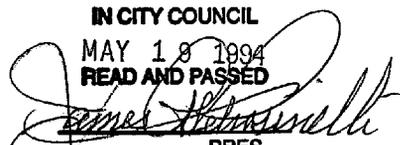


RESOLUTION OF THE CITY COUNCIL

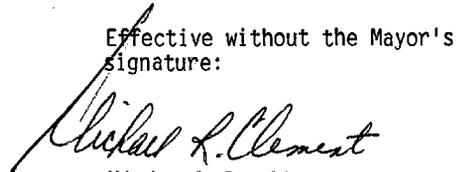
No. 314

Effective ~~XXXXXXXXXX~~ ^{Approved} May 30, 1994

RESOLVED, That the City Council Opposes and urges Defeat
by the General Assembly of House Bill 94-H 9042, An Act relating to Alcoholic
Beverages - Retail Licenses.

IN CITY COUNCIL
MAY 18 1994
READ AND PASSED

PRES.

CLERK

Effective without the Mayor's
signature:

Michael R. Clement
City Clerk

DT1264

94-H 9042

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1994

A N A C T

RELATING TO ALCOHOLIC BEVERAGES --
RETAIL LICENSES

94-H 9042

Introduced By: Reps. Large, Lauzon,
Carter, Montalbano and Martineau
Date Introduced: February 17, 1994

Referred To: Committee on Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 3-7 of the General Laws entitled "Retail
2 Licenses" is hereby amended by adding thereto the following section:
3 3-7-3.1. Limited class A licenses. -- Limited class A licenses
4 may be issued by the department of business regulation to any person,
5 firm or corporation owning one (1) or more convenience stores author-
6 izing the holder to keep for sale and to sell at the place therein de-
7 scribed malt and vinous beverages (but not beverages consisting in
8 whole or in part of alcohol produced by distillation and not for con-
9 sumption on the premises where sold) at retail in conjunction with and
10 in addition to the sale of nonalcoholic beverages, foodstuffs, news-
11 papers, magazines and other convenience store items. The provisions
12 of sections 3-7-4 and 3-5-11 shall not apply to the holder of such
13 limited class A licenses provided, however, holders of such limited
14 class A licenses may not sell malt and vinous beverages within the
15 hours set forth in section 3-7-23 or on the days set forth in section
16 3-8-1 (at which times and on which days all malt and vinous beverages
17 shall be segregated from other merchandise and clearly marked as not

*Estimated
3000 stores in R.I.*

1 available for sale). The annual fee for a limited class A license
2 shall be one thousand dollars (\$1,000) prorated to the year ending
3 December 1 in every calendar year.

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

6 CHAPTER 44-54

7 GROSS RECEIPTS TAX

8 44-54-1. Tax imposed. -- There is hereby imposed on the gross
9 receipts of any retailer holding a limited class A license under
10 section 3-7-3.1, a tax of one percent (1%) on such retailer's gross
11 receipts from the sale of malt and vinous beverages. This tax shall
12 be in addition to any other taxes imposed under the authority of this
13 state.

14 44-54-2. Administration. -- The gross receipts tax shall be
15 reported by the retailer on its Rhode Island personal income tax
16 return under chapter 30 of this title or its business corporation tax
17 under chapter 11 of this title, as applicable, and shall be payable on
18 the due date of such return. All laws, rules and regulations includ-
19 ing provisions as to audit, statute of limitations and rights of
20 appeal governing the business corporation tax shall apply to the gross
21 receipts tax imposed on retailers which are corporations and all such
22 laws, rules and regulations governing the personal income tax shall
23 apply to all other retailers. The gross receipts tax shall be paid to
24 the general fund.

25 SECTION 3. Section 3-5-14 of the General Laws in Chapter 3-5
26 entitled "Licenses Generally" is hereby amended to read as follows:

27 3-5-14. Licenses issued by department of business regulation. --
28 The right, power and jurisdiction to issue manufacturer's,
29 wholesaler's or retailer's limited class A, class G and class I
30 licenses shall be solely in the department of business regulation,
31 provided, that before the department shall issue any class I license
32 it shall first receive the approval of the licensing authority of the
33 town or city in which the premises covered by the class I license are

1 located; and provided, further, that the number of Class I licenses in
2 the state shall be limited to one (1) to each twenty-five thousand
3 (25,000) of its inhabitants as determined by the latest census taken
4 under the authority of the United States or of this state.

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

DT1264

94-H 9042

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO ALCOHOLIC BEVERAGES --
RETAIL LICENSES

1 This act would permit the department of business regulation
2 to issue limited Class A licenses to convenience stores allowing
3 the sale of beer and wine only and in the same manner as other
4 licensed retail establishments and imposes a gross receipts tax
5 of 1% of such sales.

6 The act would take effect upon passage.

DT1264

RAYMOND DETTORE, JR.
Chairman and Secretary

ARLINE FELDMAN
Vice-Chairman

TERESA ORABONA
ALAN COSTANTINO
MARGARET DEFELICE



VINCENT A. CIANCI, JR.
Mayor

Board of Licenses

"Building Pride In Providence"

May 10, 1994

The Honorable John Harwood
Speaker of the House of Representatives
State House
Room 323
Providence, Rhode Island 02908

RE: 94-H 9042

Dear Speaker Harwood:

Attached is a copy of a position paper which I have no quarrel with.

However, let me personally express my opposition to 94-H 9042. If this bill becomes law, it would create a nightmare for its enforcement. Right now the City of Providence has its hands full with the existing liquor establishments within our borders. Especially with the college population presiding here daily most of the year, to add what could amount to several hundred additional liquor licenses to our City, that we would be responsible for, but not have a say in their location is unconscionable.

It is of my opinion that under the Rhode Island Constitution and passed decisions of the Rhode Island Supreme Court, we would not have to allow these licenses in our City.

I am sure that our City Council would support the Providence Board of Licenses position to fight the location of these type of liquor licenses in Providence.

I do not see the need to explode the number of stores which would have the ability to sell alcoholic beverages in this City or this State.

To the best of my knowledge in this part of the country, the only states that provide for this type of liquor licenses have State run liquor stores for the sale of hard liquor.

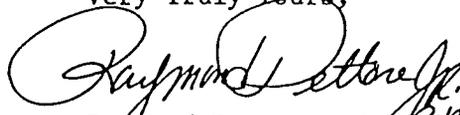
May 10, 1994

Page Two

In conclusion, I request that you give great thought to this bill before you or your colleagues vote for this very unneeded legislation.

Thanking you for your consideration.

Very Truly Yours,



Raymond Dettore, Jr.
Chairman & Secretary

RDjr/llh

CC: Joseph Gallucci, State Liquor Control Administrator, State Liquor Control
Colonel Bernard Gannon, Chief of Police, Providence Police Department
Mayor Vincent A. Cianci, Jr.
Kevin McHugh, Esquire, Assistant City Solicitor, Law Department
Richard H. Aitchison, License Administrator, Board of Licenses