

RESOLUTION OF THE CITY COUNCIL

No. 337

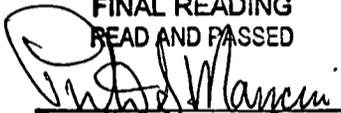
Approved JUNE 18, 2007

RESOLVED, That the Members of the Providence City Council
hereby Endorse and Urge Passage by the General Assembly of House Bill 2007-H
6334, An Act Relating to Taxation.

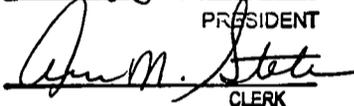
IN CITY
COUNCIL

JUN 7 2007

FINAL READING
READ AND PASSED

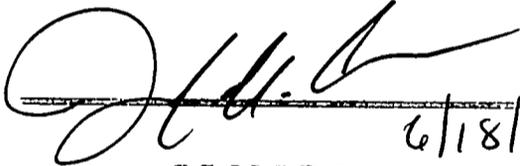


PRESIDENT



CLERK

APPROVED



6/18/07

MAYOR

IN CITY COUNCIL
MAY 17 2007
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION
Ann M. Stebbins CLERK

Councilman Yurdin, By Request

Special
THE COMMITTEE ON
State Legislation
Recommends *continued*
Ann M. Stebbins
5-22-07 CLERK

THE COMMITTEE ON
STATE LEGISLATION
Recommends Approval
Ann M. Stebbins
5-29-07 CLERK

2007 -- H 6334

LC02794

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

AN ACT

RELATING TO TAXATION

Introduced By: Representatives Segal, Slater, Williams, Almeida, and Smith

Date Introduced: May 01, 2007

Referred To: House Finance

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 64

4 THE SHARED ECONOMIC GROWTH ACT

5 44-64-1. Short title. – This chapter shall be known as "The Shared Economic Growth
6 Act."

7 44-64-2. Purpose. – This chapter is enacted to promote economic development within
8 the state and its political subdivisions by preserving the local tax base through revenue sharing
9 between the state and communities affected by the acquisition of otherwise taxable property by
10 tax-exempt entities.

11 44-64-3. Affected community. – For purposes of this chapter, "affected community:
12 means a political subdivision in which a tax-exempt entity acquires real property.

13 44-64-4. Apportionment. – For real property acquired by any entity deemed tax-exempt
14 under section 44-3-4, the state shall pay to the affected community the lesser of:

15 (1) Fifty percent (50%) of the reported gross income paid by the acquiring tax-exempt
16 entity to any of its employees employed at the acquired real property; or

17 (2) The aggregate of real and tangible property taxes that would have been annually
18 levied against the acquired real property and the tangible property sited in said real property if it
19 were not otherwise exempt.

1 **44-64-5. Procedure for determining apportionment.** – By January 31st, each entity
2 claiming property tax-exemption under section 44-3-4 shall report to the tax administrator any
3 real property by assessor's plat and lot numbers, acquired or disposed by it, if any, in the prior
4 calendar year and identity tangible property by date and price of acquisition. Further, said entity
5 shall identify the gross payroll paid to its employees in any real property acquired by it after the
6 effective date of this act. Based on the reported gross income, the tax administrator shall
7 determine the amount of the potential apportionment payment based on the percentage of gross
8 income calculation. By June 30th of each calendar year, the tax assessor of the affected
9 community shall report to the tax administrator the amount of taxes that would have been levied
10 against the acquired real property and the tangible property sited at said acquired real property if
11 they were not otherwise exempt. The tax administrator shall then determine the final amount of
12 the apportionment payment to the affected community, taking into consideration any payment in
13 lieu of taxes made to the affected community for the affected real property. Said payment to be
14 made by the state to the affected community by September 30th of each calendar year.

15 **44-64-6. Enforcement rules and regulations.** – The tax administrator shall adopt and
16 enforce rules and regulations relating to the provisions of this chapter.

17 **44-64-7. Severability.** – If any part, subdivision, section, or subsection of this chapter is
18 declared unconstitutional, the validity of the remaining parts shall not be affected.

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

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LC02794
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TAXATION

- 1 This act would create the shared economic growth act which would preserve the local tax
- 2 base through revenue sharing by the state and communities affected by the acquisition of
- 3 otherwise taxable property by the tax-exempt entities.
- 4 This act would take effect upon passage.

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LC02794
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THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

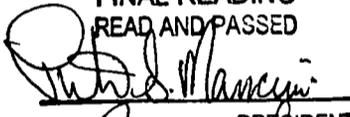
No. 338

Approved JUNE 18, 2007

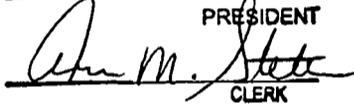
RESOLVED, That the Members of the Providence City Council hereby Endorse and Urge Passage by the General Assembly of House Bill 2007-H 7765, To Approve and Publish and Submit to the Electors a Proposition of Amendment to the Constitution of the State (Free Public Schools).

**IN CITY
COUNCIL**

JUN 17 2007
FINAL READING
READ AND PASSED



PRESIDENT



CLERK

APPROVED



6/18/07

MAYOR

IN CITY COUNCIL
MAY 17 2007
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION
Ann M. Steh CLERK

Councilman Yurdin By Request

Special
THE COMMITTEE ON
State Legislation
Recommends *Continued*
Ann M. Steh
5-22-07 CLERK

THE COMMITTEE ON
STATE LEGISLATION
Recommends Approval
Ann M. Steh
5-29-07 CLERK

LC00732

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2006

JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF
AMENDMENT TO THE CONSTITUTION OF THE STATE (FREE PUBLIC SCHOOLS)

Introduced By: Representatives Slater, Diaz, Williams, Almeida, and Dennigan

Date Introduced: February 28, 2006

Referred To: House Finance

1 RESOLVED, That a majority of all members elected to each house of the general
2 assembly voting therefore the following amendment to the constitution of the state be proposed to
3 the qualified electors of the state in accordance with the provisions of Article XIV of the
4 constitution for their approval and that it take the place of Article XII, section 1 which is hereby
5 amended, effective on January 1, 2008, to read as follows:

6 SECTION 1. Duty of general assembly to promote schools and libraries. – The diffusion
7 of knowledge, as well as of virtue among the people, being essential to the preservation of their
8 rights and liberties, it shall be the duty of the general assembly to promote public schools and
9 public libraries, and to adopt all means which it may deem necessary and proper to secure to the
10 people the advantages and opportunities of education and public library services.

11 It shall further be the duty of the general assembly to guarantee an equitable, adequate
12 and meaningful education to each child by establishing and maintaining a system of free public
13 schools.

14 RESOLVED, That this amendment shall take, in the constitution of the state, the place of
15 section 1, Article XII of the constitution; it is further

16 RESOLVED, That the said proposition of amendment shall be submitted to the electors
17 for their approval or rejection at the next statewide general election. The voting places in the
18 several cities and towns shall be kept open during the hours required by law for voting therein for
19 general officers of the state; and be it further

1 RESOLVED, That the secretary of state shall cause the said proposition of amendment to
2 be published as a part of this resolution in the newspapers of the state prior to the date of the said
3 meetings of the said electors; and the said proposition shall be inserted in the warrants or notices
4 to be issued previous to said meetings of the electors for the purposes of warning the town, ward,
5 or district meetings, and said proposition shall be read by the town, ward, or district meetings to
6 be held as aforesaid; and be it further

7 RESOLVED, That the town, ward and district meetings to be held aforesaid shall be
8 warned, and the list of voters shall be canvassed and made up, and the said town, ward, and
9 district meetings shall be conducted in the same manner as now provided by law for the town,
10 ward, and district meetings for the election of general officers of the state.

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LC00732
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RESOLUTION OF THE CITY COUNCIL

No. 339

Approved JUNE 18, 2007

RESOLVED, That the Members of the Providence City Council hereby Endorse and Urge Passage by the General Assembly of House Bill 2007-H 5925, An Act Relating to Motor and other Vehicles – Automated Traffic Speed Enforcement System.

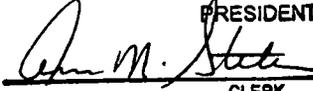
IN CITY
COUNCIL

JUN 17 7 2007

FINAL READING
READ AND PASSED

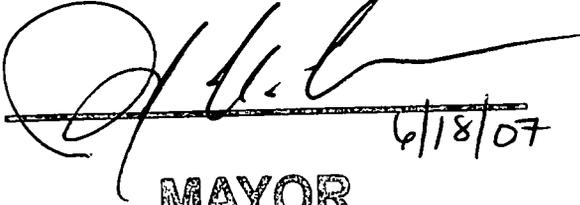


PRESIDENT



CLERK

APPROVED


6/18/07

MAYOR

IN CITY COUNCIL
MAY 17 2007
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION
Adam M. Stettin CLERK

Special
THE COMMITTEE ON
State Legislation
Recommends - Continued
Adam M. Stettin
5-22-07 CLERK

THE COMMITTEE ON
STATE LEGISLATION
Recommends Approval
Adam M. Stettin
5-29-07 CLERK

2007 -- H 5925

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LC02377
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

**RELATING TO MOTOR AND OTHER VEHICLES -- AUTOMATED TRAFFIC SPEED
ENFORCEMENT SYSTEM**

Introduced By: Representative John J. McCauley

Date Introduced: March 01, 2007

Referred To: House Finance

It is enacted by the General Assembly as follows:

1-1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER

1-2 VEHICLES" is hereby amended by adding thereto the following chapter:

1-3

CHAPTER 41.3

1-4

AUTOMATED TRAFFIC SPEED ENFORCEMENT SYSTEMS

1-5 **31-41.3-1. Short title. – This act shall be known and cited as the "Rhode Island**

1-6 **Automated Traffic Speed Enforcement System Act of 2007."**

1-7 **31-41.3-2. Legislative finding. – It is hereby found and declared that ever increasing**

1-8 **violations of the state's traffic speed laws and regulations place both motorist and pedestrians**

1-9 **using the state's streets, roadways and highways in danger. The legislature thereby declares that**

1-10 **the use of technology to reduce aggressive and dangerous speeding is in the best interest of public**

1-11 **safety and therefore adopts a policy of authorizing the use of automated traffic speed enforcement**

1-12 **systems within the state of Rhode Island to be used in conjunction with civil penalties imposed**

1-13 **upon the owners of speeding vehicles in order to reduce speeding violations. Nothing in this**

1-14 **chapter shall supersede criminal or civil sanctions being taken against the driver of a vehicle who**

1-15 **is cited by a law enforcement officer for a speeding violation.**

1-16 **31-41.3-3. Automated traffic speed enforcement system authorized and defined. –**

1-17 **The state department of transportation and the municipalities of this state are hereby authorized to**

1-18 **operate automated traffic speed enforcement systems. For the purpose of this chapter an**

2-1 **automated traffic speed enforcement system is defined as a system using one or more vehicle**

2-2 **detectors in combination with photography to identify and provide a photographic image of**

2-3 **vehicles which are exceeding the posted speed limit or the speed limit designated by state law or**

2-4 **regulation for a given street, roadway or highway, and may be fixed or mobile configurations.**

2-5 **31-41.3-4. Automated traffic speed enforcement system operational requirements**

2-6 and certification. -- No automated traffic speed enforcement system shall be used in the state of
2-7 Rhode Island unless the system has been approved and certified for use in the state by the director
2-8 of the department of transportation. The director of transportation in cooperation with the state
2-9 police shall require that any automated traffic speed enforcement system approved and certified
2-10 for use in the state of Rhode Island meets the following requirements:

2-11 (a) All automated traffic speed enforcement systems operated under this chapter shall
2-12 record the speed of vehicles within plus or minus one mile per hour of the actual speed.

2-13 (b) All automated traffic speed enforcement systems operated under this chapter shall
2-14 record at least two (2) photographic images of the vehicle exceeding the speed limit, one of which
2-15 shall include the license plate attached to the rear of the vehicle.

2-16 (c) All automated traffic speed enforcement systems operated under this chapter shall at
2-17 the time of violation imprint upon the photographic images of vehicles exceeding the speed limit:

2-18 (1) The date and time of the violation.

2-19 (2) The identity of the street, roadway or highway being monitored and location upon that
2-20 roadway or highway including direction of travel and lane of travel; this requirement may be met
2-21 with code designations.

2-22 (3) The posted or lawfully designated speed limit for the street, roadway or highway
2-23 being monitored.

2-24 (4) The monitored speed of the vehicle identified in the photographic images as
2-25 exceeding the posted or lawfully designated speed limit.

2-26 (5) The consecutive event number of each photograph taken.

2-27 **31-41.3-5. Operation of system. -- In the event a fixed or mobile automated traffic speed**
2-28 **enforcement system is to be installed or used by any person other than state department of**
2-29 **transportation or the state police personnel on a state maintained street, roadway or highway, the**
2-30 **director of transportation shall approve installation or use of the system.**

2-31 31-41.3-6. Maintenance of system. -- The state department of transportation and/or the
2-32 municipalities may enter into an agreement with a private corporation or other entity to provide
2-33 automated traffic speed enforcement systems equipment services and to maintain the systems. A
2-34 contract between a government agency and a manufacture or supplier of automated traffic speed
3-1 enforcement systems shall be based on the value of such equipment and related support services
3-2 and shall not be based on a percentage of the revenue generated by the automated traffic speed
3-3 enforcement system.

3-4 31-41.3-7. Citation precedent. -- In the event a law enforcement officer stops and issues
3-5 a citation to the driver of a vehicle for a speeding violation which violation is also captured by an
3-6 automated traffic speed enforcement system the citation issued to the driver shall have precedent
3-7 and the automated traffic speed enforcement system citation shall be dismissed.

3-8 31-41.3-8. Procedure notice. -- (a) Except as expressly provided in this chapter, all
3-9 prosecutions based on evidence produced by an automated traffic speed enforcement system shall
3-10 follow the procedures established in chapter 41.1 of this title, chapter 8-18 of these general laws
3-11 and the rules promulgated by the chief judge of the district court for the hearing of civil traffic
3-12 violations. Citations may be issued by an officer solely based on evidence obtained by use of an
3-13 automated traffic speed enforcement system. All citations issued based on evidence obtained
3-14 from an automated traffic speed enforcement system shall be issued within fourteen (14) days of
3-15 the violation.

3-16 (b) It shall be sufficient to commence a prosecution based on evidence obtained from an
3-17 automated traffic speed enforcement system that a copy of the citation and supporting
3-18 documentation be mailed to the address of the registered owner kept on file by the registry of
3-19 motor vehicles pursuant to section 31-3-34 of these general laws. For purposes of this section, the
3-20 date of issuance shall be the date of mailing.

3-21 (c) The officer issuing the citation shall certify under penalties of perjury that the

3-22 evidence obtained from the automated traffic speed enforcement system was sufficient to
3-23 demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all
3-24 prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient
3-25 proof of actual notice in all cases where the citation is not answered within the time period
3-26 permitted.

3-27 (d) The citation shall contain all the information provided for in the uniform summons as
3-28 referred to in section 31-41.1-1 of the general laws and the rules of procedure promulgated by the
3-29 chief judge of the district court for the traffic tribunal.

3-30 (e) In addition to the information in the uniform summons, the following information
3-31 shall be attached to the citation:

3-32 (i) Copies of two (2) or more photographs, or microphotographs, or other recorded
3-33 images taken as proof of the violation; and

3-34 (ii) A signed statement by a trained law enforcement officer that, based on inspection of
4-1 recorded images, the motor vehicle was being operated in violation of chapter 31-14 relating to
4-2 speed restrictions; and

4-3 (iii) A statement that recorded images are evidence of a violation of this chapter; and

4-4 (iv) A statement that the person who receives a summons under this chapter may either
4-5 pay the civil penalty in accordance with the provisions of section 31-41.1-3, or elect to stand trial
4-6 for the alleged violation.

4-7 **31-41.3-9. Hearings. -- Evidence from an automated traffic speed enforcement system**
4-8 shall be considered substantive evidence in the prosecution of all civil traffic violations. Evidence
4-9 from an automated traffic speed enforcement system approved by the director of transportation
4-10 shall be admitted without further authentication and such evidence may be deemed sufficient to
4-11 sustain a civil traffic violation. In addition to any other defenses as set forth herein, any and all
4-12 defenses cognizable at law shall be available to the individual who receives the citation

4-13 commencing a prosecution under this chapter.

4-14 **31-41.3-10. Driver/registered owner liability.** -- (a) The registered owner of the motor
4-15 vehicle shall be primarily responsible in all prosecutions brought pursuant to the provisions of
4-16 this chapter except as otherwise provided in this section.

4-17 (b) In all prosecutions of civil traffic violations based on evidence obtained from an
4-18 automated traffic speed enforcement system, the registered owner of a vehicle which has been
4-19 operated in violation of a civil traffic violation, may be liable for such violation. The registered
4-20 owner of the vehicle may assume liability for the violation by paying the fine; or by defending the
4-21 violation pursuant to the procedures in section 31-41.3-7.

4-22 (c) The lessee of a leased vehicle shall be considered the owner of a motor vehicle for
4-23 purposes of this section.

4-24 **31-41.3-11. Use of evidence in criminal and civil cases.** -- Nothing in this chapter shall
4-25 prohibit the use of evidence produced by an automated traffic speed enforcement system in a
4-26 criminal or private civil proceeding; provided, that the admissibility of such evidence shall follow
4-27 the applicable laws and rules of procedure and rules of evidence which apply in criminal and civil
4-28 cases.

4-29 **31-41.3-12. Nature of violations.** -- Notwithstanding any other provision of law:

4-30 (a) No violation for which a civil penalty is imposed under this chapter shall be
4-31 considered a moving violation, nor shall be included on the driving record of the person on whom
4-32 the liability is imposed, nor shall it be used for insurance rating purposes in providing motor
4-33 vehicle insurance coverage until there is a final adjudication of the violation.

4-34 (b) Impositions of a penalty pursuant to this chapter shall not be deemed a criminal
5-1 conviction of an owner or operator.

5-2 **31-41.3-13. Security of records.** -- (a) The recorded images produced by an automated
5-3 traffic speed enforcement system shall not be deemed "public records" subject to disclosure

5-4 pursuant to subsection 38-2-2(4)(i).

5-5 (b) All recorded images that do not identify a violation shall be destroyed within ninety
5-6 (90) days of the date of the image was recorded, unless ordered by a court of competent
5-7 jurisdiction.

5-8 (c) All recorded images that identify a violation shall be destroyed within one year after
5-9 the citation is resolved by administrative payment, trial or other final disposition of the citation,
5-10 unless ordered by a court of competent jurisdiction.

5-11 (d) The privacy of records produced pursuant to this chapter shall be maintained;
5-12 provided, that aggregate data not containing personal identifying information may be released.

5-13 **31-41.3-14. Reports. –** (a) The agency or municipality authorizing the installation of
5-14 automated traffic speed enforcement systems shall prepare an annual report containing data on:

5-15 (1) the number of citations issued at each particular intersection;

5-16 (2) the number of those violations paid by mail;

5-17 (3) the number of those violations found after trial or hearing;

5-18 (4) the number of violations dismissed after trial or hearing;

5-19 (5) the number of accidents at each intersection;

5-20 (6) a description as to the type of accident;

5-21 (7) an indication regarding whether there were any injuries involved in any accident
5-22 reported;

5-23 (8) the cost to maintain the automated traffic speed enforcement system; and

5-24 (9) the amount of revenue obtained from the automated traffic system enforcement
5-25 system.

5-26 SECTION 2. This act shall take effect upon passage.

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LC02377
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**EXPLANATION
BY THE LEGISLATIVE COUNCIL**

OF

AN ACT

**RELATING TO MOTOR AND OTHER VEHICLES -- AUTOMATED TRAFFIC SPEED
ENFORCEMENT SYSTEM**

- 6-1 This act would create a system to issue speeding violations using an automated traffic
6-2 speed enforcement system.
6-3 This act would take effect upon passage.

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LC02377
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