

2012 -- S 2462

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LC01744
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO TAXATION

Introduced By: Senators Tassoni, Cote, and P Fogarty

Date Introduced: February 16, 2012

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 44-5-2 of the General Laws in Chapter 44-5 entitled "Levy and
2 Assessment of Local Taxes" is hereby amended to read as follows:

3 **44-5-2. Maximum levy.** -- (a) Through and including its fiscal year 2007, a city or town
4 may levy a tax in an amount not more than five and one-half percent (5.5%) in excess of the
5 amount levied and certified by that city or town for the prior year. Through and including its
6 fiscal year 2007, but in no fiscal year thereafter, the amount levied by a city or town is deemed to
7 be consistent with the five and one-half percent (5.5%) levy growth cap if the tax rate is not more
8 than one hundred and five and one-half percent (105.5%) of the prior year's tax rate and the
9 budget resolution or ordinance, as applicable, specifies that the tax rate is not increasing by more
10 than five and one-half percent (5.5%) except as specified in subsection (c) of this section. In all
11 years when a revaluation or update is not being implemented, a tax rate is deemed to be one
12 hundred five and one-half percent (105.5%) or less of the prior year's tax rate if the tax on a
13 parcel of real property, the value of which is unchanged for purpose of taxation, is no more than
14 one hundred five and one-half percent (105.5%) of the prior year's tax on the same parcel of real
15 property. In any year through and including fiscal year 2007 when a revaluation or update is
16 being implemented, the tax rate is deemed to be one hundred five and one-half percent (105.5%)
17 of the prior year's tax rate as certified by the division of property valuation and municipal finance
18 in the department of revenue.

19 (b) In its fiscal year 2008, a city or town may levy a tax in an amount not more than five

1 and one-quarter percent (5.25%) in excess of the total amount levied and certified by that city or
2 town for its fiscal year 2007. In its fiscal year 2009, a city or town may levy a tax in an amount
3 not more than five percent (5%) in excess of the total amount levied and certified by that city or
4 town for its fiscal year 2008. In its fiscal year 2010, a city or town may levy a tax in an amount
5 not more than four and three-quarters percent (4.75%) in excess of the total amount levied and
6 certified by that city or town in its fiscal year 2009. In its fiscal year 2011, a city or town may
7 levy a tax in an amount not more than four and one-half percent (4.5%) in excess of the total
8 amount levied and certified by that city or town in its fiscal year 2010. In its fiscal year 2012, a
9 city or town may levy a tax in an amount not more than four and one-quarter percent (4.25%) in
10 excess of the total amount levied and certified by that city or town in its fiscal year 2011. In its
11 fiscal year 2013 and in each fiscal year thereafter, a city or town may levy a tax in an amount not
12 more than four percent (4%) in excess of the total amount levied and certified by that city or town
13 for its previous fiscal year.

14 (c) The division of property valuation in the department of revenue shall monitor city
15 and town compliance with this levy cap, issue periodic reports to the general assembly on
16 compliance, and make recommendations on the continuation or modification of the levy cap on or
17 before December 31, 1987, December 31, 1990, and December 31, every third year thereafter.
18 The chief elected official in each city and town shall provide to the division of property and
19 municipal finance within thirty (30) days of final action, in the form required, the adopted tax
20 levy and rate and other pertinent information.

21 (d) The amount levied by a city or town may exceed the percentage increase as specified
22 in subsection (a) or (b) of this section if the city or town qualifies under one or more of the
23 following provisions:

24 (1) The city or town forecasts or experiences a loss in total non-property tax revenues
25 and the loss is certified by the department of revenue.

26 (2) The city or town experiences or anticipates an emergency situation, which causes or
27 will cause the levy to exceed the percentage increase as specified in subsection (a) or (b) of this
28 section. In the event of an emergency or an anticipated emergency, the city or town shall notify
29 the auditor general who shall certify the existence or anticipated existence of the emergency.
30 Without limiting the generality of the foregoing, an emergency shall be deemed to exist when the
31 city or town experiences or anticipates health insurance costs, retirement contributions or utility
32 expenditures which exceed the prior fiscal year's health insurance costs, retirement contributions
33 or utility expenditures by a percentage greater than three (3) times the percentage increase as
34 specified in subsection (a) or (b) of this section.

1 (3) A city or town forecasts or experiences debt services expenditures which exceed the
2 prior year's debt service expenditures by an amount greater than the percentage increase as
3 specified in subsection (a) or (b) of this section and which are the result of bonded debt issued in
4 a manner consistent with general law or a special act. In the event of the debt service increase, the
5 city or town shall notify the department of revenue which shall certify the debt service increase
6 above the percentage increase as specified in subsection (a) or (b) of this section the prior year's
7 debt service. No action approving or disapproving exceeding a levy cap under the provisions of
8 this section affects the requirement to pay obligations as described in subsection (d) of this
9 section.

10 (4) The city or town experiences substantial growth in its tax base as the result of major
11 new construction which necessitates either significant infrastructure or school housing
12 expenditures by the city or town or a significant increase in the need for essential municipal
13 services and such increase in expenditures or demand for services is certified by the department
14 of revenue.

15 (e) Any levy pursuant to subsection (d) of this section in excess of the percentage
16 increase specified in subsection (a) or (b) of this section shall be approved by the affirmative vote
17 of at least four-fifths (4/5) of the full membership of the governing body of the city or town or in
18 the case of a city or town having a financial town meeting, the majority of the electors present
19 and voting at the town financial meeting shall also approve the excess levy.

20 (f) For the purpose of funding targeted economic development investment, incremental
21 property tax revenue greater than amounts collected in fiscal year 2011 from property located
22 within a municipality's designated and state-approved "growth centers" may be excluded from
23 the levy amount subject to the cap, up to an aggregate maximum of two percent (2%) of the total
24 municipal levy, including the increase within the growth center, provided that all such revenue
25 shall be deposited into a Municipal Economic Development Trust account to be used exclusively
26 to fund capital improvement projects consistent with and corresponding to a municipally adopted
27 Capital Improvement Plan (CIP) associated with its designated growth centers. Allowable
28 expenditures from the Municipal Economic Development Trust include planning studies,
29 design/engineering, land acquisition, transportation and utility infrastructure and public amenities.
30 "Approved growth centers" refers to growth centers designated by the city or town and approved
31 by the Rhode Island division of planning under established guidelines on local comprehensive
32 planning. A municipality that elects to utilize provisions of this subsection shall be required to
33 track and provide the following information annually as part of the monitoring and reporting
34 referenced in subsection (c): the level public investment being made annually to implement the

1 CIP within such “growth centers”; the dollar value of subsequent private real estate development
2 investment within such “growth centers”; the number of real estate development projects
3 initiated; percentage of vacancies reduced; number of net new businesses and full and part-time
4 jobs; or a change in property tax revenues generated with “growth centers”.

5 ~~(f)~~(g) Nothing contained in this section constrains the payment of present or future
6 obligations as prescribed by section 45-12-1, and all taxable property in each city or town is
7 subject to taxation without limitation as to rate or amount to pay general obligation bonds or notes
8 of the city or town except as otherwise specifically provided by law or charter.

9 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 fund economic development in municipally-designated state approved
2 "growth centers" by excluding revenue greater than the amount collected in fiscal year 2011 from
3 the levy subject to the cap in an amount up to a maximum of two percent (2%) of the total
4 municipal levy provided that the revenue is used to fund projects in growth centers.

5 This act would take effect upon passage.

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