

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 340

*Approved* JUNE 18, 2007

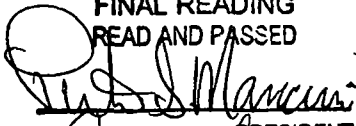
RESOLVED, That the Members of the Providence City Council

hereby Endorse and Urge Passage by the General Assembly of House Bill 2007-H

6340, An Act Relating to Taxation – Collection of Taxes Generally.

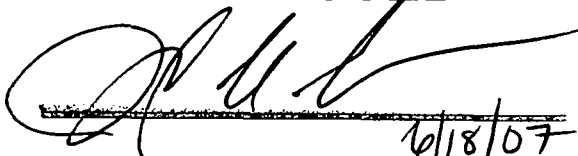
IN CITY  
COUNCIL

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  
Am M. Stebbins CLERK

Councilman Yurdin, By Request

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

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

2007 -- H 6340

LC02371

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO TAXATION - COLLECTION OF TAXES GENERALLY

Introduced By: Representatives Slater, Diaz, Almeida, and Segal

Date Introduced: May 01, 2007

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 44-7 of the General Laws entitled "Collection of Taxes Generally"

2           is hereby amended by adding thereto the following section:

3           **44-7-28. Requirement to present municipal tax certificate in connection with sale or**

4           **transfer of ownership of a business. -- (a) Upon a sale or transfer of ownership of any business**

5           in this state that exceeds more than fifty percent (50%) of its assets or property, or the sale or

6           transfer of more than fifty percent (50%) of the ownership interest in any business in any calendar

7           year, all tangible personal property taxes assessed pursuant to section 44-5-1 and payable at the

8           time of the sale or transfer shall be paid in full to the municipality.

9           (b) Failure to comply with this requirement at such a sale or transfer shall result in the

10          buyer and seller being held jointly and severally responsible for the payment of such taxes as of

11          the date of the sale or transfer.

12          (c) A municipal tax certificate, obtained from the municipality which certifies the amount

13          of all tangible personal property taxes assessed and payable, when affixed to or otherwise

14          incorporated into the instrument of sale or transfer of the business, shall remove all liability on

15          the buyer or transferee for payment of any tangible personal property taxes assessed and due,

16          including any such tax not listed on the certificate.

17          (d) The municipal tax certificate shall be requested and provided in the same manner at

18          the same fee as provided under section 44-7-11.

19          (e) This requirement shall not apply to the sale or transfer of a business to a holder of a

- 1 security interest in the tangible personal property, provided that the holder is a duly licensed
- 2 lending institution or any other person or entity holding less than a fifty percent (50%) interest in
- 3 the business.

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

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LC02371  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO TAXATION - COLLECTION OF TAXES GENERALLY

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- 1           This act would require payment of all tangible personal property taxes to the municipality
- 2   at the time of the sale or transfer of ownership interest in any business that exceeds fifty percent
- 3   (50%).
- 4           This act would take effect upon passage.

LC02371

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 341

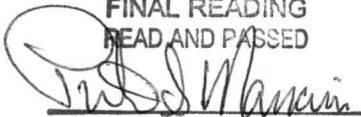
*Approved* JUNE 18, 2007

RESOLVED, That the Members of the Providence City Council  
hereby Endorse and Urge Passage by the General Assembly of House Bill 2007-H  
5421, An Act Relating to State Affairs and Government – Open Meetings.

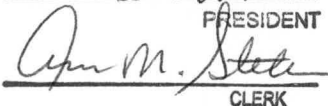
IN CITY  
COUNCIL

JUN 7 2007

FINAL READING  
READ AND PASSED

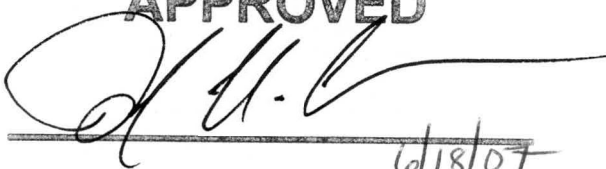


PRESIDENT



CLERK

APPROVED



6/18/07

MAYOR

THE COMMITTEE ON

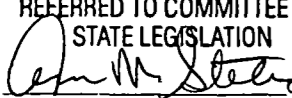
PROVINCIAL

CLERK

THE COMMITTEE ON

PROVINCIAL

CLERK

IN CITY COUNCIL  
MAY 17 2007  
FIRST READING  
REFERRED TO COMMITTEE ON  
STATE LEGISLATION  
  
CLERK

Councilman Yurdin, By Request

*Special*  
THE COMMITTEE ON  
*State Legislation*  
Recommends *continued*  
  
5-22-07 CLERK

THE COMMITTEE ON  
STATE LEGISLATION  
Recommends Approval  
  
5-29-07 CLERK

2007 -- H 5421

LC00814

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

Introduced By: Representatives Segal, Ajello, Almeida, Fox, and Diaz

Date Introduced: February 13, 2007

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 42-46-2 of the General Laws in Chapter 42-46 entitled "Open  
2 Meetings" is hereby amended to read as follows:

3           **42-46-2. Definitions.** -- As used in this chapter:

4           (a) "Meeting" means the convening of a public body to discuss and/or act upon a matter  
5 over which the public body has supervision, control, jurisdiction, or advisory power. As used  
6 herein, the term "meeting" shall expressly include, without limiting the generality of the  
7 foregoing, so-called "workshop," "working," or "work" sessions.

8           (b) "Open call" means a public announcement by the chairperson of the committee that  
9 the meeting is going to be held in executive session and the chairperson must indicate which  
10 exception of section 42-46-5 is being involved.

11           (c) "Public body" means any department, agency, commission, committee, board,  
12 council, bureau, or authority or any subdivision thereof of state or municipal government or any  
13 library that funded a ~~majority~~ twenty-five percent (25%) of its operational budget in the prior  
14 budget year with public funds, and shall include all authorities defined in section 42-35-1(b). For  
15 purposes of this section, any political party, organization, or unit thereof meeting or convening is  
16 not and should not be considered to be a public body; provided, however that no such meeting  
17 shall be used to circumvent the requirements of this chapter.

18           (d) "Quorum," unless otherwise defined by applicable law, means a simple majority of  
19 the membership of a public body.

1 (e) "Prevailing plaintiff" shall include those persons and entities deemed "prevailing  
2 parties" pursuant to 42 U.S.C. section 1988.

3 (f) "Open forum" means the designated portion of an open meeting, if any, on a properly  
4 posted notice reserved for citizens to address comments to a public body relating to matters  
5 affecting the public business.

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

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LC00814  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

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- 1           This act would change the definition of "public body" as it relates to libraries changing it
- 2   from a library that is funded by a majority of its operating budget from public funds to a library
- 3   that is funded by twenty-five percent (25%) of its operating budget from public funds.
- 4           This act would take effect upon passage.

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LC00814  
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THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 342

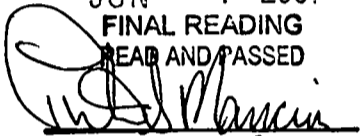
*Approved* JUNE 18, 2007

RESOLVED, That the Members of the Providence City Council  
hereby Endorse and Urge Passage by the General Assembly of House Bill 2007-H  
5908 and Senate Bill, An Act Relating to Public Utilities and Carriers – Franchises.

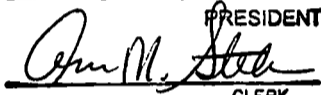
## IN CITY COUNCIL

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  
Am M. Steen CLERK

" THE COMMITTEE ON  
State Legislation  
Recommends  
Am M. Steen  
CLERK  
5-22-07 - Ent

" THE COMMITTEE ON  
STATE LEGISLATION  
Recommends Approval  
Am M. Steen  
CLERK  
5-29-07

Councilman Ferdin. By Request

**AN A C T**  
**RELATING TO PUBLIC UTILITIES AND CARRIERS -- FRANCHISES**

It is enacted by the General Assembly as follows:

SECTION 1. Sections 39-17-2 and 39-17-3 of the General Laws in Chapter 39-17 entitled "Franchises" are hereby amended to read as follows:

**39-17-2. Purposes for which permitted -- Duration -- Protection of existing businesses -- Landowner's rights.** -- Any grants, whether by ordinance or by contract, may confer upon any corporation created by the general assembly for the purpose of distributing water, or for the purpose of producing, selling, and distributing currents of electricity ~~to be used for light, heat, or motive power~~, or for the purpose of manufacturing, selling, and distributing illuminating or heating gas, or for the purpose of operating street railways by any motive power, or for the purpose of ~~operating~~ telephones, telecommunications and related service, and providing cable services; the ~~exclusive right, for a time not exceeding twenty-five (25) years~~, to erect, lay, construct, and maintain for the purposes for which the corporation is created, poles, wires, pipes, conduits, rails, or cables, with necessary and convenient appurtenances as may be required for the conduct of the business of the corporation, in, over, or under the streets of the town or city; provided, however, that no grant of ~~exclusive~~ rights or franchises for any of the purposes described in this section shall be made by any city or town where, at the time a corporation created for the same purpose, or a person duly authorized by law to use the streets for such purpose, shall be in actual use and enjoyment of the rights, except to the corporation or person already carrying on business in the city or town; and provided, further, that whenever in any city or town more than one corporation shall at the time be in actual use and enjoyment of portions of the streets and highways for any of the purposes described in this section, no ~~exclusive~~ right or franchise shall be granted to either without the consent of the other; and provided, further, that no

grant shall prevent any town or city from permitting any person or corporation to use streets or highways for any of the purposes described in this section in order to connect and serve any two (2) or more estates owned by the person or corporation.

**39-17-3. Franchise tax payable to city or town.** — Every corporation which shall accept ~~exclusive~~ rights or franchises granted by ordinance or contract under the provisions of this chapter, shall make and render to the treasurer of the town or city granting the same, on or before the thirtieth day of January, April, July, and October in every year, returns, verified by the oath of its president or treasurer, of the gross earnings of the corporation within the town or city for the period of three (3) months next preceding the first day of January, April, July, and October in the same year, and shall at the time pay to the town or city treasurer, in full payment for the rights and franchises granted under this chapter, a special tax upon the gross earnings at a rate not exceeding three percent (3%) upon the gross earnings of the corporation within the town or city in that year.

SECTION 2. This act shall take effect upon passage.

2007 -- H 5908

LC02366

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- FRANCHISES

Introduced By: Representative John J. McCauley

Date Introduced: March 01, 2007

Referred To: House Corporations

It is enacted by the General Assembly as follows:

- 1           SECTION 1. Sections 39-17-2 and 39-17-3 of the General Laws in Chapter 39-17  
2 entitled "Franchises" are hereby amended to read as follows:
- 3           39-17-2. Purposes for which permitted -- Duration -- Protection of existing  
4 businesses -- Landowner's rights. -- Any grants, whether by ordinance or by contract, may  
5 confer upon any corporation created by the general assembly for the purpose of distributing  
6 water, or for the purpose of producing, selling, and distributing currents of electricity ~~to be used~~  
7 ~~for light, heat, or motive power~~, or for the purpose of manufacturing, selling, and distributing  
8 illuminating or heating gas, or for the purpose of operating street railways by any motive power,  
9 or for the purpose of ~~operating~~ telecommunications and related service, and providing  
10 cable services; the ~~exclusive~~ right, for a time not exceeding twenty-five (25) years, to erect, lay,  
11 construct, and maintain for the purposes for which the corporation is created, poles, wires, pipes,  
12 conduits, rails, or cables, with necessary and convenient appurtenances as may be required for the  
13 conduct of the business of the corporation, in, over, or under the streets of the town or city;  
14 provided, however, that no grant of ~~exclusive~~ rights or franchises for any of the purposes  
15 described in this section shall be made by any city or town where, at the time a corporation  
16 created for the same purpose, or a person duly authorized by law to use the streets for such  
17 purpose, shall be in actual use and enjoyment of the rights, except to the corporation or person  
18 already carrying on business in the city or town; and provided, further, that whenever in any city  
19 or town more than one corporation shall at the time be in actual use and enjoyment of portions of

1 the streets and highways for any of the purposes described in this section, no ~~exclusive~~ right or  
2 franchise shall be granted to either without the consent of the other; and provided, further, that no  
3 grant shall prevent any town or city from permitting any person or corporation to use streets or  
4 highways for any of the purposes described in this section in order to connect and serve any two  
5 (2) or more estates owned by the person or corporation.

6 **39-17-3. Franchise tax payable to city or town.** -- Every corporation which shall accept  
7 ~~exclusive~~ rights or franchises granted by ordinance or contract under the provisions of this  
8 chapter, shall make and render to the treasurer of the town or city granting the same, on or before  
9 the thirtieth day of January, April, July, and October in every year, returns, verified by the oath of  
10 its president or treasurer, of the gross earnings of the corporation within the town or city for the  
11 period of three (3) months next preceding the first day of January, April, July, and October in the  
12 same year, and shall at the time pay to the town or city treasurer, in full payment for the rights  
13 and franchises granted under this chapter, a special tax upon the gross earnings at a rate not  
14 exceeding three percent (3%) upon the gross earnings of the corporation within the town or city in  
15 that year.

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

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LC02366  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO PUBLIC UTILITIES AND CARRIERS -- FRANCHISES.

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- 1           This act would permit cities and towns to grant nonexclusive franchise rights to
- 2   telecommunications and cable services.
- 3           This act would take effect upon passage.

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LC02366  
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