

STATE OF RHODE ISLAND  AND PROVIDENCE PLANTATIONS

Supreme Court  
Licht Judicial Complex  
250 Benefit Street  
Providence, RI 02903

July 20, 2020

Via Electronic Mail

The Honorable Marvin L. Abney  
Chairman, House Finance Committee  
State House Room 35  
Providence, Rhode Island 02903

RE: Proposed Article 3, Section 4 of House Bill No. 7171

Dear Chairman Abney:

Please accept this submission from the Rhode Island Judiciary in connection with the House Finance Committee's consideration of Article 3, Section 4 of House Bill No. 7171 scheduled for Tuesday, July 21, 2020. The purpose of this communication is to support the proposed change recommended by the Office of Management and Budget in the attached memo dated February 26, 2020 and further addressed below insofar as it provides greater clarity than the originally drafted language.

As originally drafted, Article 3, Section 4 of House Bill No. 7171 seeks to amend Rhode Island General Laws § 12-19-34 entitled "Priority of restitution payments to victims of crime" by making restitution payments secondary to the payment of "court costs related to prosecution." Upon information and belief, the impetus for the proposed legislative change is to increase receivables to the violent crime indemnity account which has seen a precipitous decline over the last several years. The Office of Management and Budget is recommending that the phrase "court costs related to prosecution" be replaced with "Payments to the violent crime indemnity account pursuant to § 12-25-28 which finances the crime victim compensation program." The Judiciary supports this proposed change because it is a specific enunciation instead of a general reference to "court costs," which encompasses several other types of statutorily required obligations.

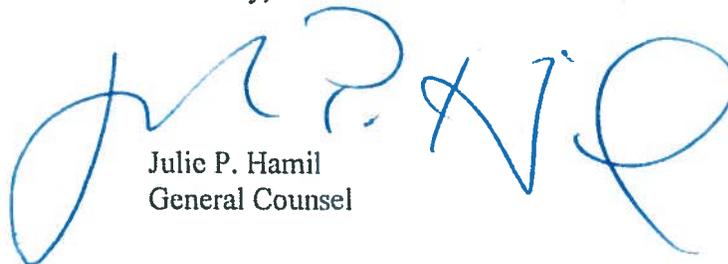
The Judiciary takes no position with respect to the advisability or appropriateness of the proposed language in Article 3, Section 4. Notwithstanding, it is important to note the primary reason for the reduction in monies flowing to the violent crime indemnity account is likely due more to the decriminalization of certain offenses in recent years, than as a result of collection challenges. By way of illustration, pursuant to P.L. 2016 ch. 128 § 1 and P.L. 134 § 1 the General Assembly reduced the offense of driving with a suspended license from a criminal misdemeanor offense (with the attendant obligation to pay into the violent crime indemnity account) to a civil infraction. After this legislative change, the violent crime indemnity account's receivables from the Judiciary declined by approximately \$200,000 (two-hundred thousand dollars) in one year; a

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reduction which was consistent in 2018 and again in 2019. It is unclear whether the proposed budget article, which prioritizes payments to the violent crime indemnity account over payments made directly to victims for restitution, will serve the ultimate purpose of increasing receivables lost due to the decriminalization of offenses such as driving with a suspended license. Should the Committee wish to hear further testimony or receive additional information from the Judiciary as to the issues raised in this letter, please do not hesitate to contact me.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. P. Hamil', is written over the typed name and title.

Julie P. Hamil  
General Counsel



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ADMINISTRATION

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MEMORANDUM

**To:** The Honorable Marvin L. Abney  
Chairman, House Finance Committee  
  
The Honorable William J. Conley, Jr.  
Chairman, Senate Finance Committee

**From:** Thomas A. Mullaney  
Executive Director/State Budget Officer

**Date:** February 26, 2020

**Subject:** Corrections to the FY 2021 Appropriations Act  
(20-H-7171)

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The Budget Office has reviewed the FY 2021 Appropriations Act as posted on the legislative website and through this review and from feedback provided by the House Fiscal Staff have identified typographical errors that were contained in the original version submitted by our office to the Legislative Counsel's office. Attached is a list of the errors and corrections by Article number and page and line number within each article.

Also provided are new sections for Articles 8 and 10 that were inadvertently left out of the original appropriations act as submitted by our office. The new section in Article 8 proposes to increase the tax credit available for contributions made for scholarships from \$1.5 million to \$2.0 million beginning in FY 2022. This change was accounted for in the revenue estimates used in the five-year forecast. The new sections in Article 10 propose to allow the School for the Deaf (RISD) to enter into fee-for-service agreements with local education agencies for the provision of hearing screening tests. Savings of \$235,000 were assumed in the Department of Education/RISD budget in FY 2021 based on implementation of this fee-for-service program.

If you have any questions regarding these corrections, please feel free to call me at 222-6300.

TAM: 21-Amend-1

cc: Sharon Reynolds Ferland, House Fiscal Advisor  
Stephen Whitney, Senate Fiscal Advisor  
Jonathan Womer, Director, Office of Management and Budget

## FY 2021 Appropriations Act Discrepancies/Errors – H – 7171

### Technical Corrections

<u>Article</u>	<u>Location</u>	<u>Description</u>
3	Page 60, Line 11	Replace " <u>Court costs related to prosecution</u> " with " <u>Payments to the violent crimes indemnity account pursuant to § 12-25-28 which finances the crime victim compensation program</u> ".
3	Page 60, Line 17	Insert " <u>costs,</u> " after "court"
3	Page 66, Lines 4 – 7	Strike all lines.
3	Page 72 Line 12	Insert before period "except Section 7 which shall be effective October 1, 2020".
5	Page 85, Line 12	Change amount from \$35,00,000 to \$35,000,000.
6	Page 99, Line 17	Underline "/Dealer's/Possessor's".
6	Page 107, Line 24	Change "development" to "developmental".
6	Page 113, Line 12	Change "development" to "developmental".
6	Page 134, Line 17	Change subsection header "(4)" to "(ii)".
6	Page 169, Line 20	Insert a comma (",") after 30.
9	Page 224, Line 6	Change "(c)" to "(d)" after "44-3-3".
10	Page 240, Line 28	Delete the word "and" after "education".
12	Page 284, Line 4	Insert the word "area" before median.
12	Page 292, Line 5	Change "10(f)" to "9(f)".
12	Page 297, Line 7	Change "(2)" to "(b)".
12	Page 300, Line 16	Insert after 2020 "except Section 5 which shall be effective January 1, 2021"
19	Page 465, Lines 17 -18	Delete "and be deposited in a restricted receipt account".
20	Page 575, Line 6	Underline period after "individuals" and add the word "and" before " <del>without</del> "
20	Page 576, Line 9	Underline the period after "individuals".
20	Page 576, Line 14	Change "for" to "in".
20	Page 576, Line 15	Change "under (x)" to "to" and add a comma after the word "period".

<u>Article</u>	<u>Location</u>	<u>Description</u>
20	Page 576, Line 16	Delete "(y)".
20	Page 585, Line 13	Change "(b)(5)" to "(b)(4)".
20	Page 585, Line 28	Change "(b)(5)" to "(b)(4)".
20	Page 590, Line 7	Delete period after the word "whole".
20	Page 591, Line 4	Change "42-7.5-7" to "42-7.5-8".
20	Page 592, Line 2	Change "42-7.5-8" to "42-7.5-9".
20	Page 592, Line 3	Change "42-7.5-3" to "42-7.5-4".
20	Page 592, Lines 28 - 29	Change "42-7.5-9" to "42-7.5-10".

1 **New Section – Article 8**

2 SECTION X. Section 44-62-3 of the General Laws in Chapter 44-62 entitled “Tax Credits for  
3 Contributions to Scholarship Organizations” is hereby amended to read as follows:

4 **44-62-3. Application for the tax credit program.**

5 (a) Prior to the contribution, a business entity shall apply in writing to the division of taxation.

6 The application shall contain such information and certification as the tax administrator deems necessary  
7 for the proper administration of this chapter. A business entity shall be approved if it meets the criteria of  
8 this chapter; the dollar amount of the applied for tax credit is no greater than one hundred thousand  
9 dollars (\$100,000) in any tax year, and the scholarship organization that is to receive the contribution has  
10 qualified under § 44-62-2.

11 (b) Approvals for contributions under this section shall be made available by the division of  
12 taxation on a first-come-first-serve basis. The total aggregate amount of all tax credits approved shall not  
13 exceed one million five hundred thousand dollars (\$1,500,000) in a fiscal year. In the fiscal year 2022 and  
14 each fiscal year thereafter, the total aggregate amount of all tax credits approved shall not exceed two  
15 million dollars (\$2,000,000) in a fiscal year.

16 (c) The division of taxation shall notify the business entity in writing within thirty (30) days of  
17 the receipt of application of the division's approval or rejection of the application.

18 (d) Unless the contribution is part of a two-year plan, the actual cash contribution by the business  
19 entity to a qualified scholarship organization must be made no later than one hundred twenty (120) days  
20 following the approval of its application. If the contribution is part of a two-year plan, the first year's  
21 contribution follows the general rule and the second year's contribution must be made in the subsequent  
22 calendar year by the same date.

23 (e) The contributions must be those charitable contributions made in cash as set forth in the  
24 Internal Revenue Code.

1 New Sections – Article 10

2 SECTION X. Effective July 1, 2020, Section 16-21-14 of the General Laws in Chapter 16-21  
3 entitled “Health and Safety of Pupils” is hereby amended to read as follows:

4 16-21-14. Hearing, speech, and vision screenings. – Records. – Statewide hearing screening  
5 program.

6 (a) ~~The program~~ All schools shall provide ~~for~~ screenings of the hearing, speech, and vision of all  
7 children in these schools, and the preservation of records of the screenings of the children and notification  
8 of the parent or guardian of any child where there is an identified or suspected special health care need.

9 (b) Upon initial entry, all school children shall be given a hearing screening test by a properly  
10 trained professional ~~employed by the department of elementary and secondary education,~~ at intervals  
11 consistent with regulations promulgated by the director of health and the commissioner of elementary and  
12 secondary education.

13 (c) Pupils who failed the hearing screening test in previous years, repeat a grade, have a history of  
14 hearing difficulty or pathology, or are suspected by school personnel of a hearing loss shall be screened as  
15 often as is necessary.

16 (d) ~~The program shall be known as the statewide hearing screening program. It shall be operated~~  
17 ~~by the department of elementary and secondary education~~ shall ensure that all schools provide adequate  
18 screenings.

19 (e) ~~The department is authorized and directed to maintain the program and provide equipment~~  
20 ~~that may be necessary to implement the purposes of this section.~~

21 (f) ~~Upon request from a local education agency the commissioner of elementary and secondary~~  
22 ~~education may grant the local education agency permission to conduct its own hearing screening program~~  
23 ~~after he or she first determines that the agency has a capacity to adhere to the screening schedule as~~  
24 ~~outlined in this section and that properly trained professionals defined in regulation will be performing the~~  
25 ~~activities.~~

1           (e) The local education agency may enter into a fee-for-service agreement with Rhode Island  
2 School for the Deaf or any other provider who meets the personnel requirements to conduct hearing  
3 screening tests as specified by the department of health.

4           (gf) Tests shall not be required of any student whose parent or guardian objects on the ground that  
5 the tests conflict with their religious beliefs.

6           SECTION X. Effective July 1, 2020, Section 16-26-12 of the General Laws in Chapter 16-26  
7 entitled "School for the Deaf [See Title 16 Chapter 97 – The Rhode Island Board of Education Act]" is  
8 hereby amended to read as follows:

9           **16-26-12. Other sources of funding.**

10           (a) The 2009 general assembly, through the FY 2010 appropriation act, established a fee for a  
11 service program, also known as a tuition program, for the Rhode Island school for the deaf effective July  
12 1, 2009 in accordance with the fee structure developed and implemented by the department of elementary  
13 and secondary education. Under this fee for service program, and the provisions of Rhode Island general  
14 law § 16-26-7.1 notwithstanding, districts shall be assessed tuition to cover the costs of educational  
15 services that are additional to the core deaf and hard-of-hearing education program that is provided to  
16 resident students at the Rhode Island school for the deaf.

17           (b) Tuition assessed at the school for the deaf to cover costs of educational services that are  
18 additional to the core deaf and hard-of-hearing education program shall be based on a graduated tuition  
19 schedule correlating to the varying needs of students. Districts shall receive three (3) times each school  
20 year, invoices summarizing the basis for the tuition charged. There shall be deducted from the final aid  
21 payment to each school district at the end of the fiscal year any amounts owed to the state for these  
22 additional educational services. All tuition paid by districts and any aid deducted for non-payment shall  
23 be deposited in a restricted receipt account and shall be exempt from the indirect cost recovery provisions  
24 of § 35-4-7.

25           (c) The school for the deaf is hereby authorized to rent or lease space in its school building. The  
26 school shall deposit any revenues from such agreements into a restricted receipt account, to be known as

1 the school for the deaf rental income account, to be used for the same educational purposes that its state  
2 appropriation is used. Any such rental agreements must receive prior approval from the school's board of  
3 trustees and by the state properties committee.

4 (d) The school for the deaf is hereby authorized to enter into a fee-for-service agreement with  
5 local education agency for providing hearing screening tests defined in § 16-21-14. Any revenues from  
6 such agreements shall be deposited into a restricted receipt account, to be known as the school for the  
7 deaf hearing screening test account, to be used to cover the costs of providing these hearing screening  
8 tests.