

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 171

Approved March 26, 1981

WHEREAS, Section 44-13-13 of Chapter 44-13 of the General Laws of the State of Rhode Island entitled "Public Service Corporation Tax" presently exempts Telegraph, Cable and Telephone Corporations from local Taxation on Tangible Personal Property, and

WHEREAS, The repealing of this exemption would allow the local taxation of Tangible Personal Property of these now exempt corporations, and

WHEREAS, Additional tax revenues exceeding One Million Dollars (\$1,000,000.00) annually would be collected by the City of Providence,

NOW, THEREFORE, BE IT RESOLVED, That the Members of the City Council of the City of Providence, Rhode Island, hereby endorse and urge passage of Senate Bill 81-S-0458, an Act repealing Section 44-13-13 of Chapter 44-13 of the General Laws of the State of Rhode Island entitled "Public Service Corporation Tax."

IN CITY COUNCIL
MAR 19 1981
READ AND PASSED

Ralph Fargnoli
CITY CLERK

Rose M. Mendonca
CITY CLERK

Vincent A. Cianci
MAYOR

MAR 26 1981

CITY SOLICITOR
RONALD H. GLANTZ



MAYOR
VINCENT A. CIANCI, JR.

LAW DEPARTMENT

March 13, 1981

The Honorable Carolyn F. Brassil
Chairwoman
Committee on Finance
City of Providence
Office of the City Clerk
City Hall
Providence, Rhode Island 02903

LEGAL OPINION

This legal opinion is in response to your request for same dated March 11, 1981. The request inquires "...whether or not the accompanying resolution is legal to be submitted to the City Council." The resolution endorses a proposed legislative act which would repeal the exemption for telegraph, cable and telephone corporations from legal personalty taxes. Based upon the form which we have received, the resolution appears totally unobjectionable from a legal viewpoint.

Further, the resolution appears permissible since tax exemptions arise from the constitution of the State of Rhode Island, Federal Law and the sovereignty of the United States government and by Rhode Island enactment. The present exemption for the above-mentioned corporations arises out of Rhode Island General Laws 43-13-13. Upon proper legislative act, that Section might be repealed and upon such repeal the municipality is already empowered to tax legally held personalty by virtue of Title 44, Chapter 5 of the General Laws of Rhode Island, 1956, as amended.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Rotondi, Jr.", written over a circular stamp or seal.

JOHN ROTONDI, JR.,
Deputy City Solicitor

JRJR:rh

March 30, 1981

William A. Castro, Chairman
Senate Committee on Corporations
110 Brown Street
East Providence, RI 02914

Dear Senator Castro,

Enclosed is certified copy of Resolution No. 171,
approved March 26, 1981, and signed by His Honor the Mayor, the
same being self-explanatory.

The sponsors of said Resolution are Councilwoman
Carolyn F. Brassil and Councilman Philip F. Addison, Jr.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma

March 30, 1981

Senator Donald R. Hickey
113 Jastram Street
Providence, Rhode Island 02908

Dear Senator Hickey,

Enclosed is certified copy of Resolution No. 171,
approved March 26, 1981 and signed by His Honor the Mayor, the
same being self-explanatory.

The sponsors of said Resolution are Councilwoman
Carolyn F. Brassil and Councilman Philip F. Addison, Jr.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma