812.1	\$799.1	(\$13.0)	(1.6%)
Operating Supplies and Expenses	145.8	141.9	(3.8)	(2.6%)
Aid To Local Units Of Government	1,136.0	982.1	(153.9)	(13.5%)
Assistance, Grants and Benefits	1,000.9	995.7	(5.2)	(0.5%)
Capital Purchases and Equipment	9.8	7.9	(1.9)	(19.4%)
Debt Service	159.1	150.8	(8.4)	(5.3%)
Operating Transfers	12.5	8.8	(3.6)	(29.0%)
Total	\$3,276.2	\$3,086.4	(\$189.8)	(5.8%)

# FY 2009 Recommended Budget

All Funds Enacted vs. FY 2009 Recommended (in millions)

	FY 2009 Enacted	FY 2009 Governor's Recommended Rev Expenditures	\$ Change from Enacted	% Change
Personnel	\$1,551.4	\$1,576.8	25.3	1.6%
Operating Supplies and Expenses	616.4	624.6	8.2	1.3%
Aid To Local Units Of Government	1,311.6	1,156.8	(154.8)	(11.8%)
Assistance, Grants and Benefits	2,968.4	3,044.0	212.3	7.5%
Capital Purchases and Equipment	242.7	247.8	5.1	2.1%
Debt Service	228.2	209.9	(18.4)	(8.0%)
Operating Transfers	136.9	121.4	(15.5)	(11.3%)
Total	\$6,919.1	\$6,981.3	\$62.2	0.9%



# FY 2009 Supplemental

By Fund	FY 2009	FY 2009 Revised	Change	
	Enacted			
General Revenue	\$3,276.2	\$3,086.4	(\$189.8)	
Federal Funds	\$1,997.9	\$2,118.6	\$120.7	
Restricted Receipts	\$152.5	\$150.5	(\$2.0)	
Other Funds	\$1,492.5	\$1,625.8	\$133.3	
Total	\$6,919.1	\$6,981.3	\$62.2	

Expenditures – All Funds (in millions)





#### FY 2009 Revenue Enhancements

Taxes	
SBA Loan Guaranty Fee Tax Credit	(\$275,459)
Insurance Companies: Increase Health Care Insurers Gross Premiums Rate to 2.0%	3,731,882
Health Care Provider Assessment: Reduction in Nursing Home base expenditures	(382,268)
Motor Vehicles: Increase reinstatement fee for registrations and titles from \$50.00 to \$250.00	358,417
Motor Vehicles: Increase reinstatement fee for operator's license from \$75.00 to \$250.00	1,534,167
Motor Vehicles: Increase certificate of title fee from \$25.00 to \$50.00	1,292,600
Cigarettes: Increase Cigarette Excise Tax to \$3.46 per pack with no minimum price markup	17,401,703
Subtotal: All Taxes	\$23,661,042
Small claims and consumer claims mediation entry fee from \$30.00 to \$50.00	\$78,929
Subtotal: Licenses and Fees	
Other Sources	
Other Miscellaneous	
Land Sales: Downcity parking garage	\$6,000,000
Land Sales: Aime Forand Building	6,000,000
Land Sales: Pastore parcel (intersection of Howard and Pontiac Aves.)	4,000,000
Transfer from Defunct Companies' Workers Comp Escrow	700,000
Transfer of Purchase Card Rebate Incentives	250,000
Transfer TDD Dual Party Phone Relay Service Account	385,246
Subtotal: Other Miscellaneous	\$17,335,246
Total FY 2009 General Revenue Adjustments	\$41,075,217

General Revenue Enacted

FY 2009 Recommended

# Personnel and FTE's

# Personnel (FTE) Summary

- Personnel costs comprise 26% of state spending
- Appropriations Act includes an authorized full time equivalent (FTE) cap for each agency
- FY 2008 Revised Budget reflected a decrease of 418 FTE compared to FY 2007
- FY 2009 enacted budget eliminated an additional 330.1 FTE's in agency caps, and created an overall statewide FTE cap, which was lowered by an additional 400.0 FTE's
- FY 2009 supplemental budget eliminates those 400.0 FTE and another 492.8 FTE's



# Personnel (FTE) Summary

- Enacted FY 2009 Authorization was 14,958.6 FTE
- Recommended FY 2009 authorization is 14,465.8 FTE statewide
- Filled FTE positions total 13,330.7 (as of PP 13)
- 1,627.9 under enacted cap including 1,388.0 state positions and 239.9 Higher Education sponsored research funded positions
- Since records have been kept on FTE counts, this is an all time low for filled full-time equivalent positions.

# Personnel (FTE) Summary

- Filled positions as of pay period 13 reflected a reduction of 1,752.1 filled state positions compared to July 2007
- Due to the financial constraints, there are FTE in the roster that will not be filled in FY 2009

- This article delays the creation of the Retiree Health Care Trust Fund from FY2009 to FY2011.
- The FY 2009 and FY 2010 planning values for retiree health were 3.86% of payroll for state employees, 20.06% for state police, 0.09% for judges, and 14.61% for legislators. The planning value rates were intended to finance both pay-as-you-go retiree health benefit costs and to pre-fund the financial obligations of current and future retirees.

- The planning value rates were based upon a special actuarial analysis performed in January 2008 which estimated the impact Article 4 contained in the 2008 supplemental budget that changed retiree health benefits.
- Due to the significant number of retirees prior to October 1, 2008, the costs for retiree health have increased, while the active payroll base has decreased.
- The 3.86% rate of payroll for state employees is not generating sufficient dollars to cover estimated claims, and would clearly not be providing any set aside for the amortization of the unfunded liability. A \$6 million deficit was projected.

 In November, 2008, the State Controller and Budget Office worked with the actuary to have the OPEB analysis updated to reflect the current number of retirees receiving benefits, the current lower payroll base, and the lower cost plan design which goes into effect in January 2009 for retirees. The actuarial rate of payroll using a 5.0% discount rate would be 7.69%, and would have required supplemental appropriations compared to the 3.86% enacted level.

 Based upon estimates of receipts and expenditures as of December 2008, the Budget Office projects a pay-as-you-go funding deficit of of almost \$15 million (\$6 million general revenue) for FY 2009 for state employees. Therefore, the Governor recommends increasing the state contribution rate from 3.86% of payroll to 5.62% for the full fiscal year in order to generate enough revenue to cover retiree medical claims on a pay as you go basis.(1.79% for judges, 9.03% for legislators, and 13.2% for State Police)

• The recommended budget delays the creation of the Retiree Health Care Trust Fund from FY2009 to FY2011, and funds the retiree health obligations on a pay as you go basis again in FY2009 and FY2010.

- State Employees. The Article 32 reform provides for:
- 1) the elimination of the cost-of living adjustments for public employees governed by Chapter 36-10 who retire after April 1, 2009;
- 2) public employees governed by Chapter 36-10 who leave service after April 1, 2009, will need to attain the minimum age of 59 to be eligible for retirement;
- 3) public employees who receive a disability pension after April 1, 2009 in accordance with 36-10-14 will either receive 66 2/3% or 50% of their allowance depending on a finding by the retirement board of whether the individual is entirely disabled from further employment; and
- 4) for fiscal year 2009, the employer contribution from February 1, 2009 to June 30, 2009 shall be reduced to 25% of the percentage rate certified by the retirement board in June 2008.

- Teachers. The Article 32 reform provides for:
- 1) the elimination of the cost-of living adjustments for teachers governed by Chapter 16-16 who retire after April 1, 2009;
- 2) all teachers governed by this chapter who leave service after April 1, 2009, will need to attain the minimum age of 59 to be eligible for retirement;
- 3) teachers who receive a disability pension after April 1, 2009 in accordance with 16-16-16 will either receive 66 2/3% or 50% of their allowance depending on a finding by the retirement board of whether the individual is entirely disabled from further employment; and
- 4) for fiscal year 2009, the employer contribution from February 1, 2009 to June 30, 2009 shall be reduced to 25% of the percentage rate certified by the retirement board in June 2008.

- Judges. The article 32 reform provides for:
- 1) eliminination of the cost of living retirement allowance adjustments for judges who retire after April 1, 2009, and
- 2) for fiscal year 2009, the employer contribution from February 1, 2009 to June 30, 2009 shall be reduced to 25% of the percentage rate certified by the retirement board in June 2008.

- State Police. The Article 32 reform provides:
- 1) for State Police members who retire after April 1, 2009, the retirement allowance will be calculated based on "whole salary", which is now defined as the average of the highest three (3) consecutive years of compensation. This change is consistent with the calculation for other public employees;
- 2) elimination of the cost of living retirement allowance adjustments for members of the State Police who retire after April 1, 2009, and
- 3) for fiscal year 2009, the employer contribution from February 1, 2009 to June 30, 2009 shall be reduced to 25% the percentage rate certified by the retirement board in June 2008.

- State Employees:
- The Governor's budget provides for contributions from February 1 to June 30 at only 25 percent of the required rate for FY2009 determined in June 2008 by the actuary.
- Within the recommended revised 2009 agency budgets, there was \$134,436,206 budgeted statewide for state employee retirement contributions, prior to the proposed savings from the reduced contributions starting in February.
- The savings is budgeted as a negative in the Department of Administration. The General Revenue savings are \$25,942,333, Federal Funds savings are \$9,055,950. Restricted Receipt savings are \$1,966,166 and Other Funds savings are \$6,074,607.

- The following table shows the retirement contribution rates as determined for the FY 2009 budget in effect through January 2009 and those to be in effect beginning in February 2009.
- State Employees 21.13% to 5.28%
- State Police 26.03% to 6.51%
- Judges 27.11% to 6.78%

- Teachers The current rate of payroll for the Teacher Retirement system is 25.03 percent. The local share is 60 percent and the State's share is 40 percent, resulting in a local payroll rate of 14.86 percent and a state rate of 10.17 percent for school districts.
- For FY 2009, this would have resulted in total contributions of \$138,293,383 from local governments and \$94,714,215 from the state.
- The savings contained in the budget are based on reducing the requirement to 25 percent of the rate determined by the actuary in June 2008 for the final five months of the fiscal year. The general revenue savings are \$28,128,197.
- Local governments would have corresponding savings, and the Governor's budget reduces state education aid expenditures by a corresponding amount. The local savings are estimated to be \$41,096,932.

- The following table shows the retirement contribution rates for teachers as determined for the FY 2009 revised budget in effect through January 2009 and those to be in effect beginning in February 2009.
- State Share 10.17% to 2.54%
- Local Share 14.86% to 3.72%

#### **Article 48-Personnel Reform**

- This article requires that any collective bargaining agreement to which the State is a party, be reviewed and approved by the state's chief executive officer or his or her designee prior to becoming effective.
- It further provides that minimum staffing levels, the deployment of personnel while on the job, the types of equipment utilized by the State or its departments and the number of or location of any vehicles or facilities shall not be the subject of collective bargaining nor may they mandated by an arbitration decision.
- This article also limits the authority of the Personnel Appeal Board to either uphold or overrule disciplinary action taken by the State in appeals by persons who have been discharged, suspended or otherwise disciplined.

- Budget Reserve Fund Transfer \$38.4 million
- The Governor recommends an appropriation of \$38.4 million from the Budget Reserve Fund in FY 2008 to close the FY 2008 deficit.
- For FY 2009, the Governor recommends amending the law which requires repayment to the RICAP fund of the \$38.4 million.
- The budget plan assumes that it will be repaid in FY 2010 and capital projects are phased to meet the resources.

# **Federal Stimulus**

Federal Relief – Estimated Medicaid Resources Included in FY 2009 Supplemental

- Budget assumes 3 percentage point enhancement to current Medicaid match rate, effective January 2009
- Current Medicaid Match Rate is 52.59% federal;
  47.41% state (federal fiscal year)
- Estimated Rate: 55.59% Federal; 44.41% State
- Total of \$27.5 million additional Medicaid from federal stimulus package
- Requires congressional action

Federal Relief – Estimated Medicaid Resources Included in FY 2009 Supplemental

Assumed Increase in Federal Medicaid		FY 2009
Human Services		\$19.5
DCYF		\$1.5
MHRH		\$6.3
Other (DOH + EOHHS	S + DEA)	\$0.3
Total		\$27.6

(in millions)

# Local Government

- The recommended FY2009 Supplemental Budget reduces local aid and education aid. The Governor recommends a legislative package to provide local governments the tools to build budgets that are affordable for their taxpayers.
- The budget act contains articles to address local education issues and other municipal government issues which present challenges to local government managers.



#### FY 2009 Major Changes to Local Aid

	FY 09 Enacted	Change	FY 09 Governor
General			
Motor Vehicle Excise Tax*	\$139.59	(\$4.21)	\$135.38
General Revenue Sharing	55.11	(55.11)	-
Property Reval. / Library Construction Aid*	4.04	(0.32)	3.72
Education Aid			
State Support for Schools:	\$488.59	-	\$434.12
1) Teacher Retirement - Local Savings	-	(40.71)	-
2) Providence School Construction	-	(9.45)	-
3) Value of Permanent School Fund (est. Jan-June)	-	(4.31)	-
Teacher Retirement Fund - State Savings	97.00	(30.41)	66.59
Professional Development Fund	5.83	(5.83)	0.00
School Construction*	57.00	(2.86)	54.14
Other*	42.80	(0.68)	42.11
Total Change		(\$153.89)	

•Base Changes

(in millions)

- ARTICLE 17
- RELATING TO STATEWIDE SCHOOL FOOD SERVICES PROGRAM
- This article amends chapter 60 of Title 16 to add a new section 16-60-7.5 entitled "Statewide School Food Services Program". This section authorizes the department of elementary and secondary education, acting in collaboration with the department of administration, to procure the services of a food services management company to service all districts and public schools in the state. The resulting statewide school food services agreement will provide all districts and public schools with nutritious school meals, increased participation rates in federally-reimbursed child nutrition programs, cost efficiencies and other program improvements. Participation in the statewide program will be mandatory.
- ARTICLE 18
- RELATING TO SCHOOL BUS MONITORS
- This article amends 16-21-1 of the R.I.G.L. to relieve school districts of the current requirement to provide school bus monitors on buses transporting students in grades kindergarten through five (5) on all school bound and home bound routes.

- ARTICLE 19
- RELATING TO STATEWIDE SCHOOL HEALTH, VISION AND DENTAL INSURANCE PROGRAM
- This article amends R.I.G.L. 28-9.3-2 and 28-9.4-3 to remove from the scope of collective bargaining between certified teachers and other employees in the public school system of any city, town or regional school district the subjects of health, vision and dental benefits and health/dental insurance coverage. This article, under Section 16-60-7.4 establishes a Statewide Public School Employees Health, Vision and Dental Insurance Program which will be developed and implemented by the department of elementary and secondary education, in collaboration with the department of administration. The department will procure the services of health, vision and dental insurance carrier(s) to provide health, vision and dental insurance coverage to public school employees and new retirees. The terms of the state health, vision and dental care program, including provisions for billing rates, coverage's, plan options, premiums, co-share and buy-back, shall be negotiated and established by a "Healthcare Advisory Council" to be established by the department of elementary and secondary education. The composition of the Council is specified in the Article. Some minimum provisions for the State Health and Dental Program are also established in the areas of cosharing, buy-back/waivers, and double benefit coverage. Participation of districts is phased in according to the expiration dates of current collective bargaining agreements and existing contracts with health, vision, and dental insurance carriers.
- In accordance with the healthcare data collection conducted by RIDE during FY07, districts will achieve savings of approximately \$17.1M under this article as a result of competitive bidding, establishment of a limited number of common plan designs resulting in reduced Administrative fees, as well as standard co-sharing and buy-back provisions.

- ARTICLE 20
- RELATING TO STATEWIDE PURCHASING SYSTEM AND PROGRAMS
- This article repeals R.I.G.L. 16-5-34 entitled "Statewide purchasing system" in its entirety so that the provisions of this section can be removed from chapter 5 (which relates to "State Aid") and placed in a more appropriate chapter of Title 16. The new Section, 16-60-7.3 "Statewide purchasing system and programs" is placed in chapter 60 ("Board of Regents for Elementary and Secondary Education") and is amended to add language to clarify the authority of the department of elementary and secondary education, acting with the department of administration, to establish a statewide purchasing system for goods, supplies and services utilized by the public schools. Participation by public schools and districts is also made mandatory. This section also authorizes the department of elementary and secondary education, food services management, and school employees' healthcare and dental insurance.
- ARTICLE 21
- RELATING TO SCHOOL BUDGET RESOLUTION
- This article makes application of budgets caps mandatory in court proceedings seeking additional school funding and creates a three member budget resolution panel to resolve a school budget impasse when state school or general revenue sharing aid is reduced. All other school budget resolution matters would continue to be resolved through the provisions of 16-21.4 relating to school budgets and the right to bring an action in Superior Court.

- ARTICLE 22
- RELATING TO TRANSPORTATION OF PUPILS
- This article amends Sections 16-21-1, 16-21.1-7 and 16-21.1-8 to require that effective upon the implementation of the statewide system of transportation for special needs students and the eventual implementation the transportation system for all students, each school committee must utilize the statewide transportation system unless it fulfills its transportation obligations primarily through the use of district-owned buses and district employees in which case it may continue to do so. This article also adds Section 16-21.1-9 to provide that management and oversight of the statewide transportation system shall be the responsibility of the department of elementary and secondary education. Should the department of elementary and secondary education deem outsourcing of the management function to be more efficient, an outside consultant will be retained. Analysis of data under this proposal reveals that approximately \$3.5 \$5.0M in savings will be achieved during the initial phase of this project and additional savings of \$8.0 \$10.0M will accrue as this is applied statewide, both in-district and out-of-district.
- Additionally, an amendment to Section 16-21-1 adds subsection (c) which requires districts entering into transportation contracts pending implementation of the statewide transportation system to ensure that such contracts permit eventual participation in the statewide transportation system without penalty to the district. This article will allow districts to achieve cost savings through shared transportation services.

- ARTICLE 23
- RELATING TO HEALTH AND SAFETY OF PUPILS SCHOOL NURSES
- This article amends section 16-21-7 to require the board of regents to develop policies, procedures, and regulations to ensure a healthful school environment section and maintains the requirement that schools have nurses while section 16-21-8 repeals the need for school nurses to be certified as teachers.
- ARTICLE 24
- RELATING TO DISMISSAL OF TEACHERS
- This article repeals that portion of R.I.G.L.16-12-6 which provides for particular procedures in Woonsocket and Cumberland in teacher dismissal cases.
- ARTICLE 25
- RELATING TO TEACHERS' TENURE
- This article amends Sections 16-13-2, 16-13-3, 16-13-4, 16-13-6, and 16-13-8, and changes the date for notice of teacher contract non-renewal from March 1st to June 1st. It also makes explicit a school committee's authority to lay off teachers in the event of budget deficiencies without a particular hearing for the teacher being laid off.
- ARTICLE 26
- RELATING TO COLLECTIVE BARGAINING FISCAL IMPACT STATEMENTS
- This article amends sections 16-2-21.6 and 45-5-22 and requires towns, cities and school committees to post proposed collective bargaining agreements on the appropriate town or city website 30 days prior to contract ratification.

- ARTICLE 27
- RELATING TO CERTIFIED SCHOOL TEACHERS' ARBITRATION ACT
- This article amends section 28-9.3-1 to explicitly prohibit "work to rule" labor actions by certified public school teachers. It also imposes, in section 29-9.3-1.1 and 29-9.3-1.2, the loss of two days pay for each day of a strike and provides that a labor organization that promotes strikes shall lose its representational status and its ability to collect dues from its members for a period of three (3) years. Due process procedures for imposing these penalties are also established under section 28-9.3-1.3.
- ARTICLE 28
- RELATING TO INTERVENTION AND SUPPORT FOR FAILING SCHOOLS
- This article amends section 16-7.1-5 and 16-60-4, and enhances the departments of education's authority, in school districts under progressive support and intervention, to assign teachers to positions where they are most needed without regard to collective bargaining contractual provisions. This Article also requires the board of regents to adopt criteria for a fair, accurate, and objective employment evaluations for certified employee's of school districts.
- ARTICLE 29
- RELATING TO SCHOOL COMMITTEES AND SUPERINTENDENTS MANAGEMENT RIGHTS OF SCHOOL COMMITTEE
- This article amends 16-2-9 and 16-2-9.5 to secure school committees management control over issues that are not appropriate for collective bargaining.

- ARTICLE 43
- RELATING TO FIREFIGHTERS' AND MUNICIPAL POLICE MANNING
- This article amends 28-9.1-4 and 28-9.2-4 by removing any issue(s) relating to minimum manning from the scope of issues which can be negotiated or arbitrated under the policemen's and firefighter's arbitration laws.
- ARTICLE 44
- RELATING TO MUNICIPAL HEALTH INSURANCE COST SHARING
- As the cost of health insurance has escalated, municipalities have been unable to pass part of these cost increases along to employees. This has been the case especially with public safety employees where binding arbitration has limited the capacity to negotiate changes in cost sharing. The 25% cost sharing requirement included in this Article is the standard cost sharing applicable to all Federal employees.
- ARTICLE 45
- RELATING TO MUNICIPAL RETIREMENT
  - This article makes a variety of changes to municipal pension plans both for plans administered by the state and plans administered by municipalities. Changes include a reduction in disability pensions for those not totally disabled, years of service and age limitation eligibility for both regular and public safety employees, increased employee contributions, and mandatory cost sharing for retiree health insurance.

- ARTICLE 46
- RELATING TO POLICE OFFICERS AND FIREIGHTERS –
  INJURED ON DUTY
- This article limits injured on duty compensation for municipal police officers and firefighters as well as state quasi-public agency fire fighting and law enforcement officers.
- ARTICLE 47
- RELATING TO PRE-JUDGMENT INTEREST
- This article eliminate pre judgment interest in civil cases against municipalities and the state, limits the personal liability of employees and officials of city or towns, and clarifies the joint liability allocation of judgments.