

2020 -- S 2360

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LC003890  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- STAY INVESTED IN RI  
WAVEMAKER FELLOWSHIP

Introduced By: Senators Pearson, Gallo, Seveney, Metts, and Satchell

Date Introduced: February 13, 2020

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-64.26-3, 42-64.26-5, 42-64.26-8 and 42-64.26-12 of the  
2 General Laws in Chapter 42-64.26 entitled "Stay Invested in RI Wavemaker Fellowship" are  
3 hereby amended to read as follows:

4 **42-64.26-3. Definitions.**

5 As used in this chapter:

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

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

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

12 (4) "Business" means any corporation, state bank, federal savings bank, trust company,  
13 national banking association, bank holding company, loan and investment company, mutual  
14 savings bank, credit union, building and loan association, insurance company, investment  
15 company, broker-dealer company or surety company, limited liability company, partnership, sole  
16 proprietorship, or federal agency or subsidiaries thereof.

17 ~~(4)~~(5) "Taxpayer" means an applicant who receives a tax credit under this chapter.

18 ~~(5)~~(6) "Commerce corporation" means the Rhode Island commerce corporation

1 established pursuant to chapter 64 of title 42.

2 ~~(6)~~(7) "Eligible expenses" or "education loan repayment expenses" means annual higher  
3 education loan repayment expenses, including, without limitation, principal, interest and fees, as  
4 may be applicable, incurred by an eligible graduate and which the eligible graduate is obligated to  
5 repay for attendance at a post-secondary institution of higher learning.

6 (8) "Eligible high-demand STEM teacher" means a full-time content area teacher  
7 employed by a Rhode Island local education agency and satisfying criteria proposed by the Rhode  
8 Island Commissioner of Education in consultation with the commerce corporation and approved  
9 by the commerce corporation, which at a minimum shall include provisions regarding minimum  
10 instructional hours and qualifying high-demand STEM subject areas.

11 ~~(7)~~(9) "Eligibility period" means a term of up to four (4) consecutive service periods  
12 beginning with the date that an eligible graduate receives initial notice of award under this  
13 chapter and expiring at the conclusion of the fourth service period after such date specified.

14 ~~(8)~~(10) "Eligibility requirements" means the following qualifications or criteria required  
15 for an applicant to claim an award under this chapter:

16 (i) That the applicant shall have graduated from an accredited two (2) year, four (4) year  
17 or graduate post-secondary institution of higher learning with an associate's, bachelor's, graduate,  
18 or post-graduate degree and at which the applicant incurred education loan repayment expenses;  
19 and be either

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

25 (B) A full-time employee that is an eligible high-demand STEM teacher.

26 ~~(9)~~(11) "Full-time employee" means a person who is employed by a business or an  
27 eligible high-demand STEM teacher as defined herein for consideration for a minimum of at least  
28 thirty-five (35) hours per week, or who renders any other standard of service generally accepted  
29 by custom or practice as full-time employment, or who is employed by a professional employer  
30 organization pursuant to an employee leasing agreement between the business and the  
31 professional employer organization for a minimum of thirty-five (35) hours per week, or who  
32 renders any other standard of service generally accepted by custom or practice as full-time  
33 employment, and whose earnings are subject to Rhode Island income tax ~~and whose wages are~~  
34 ~~subject to withholding.~~

1 (12) "Local education agency" means a public board of education/school committee or  
2 other public authority legally constituted within the state for either administrative control or  
3 direction of one or more Rhode Island public elementary schools or secondary schools, or a  
4 regional school district, state-operated school, regional collaboration, and charter school or  
5 mayoral academy.

6 ~~(10)~~(13) "Service period" means a twelve (12) month period beginning on the date that an  
7 eligible graduate receives initial notice of award under this chapter.

8 ~~(11)~~(14) "Student loan" means a loan to an individual by a public authority or private  
9 lender to assist the individual to pay for tuition, books, and living expenses in order to attend a  
10 post-secondary institution of higher learning.

11 ~~(12)~~(15) "Rhode Island-based employer" means (i) an employer having a principal place  
12 of business or at least fifty-one percent (51%) of its employees located in this state; or (ii) an  
13 employer registered to conduct business in this state that reported Rhode Island tax liability in the  
14 previous tax year.

15 ~~(13)~~(16) "Fund" refers to the "Stay Invested in RI Wavemaker Fellowship Fund"  
16 established pursuant to § 42-64.26-4.

17 **42-64.26-5. Administration.**

18 (a) Application. An eligible graduate claiming an award under this chapter shall submit to  
19 the commerce corporation an application in the manner that the commerce corporation shall  
20 prescribe.

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

1 other personally-identifying information as well as the applicant's employer's name, street  
2 address, and other employer-identifying information. The commerce corporation shall determine  
3 the composition of the fellowship committee or committees and the selection procedures it will  
4 use in consultation with the state's chambers of commerce or the Rhode Island Department of  
5 Education, as appropriate.

6 (c) The credits awarded under this chapter shall not exceed one hundred percent (100%)  
7 of the education loan repayment expenses ~~incurred~~ paid by such taxpayer during each service  
8 period completed for up to four (4) consecutive service periods. Tax credits shall be issued  
9 annually to the taxpayer upon proof that (i) the taxpayer has actually incurred and paid such  
10 education loan repayment expenses; (ii) the taxpayer continues to meet the eligibility  
11 requirements throughout the service period; (iii) The award shall not exceed the original loan  
12 amount plus any capitalized interest less award previously claimed under this section; and (iv)  
13 that the taxpayer claiming an award is current on his or her student loan repayment obligations.

14 (d) In consultation with the Rhode Island Department of Education, the commerce  
15 corporation shall set guidelines for the proportion of awards to be made to eligible high-demand  
16 STEM teachers so long as no more than one hundred (100) and no more than twenty-five percent  
17 (25%) of the awards issued in a calendar year are to eligible high-demand STEM teachers.

18 ~~(e)~~(e) The commerce corporation shall not commit to overall awards in excess of the  
19 amount contained in the fund.

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

24 ~~(g)~~(g) In administering award, the commerce corporation shall:

25 (1) Require suitable proof that an applicant meets the eligibility requirements for award  
26 under this chapter;

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

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

31 **42-64.26-8. Carry forward and redemption of tax credits.**

32 (a) If the amount of the tax credit allowed under this chapter exceeds the taxpayer's total  
33 tax liability for the year in which the credit is allowed, the amount of such credit that exceeds the  
34 taxpayer's tax liability may be carried forward and applied against the taxes imposed for the

1 succeeding four (4) years, or until the full credit is used, whichever occurs first.

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

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

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

8 **42-64.26-12. Sunset.**

9 No incentives or credits shall be authorized pursuant to this chapter after December 31,  
10 ~~2020~~ 2023.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- STAY INVESTED IN RI  
WAVEMAKER FELLOWSHIP

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- 1           This act would expand the Wavemaker Fellowship Program to include public school
- 2 teachers in the high-need fields of science, technology, engineering and mathematics.
- 3           This act would take effect upon passage.

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