

2014 -- S 2248

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO TAXATION - RHODE ISLAND NEW QUALIFIED JOBS INCENTIVE ACT
OF 2014

Introduced By: Senators Sheehan, Picard, Miller, Bates, and Cote

Date Introduced: January 30, 2014

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

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

3 CHAPTER 69

4 RHODE ISLAND NEW QUALIFIED JOBS INCENTIVE ACT OF 2013

5 **44-69-1. Short title.** – This chapter shall be known and may be cited as the "Rhode
6 Island Qualified Jobs Incentive Act of 2014.

7 **44-69-2. Definitions.** – As used in this chapter, unless the context clearly indicates
8 otherwise, the following words and phrases shall have the following meanings:

9 (1) "Adjusted current employment" means, for any taxable year ending on or after June
10 30, 2014, the aggregate of the average daily number of qualified full-time equivalent active
11 employees employed within the state by an eligible company during such taxable year.

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

14 (3) "Base employment" means, the aggregate number of qualified full-time equivalent
15 active employees employed within the state by an eligible company and its eligible subsidiaries
16 on July 1, 2014.

17 (4) "Eligible company" means any corporation (including a subchapter S corporation as
18 defined in 26 U.S.C. section 1361), state bank, federal savings bank, trust company, national

1 banking association, bank holding company, loan and investment company, mutual savings bank,
2 credit union, building and loan association, insurance company, investment company, broker-
3 dealer company or surety company, limited liability company partnership (including an eligible
4 subsidiary of any of the foregoing), or sole proprietorship.

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

7 (6) "Qualified full-time equivalent active employee" means any employee of an eligible
8 company who: (i) Works a minimum of thirty (30) hours per week within the state, or two (2) or
9 more part-time employees whose combined weekly hours equal or exceed thirty (30) hours per
10 week within the state; (ii) Earns health care benefits; and (iii) Earns no less than two hundred fifty
11 percent (250%) of the hourly minimum wage prescribed by Rhode Island law. The first tax year
12 that an eligible company qualifies for a rate reduction pursuant to § 44-69-3, for purposes of this
13 section, two hundred fifty percent (250%) of the hourly minimum wage prescribed by Rhode
14 Island law shall mean two hundred fifty percent (250%) of the hourly minimum wage prescribed
15 by Rhode Island law at: (A) The time the employee was first treated as a full-time equivalent
16 active employee during a tax year that the eligible company qualified for a rate reduction
17 pursuant to § 44-69-3, or, if later, (B) The time the employee first earned at least two hundred
18 fifty percent (250%) of the hourly minimum wage prescribed by Rhode Island law as an
19 employee of the eligible company.

20 (7) "Initial new employment level" means the number of units of new employment
21 reported by an eligible company reported in 2016.

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

33 (9) "Rate reduction" means the reduction in tax rate specified in § 44-69-4.

34 (10) "Small business concern" means any eligible company which has a base

1 employment level of less than one hundred (100) employees.

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

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

6 (13) "Units of new employment" means: (i) For eligible companies which are not small
7 business concerns, the amount of new employment divided by fifty (50), rounded down to the
8 nearest multiple of fifty (50); and (ii) For eligible companies which are small business concerns
9 the amount of new employment divided by ten (10), rounded down to the nearest multiple of ten
10 (10).

11 **44-69-3. Tax rate reduction.** – The rate of tax payable by an eligible company and each
12 of its eligible subsidiaries for any taxable year ending on or after June 30, 2014, on its net income
13 pursuant to the applicable income tax provisions of the general laws, including the provisions of
14 §§ 44-11-2(a), 44-14-3(a), 44-14-4 and 44-17-1, or on its gross earnings pursuant to §§ 44-13-
15 4(4), 44-30-2.6, or 44-30-2.10 shall be reduced by the amount specified in § 44-69-4. This rate
16 reduction shall be applied once annually to those eligible companies which are permitted by law
17 to file a consolidated state tax return and in the case of eligible companies not permitted by law to
18 file consolidated state tax returns, then the rate reduction shall be applied annually to each eligible
19 company and its eligible subsidiaries. In the case of an eligible company the income of which is
20 subject to tax pursuant to §§ 44-30-2.6 or 44-30-2.10, the rate reduction shall be applied annually
21 only to the portion of net income of such taxpayer attributable to the eligible company; provided,
22 however, should any eligible company fail to maintain in any taxable year on or after December
23 31, 2016, the number of units of new employment it reported for such 2015 tax year, the rate
24 reduction provided for in this chapter shall expire permanently.

25 **44-69-4. Reduction rate schedule.** – The amount of the rate reduction specified in § 44-
26 69-3 for any eligible company for each taxable year ending on or after June 30, 2014, shall be
27 based upon the aggregate amount of new employment of the eligible company and its eligible
28 subsidiaries for such taxable year, and shall be determined by multiplying the numerical
29 equivalent of one-quarter of one percent (.25%) by the number of units of new employment for
30 each such taxable year through the taxable year ending on or before December 31, 2016 and for
31 each taxable year thereafter, the number of units of new employment reported for such taxable
32 year ending in 2016. Provided, however, the amount of each rate reduction shall in no event be
33 greater than six (6) percentage points for the applicable income tax rate or greater than three (3)
34 percentage points for the applicable personal income tax rate.

1 **44-69-5. Rule of construction.** – This chapter is to be construed in a manner consistent
2 with and complementary to provisions of chapter 42-64.5 of the general laws. The rate reduction
3 received under the provisions of this chapter shall be in addition to the rate reduction, if any, that
4 an eligible company shall be entitled to receive under the provisions of said chapter 42-64.5 of
5 the general laws.

6 **44-69-6. Severability.** – If any provision of this chapter or the application of any section
7 or part of this chapter to any person or circumstance is held invalid, the invalidity shall not affect
8 other provisions or applications of this chapter which can be given effect without the invalid
9 provision or application.

10 **44-69-7. Reporting requirement.** – (a) By August 15th of each year the division of
11 taxation shall report the name, address, and amount of tax credit received for each eligible
12 company during the previous state fiscal year to the chairpersons of the house and senate finance
13 committees, the house and senate fiscal advisors, and the division of taxation. This report shall be
14 available to the public for inspection by any person and shall be published by the tax
15 administrator on the tax division website.

16 (b) On or before September 1, 2014, and every September 1 thereafter, all eligible
17 companies qualifying for a rate reduction pursuant to § 44-69-3 shall file an annual report with
18 the tax administrator to determine if an eligible company is entitled to the rate reduction provided
19 for in this chapter. Said report shall contain each full-time equivalent active employee's name,
20 date of hire, and hourly wage as of the immediately preceding July 1 and such other information
21 deemed necessary by the tax administrator. The report shall be filed on a form and in a manner
22 prescribed by the tax administrator.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would create a financial incentive for business entities to create new jobs by
- 2 offering a business tax reduction.

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