

**2010 -- H 8064 AS AMENDED**

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LC02516  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2010**

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A N A C T

RELATING TO TAXATION -- MOTOR VEHICLE AND TRAILER EXCISE TAX  
ELIMINATION ACT OF 1988

Introduced By: Representatives Costantino, Carter, and Melo

Date Introduced: April 28, 2010

Referred To: Placed on House Calendar

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 44-34.1-2 of the General Laws in Chapter 44-34.1 entitled "Motor  
2   Vehicle and Trailer Excise Tax Elimination Act of 1998" is hereby amended to read as follows:

3           **44-34.1-2. City and town and fire district reimbursement.** -- (a) In fiscal years 2000  
4   and thereafter, cities and towns and fire districts shall receive reimbursements, as set forth in this  
5   section, from state general revenues equal to the amount of lost tax revenue due to the phase out  
6   or reduction of the excise tax. Cities and towns and fire districts shall receive advance  
7   reimbursements through state fiscal year 2002. In the event the tax is phased out, cities and towns  
8   and fire districts shall receive a permanent distribution of sales tax revenue pursuant to section  
9   44-18-18 in an amount equal to any lost revenue resulting from the excise tax elimination. Lost  
10   revenues must be determined using a base tax rate fixed at fiscal year 1998 levels for each city,  
11   town, and fire district, except that the Town of Johnston's base tax rate must be fixed at a fiscal  
12   year 1999 level.

13           (b) (1) The director of administration shall determine the amount of general revenues to  
14   be distributed to each city and town and fire district for the fiscal years 1999 and thereafter so that  
15   every city and town and fire district is held harmless from tax loss resulting from this chapter,  
16   assuming that tax rates are indexed to inflation through fiscal year 2003.

17           (2) The director of administration shall index the tax rates for inflation by applying the  
18   annual change in the December Consumer Price Index -- All Urban Consumers (CPI-U),

1 published by the Bureau of Labor Statistics of the United States Department of Labor, to the  
2 indexed tax rate used for the prior fiscal year calculation; provided, that for state reimbursements  
3 in fiscal years 2004 and thereafter, the indexed tax rate shall not be subject to further CPI-U  
4 adjustments. The director shall apply the following principles in determining reimbursements:

5 (i) Exemptions granted by cities and towns and fire districts in the fiscal year 1998 must  
6 be applied to assessed values prior to applying the exemptions in section 44-34.1-1(c)(1). Cities  
7 and towns and fire districts will not be reimbursed for these exemptions.

8 (ii) City, town, and fire districts shall be reimbursed by the state for revenue losses  
9 attributable to the exemptions provided for in section 44-34.1-1 and the inflation indexing of tax  
10 rates through fiscal 2003. Reimbursement for revenue losses shall be calculated based upon the  
11 difference between the maximum taxable value less personal exemptions and the net assessed  
12 value.

13 (iii) Inflation reimbursements shall be the difference between:

14 (A) The levy calculated at the tax rate used by each city and town and fire district for  
15 fiscal year 1998 after adjustments for personal exemptions but prior to adjustments for  
16 exemptions contained in section 44-34.1-1(c)(1); provided, that for the town of Johnston the tax  
17 rate used for fiscal year 1999 must be used for the calculation; and

18 (B) The levy calculated by applying the appropriate cumulative inflation adjustment  
19 through state fiscal 2003 to the tax rate used by each city and town and fire district for fiscal year  
20 1998; provided, that for the town of Johnston the tax rate used for fiscal year 1999 shall be used  
21 for the calculation after adjustments for personal exemptions but prior to adjustments for  
22 exemptions contained in section 44-34.1-1.

23 (c) (1) Funds shall be distributed to the cities and towns and fire districts as follows:

24 (i) On October 20, 1998, and each October 20 thereafter through October 20, 2001,  
25 twenty-five percent (25%) of the amount calculated by the director of administration to be the  
26 difference for the upcoming fiscal year.

27 (ii) On February 20, 1999, and each February 20 thereafter through February 20, 2002,  
28 twenty-five percent (25%) of the amount calculated by the director of administration to be the  
29 difference for the upcoming fiscal year.

30 (iii) On June 20, 1999, and each June 20 thereafter through June 20, 2002, fifty percent  
31 (50%) of the amount calculated by the director of administration to be the difference for the  
32 upcoming fiscal year.

33 (iv) On August 1, 2002, and each August 1 thereafter, twenty-five percent (25%) of the  
34 amount calculated by the director of administration to be the difference for the current fiscal year.

1 (v) On November 1, 2002, and each November 1 thereafter, twenty-five percent (25%)  
2 of the amount calculated by the director of administration to be the difference for the current  
3 fiscal year.

4 (vi) On February 1, 2003, and each February 1 thereafter, twenty-five percent (25%) of  
5 the amount calculated by the director of administration to be the difference for the current fiscal  
6 year.

7 (vii) On May 1, 2003, and each May 1 thereafter, except May 1, 2010, twenty-five  
8 percent (25%) of the amount calculated by the director of administration to be the difference for  
9 the current fiscal year.

10 (viii) On June 15, 2010, twenty-five percent (25%) of the amount calculated by the  
11 director of administration to be the difference for the current fiscal year.

12 Provided, however, the February and May payments, and June payment in 2010, shall be  
13 subject to submission of final certified and reconciled motor vehicle levy information.

14 (2) Each city, town, or fire district shall submit final certified and reconciled motor  
15 vehicle levy information by August 30 of each year. Any adjustment to the estimated amounts  
16 paid in the previous fiscal year shall be included or deducted from the payment due November 1.

17 (3) On any of the payment dates specified in paragraphs (1)(i) through (vii) of this  
18 subsection, the director is authorized to deduct previously made over-payments or add  
19 supplemental payments as may be required to bring the reimbursements into full compliance with  
20 the requirements of this chapter.

21 (4) For the city of East Providence, the payment schedule is twenty-five percent (25%)  
22 on February 20, 1999, and each February 20 thereafter through February 20, 2002, twenty-five  
23 percent (25%) on June 20, 1999, and each June 20 thereafter through June 20, 2002, which  
24 includes final reconciliation of the previous year's payment, and fifty percent (50%) on October  
25 20, 1999, and each October 20 thereafter through October 20, 2002. For local fiscal years 2003  
26 and thereafter, the payment schedule is twenty-five percent (25%) on each November 1, twenty-  
27 five percent (25%) on each February 1, twenty-five percent (25%) on each May 1, which includes  
28 final reconciliation of the previous year's payment, and twenty-five percent (25%) on each  
29 August 1; provided, the May and August payments shall be subject to submission of final  
30 certified and reconciled motor vehicle levy information.

31 (5) When the tax is phased out, funds distributed to the cities, towns, and fire districts for  
32 the following fiscal year shall be calculated as the funds distributed in the fiscal year of the phase-  
33 out. Twenty-five percent (25%) of the amounts calculated shall be distributed to the cities and  
34 towns and fire districts on August 1, in the fiscal year of the phase-out, twenty-five percent (25%)

1 on the following November 1, twenty-five percent (25%) on the following February 1, and  
2 twenty-five percent (25%) on the following May 1. The funds shall be distributed to each city and  
3 town and fire district in the same proportion as distributed in the fiscal year of the phase-out.

4 (6) When the tax is phased out to August 1, of the following fiscal year the director of  
5 administration shall calculate to the nearest tenth of one cent (\$.001) the number of cents of sales  
6 tax received for the fiscal year ending June 30, of the year following the phase-out equal to the  
7 amount of funds distributed to the cities, towns, and fire districts under this chapter during the  
8 fiscal year following the phase-out and the percent of the total funds distributed in the fiscal year  
9 following the phase-out received by each city, town, and fire district, calculated to the nearest  
10 one-hundredth of one percent (0.01%). The director of the department of administration shall  
11 transmit those calculations to the governor, the speaker of the house, the president of the senate,  
12 the chairperson of the house finance committee, the chairperson of the senate finance committee,  
13 the house fiscal advisor, and the senate fiscal advisor. The number of cents, applied to the sales  
14 taxes received for the prior fiscal year, shall be the basis for determining the amount of sales tax  
15 to be distributed to the cities and towns and fire districts under this chapter for second fiscal year  
16 following the phase-out and each year thereafter. The cities and towns and fire districts shall  
17 receive that amount of sales tax in the proportions calculated by the director of administration as  
18 that received in the fiscal year following the phase-out.

19 (7) When the tax is phased out, twenty-five percent (25%) of the funds shall be  
20 distributed to the cities, towns, and fire districts on August 1, of the following fiscal year and  
21 every August 1 thereafter; twenty-five percent (25%) shall be distributed on the following  
22 November 1, and every November 1 thereafter; twenty-five percent (25%) shall be distributed on  
23 the following February 1, and every February 1 thereafter; and twenty-five percent (25%) shall be  
24 distributed on the following May 1, and every May 1 thereafter.

25 (8) For the city of East Providence, in the event the tax is phased out, twenty-five percent  
26 (25%) shall be distributed on November 1, of the following fiscal year and every November 1  
27 thereafter, twenty-five percent (25%) shall be distributed on the following February 1, and every  
28 February 1 thereafter; twenty-five percent (25%) shall be distributed on the following May 1, and  
29 every May 1 thereafter; and twenty-five percent (25%) of the funds shall be distributed on the  
30 following August 1, and every August 1 thereafter.

31 (9) As provided for in section 44-34-6, the authority of fire districts to tax motor vehicles  
32 is eliminated effective with the year 2000 tax roll and the state reimbursement for fire districts  
33 shall be based on the provisions of section 44-34-6. All references to fire districts in this chapter  
34 do not apply to the year 2001 tax roll and thereafter.

1 (10) For reimbursements payable in the year ending June 30, 2008 and thereafter, the  
2 director of administration shall discount the calculated value of the exemption to ninety-eight  
3 percent (98%) in order to establish a collection rate that is comparable to the collection rate  
4 achieved by municipalities in the levy of the motor vehicle excise tax.

5 SECTION 2. Chapter 45-2 of the General Laws entitled "General Powers" is hereby  
6 amended by adding thereto the following section:

7 **45-2-1.1. Authorization of every town, city and district to postpone their budgets**  
8 **and Financial Town Meetings for Fiscal Year 2010-2011.** – (a) Notwithstanding any general or  
9 public law or rule or local charter or ordinance to the contrary, every city or town council in the  
10 State of Rhode Island is hereby authorized to postpone their FY 2010-2011 budget decisions,  
11 including their financial town meetings for up to ninety (90) days.

12 (b) For FY 2010-2011 only, every state or local statute, regulation, ordinance or other  
13 rule that requires related action (for example, the certifying of a tax roll) shall be extended for  
14 ninety (90) days from the date the statute, regulation, ordinance or other rule otherwise requires.

15 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO TAXATION -- MOTOR VEHICLE AND TRAILER EXCISE TAX  
ELIMINATION ACT OF 1988

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- 1           This act would defer fourth quarter motor vehicle excise tax reimbursement payments to  
2 cities and towns and fire districts from May 1, 2010 until June 15, 2010.  
3           This act would take effect upon passage.

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