

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO TAXATION -- STAY INVESTED IN RI WAVEMAKER FELLOWSHIP

Introduced By: Senators Pearson, Satchell, DiPalma, Conley, and Lombardo

Date Introduced: March 02, 2017

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-64.26 of the General Laws entitled "Stay Invested in RI
2 Wavemaker Fellowship" is hereby repealed in its entirety.

3 ~~CHAPTER 42-64.26~~

4 ~~Stay Invested in RI Wavemaker Fellowship~~

5 ~~42-64.26-1. Short title.~~

6 ~~This chapter shall be known as the "Stay Invested in RI Wavemaker Fellowship."~~

7 ~~42-64.26-2. Legislative findings.~~

8 ~~The general assembly finds and declares:~~

9 ~~(1) A well educated citizenry is critical to this state's ability to compete in the national
10 and global economies.~~

11 ~~(2) Higher education both benefits individual students and is a public good benefiting the
12 state as a whole.~~

13 ~~(3) Excessive student loan debt is impeding economic growth in this state. Faced with
14 excessive repayment burdens, many individuals are unable to start businesses, invest or buy
15 homes, and may be forced to leave the state in search of higher paying jobs elsewhere.~~

16 ~~(4) Relieving student loan debt would give these individuals greater control over their
17 earnings, would increase entrepreneurship and demand for goods and services, and would enable
18 employers in this state to recruit and retain graduates in the fields of science, technology,
19 engineering and mathematics.~~

1 ~~(5) The Stay Invested in RI Wavemaker Fellowship is designed to achieve the following~~
2 ~~goals:~~

3 ~~(i) Promote economic opportunity for people in this state by ensuring access to the~~
4 ~~training and higher education that higher paying jobs require;~~

5 ~~(ii) Bring more and higher paying jobs to this state by increasing the skill level of this~~
6 ~~state's workforce;~~

7 ~~(iii) Offer educational opportunity and retraining to individuals impacted by job loss,~~
8 ~~workplace injury, disability or other hardship;~~

9 ~~(iv) Keep young people in the state through incentives for educational opportunity and~~
10 ~~creation of more high paying jobs;~~

11 ~~(v) Encourage an entrepreneurial economy in Rhode Island; and~~

12 ~~(vi) Accomplish all of the goals in this chapter with as little bureaucracy as possible.~~

13 ~~**42-64.26-3. Definitions.**~~

14 ~~As used in this chapter:~~

15 ~~(1) "Eligible graduate" means an individual who meets the eligibility requirements under~~
16 ~~this chapter.~~

17 ~~(2) "Applicant" means an eligible graduate who applies for a tax credit for education loan~~
18 ~~repayment expenses under this chapter.~~

19 ~~(3) "Award" means a tax credit awarded by the commerce corporation to an applicant as~~
20 ~~provided under this chapter.~~

21 ~~(4) "Taxpayer" means an applicant who receives a tax credit under this chapter.~~

22 ~~(5) "Commerce corporation" means the Rhode Island commerce corporation established~~
23 ~~pursuant to chapter 64 of title 42.~~

24 ~~(6) "Eligible expenses" or "education loan repayment expenses" means annual higher~~
25 ~~education loan repayment expenses, including, without limitation, principal, interest and fees, as~~
26 ~~may be applicable, incurred by an eligible graduate and which the eligible graduate is obligated to~~
27 ~~repay for attendance at a post-secondary institution of higher learning.~~

28 ~~(7) "Eligibility period" means a term of up to four (4) consecutive service periods~~
29 ~~beginning with the date that an eligible graduate receives initial notice of award under this~~
30 ~~chapter and expiring at the conclusion of the fourth service period after such date specified.~~

31 ~~(8) "Eligibility requirements" means the following qualifications or criteria required for~~
32 ~~an applicant to claim an award under this chapter:~~

33 ~~(i) That the applicant shall have graduated from an accredited two (2) year, four (4) year~~
34 ~~or graduate post-secondary institution of higher learning with an associate's, bachelor's, graduate,~~

1 or post graduate degree and at which the applicant incurred education loan repayment expenses;

2 (ii) ~~That the applicant shall be a full time employee with a Rhode Island based employer~~
3 ~~located in this state throughout the eligibility period, whose employment is for work in one or~~
4 ~~more of the following covered fields: life, natural or environmental sciences; computer,~~
5 ~~information or software technology; advanced mathematics or finance; engineering; industrial~~
6 ~~design or other commercially related design field; or medicine or medical device technology.~~

7 (9) ~~"Full time employee" means a person who is employed by a business for~~
8 ~~consideration for a minimum of at least thirty five (35) hours per week, or who renders any other~~
9 ~~standard of service generally accepted by custom or practice as full time employment, or who is~~
10 ~~employed by a professional employer organization pursuant to an employee leasing agreement~~
11 ~~between the business and the professional employer organization for a minimum of thirty five~~
12 ~~(35) hours per week, or who renders any other standard of service generally accepted by custom~~
13 ~~or practice as full time employment, and whose wages are subject to withholding.~~

14 (10) ~~"Service period" means a twelve (12) month period beginning on the date that an~~
15 ~~eligible graduate receives initial notice of award under this chapter.~~

16 (11) ~~"Student loan" means a loan to an individual by a public authority or private lender~~
17 ~~to assist the individual to pay for tuition, books, and living expenses in order to attend a post-~~
18 ~~secondary institution of higher learning.~~

19 (12) ~~"Rhode Island based employer" means (i) an employer having a principal place of~~
20 ~~business or at least fifty one percent (51%) of its employees located in this state; or (ii) an~~
21 ~~employer registered to conduct business in this state that reported Rhode Island tax liability in the~~
22 ~~previous tax year.~~

23 (13) ~~"Fund" refers to the "Stay Invested in RI Wavemaker Fellowship Fund" established~~
24 ~~pursuant to § 42-64.26-4.~~

25 ~~**42-64.26-4. Establishment of fund -- Purposes -- Composition.**~~

26 (a) ~~There is hereby established the "Stay Invested in RI Wavemaker Fellowship Fund"~~
27 ~~(the "fund") to be administered by the commerce corporation as set forth in this chapter.~~

28 (b) ~~The purpose of the fund is to expand employment opportunities in the state and to~~
29 ~~retain talented individuals in the state by providing tax credits in relation to education loan~~
30 ~~repayment expenses to applicants who meet the eligibility requirements under this chapter.~~

31 (c) ~~The fund shall consist of:~~

32 (1) ~~Money appropriated in the state budget to the fund;~~

33 (2) ~~Money made available to the fund through federal programs or private contributions;~~

34 ~~and~~

1 ~~(3) Any other money made available to the fund.~~

2 ~~(d) The fund shall be used to pay for the redemption of tax credits or reimbursement to~~
3 ~~the state for tax credits applied against a taxpayer's tax liability. The fund shall be exempt from~~
4 ~~attachment, levy or any other process at law or in equity. The director of the department of~~
5 ~~revenue shall make a requisition to the commerce corporation for funding during any fiscal year~~
6 ~~as may be necessary to pay for the redemption of tax credits presented for redemption or to~~
7 ~~reimburse the state for tax credits applied against a taxpayer's tax liability. The commerce~~
8 ~~corporation shall pay from the fund such amounts as requested by the director of the department~~
9 ~~of revenue necessary for redemption or reimbursement in relation to tax credits granted under this~~
10 ~~chapter.~~

11 **42-64.26-5. Administration.**

12 ~~(a) Application. An eligible graduate claiming an award under this chapter shall submit to~~
13 ~~the commerce corporation an application in the manner that the commerce corporation shall~~
14 ~~prescribe.~~

15 ~~(b) Upon receipt of a proper application from an applicant who meets all of the eligibility~~
16 ~~requirements, the commerce corporation shall select applicants on a competitive basis to receive~~
17 ~~credits for up to a maximum amount for each service period of one thousand dollars (\$1,000) for~~
18 ~~an associate's degree holder, four thousand dollars (\$4,000) for a bachelor's degree holder, and six~~
19 ~~thousand dollars (\$6,000) for a graduate or post graduate degree holder, but not to exceed the~~
20 ~~education loan repayment expenses incurred by such taxpayer during each service period~~
21 ~~completed, for up to four (4) consecutive service periods provided that the taxpayer continues to~~
22 ~~meet the eligibility requirements throughout the eligibility period. The commerce corporation~~
23 ~~shall delegate the selection of the applicants that are to receive awards to a fellowship committee~~
24 ~~to be convened by the commerce corporation and promulgate the selection procedures the~~
25 ~~fellowship committee will use, which procedures shall require that the committee's consideration~~
26 ~~of applications be conducted on a name blind and employer blind basis and that the applications~~
27 ~~and other supporting documents received or reviewed by the fellowship committee shall be~~
28 ~~redacted of the applicant's name, street address, and other personally identifying information as~~
29 ~~well as the applicant's employer's name, street address, and other employer identifying~~
30 ~~information. The commerce corporation shall determine the composition of the fellowship~~
31 ~~committee and the selection procedures it will use in consultation with the state's chambers of~~
32 ~~commerce.~~

33 ~~(c) The credits awarded under this chapter shall not exceed one hundred percent (100%)~~
34 ~~of the education loan repayment expenses incurred by such taxpayer during each service period~~

1 completed for up to four (4) consecutive service periods. Tax credits shall be issued annually to
2 the taxpayer upon proof that (i) the taxpayer has actually incurred and paid such education loan
3 repayment expenses; (ii) the taxpayer continues to meet the eligibility requirements throughout
4 the service period; (iii) The award shall not exceed the original loan amount plus any capitalized
5 interest less award previously claimed under this section; and (iv) that the taxpayer claiming an
6 award is current on his or her student loan repayment obligations.

7 (d) ~~The commerce corporation shall not commit to overall awards in excess of the~~
8 ~~amount contained in the fund.~~

9 (e) ~~The commerce corporation shall reserve seventy percent (70%) of the awards issued~~
10 ~~in a calendar year to applicants who are permanent residents of the state of Rhode Island or who~~
11 ~~attended an institution of higher education located in Rhode Island when they incurred the~~
12 ~~education loan expenses to be repaid.~~

13 (f) ~~In administering award, the commerce corporation shall:~~

14 (1) ~~Require suitable proof that an applicant meets the eligibility requirements for award~~
15 ~~under this chapter;~~

16 (2) ~~Determine the contents of applications and other materials to be submitted in support~~
17 ~~of an application for award under this chapter; and~~

18 (3) ~~Collect reports and other information during the eligibility period for each award to~~
19 ~~verify that a taxpayer continues to meet the eligibility requirements for an award.~~

20 **42-64.26-6. Reporting.**

21 (a) ~~The commerce corporation shall require taxpayers to submit annual reports, in such~~
22 ~~form and on such dates as the commerce corporation shall require, in order to confirm that the~~
23 ~~taxpayer continues to meet all of the eligibility requirements of this chapter and as a prerequisite~~
24 ~~to funding any award of tax credits under this chapter.~~

25 (b) ~~Notwithstanding any other provision of law, no taxpayer shall receive an award~~
26 ~~without first consenting to the public disclosure of the receipt of any award given under this~~
27 ~~chapter. The commerce corporation shall annually publish a list of taxpayers receiving awards~~
28 ~~under this program, their post secondary institution of higher learning, and their employer on the~~
29 ~~commerce corporation website and in such other locations as it deems appropriate.~~

30 **42-64.26-7. Remedies.**

31 (a) ~~If an eligible graduate receiving an award under this chapter violates any provision of~~
32 ~~this chapter or ceases to meet the eligibility requirements of this chapter, the commerce~~
33 ~~corporation may, on reasonable notice:~~

34 (1) ~~Withhold further award until the taxpayer complies with the eligibility or other~~

1 ~~requirements of the award; or~~

2 ~~(2) Terminate the award.~~

3 ~~**42-64.26-8. Carry forward and redemption of tax credits.**~~

4 ~~(a) If the amount of the tax credit allowed under this chapter exceeds the taxpayer's total~~
5 ~~tax liability for the year in which the credit is allowed, the amount of such credit that exceeds the~~
6 ~~taxpayer's tax liability may be carried forward and applied against the taxes imposed for the~~
7 ~~succeeding four (4) years, or until the full credit is used, whichever occurs first.~~

8 ~~(b) The tax credit allowed under this chapter may be used as a credit against personal~~
9 ~~income taxes imposed under chapter 30 of title 44.~~

10 ~~(c) The division of taxation shall at the request of a taxpayer redeem such credits in~~
11 ~~whole or in part for one hundred percent (100%) of the value of the tax credit.~~

12 ~~(d) Any amounts paid to a taxpayer for the redemption of tax credits allowed pursuant to~~
13 ~~this section shall be exempt from taxation under title 44 of the General Laws.~~

14 ~~**42-64.26-9. Implementation guidelines, rules, regulations.**~~

15 ~~(a) The commerce corporation may adopt implementation guidelines, rules, and~~
16 ~~regulations pursuant to § 42-35-3 as are necessary for the implementation of this chapter.~~

17 ~~(b) The commerce corporation shall adopt guidelines to assure integrity and eliminate~~
18 ~~potential conflicts of interest in the issuing of awards.~~

19 ~~(c) The division of taxation may adopt implementation guidelines, directives, criteria, and~~
20 ~~rules and regulations pursuant to section 42-35-3 of the General Laws, as are necessary for the~~
21 ~~implementation of the division's responsibilities under this chapter.~~

22 ~~**42-64.26-10. Promotion by state agencies.**~~

23 ~~(a) The commerce corporation and any other agencies engaging in education related~~
24 ~~outreach shall integrate promotion of the program into existing educational opportunity outreach~~
25 ~~efforts to the extent possible in a manner consistent with the scope of the program and its~~
26 ~~centrality to the state's efforts to raise educational attainment, including, without limitation,~~
27 ~~promoting the program to Rhode Island permanent residents who enroll in accredited Rhode~~
28 ~~Island colleges or universities and receive financial aid in the form of student loans.~~

29 ~~**42-64.26-11. Program integrity.**~~

30 ~~Program integrity being of paramount importance, the commerce corporation shall~~
31 ~~establish procedures to ensure ongoing compliance with the terms and conditions of the program~~
32 ~~established herein and to safeguard the expenditure of public funds.~~

33 ~~**42-64.26-12. Sunset.**~~

34 ~~No incentives or credits shall be authorized pursuant to this chapter after December 31,~~

1 ~~2018.~~

2 SECTION 2. Section 44-30-2.6 of the General Laws in Chapter 44-30 entitled "Personal
3 Income Tax" is hereby amended to read as follows:

4 **44-30-2.6. Rhode Island taxable income -- Rate of tax. [Effective January 1, 2017.]**

5 (a) "Rhode Island taxable income" means federal taxable income as determined under
6 the Internal Revenue Code, 26 U.S.C. § 1 et seq., not including the increase in the basic,
7 standard-deduction amount for married couples filing joint returns as provided in the Jobs and
8 Growth Tax Relief Reconciliation Act of 2003 and the Economic Growth and Tax Relief
9 Reconciliation Act of 2001 (EGTRRA), and as modified by the modifications in § 44-30-12.

10 (b) Notwithstanding the provisions of §§ 44-30-1 and 44-30-2, for tax years beginning
11 on or after January 1, 2001, a Rhode Island personal income tax is imposed upon the Rhode
12 Island taxable income of residents and nonresidents, including estates and trusts, at the rate of
13 twenty-five and one-half percent (25.5%) for tax year 2001, and twenty-five percent (25%) for
14 tax year 2002 and thereafter of the federal income tax rates, including capital gains rates and any
15 other special rates for other types of income, except as provided in § 44-30-2.7, which were in
16 effect immediately prior to enactment of the Economic Growth and Tax Relief Reconciliation
17 Act of 2001 (EGTRRA); provided, rate schedules shall be adjusted for inflation by the tax
18 administrator beginning in taxable year 2002 and thereafter in the manner prescribed for
19 adjustment by the commissioner of Internal Revenue in 26 U.S.C. § 1(f). However, for tax years
20 beginning on or after January 1, 2006, a taxpayer may elect to use the alternative flat tax rate
21 provided in § 44-30-2.10 to calculate his or her personal income tax liability.

22 (c) For tax years beginning on or after January 1, 2001, if a taxpayer has an alternative
23 minimum tax for federal tax purposes, the taxpayer shall determine if he or she has a Rhode
24 Island alternative minimum tax. The Rhode Island alternative minimum tax shall be computed
25 by multiplying the federal tentative minimum tax without allowing for the increased exemptions
26 under the Jobs and Growth Tax Relief Reconciliation Act of 2003 (as redetermined on federal
27 form 6251 Alternative Minimum Tax-Individuals) by twenty-five and one-half percent (25.5%)
28 for tax year 2001, and twenty-five percent (25%) for tax year 2002 and thereafter, and
29 comparing the product to the Rhode Island tax as computed otherwise under this section. The
30 excess shall be the taxpayer's Rhode Island alternative minimum tax.

31 (1) For tax years beginning on or after January 1, 2005, and thereafter, the exemption
32 amount for alternative minimum tax, for Rhode Island purposes, shall be adjusted for inflation
33 by the tax administrator in the manner prescribed for adjustment by the commissioner of Internal
34 Revenue in 26 U.S.C. § 1(f).

1 (2) For the period January 1, 2007, through December 31, 2007, and thereafter, Rhode
2 Island taxable income shall be determined by deducting from federal adjusted gross income as
3 defined in 26 U.S.C. § 62 as modified by the modifications in § 44-30-12 the Rhode Island
4 itemized-deduction amount and the Rhode Island exemption amount as determined in this
5 section.

6 (A) Tax imposed.

7 (1) There is hereby imposed on the taxable income of married individuals filing joint
8 returns and surviving spouses a tax determined in accordance with the following table:

9 If taxable income is:	The tax is:
10 Not over \$53,150	3.75% of taxable income
11 Over \$53,150 but not over \$128,500	\$1,993.13 plus 7.00% of the excess over \$53,150
12 Over \$128,500 but not over \$195,850	\$7,267.63 plus 7.75% of the excess over \$128,500
13 Over \$195,850 but not over \$349,700	\$12,487.25 plus 9.00% of the excess over \$195,850
14 Over \$349,700	\$26,333.75 plus 9.90% of the excess over \$349,700

15 (2) There is hereby imposed on the taxable income of every head of household a tax
16 determined in accordance with the following table:

17 If taxable income is:	The tax is:
18 Not over \$42,650	3.75% of taxable income
19 Over \$42,650 but not over \$110,100	\$1,599.38 plus 7.00% of the excess over \$42,650
20 Over \$110,100 but not over \$178,350	\$6,320.88 plus 7.75% of the excess over \$110,100
21 Over \$178,350 but not over \$349,700	\$11,610.25 plus 9.00% of the excess over \$178,350
22 Over \$349,700	\$27,031.75 plus 9.90% of the excess over \$349,700

23 (3) There is hereby imposed on the taxable income of unmarried individuals (other than
24 surviving spouses and heads of households) a tax determined in accordance with the following
25 table:

26 If taxable income is:	The tax is:
27 Not over \$31,850	3.75% of taxable income
28 Over \$31,850 but not over \$77,100	\$1,194.38 plus 7.00% of the excess over \$31,850
29 Over \$77,100 but not over \$160,850	\$4,361.88 plus 7.75% of the excess over \$77,100
30 Over \$160,850 but not over \$349,700	\$10,852.50 plus 9.00% of the excess over \$160,850
31 Over \$349,700	\$27,849.00 plus 9.90% of the excess over \$349,700

32 (4) There is hereby imposed on the taxable income of married individuals filing
33 separate returns and bankruptcy estates a tax determined in accordance with the following table:

34 If taxable income is: The tax is:

1	Not over \$26,575	3.75% of taxable income
2	Over \$26,575 but not over \$64,250	\$996.56 plus 7.00% of the excess over \$26,575
3	Over \$64,250 but not over \$97,925	\$3,633.81 plus 7.75% of the excess over \$64,250
4	Over \$97,925 but not over \$174,850	\$6,243.63 plus 9.00% of the excess over \$97,925
5	Over \$174,850	\$13,166.88 plus 9.90% of the excess over \$174,850

6 (5) There is hereby imposed a taxable income of an estate or trust a tax determined in
7 accordance with the following table:

8	If taxable income is:	The tax is:
9	Not over \$2,150	3.75% of taxable income
10	Over \$2,150 but not over \$5,000	\$80.63 plus 7.00% of the excess over \$2,150
11	Over \$5,000 but not over \$7,650	\$280.13 plus 7.75% of the excess over \$5,000
12	Over \$7,650 but not over \$10,450	\$485.50 plus 9.00% of the excess over \$7,650
13	Over \$10,450	\$737.50 plus 9.90% of the excess over \$10,450

14 (6) Adjustments for inflation.

15 The dollars amount contained in paragraph (A) shall be increased by an amount equal to:

- 16 (a) Such dollar amount contained in paragraph (A) in the year 1993, multiplied by;
- 17 (b) The cost-of-living adjustment determined under section (J) with a base year of 1993;
- 18 (c) The cost-of-living adjustment referred to in subparagraphs (a) and (b) used in making
- 19 adjustments to the nine percent (9%) and nine and nine tenths percent (9.9%) dollar amounts shall
- 20 be determined under section (J) by substituting "1994" for "1993."

21 (B) Maximum capital gains rates.

22 (1) In general.

23 If a taxpayer has a net capital gain for tax years ending prior to January 1, 2010, the tax
24 imposed by this section for such taxable year shall not exceed the sum of:

- 25 (a) 2.5 % of the net capital gain as reported for federal income tax purposes under section
- 26 26 U.S.C. 1(h)(1)(a) and 26 U.S.C. 1(h)(1)(b).
- 27 (b) 5% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.
- 28 1(h)(1)(c).
- 29 (c) 6.25% of the net capital gain as reported for federal income tax purposes under 26
- 30 U.S.C. 1(h)(1)(d).
- 31 (d) 7% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.
- 32 1(h)(1)(e).

33 (2) For tax years beginning on or after January 1, 2010, the tax imposed on net capital
34 gain shall be determined under subdivision 44-30-2.6(c)(2)(A).

1 (C) Itemized deductions.

2 (1) In general.

3 For the purposes of section (2), "itemized deductions" means the amount of federal
4 itemized deductions as modified by the modifications in § 44-30-12.

5 (2) Individuals who do not itemize their deductions.

6 In the case of an individual who does not elect to itemize his deductions for the taxable
7 year, they may elect to take a standard deduction.

8 (3) Basic standard deduction.

9 The Rhode Island standard deduction shall be allowed in accordance with the following
10 table:

11 Filing status	Amount
12 Single	\$5,350
13 Married filing jointly or qualifying widow(er)	\$8,900
14 Married filing separately	\$4,450
15 Head of Household	\$7,850

16 (4) Additional standard deduction for the aged and blind.

17 An additional standard deduction shall be allowed for individuals age sixty-five (65) or
18 older or blind in the amount of \$1,300 for individuals who are not married and \$1,050 for
19 individuals who are married.

20 (5) Limitation on basic standard deduction in the case of certain dependents.

21 In the case of an individual to whom a deduction under section (E) is allowable to another
22 taxpayer, the basic standard deduction applicable to such individual shall not exceed the greater
23 of:

- 24 (a) \$850;
- 25 (b) The sum of \$300 and such individual's earned income;
- 26 (c) Certain individuals not eligible for standard deduction.

27 In the case of:

- 28 (a) A married individual filing a separate return where either spouse itemizes deductions;
- 29 (b) Nonresident alien individual;
- 30 (c) An estate or trust;

31 The standard deduction shall be zero.

32 (7) Adjustments for inflation.

33 Each dollar amount contained in paragraphs (3), (4) and (5) shall be increased by an
34 amount equal to:

1 (a) Such dollar amount contained in paragraphs (3), (4) and (5) in the year 1988,
2 multiplied by

3 (b) The cost-of-living adjustment determined under section (J) with a base year of 1988.

4 (D) Overall limitation on itemized deductions.

5 (1) General rule.

6 In the case of an individual whose adjusted gross income as modified by § 44-30-12
7 exceeds the applicable amount, the amount of the itemized deductions otherwise allowable for the
8 taxable year shall be reduced by the lesser of:

9 (a) Three percent (3%) of the excess of adjusted gross income as modified by § 44-30-12
10 over the applicable amount; or

11 (b) Eighty percent (80%) of the amount of the itemized deductions otherwise allowable
12 for such taxable year.

13 (2) Applicable amount.

14 (a) In general.

15 For purposes of this section, the term "applicable amount" means \$156,400 (\$78,200 in
16 the case of a separate return by a married individual)

17 (b) Adjustments for inflation.

18 Each dollar amount contained in paragraph (a) shall be increased by an amount equal to:

19 (i) Such dollar amount contained in paragraph (a) in the year 1991, multiplied by

20 (ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

21 (3) Phase-out of Limitation.

22 (a) In general.

23 In the case of taxable year beginning after December 31, 2005, and before January 1,
24 2010, the reduction under section (1) shall be equal to the applicable fraction of the amount which
25 would be the amount of such reduction.

26 (b) Applicable fraction.

27 For purposes of paragraph (a), the applicable fraction shall be determined in accordance
28 with the following table:

29 For taxable years beginning in calendar year	The applicable fraction is
30 2006 and 2007	2/3
31 2008 and 2009	1/3

32 (E) Exemption amount.

33 (1) In general.

34 Except as otherwise provided in this subsection, the term "exemption amount" means

1 \$3,400.

2 (2) Exemption amount disallowed in case of certain dependents.

3 In the case of an individual with respect to whom a deduction under this section is
4 allowable to another taxpayer for the same taxable year, the exemption amount applicable to such
5 individual for such individual's taxable year shall be zero.

6 (3) Adjustments for inflation.

7 The dollar amount contained in paragraph (1) shall be increased by an amount equal to:

8 (a) Such dollar amount contained in paragraph (1) in the year 1989, multiplied by

9 (b) The cost-of-living adjustment determined under section (J) with a base year of 1989.

10 (4) Limitation.

11 (a) In general.

12 In the case of any taxpayer whose adjusted gross income as modified for the taxable year
13 exceeds the threshold amount shall be reduced by the applicable percentage.

14 (b) Applicable percentage.

15 In the case of any taxpayer whose adjusted gross income for the taxable year exceeds the
16 threshold amount, the exemption amount shall be reduced by two (2) percentage points for each
17 \$2,500 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year
18 exceeds the threshold amount. In the case of a married individual filing a separate return, the
19 preceding sentence shall be applied by substituting "\$1,250" for "\$2,500." In no event shall the
20 applicable percentage exceed one hundred percent (100%).

21 (c) Threshold Amount.

22 For the purposes of this paragraph, the term "threshold amount" shall be determined with
23 the following table:

24 Filing status	Amount
25 Single	\$156,400
26 Married filing jointly of qualifying widow(er)	\$234,600
27 Married filing separately	\$117,300
28 Head of Household	\$195,500

29 (d) Adjustments for inflation.

30 Each dollar amount contained in paragraph (b) shall be increased by an amount equal to:

31 (i) Such dollar amount contained in paragraph (b) in the year 1991, multiplied by

32 (ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

33 (5) Phase-out of limitation.

34 (a) In general.

1 In the case of taxable years beginning after December 31, 2005, and before January 1,
2 2010, the reduction under section 4 shall be equal to the applicable fraction of the amount which
3 would be the amount of such reduction.

4 (b) Applicable fraction.

5 For the purposes of paragraph (a), the applicable fraction shall be determined in
6 accordance with the following table:

7 For taxable years beginning in calendar year	The applicable fraction is
8 2006 and 2007	2/3
9 2008 and 2009	1/3

10 (F) Alternative minimum tax.

11 (1) General rule. There is hereby imposed (in addition to any other tax imposed by this
12 subtitle) a tax equal to the excess (if any) of:

13 (a) The tentative minimum tax for the taxable year, over

14 (b) The regular tax for the taxable year.

15 (2) The tentative minimum tax for the taxable year is the sum of:

16 (a) 6.5 percent of so much of the taxable excess as does not exceed \$175,000, plus

17 (b) 7.0 percent of so much of the taxable excess above \$175,000.

18 (3) The amount determined under the preceding sentence shall be reduced by the
19 alternative minimum tax foreign tax credit for the taxable year.

20 (4) Taxable excess. For the purposes of this subsection the term "taxable excess" means
21 so much of the federal alternative minimum taxable income as modified by the modifications in §
22 44-30-12 as exceeds the exemption amount.

23 (5) In the case of a married individual filing a separate return, subparagraph (2) shall be
24 applied by substituting "\$87,500" for \$175,000 each place it appears.

25 (6) Exemption amount.

26 For purposes of this section "exemption amount" means:

27 Filing status	Amount
28 Single	\$39,150
29 Married filing jointly or qualifying widow(er)	\$53,700
30 Married filing separately	\$26,850
31 Head of Household	\$39,150
32 Estate or trust	\$24,650

33 (7) Treatment of unearned income of minor children

34 (a) In general.

1 In the case of a minor child, the exemption amount for purposes of section (6) shall not
2 exceed the sum of:

- 3 (i) Such child's earned income, plus
- 4 (ii) \$6,000.
- 5 (8) Adjustments for inflation.

6 The dollar amount contained in paragraphs (6) and (7) shall be increased by an amount
7 equal to:

- 8 (a) Such dollar amount contained in paragraphs (6) and (7) in the year 2004, multiplied
- 9 by
- 10 (b) The cost-of-living adjustment determined under section (J) with a base year of 2004.
- 11 (9) Phase-out.

12 (a) In general.

13 The exemption amount of any taxpayer shall be reduced (but not below zero) by an
14 amount equal to twenty-five percent (25%) of the amount by which alternative minimum taxable
15 income of the taxpayer exceeds the threshold amount.

16 (b) Threshold amount.

17 For purposes of this paragraph, the term "threshold amount" shall be determined with the
18 following table:

19 Filing status	Amount
20 Single	\$123,250
21 Married filing jointly or qualifying widow(er)	\$164,350
22 Married filing separately	\$82,175
23 Head of Household	\$123,250
24 Estate or Trust	\$82,150

25 (c) Adjustments for inflation

26 Each dollar amount contained in paragraph (9) shall be increased by an amount equal to:

- 27 (i) Such dollar amount contained in paragraph (9) in the year 2004, multiplied by
- 28 (ii) The cost-of-living adjustment determined under section (J) with a base year of 2004.
- 29 (G) Other Rhode Island taxes.

30 (1) General rule. There is hereby imposed (in addition to any other tax imposed by this
31 subtitle) a tax equal to twenty-five percent (25%) of:

- 32 (a) The Federal income tax on lump-sum distributions.
- 33 (b) The Federal income tax on parents' election to report child's interest and dividends.
- 34 (c) The recapture of Federal tax credits that were previously claimed on Rhode Island

1 return.

2 (H) Tax for children under 18 with investment income.

3 (1) General rule. There is hereby imposed a tax equal to twenty-five percent (25%) of:

4 (a) The Federal tax for children under the age of 18 with investment income.

5 (I) Averaging of farm income.

6 (1) General rule. At the election of an individual engaged in a farming business or fishing
7 business, the tax imposed in section 2 shall be equal to twenty-five percent (25%) of:

8 (a) The Federal averaging of farm income as determined in IRC section 1301 [26 U.S.C.
9 § 1301].

10 (J) Cost-of-living adjustment.

11 (1) In general.

12 The cost-of-living adjustment for any calendar year is the percentage (if any) by which:

13 (a) The CPI for the preceding calendar year exceeds

14 (b) The CPI for the base year.

15 (2) CPI for any calendar year.

16 For purposes of paragraph (1), the CPI for any calendar year is the average of the
17 consumer price index as of the close of the twelve (12) month period ending on August 31 of
18 such calendar year.

19 (3) Consumer price index.

20 For purposes of paragraph (2), the term "consumer price index" means the last consumer
21 price index for all urban consumers published by the department of labor. For purposes of the
22 preceding sentence, the revision of the consumer price index that is most consistent with the
23 consumer price index for calendar year 1986 shall be used.

24 (4) Rounding.

25 (a) In general.

26 If any increase determined under paragraph (1) is not a multiple of \$50, such increase
27 shall be rounded to the next lowest multiple of \$50.

28 (b) In the case of a married individual filing a separate return, subparagraph (a) shall be
29 applied by substituting "\$25" for \$50 each place it appears.

30 (K) Credits against tax. For tax years beginning on or after January 1, 2001, a taxpayer
31 entitled to any of the following federal credits enacted prior to January 1, 1996 shall be entitled to
32 a credit against the Rhode Island tax imposed under this section:

33 (1) [Deleted by P.L. 2007, ch. 73, art. 7, § 5].

34 (2) Child and dependent care credit;

- 1 (3) General business credits;
- 2 (4) Credit for elderly or the disabled;
- 3 (5) Credit for prior year minimum tax;
- 4 (6) Mortgage interest credit;
- 5 (7) Empowerment zone employment credit;
- 6 (8) Qualified electric vehicle credit.

7 (L) Credit against tax for adoption. For tax years beginning on or after January 1, 2006, a
8 taxpayer entitled to the federal adoption credit shall be entitled to a credit against the Rhode
9 Island tax imposed under this section if the adopted child was under the care, custody, or
10 supervision of the Rhode Island department of children, youth and families prior to the adoption.

11 (M) The credit shall be twenty-five percent (25%) of the aforementioned federal credits
12 provided there shall be no deduction based on any federal credits enacted after January 1, 1996,
13 including the rate reduction credit provided by the federal Economic Growth and Tax
14 Reconciliation Act of 2001 (EGTRRA). In no event shall the tax imposed under this section be
15 reduced to less than zero. A taxpayer required to recapture any of the above credits for federal tax
16 purposes shall determine the Rhode Island amount to be recaptured in the same manner as
17 prescribed in this subsection.

18 (N) Rhode Island earned-income credit .

19 (1) In general.

20 For tax years beginning before January 1, 2015, a taxpayer entitled to a federal earned-
21 income credit shall be allowed a Rhode Island earned-income credit equal to twenty-five percent
22 (25%) of the federal earned-income credit. Such credit shall not exceed the amount of the Rhode
23 Island income tax.

24 For tax years beginning on or after January 1, 2015, and before January 1, 2016, a
25 taxpayer entitled to a federal earned-income credit shall be allowed a Rhode Island earned-
26 income credit equal to ten percent (10%) of the federal earned-income credit. Such credit shall
27 not exceed the amount of the Rhode Island income tax.

28 For tax years beginning on or after January 1, 2016, a taxpayer entitled to a federal
29 earned-income credit shall be allowed a Rhode Island earned-income credit equal to twelve and
30 one-half percent (12.5%) of the federal earned-income credit. Such credit shall not exceed the
31 amount of the Rhode Island income tax.

32 For tax years beginning on or after January 1, 2017, a taxpayer entitled to a federal
33 earned-income credit shall be allowed a Rhode Island earned-income credit equal to fifteen
34 percent (15%) of the federal earned-income credit. Such credit shall not exceed the amount of the

1 Rhode Island income tax.

2 (2) Refundable portion.

3 In the event the Rhode Island earned-income credit allowed under paragraph (N)(1) of
4 this section exceeds the amount of Rhode Island income tax, a refundable earned-income credit
5 shall be allowed as follows.

6 (i) For tax years beginning before January 1, 2015, for purposes of paragraph (2)
7 refundable earned-income credit means fifteen percent (15%) of the amount by which the Rhode
8 Island earned-income credit exceeds the Rhode Island income tax.

9 (ii) For tax years beginning on or after January 1, 2015, for purposes of paragraph (2)
10 refundable earned-income credit means one hundred percent (100%) of the amount by which the
11 Rhode Island earned-income credit exceeds the Rhode Island income tax.

12 (O) The tax administrator shall recalculate and submit necessary revisions to paragraphs
13 (A) through (J) to the general assembly no later than February 1, 2010 and every three (3) years
14 thereafter for inclusion in the statute.

15 (3) For the period January 1, 2011 through December 31, 2011, and thereafter, "Rhode
16 Island taxable income" means federal adjusted gross income as determined under the Internal
17 Revenue Code, 26 U.S.C. 1 et seq., and as modified for Rhode Island purposes pursuant to § 44-
18 30-12 less the amount of Rhode Island Basic Standard Deduction allowed pursuant to
19 subparagraph 44-30-2.6(c)(3)(B), and less the amount of personal exemption allowed pursuant to
20 subparagraph 44-30-2.6(c)(3)(C).

21 (A) Tax imposed.

22 (I) There is hereby imposed on the taxable income of married individuals filing joint
23 returns, qualifying widow(er), every head of household, unmarried individuals, married
24 individuals filing separate returns and bankruptcy estates, a tax determined in accordance with the
25 following table:

RI Taxable Income		RI Income Tax	
Over	But not over	Pay +% on Excess	on the amount over
28 \$0 -	\$ 55,000	\$ 0 + 3.75%	\$0
29 55,000 -	125,000	2,063 + 4.75%	55,000
30 125,000 -		5,388 + 5.99%	125,000

31 (II) There is hereby imposed on the taxable income of an estate or trust a tax determined
32 in accordance with the following table:

RI Taxable Income		RI Income Tax	
Over	But not over	Pay + % on Excess	on the amount over

1	\$0 -	\$ 2,230	\$ 0 + 3.75%	\$0
2	2,230 -	7,022	84 + 4.75%	2,230
3	7,022 -		312 + 5.99%	7,022

4 (B) Deductions:

5 (I) Rhode Island Basic Standard Deduction. Only the Rhode Island standard deduction
6 shall be allowed in accordance with the following table:

7	Filing status:	Amount
8	Single	\$7,500
9	Married filing jointly or qualifying widow(er)	\$15,000
10	Married filing separately	\$7,500
11	Head of Household	\$11,250

12 (II) Nonresident alien individuals, estates and trusts are not eligible for standard
13 deductions.

14 (III) In the case of any taxpayer whose adjusted gross income, as modified for Rhode
15 Island purposes pursuant to § 44-30-12, for the taxable year exceeds one hundred seventy-five
16 thousand dollars (\$175,000), the standard deduction amount shall be reduced by the applicable
17 percentage. The term "applicable percentage" means twenty (20) percentage points for each five
18 thousand dollars (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for
19 the taxable year exceeds one hundred seventy-five thousand dollars (\$175,000).

20 (C) Exemption Amount:

21 (I) The term "exemption amount" means three thousand five hundred dollars (\$3,500)
22 multiplied by the number of exemptions allowed for the taxable year for federal income tax
23 purposes.

24 (II) Exemption amount disallowed in case of certain dependents. In the case of an
25 individual with respect to whom a deduction under this section is allowable to another taxpayer
26 for the same taxable year, the exemption amount applicable to such individual for such
27 individual's taxable year shall be zero.

28 (D) In the case of any taxpayer whose adjusted gross income, as modified for Rhode
29 Island purposes pursuant to § 33-30-12, for the taxable year exceeds one hundred seventy-five
30 thousand dollars (\$175,000), the exemption amount shall be reduced by the applicable
31 percentage. The term "applicable percentage" means twenty (20) percentage points for each five
32 thousand dollars (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for
33 the taxable year exceeds one hundred seventy-five thousand dollars (\$175,000).

34 (E) Adjustment for inflation. The dollar amount contained in subparagraphs 44-30-

1 2.6(c)(3)(A), 44-30-2.6(c)(3)(B) and 44-30-2.6(c)(3)(C) shall be increased annually by an amount
2 equal to:

3 (I) Such dollar amount contained in subparagraphs 44-30-2.6(c)(3)(A), 44-30-
4 2.6(c)(3)(B) and 44-30-2.6(c)(3)(C) adjusted for inflation using a base tax year of 2000,
5 multiplied by;

6 (II) The cost-of-living adjustment with a base year of 2000.

7 (III) For the purposes of this section, the cost-of-living adjustment for any calendar year
8 is the percentage (if any) by which the consumer price index for the preceding calendar year
9 exceeds the consumer price index for the base year. The consumer price index for any calendar
10 year is the average of the consumer price index as of the close of the twelve-month (12) period
11 ending on August 31, of such calendar year.

12 (IV) For the purpose of this section the term "consumer price index" means the last
13 consumer price index for all urban consumers published by the department of labor. For the
14 purpose of this section the revision of the consumer price index that is most consistent with the
15 consumer price index for calendar year 1986 shall be used.

16 (V) If any increase determined under this section is not a multiple of fifty dollars
17 (\$50.00), such increase shall be rounded to the next lower multiple of fifty dollars (\$50.00). In the
18 case of a married individual filing separate return, if any increase determined under this section is
19 not a multiple of twenty-five dollars (\$25.00), such increase shall be rounded to the next lower
20 multiple of twenty-five dollars (\$25.00).

21 (F) Credits against tax.

22 (I) Notwithstanding any other provisions of Rhode Island Law, for tax years beginning on
23 or after January 1, 2011, the only credits allowed against a tax imposed under this chapter shall be
24 as follows:

25 (a) Rhode Island earned-income credit: Credit shall be allowed for earned-income credit
26 pursuant to subparagraph 44-30-2.6(c)(2)(N).

27 (b) Property Tax Relief Credit: Credit shall be allowed for property tax relief as provided
28 in § 44-33-1 et seq.

29 (c) Lead Paint Credit: Credit shall be allowed for residential lead abatement income tax
30 credit as provided in § 44-30.3-1 et seq.

31 (d) Credit for income taxes of other states. Credit shall be allowed for income tax paid to
32 other states pursuant to § 44-30-74.

33 (e) Historic Structures Tax Credit: Credit shall be allowed for historic structures tax
34 credit as provided in § 44-33.2-1 et seq.

1 (f) Motion Picture Productions Tax Credit: Credit shall be allowed for motion picture
2 production tax credit as provided in § 44-31.2-1 et seq.

3 (g) Child and Dependent Care: Credit shall be allowed for twenty-five percent (25%) of
4 the federal child and dependent care credit allowable for the taxable year for federal purposes;
5 provided, however, such credit shall not exceed the Rhode Island tax liability.

6 (h) Tax credits for contributions to Scholarship Organizations: Credit shall be allowed for
7 contributions to scholarship organizations as provided in chapter 62 of title 44.

8 (i) Credit for tax withheld. Wages upon which tax is required to be withheld shall be
9 taxable as if no withholding were required, but any amount of Rhode Island personal income tax
10 actually deducted and withheld in any calendar year shall be deemed to have been paid to the tax
11 administrator on behalf of the person from whom withheld, and the person shall be credited with
12 having paid that amount of tax for the taxable year beginning in that calendar year. For a taxable
13 year of less than twelve (12) months, the credit shall be made under regulations of the tax
14 administrator.

15 (j) ~~Stay Invested in RI Wavemaker Fellowship: Credit shall be allowed for stay invested~~
16 ~~in RI wavemaker fellowship program as provided in § 42-64.26-1 et seq.~~

17 (k) Rebuild Rhode Island: Credit shall be allowed for rebuild RI tax credit as provided in
18 § 42-64.20-1 et seq.

19 (l) Rhode Island Qualified Jobs Incentive Program: Credit shall be allowed for Rhode
20 Island new qualified jobs incentive program credit as provided in § 44-48.3-1 et seq.

21 (2) Except as provided in section 1 above, no other state and federal tax credit shall be
22 available to the taxpayers in computing tax liability under this chapter.

23 SECTION 3. Title 44 of the General Laws entitled "TAXATION" is hereby amended by
24 adding thereto the following chapter:

25 CHAPTER 70

26 STAY INVESTED IN RI TAX CREDIT

27 **44-70-1. Definitions.**

28 As used in this chapter:

29 (1) "Eligible graduate" means an individual who meets the eligibility requirements under
30 this chapter.

31 (2) "Taxpayer" means a person who receives a tax credit for education loan repayment
32 expenses under this chapter.

33 (3) "Eligible expenses" or "education loan repayment expenses" means annual higher
34 education loan repayment expenses, including, without limitation, principal, interest and fees, as

1 may be applicable, incurred by an eligible graduate and which the eligible graduate is obligated to
2 repay for attendance at a post-secondary institution of higher learning.

3 (4) "Eligibility period" means a term of up to four (4) years beginning with the date that
4 an eligible graduate commences repayment on a student loan under this chapter and expiring at
5 the conclusion of the fourth year after such date specified.

6 (5) "Eligibility requirements" means the following qualifications or criteria required for a
7 taxpayer to claim a tax credit under this chapter:

8 (i) That the taxpayer shall have graduated from an accredited two (2) year, four (4) year
9 or graduate post-secondary institution of higher learning with an associate's, bachelor's, graduate,
10 or post-graduate degree and at which the taxpayer incurred education loan repayment expenses;
11 and

12 (ii) That the taxpayer shall be a full-time employee with a Rhode Island-based employer
13 located in this state throughout the eligibility period, whose employment is for work in one or
14 more of the following covered fields: life, natural or environmental sciences; computer,
15 information or software technology; advanced mathematics or finance; engineering; industrial
16 design or other commercially related design field; or medicine or medical device technology.

17 (6) "Full-time employee" means a person who is employed by a business for
18 consideration for a minimum of at least thirty-five (35) hours per week, or who renders any other
19 standard of service generally accepted by custom or practice as full-time employment, or who is
20 employed by a professional employer organization pursuant to an employee leasing agreement
21 between the business and the professional employer organization for a minimum of thirty-five
22 (35) hours per week, or who renders any other standard of service generally accepted by custom
23 or practice as full-time employment, and whose wages are subject to withholding.

24 (7) "Service period" means a twelve (12) month period beginning on the date that an
25 eligible graduate commences repayment on a student loan.

26 (8) "Student loan" means a loan to an individual by a public authority or private lender to
27 assist the individual to pay for tuition, books, and living expenses in order to attend a post-
28 secondary institution of higher learning.

29 (9) "Rhode Island-based employer" means:

30 (i) An employer having a principal place of business or at least fifty-one percent (51%) of
31 its employees located in this state; or

32 (ii) An employer registered to conduct business in this state that reported Rhode Island
33 tax liability in the previous tax year.

34 **44-70-2. Tax credit.**

1 (a) A taxpayer shall be allowed a credit, to be computed as provided in this chapter,
2 against the tax imposed by chapters 11, 13, 14, 15, 17 and 30 of this title. The amount of the
3 credit shall be up to a maximum amount for each year of one thousand dollars (\$1,000) for an
4 associate's degree holder, four thousand dollars (\$4,000) for a bachelor's degree holder, and six
5 thousand dollars (\$6,000) for a graduate or post-graduate degree holder, but not to exceed the
6 education loan repayment expenses incurred by the taxpayer during each service period
7 completed, for up to four (4) consecutive service periods.

8 (b) The credits awarded under this chapter shall not exceed one hundred percent (100%)
9 of the education loan repayment expenses incurred by such taxpayer during each service period
10 completed for up to four (4) consecutive service periods. Tax credits shall be issued annually to
11 the taxpayer upon proof that:

12 (i) The taxpayer has actually incurred and paid such education loan repayment expenses;

13 (ii) The taxpayer continues to meet the eligibility requirements throughout the service
14 period;

15 (iii) The award shall not exceed the original loan amount plus any capitalized interest less
16 award previously claimed under this section; and

17 (iv) That the taxpayer claiming an award is current on their student loan repayment
18 obligations.

19 (c) If the amount of the tax credit allowed under this chapter exceeds the taxpayer's total
20 tax liability for the year in which the credit is allowed, the amount of such credit that exceeds the
21 taxpayer's tax liability may be carried forward and applied against the taxes imposed for the
22 succeeding four (4) years, or until the full credit is used, whichever occurs first.

23 (c) The division of taxation shall at the request of a taxpayer redeem such credits in
24 whole or in part for one hundred percent (100%) of the value of the tax credit.

25 **44-70-3. Administration.**

26 The tax administrator shall make available suitable forms with instructions for claiming
27 the credit. The claim shall be in a form that the tax administrator may prescribe. The tax
28 administrator may prescribe rules and regulations, not inconsistent with law, to carry into effect
29 the provisions of this chapter.

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

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TAXATION -- STAY INVESTED IN RI WAVEMAKER FELLOWSHIP

1 This act would repeal the provisions of the Stay Invested in RI Wavemaker Fellowship,
2 and establish the Stay Invested in RI Tax Credit to provide eligible taxpayers with a tax credit for
3 educational loan repayment expenses.

4 This act would take effect upon passage.

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