

2011 -- H 5448

LC01148

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO STATUTES AND STATUTORY CONSTRUCTION

Introduced By: Representatives Mattiello, and Watson

Date Introduced: February 16, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-7-20 of the General Laws in Chapter 12-7 entitled "Arrest" is
2 hereby amended to read as follows:

3 **12-7-20. Right to use telephone for call to attorney -- Bail bondsperson.** -- Any person
4 arrested under the provisions of this chapter shall be afforded, as soon after being detained as
5 practicable, not to exceed one hour from the time of detention, the opportunity to make use of a
6 telephone for the purpose of securing an attorney or arranging for bail; provided, that whenever a
7 person who has been detained for an alleged violation of the law relating to drunk driving must be
8 immediately transported to a medical facility for treatment, he or she shall be afforded the use of
9 a telephone as soon as practicable, which may ~~not~~ exceed one hour from the time of detention.
10 The telephone calls afforded by this section shall be carried out in such a manner as to provide
11 confidentiality between the arrestee and the recipient of the call.

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

14 **44-34.1-1. Excise tax phase-out.** -- (a) (1) Notwithstanding the provisions of chapter 34
15 of this title or any other provisions to the contrary, the motor vehicle and trailer excise tax
16 established by section 44-34-1 may be phased out. The phase-out shall apply to all motor vehicles
17 and trailers, including leased vehicles. (2) Lessors of vehicles that pay excise taxes directly to
18 municipalities shall provide lessees, at the time of entering into the lease agreement, an estimate
19 of annual excise taxes payable throughout the term of the lease. In the event the actual excise tax

1 is less than the estimated excise tax, the lessor shall annually rebate to the lessee the difference
2 between the actual excise tax and the estimated excise tax.

3 (b) Pursuant to the provisions of this section, all motor vehicles shall be assessed a value
4 by the vehicle value commission. That value shall be assessed according to the provisions of
5 section 44-34-11(c)(1) and in accordance with the terms as defined in subsection (d) of this
6 section; provided, however, that the maximum taxable value percentage applicable to model year
7 values as of December 31, 1997, shall continue to be applicable in future year valuations aged by
8 one year in each succeeding year.

9 (c) (1) The motor vehicle excise tax phase-out shall commence with the excise tax bills
10 mailed to taxpayers for the fiscal year 2000. The phase-out, beyond fiscal year 2003, shall be
11 subject to annual review and appropriation by the general assembly. The tax assessors of the
12 various cities and towns and fire districts shall reduce the average retail value of each vehicle
13 assessed by using the prorated exemptions from the following table:

14 Local Fiscal Year		State fiscal year
15 Exempt from value	Local Exemption	Reimbursement
16 fiscal year 1999	0	\$1,500
17 fiscal year 2000	\$1,500	\$2,500
18 fiscal year 2001	\$2,500	\$3,500
19 fiscal year 2002	\$3,500	\$4,500
20 fiscal years 2003, 2004 and 2005	\$4,500	\$4,500
21 for fiscal year 2006	\$5,000	\$5,000
22 for fiscal year 2007	\$6,000	\$6,000

23 for fiscal year 2008, 2009 and 2010 the exemption and the state fiscal year
24 reimbursement shall be increased, at a minimum, to the maximum amount to the nearest two
25 hundred and fifty dollar (\$250) increment within the allocation of one and twenty-two hundredths
26 percent (1.22%) of net terminal income derived from video lottery games pursuant to the
27 provisions of section 42-61-15, and in no event shall the exemption in any fiscal year be less than
28 the prior fiscal year.

29 for fiscal year 2011 and thereafter, the exemption shall be five hundred dollars (\$500).
30 Cities and towns may provide an additional exemption ~~of five thousand five hundred dollars~~
31 ~~(\$5,500) or more~~; provided, however, any such additional exemption shall not be subject to
32 reimbursement.

33 (2) The excise tax phase-out shall provide levels of assessed value reductions until the tax
34 is eliminated or reduced as provided in this chapter.

1 (3) Current exemptions shall remain in effect as provided in this chapter.

2 (4) The excise tax rates and ratios of assessment shall be maintained at a level identical to
3 the level in effect for fiscal year 1998 for each city, town, and fire district; provided, in the town
4 of Johnston the excise tax rate and ratios of assessment shall be maintained at a level identical to
5 the level in effect for fiscal year 1999 levels and the levy of a city, town, or fire district shall be
6 limited to the lesser of the maximum taxable value or net assessed value for purposes of
7 collecting the tax in any given year. Provided, however, for fiscal year 2011 and thereafter, the
8 rates and ratios of assessment may be less than but not more than the rates described in this
9 subsection (4).

10 (d) Definitions.

11 (1) "Maximum taxable value" means the value of vehicles as prescribed by section 44-34-
12 11 reduced by the percentage of assessed value applicable to model year values as determined by
13 the Rhode Island vehicle value commission as of December 31, 1997, for the vehicles valued by
14 the commission as of December 31, 1997. For all vehicle value types not valued by the Rhode
15 Island vehicle value commission as of December 31, 1997, the maximum taxable value shall be
16 the latest value determined by a local assessor from an appropriate pricing guide, multiplied by
17 the ratio of assessment used by that city, town, or fire district for a particular model year as of
18 December 31, 1997.

19 (2) "Net assessed value" means the motor vehicle values as determined in accordance
20 with section 44-34-11 less all personal exemptions allowed by cities, towns, fire districts, and the
21 state of Rhode Island exemption value as provided for in section 44-34.1-1(c)(1).

22 (e) If any provision of this chapter shall be held invalid by any court of competent
23 jurisdiction, the remainder of this chapter and the applications of the provisions hereof shall not
24 be effected thereby.

25 SECTION 3. Section 45-9-3 of the General Laws in Chapter 45-9 entitled "Budget
26 Commissions" is hereby amended to read as follows:

27 **45-9-3. Appointment and duties of fiscal overseer.** -- (a) Upon joint request by a city's
28 or town's elected chief executive officer and city or town council, which request is approved by
29 the division of municipal finance and the auditor general, or in absence of such a request, in the
30 event that the director of revenue, in consultation with the auditor general, makes any two (2) or
31 more of the findings set forth in subsection (b), the director of revenue may appoint a fiscal
32 overseer for the city or town to assess the ability of the city or town government to manage the
33 city's or town's fiscal challenges.

34 (b) The director of revenue may appoint a fiscal overseer if the director finds in his or

1 her sole discretion that any two (2) of the following events have occurred which are of such a
2 magnitude that they threaten the fiscal well-being of the city or town, diminishing the city or
3 town's ability to provide for the public safety or welfare of the citizens of the city or town:

4 (1) The city or town projects a deficit in the municipal budget in the current fiscal year
5 and again in the upcoming fiscal year;

6 (2) The city or town has not filed its audits with the auditor general by the deadlines
7 required by law for two (2) successive fiscal years (not including extensions authorized by the
8 auditor general);

9 (3) The city or town has been downgraded by one of the nationally recognized statistical
10 rating organizations;

11 (4) The city or town is otherwise unable to obtain access to credit markets on reasonable
12 terms in the sole judgment of the director of revenue.

13 (5) The city or town does not promptly respond to requests made by the director of
14 revenue, or the auditor general, or the chairpersons of the house and/or senate finance committees
15 for financial information and operating data necessary to assess the fiscal condition of the city or
16 town in the sole judgment of the director of revenue.

17 (c) The director of revenue may also appoint a fiscal overseer if a city or town fails to
18 comply with the requirements of sections 45-12-22.1 -- 45-12-22.5 of the general laws.

19 (d) The fiscal overseer shall without limitation:

20 (1) Recommend to the elected chief executive officer, city or town council and school
21 committee sound fiscal policies for implementation;

22 (2) Supervise all financial services and activities;

23 (3) Advise the assessors, director of finance, city or town treasurer, purchasing agent and
24 employees performing similar duties but with different titles;

25 (4) Provide assistance in all matters related to municipal financial affairs;

26 (5) Assist in development and preparation of the municipal budget, all department
27 budgets and spending plans;

28 (6) Review all proposed contracts and obligations;

29 (7) Monitor the expenditures of all funds;

30 (8) Approve the annual or supplemental municipal budgets of the city or town and all of
31 its departments; and

32 (9) Report monthly to the director of revenue, the auditor general, the governor and the
33 chairpersons of the house finance and senate finance committees on the progress made towards
34 reducing the municipality's deficit and otherwise attaining fiscal stability.

1 (e) All department budgets and requests for municipal budget transfers shall be
2 submitted to the fiscal overseer for review and approval.

3 (f) The city or town shall annually appropriate amounts sufficient for the proper
4 administration of the fiscal overseer and staff, as determined in writing by the division of
5 municipal finance. If the city or town fails to appropriate such amounts, the division of municipal
6 finance shall direct the general treasurer to deduct the necessary funds from the city's or town's
7 distribution of state aid and shall expend those funds directly for the benefit of the fiscal overseer
8 and staff.

9 (g) Within one hundred twenty (120) days of being appointed by the director of revenue,
10 the fiscal overseer shall develop a three (3)-year operating and capital financial plan to achieve
11 fiscal stability in the city or town. The plan shall include a preliminary analysis of the city's or
12 town's financial situation and the fiscal overseer's initial recommendations to immediately begin
13 to address the city's or town's operating and structural deficits. The fiscal overseer shall have the
14 power to compel operational, performance or forensic audits, or any other similar assessments.
15 The fiscal overseer shall have the power, at the expense of the city or town, to employ, retain,
16 supervise such managerial, professional and clerical staff as are necessary to carry out the
17 responsibility of fiscal overseer, subject to the approval of the division of municipal finance;
18 provided, however, that the fiscal overseer shall not be subject to chapter 37-2 ~~ef~~ or chapter 45-55
19 of the general laws in employing such staff.

20 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATUTES AND STATUTORY CONSTRUCTION

1 This act is the annual statutory construction bill, prepared based upon recommendations
2 of the Law Revision Office. The act would make technical changes and revisions to various
3 general laws.

4 This act would take effect upon passage.

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