AN ACT
RELATING TO TAXATION - RHODE ISLAND NEW QUALIFIED JOBS INCENTIVE ACT OF 2015

Introduced By: Representatives Shekarchi, Ruggiero, Trillo, Ackerman, and Marshall

Date Introduced: January 15, 2015

Referred To: House Finance

It is enacted by the General Assembly as follows:

SECTION 1. Title 44 of the General Laws entitled "TAXATION" is hereby amended by adding thereto the following chapter:

CHAPTER 70
RHODE ISLAND NEW QUALIFIED JOBS INCENTIVE ACT OF 2015

44-70-1. Short title. — This chapter shall be known and may be cited as the "Rhode Island Qualified Jobs Incentive Act of 2015".

44-70-2. Definitions. — As used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

(1) "Adjusted current employment" means, for any taxable year ending on or after June 30, 2015, the aggregate of the average daily number of qualified full-time equivalent active employees employed within the state by an eligible company during such taxable year.

(2) "Affiliated entity" means any entity owned or controlled by the same persons or shareholders who own or control an eligible company.

(3) "Base employment" means the aggregate number of qualified full-time equivalent active employees employed within the state by an eligible company and its eligible subsidiaries on July 1, 2015.

(4) "Eligible company" means any corporation (including a subchapter S corporation as defined in 26 U.S.C. § 1361), state bank, federal savings bank, trust company, national banking...
association, bank holding company, loan and investment company, mutual savings bank, credit
union, building and loan association, insurance company, investment company, broker-dealer
company or surety company, limited liability company partnership (including an eligible
subsidiary of any of the foregoing), or sole proprietorship.

(5) “Eligible subsidiary” means each entity eighty percent (80%) or more of the
outstanding voting equity of which is owned by an eligible company.

(6) “Qualified full-time equivalent active employee” means any employee of an eligible
company who: (i) Works a minimum of thirty (30) hours per week within the state; or two (2) or
more part-time employees whose combined weekly hours equal or exceed thirty (30) hours per
week within the state; (ii) Earns health care benefits; and (iii) Earns no less than two hundred fifty
percent (250%) of the hourly minimum wage prescribed by Rhode Island law. The first tax year
that an eligible company qualifies for a rate reduction pursuant to § 44-70-3, for purposes of this
section, two hundred fifty percent (250%) of the hourly minimum wage prescribed by Rhode
Island law shall mean two hundred fifty percent (250%) of the hourly minimum wage prescribed
by Rhode Island law at: (A) The time the employee was first treated as a full-time equivalent
active employee during a tax year that the eligible company qualified for a rate reduction
pursuant to § 44-70-3, or, if later; (B) The time the employee first earned at least two hundred
fifty percent (250%) of the hourly minimum wage prescribed by Rhode Island law as an
employee of the eligible company.

(7) “Initial new employment level” means the number of units of new employment
reported by an eligible company reported in 2017.

(8) “New employment” means for each taxable year the amount of adjusted current
employment for each taxable year (determined as of December 31 of each year) minus the
amount of base employment, but in no event less than zero; provided, however, no eligible
company is permitted to transfer, assign or hire employees who are already employed within the
state by such eligible company from itself or any affiliated entity or utilize any other artifice or
device for the purpose of artificially creating new employees in order to qualify for the rate
reduction provided for in this chapter. "New employment” shall not include employees already
employed in this state who become employees of an eligible company as a result of an acquisition
of an existing company by purchase, merger, or otherwise, if such existing company was eligible
for a rate reduction under the provisions of chapter 64.5 of title 42, or the provisions of this
chapter.

(9) "Rate reduction" means the reduction in the tax rate specified in § 44-70-4.

(10) “Small business concern” means an eligible company which has a base employment
level of less than one hundred (100) employees.

(11) "State" means the State of Rhode Island and Providence Plantations.

(12) "Total employment" for an eligible company as of any date means the total number of qualified full-time equivalent active employees employed within the state by the eligible company.

(13) "Units of new employment" means:

(i) For eligible companies which are not small business concerns, the amount of new employment divided by fifty (50), rounded down to the nearest multiple of fifty (50); and

(ii) For eligible companies which are small business concerns, the amount of new employment divided by ten (10), rounded down to the nearest multiple of ten (10).

44-70-3. Tax rate reduction. – The rate of tax payable by an eligible company and each of its eligible subsidiaries for any taxable year ending on or after June 30, 2015, on its net income pursuant to the applicable income tax provisions of the general laws, including the provisions of §§ 44-11-2(a), 44-14-3(a), 44-14-4 and 44-17-1, or on its gross earnings pursuant to §§ 44-13-4(4), 44-30-2.6, or 44-30-2.10 shall be reduced by the amount specified in § 44-70-4; this rate reduction shall be applied once annually to those eligible companies which are permitted by law to file a consolidated state tax return and in the case of eligible companies not permitted by law to file consolidated state tax returns, then the rate reduction shall be applied annually to each eligible company and its eligible subsidiaries; in the case of an eligible company the income of which is subject to tax pursuant to §§ 44-30-2.6 or 44-30-2.10, the rate reduction shall be applied annually only to the portion of net income of such taxpayer attributable to the eligible company; provided, however, should any eligible company fail to maintain in any taxable year on or after December 31, 2017, the number of units of new employment it reported for such 2016 tax year, the rate reduction provided for in this chapter shall expire permanently.

44-70-4. Reduction rate schedule. – The amount of the rate reduction specified in § 44-70-3 for any eligible company for each taxable year ending on or after June 30, 2015, shall be based upon the aggregate amount of new employment of the eligible company and its eligible subsidiaries for such taxable year, and shall be determined by multiplying the numerical equivalent of one-quarter of one percent (.25%) by the number of units of new employment for each such taxable year through the taxable year ending on or before December 31, 2017 and for each taxable year thereafter, the number of units of new employment reported for such taxable year ending in 2017; provided, however, the amount of each rate reduction shall in no event be greater than six (6) percentage points for the applicable income tax rate or greater than three (3) percentage points for the applicable personal income tax rate.
44-70-5. Rule of construction. – This chapter is to be construed in a manner consistent with and complementary to provisions of chapter 64.5 of title 42 of the general laws. The rate reduction received under the provisions of this chapter shall be in addition to the rate reduction, if any, that an eligible company shall be entitled to receive under the provisions of said chapter 64.5 of title 42 of the general laws.

44-70-6. Reporting requirement. – (a) By August 15 of each year the division of taxation shall report the name, address, and amount of tax credit received for each eligible company during the previous state fiscal year to the chairpersons of the house and senate finance committees, the house and senate fiscal advisors, and the division of taxation. This report shall be available to the public for inspection by any person and shall be published by the tax administrator on the tax division website.

(b) On or before September 1, 2015, and every September 1 thereafter, all eligible companies qualifying for a rate reduction pursuant to § 44-70-3 shall file an annual report with the tax administrator to determine if an eligible company is entitled to the rate reduction provided for in this chapter. Said report shall contain each full-time equivalent active employee’s name, date of hire, and hourly wage as of the immediately preceding July 1 and such other information deemed necessary by the tax administrator. The report shall be filed on a form and in a manner prescribed by the tax administrator.

44-70-7. Severability. – If any provision of this chapter or the application of any section or part of this chapter to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application.

SECTION 2. This act shall take effect upon passage.
This act would create a financial incentive for business entities to create new jobs by offering a business tax reduction. This act would take effect upon passage.