

2013 -- S 0740

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND
COMPUTATION

Introduced By: Senators Satchell, and Gallo

Date Introduced: March 13, 2013

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 44-18-30.C of the General Laws in Chapter 44-18 entitled "Sales
2 and Use Taxes - Liability and Computation" is hereby amended to read as follows:

3 **44-18-30.C. Exemption from or stabilization of sales and use taxes for municipal**
4 **economic development zones -- West Warwick.** -- (a) Findings. - The general assembly makes
5 the following findings of fact:

6 (1) Various sections of several towns in the state, including, but not limited to, the town
7 of West Warwick, are deteriorated, blighted areas which have created very difficult challenges to
8 economic development;

9 (2) Several areas of the state are in a distressed financial condition as defined by section
10 45-13-12(b) and cannot finance economic development projects on its own without the
11 participation of private enterprise;

12 (3) The general assembly has found that it is nearly impossible for private enterprise
13 alone to meet these challenges;

14 (4) In certain sections of financially distressed communities, the serious challenges of
15 economic development and/or redevelopment have not been met by private enterprise alone and
16 the impact is being felt throughout the community;

17 (5) Legislation enacted to encourage redevelopment of the deteriorated, blighted areas
18 through the formation of local redevelopment agencies has had very limited success;

1 (6) Various states, such as New Jersey, Pennsylvania and Michigan have had a great deal
2 of success in generating economic development by exercising the authority to exempt and/or
3 stabilize taxes;

4 (7) The state of Rhode Island has generated economic growth by redirecting and/or
5 exempting certain commercial and retail activity from the imposition of sales, use and income
6 taxes with recent examples being the Providence Place Mall, the Arts Districts in the cities of
7 Providence, Pawtucket and Westerly, and financial services and aquaculture industries;

8 (8) Most recently, municipalities in our state have had great success in attracting large
9 commercial development, including financial services, manufacturing, and major energy
10 facilities, due in large part to the authority to exempt and/or stabilize property, tangible and/or
11 inventory taxes;

12 (9) Attracting large non-residential developments or encouraging expansion of existing
13 commercial entities can be extremely important to municipalities, where the quality of public
14 education is largely dependent on the local tax base, thereby expanding the commercial tax base
15 and reducing reliance upon the residential tax base;

16 (10) The ability to attract this development and increase the non-residential tax base, in
17 turn, improves municipalities' ability to finance school systems, municipal services and
18 infrastructure, thereby improving the quality of life;

19 (11) In addition to increasing the local non-residential tax base, this development creates
20 construction jobs, permanent jobs, and spurs additional investment by private enterprises; and

21 (12) Providing authority to offer tax exemptions from, or to stabilize, the imposition of
22 sales and use taxes will attract and assist in expanding, revitalizing and redeveloping the tax base
23 in our municipalities, thereby providing long-term economic benefits and development.

24 (b) Exemption or stabilization of sales and use taxes imposed on sales from businesses
25 located in a municipal economic development zone.

26 (1) In order to attract new construction and development in a municipal economic
27 development zone (MED) as provided in this section, upon the designation of such a zone as set
28 forth in subsection (c) of this section, all businesses engaging in qualifying sales and located in
29 new construction in a MED zone (a MED zone business) shall be exempt from the requirement to
30 charge and collect fifty percent (50%) of the current sales and use tax pursuant to sections 44-18-
31 18 and 44-18-20 for a period of ten (10) years. Sales and use taxes collected in a MED zone shall
32 be returned to the same MED zone in accordance with the provisions of this section. The ten (10)
33 year exemption period for all MED zone businesses shall begin to run from the latest to occur of:
34 (i) the date that is three (3) years from the effective date of the January session 2003 amendments

1 [July 17, 2003] or (ii) the date that is two (2) years from the date upon which the city or town
2 council designates the MED zone for its municipality; or (iii) the date the first MED zone
3 business obtains a certification of exemption as set forth in subdivision (c)(6) of this section.

4 (2) For purposes of this section, "qualifying sales" for a MED zone business shall not
5 include gambling activities, or the retail sales of motor vehicles, furniture, home furnishings
6 including mattresses and oriental rugs, tobacco products, or packaged alcoholic beverages.

7 (3) "Qualifying sales" shall be sales at which the point of sale is located within the same
8 MED zone and point of delivery is located within the same MED zone.

9 (c) Creation of the municipal economic development zone.

10 (1) The city or town council of a financially distressed community may designate in
11 accordance with the provisions of this section one MED zone in the municipality, provided that
12 the municipality is:

13 (i) A financially distressed community as defined by section 45-13-12(b), using the
14 criteria set forth in section 45-13-12(b)(1) through (4);

15 (ii) Has a population less than fifty thousand (50,000) persons; and

16 (iii) The MED zone shall be a parcel of or contiguous parcels of land consisting in total
17 of not less than ten (10) acres, but not more than thirty (30) acres in the area served by adequate
18 utilities and transportation facilities.

19 (2) The city or town council of any financially distressed city or town, as set forth in
20 subdivision (1) of this subsection, in creating a MED zone, shall have the power and authority of
21 a redevelopment agency, as provided in chapter 32 of title 45, to undertake the redevelopment of
22 a MED zone.

23 (3) The city or town council, in designating a MED zone, shall after public notice,
24 hearing and vote as provided by section 45-32-4, comply with the plan requirements of section
25 45-32-8 and shall be responsible for carrying on the plan. The city or town council in
26 implementing the MED zone plan shall have the power of eminent domain as set forth in section
27 45-32-24, and the provisions of sections 45-32-25 -- 45-32-41 shall apply to all such
28 condemnations.

29 (4) All sales and use taxes collected within a MED zone shall be reimbursed to the
30 municipality in which the MED zone is located, and may be expended by the municipality to
31 implement the capital improvement component of the MED zone plan for MED zone property or
32 for property located within one mile of the MED zone or for such other capital improvements as
33 the municipality may determine are required to mitigate MED zone impacts.

34 (5) West Warwick. – [In order to provide incentives for the expansion and rehabilitation](#)

1 of existing buildings in a municipal economic development zone (MED) in the town of West
2 Warwick, as provided in this section, upon the designation of such a zone as set forth in
3 subsection (c) of this section, all businesses engaging in qualifying sales and located in an
4 existing structure in which a developer or property owner invests in the complete renovation of
5 the proposed retail space at a total construction investment cost equal to or greater than the
6 median cost per square foot for retail construction and complete significant façade improvements
7 in accordance with Arctic Design Control guidelines in an existing building or structure located in
8 the MED zone (a MED zone business) shall be exempt from the requirement to charge and collect
9 fifty percent (50%) of the current sales and use tax pursuant to sections 44-18-18 and 44-18-20
10 for a period of ten (10) years. Sales and use taxes collected in a MED zone shall be returned to
11 the same MED zone in accordance with the provisions of this section. The ten (10) year
12 exemption shall begin to run from the date the MED zone business obtains a certification of
13 exemption as set forth in subdivision (c)(6) of this section. Business located in existing
14 rehabilitated buildings or structures shall have five (5) years following completion of said
15 rehabilitation to apply.

16 The following area or portions of them of the town of West Warwick may be designated
17 as the town's municipal economic development zone by the town council of the town of West
18 Warwick after public notice, hearing and vote as provided in section 45-32-4:

19 The area bounded generally by the East Coast Bike Path in the east, Archambault and
20 Gardner Avenue in the north, Payan Street to Curson Street, Curson Street to McNiff, McNiff to
21 Barnes Street, Barnes Street to Nowicki Street to East Street, East Street to Blanchard Street,
22 Blanchard Street to West Street in the west, West Street to Washington Street, Washington Street
23 to Nolan Street, Nolan Street to the East Coast Bike Path in the south, all as more particularly
24 described on the West Warwick municipal economic development zone map on file with the town
25 clerk.

26 (6) The tax administrator shall issue a certification of exemption to the MED zone
27 business at the time the business applies for its permit to make sales at retail and provides the tax
28 administrator with a MED zone business certificate issued by the town clerk stating that the
29 business is located in new construction in the MED zone. The duration of the certificate shall be
30 determined in accordance with subdivision (b)(1) of this section.

31 (7) No business shall be permitted to become a MED zone business or to receive a
32 certificate of exemption pursuant to subdivision (6) of this subsection by relocating from any area
33 within the state of Rhode Island but outside the MED zone to new construction within the MED
34 zone, unless the relocation results in the creation of new permanent employment positions that

1 increase the total employment of the business by not less than fifty percent (50%) of its average
2 total employment for the two (2) year period immediately preceding the year in which it applies
3 for its certificate of exemption. Any business that expands its operations by adding a new location
4 within the MED zone and then ceases to operate any of its locations within the state of Rhode
5 Island that existed prior to the establishment of the MED zone location shall immediately have its
6 certificate of exemption for the MED zone location revoked.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would allow a business engaged in qualifying sales and located in an existing
2 structure in which a developer or property owner invests in the complete renovation of the
3 proposed retail space at a total construction investment cost equal to or greater than the median
4 cost per square foot for retail construction located in a MED zone in the town of West Warwick
5 to receive MED zone tax credits.

6 This act would take effect upon passage.

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