

RESOLUTION OF THE CITY COUNCIL

No. 196

Approved April 29, 1996

RECEIVED TO COMMISSIONER
BUDGET AND FINANCE
MAY 1 1996

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 96-S 2973 and House Bill 96-H 8377 Relating to Property Exempt from Taxation, in substantially the form attached.

IN CITY COUNCIL

APR 18 1996
READ AND PASSED

Evelyn V. Fargnoli
ACTING PRES.
Michael R. Clement
CLERK

APPROVED
APR 29 1996
Vincent A. Cianci
MAYOR

IN CITY COUNCIL
MAR 21 1996
FIRST READING
REFERRED TO COMMITTEE ON

CLERK

THE COMMITTEE ON
State Legislative
Approver: *Page* of
The Within Resolution
Juan M. Angeloni
APR 15 1996

Councilwoman Jargali

ES1340

S T A T E O F R H O D E I S L A N D

I N G E N E R A L A S S E M B L Y

96-H 8377

J A N U A R Y S E S S I O N , A . D . 1 9 9 6

A N A C T

R E L A T I N G T O T A X A T I O N -- E X E M P T P R O P E R T Y

96-H 8377

Introduced By: Reps. Palangio, DeSimone,
Giannini, Slater, and Moura
Date Introduced: February 6, 1996

Referred To: Committee on Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 44-3-3 of the General Laws in Chapter 44-3
2 entitled "Property Subject to Taxation" is hereby amended to read as
3 follows:

4 44-3-3. Property exempt. -- The following property shall be ex-
5 empt from taxation:

6 (1) Property belonging to the state except as provided in section
7 44-4-4.1;

8 (2) Lands ceded or belonging to the United States;

9 (3) The bonds and other securities issued and exempted from taxa-
10 tion by the government of the United States, or of this state;

11 (4) Real estate, used exclusively for military purposes, owned by
12 chartered or incorporated organizations approved by the adjutant gen-
13 eral, and composed members of the national guard, the naval militia,
14 or the independent chartered military organizations:

15 (5) Buildings for free public schools, buildings for religious
16 worship, and the land upon which they stand and immediately surround-
17 ing them, to an extent not exceeding five (5) acres so far as the

1 buildings and land are occupied and used exclusively for religious or
2 educational purposes;

3 (6) Dwelling houses and the land on which they stand, not exceed-
4 ing one acre in size, or the minimum lot size for zone in which the
5 dwelling house is located, whichever is the greater, owned by or held
6 in trust for any religious organization and actually used by its
7 officiating clergy, to an amount not exceeding one hundred fifty thou-
8 sand dollars (\$150,000) for each house and land so owned and used
9 except in Bristol where the property described above shall be exempt
10 to an amount not exceeding five hundred thousand dollars (\$500,000)
11 provided also, dwelling houses and the land on which they stand in
12 Bristol, not exceeding one (1) acre in size, or the minimum lot size
13 for zone in which the dwelling house is located, whichever is the
14 greater, owned by or held in trust for any religious organization and
15 actually used as a convent or nunnery by its religious order, to an
16 amount not exceeding five hundred thousand dollars (\$500,000) for each
17 house and land so owned and used;

18 (7) The intangible personal property owned by, or held in trust
19 for, any religious or charitable organization, if the principal or
20 income shall be used or appropriated for religious or charitable pur-
21 poses;

22 (8) The buildings and personal estate owned by any corporation
23 used for a school, academy, or seminary of learning, and of any
24 incorporated public charitable institution, and the land upon which
25 the buildings stand and immediately surrounding them to an extent not
26 exceeding one acre, so far as they are used exclusively for educa-
27 tional purposes, but no property or estate whatever shall hereafter be
28 exempt from taxation in any case where any part of the income or prof-
29 its thereof or of the business carried on thereon is divided among its
30 owners or stockholders; property used primarily for residential pur-
31 poses shall not be exempt from taxation;

32 (9) The estates, persons, and families of the president and pro-
33 fessors for the time being of Brown University for not more than ten

1 thousand dollars (\$10,000) for each officer, his estate, person, and
2 family included;

3 (10) Property especially exempt by charter unless the exemption
4 shall have been waived in whole or in part;

5 (11) Lots of land used exclusively for burial grounds;

6 (12) The property, real and personal, held for or by an incorpo-
7 rated library, society, or any free public library, or any free public
8 library society, so far as the property shall be held exclusively for
9 library purposes, or for the aid or support of the aged poor, or for
10 the aid or support of poor friendless children, or for the aid or sup-
11 port of the poor generally, or for a hospital for the sick or dis-
12 abled;

13 (13) The real or personal estate belonging to or held in trust
14 for the benefit of incorporated organizations of veterans of any war
15 in which the United States has been engaged, the parent body of which
16 has been incorporated by act of congress, to the extent of two hundred
17 and fifty thousand dollars (\$250,000) if actually used and occupied by
18 the association; provided, however, that the city council of the city
19 of Cranston may by ordinance exempt the real or personal estate as de-
20 scribed above located within the city of Cranston to the extent of
21 five hundred thousand dollars (\$500,000.);

22 (14) The property real and personal, held for or by the fraternal
23 corporation, association, or body created to build and maintain a
24 building or buildings for its meetings or the meetings of the general
25 assembly of its members, or subordinate bodies of the fraternity, and
26 for the accommodation of other fraternal bodies or associations, the
27 entire net income of which real and personal property is exclusively
28 applied or to be used to build, furnish, and maintain an asylum or
29 asylums, a home or homes, a school or schools, for the free education
30 or relief of the members of the fraternity, or the relief, support and
31 care of worthy and indigent members of the fraternity, their wives,
32 widows, or orphans, and any fund given or held for the purpose of
33 public education, almshouses, and the land and buildings used in con-

1 nection therewith;

2 (15) The real estate and personal property of any incorporated
3 volunteer fire engine company in active service;

4 (16) The estate of any person who in the judgment of the asses-
5 sors is unable from infirmity or poverty to pay the tax; any person
6 claiming the exemption aggrieved by an adverse decision of an assessor
7 shall appeal the decision to the local board of tax review, and there-
8 after according to the provisions of section 44-5-26;

9 (17) The household furniture and family stores of a housekeeper
10 in the whole, including clothing, bedding, and other white goods,
11 books, and all other tangible personal property items which are common
12 to the normal household;

13 (18) The improvements made to any real property to provide a
14 shelter and fall-out protection from nuclear radiation, to the amount
15 of one thousand five hundred dollars (\$1,500) thereof; provided, that
16 the improvements meet applicable standards for shelter construction
17 established from time to time by the Rhode Island defense civil
18 preparedness agency. The improvements shall be deemed to comply with
19 the provisions of any building code or ordinance with respect to the
20 materials or the methods of construction used therein and any shelter
21 or the establishment thereof shall be deemed to comply with the provi-
22 sions of any zoning code or ordinance;

23 (19) Aircraft for which the fee required by section 1-4-2 of the
24 general laws has been paid to the tax administrator;

25 (20) Manufacturer's inventory;

26 (i) For the purposes of sections 44-4-10, 44-5-3, 44-5-20, and
27 44-5-38, a person is deemed to be a manufacturer within a city or town
28 within this state if that person uses any premises, room, or place
29 therein primarily for the purpose of transforming raw materials into a
30 finished product for trade through any or all of the following opera-
31 tions: adapting, altering, finishing, making, and ornamenting; pro-
32 vided, however, that public utilities, building and construction con-
33 tractors, warehousing operations including distribution bases or out-

1 lets of out-of-state manufacturers, fabricating processes incidental
2 to warehousing or distribution of raw materials such as alteration of
3 stock for the convenience of a customer, shall be excluded from this
4 definition.

5 (ii) For the purpose of sections 44-3-3, 44-4-10, and 44-5-38,
6 the term "manufacturer's inventory" or any similar term shall mean and
7 include his or her raw materials, his or her work in process, and fin-
8 ished products which have been manufactured by the manufacturer in
9 this state, and not sold, leased, or traded by the manufacturer or the
10 title or right to possession thereof otherwise divested, provided,
11 however, that the term shall not include any finished products which
12 are held by the manufacturer in any retail store or other similar
13 selling place operated by the manufacturer whether or not the retail
14 establishment is located in the same building in which the manufac-
15 turer operates his or her manufacturing plant.

16 (iii) For the purpose of section 44-11-2, a manufacturer is a
17 person whose principal business in this state consists of transforming
18 raw materials into a finished product for trade through any or all of
19 the operations described in subdivision (a) of this subdivision. A
20 person will be deemed to be thus principally engaged if the gross
21 receipts which that person derived from the manufacturing operations
22 in this state during the calendar year or fiscal year mentioned in
23 section 44-11-1 amounted to more than fifty percent (50%) of the total
24 gross receipts which that person derived from all his or her business
25 activities in which that person engaged in this state during the tax-
26 able year. For the purpose of computing the percentage, gross receipts
27 derived by a manufacturer from the sale, lease, or rental of finished
28 products manufactured by the manufacturer in this state, even though
29 his or her store or other selling place therein may be at a different
30 location from the location of his or her manufacturing plant in this
31 state, shall be deemed to have been derived from manufacturing.

32 (iv) Within the meaning of the preceding paragraphs of this sub-
33 division, the term "manufacturer" shall also include persons who are

1 principally engaged in any of the general activities respectively
2 coded and listed as establishments engaged in manufacturing in the
3 standard industrial classification manual prepared by the technical
4 committee on industrial classification, office of statistical stan-
5 dards, executive office of the president, United States bureau of the
6 budget, as revised from time to time, but eliminating as manufacturers
7 those persons, who, because of their limited type of manufacturing ac-
8 tivities, are classified in the manual as falling within a trade
9 rather than an industrial classification of manufacturers. Among those
10 thus eliminated, and accordingly also excluded as manufacturers within
11 the meaning of this subdivision, are persons primarily engaged in
12 selling, to the general public, products produced on the premises from
13 which they are sold, such as neighborhood bakeries, candy stores, ice
14 cream parlors, shade shops, and custom tailors, except, however, that
15 a person who manufactures bakery products for sale primarily for home
16 delivery, or through one or more nonbaking retail outlets, and whether
17 or not retail outlets are operated by the person, shall be a manufac-
18 turer within the meaning of this subdivision.

19 (v) The term "person" shall mean and include, as appropriate, a
20 person, partnership, or corporation.

21 (vi) The department of administration shall provide to the local
22 assessors such assistance as is necessary in determining the proper
23 application of the foregoing definitions.

24 (21) Real and tangible personal property acquired to provide a
25 treatment facility used primarily to control the pollution or contami-
26 nation of the waters or the air of the state, as defined in chapter 12
27 of title 46 and chapter 25 of title 23, respectively, the facility
28 having been constructed, reconstructed, erected, installed, or ac-
29 quired in furtherance of federal or state requirements or standards
30 for the control of water or air pollution or contamination, and certi-
31 fied as approved in an order entered by the director of environmental
32 management. The property shall be exempt as long as it is operated
33 properly in compliance with the order of approval of the director of

1 environmental management, provided further, that any grant of the ex-
2 emption by the director of environmental management in excess of ten
3 (10) years shall be approved by the city or town in which the property
4 is situated. This provision shall apply only to water and air pollu-
5 tion control properties and facilities installed for the treatment of
6 waste waters and air contaminants resulting from industrial process-
7 ing; furthermore, it shall apply only to water or air pollution con-
8 trol properties and facilities placed in operation for the first time
9 after April 13, 1970;

10 (22) New manufacturing machinery and equipment acquired or used
11 by a manufacturer and purchased after December 31, 1974. Manufac-
12 turing machinery and equipment is defined:

13 (i) As that machinery and equipment which is used exclusively in
14 the actual manufacture or conversion of raw materials or goods in the
15 process of manufacture by a manufacturer as set forth in subdivision
16 (20) of this section, and machinery, fixtures, and equipment used
17 exclusively by a manufacturer for research and development or for
18 quality assurance of its manufactured products; and

19 (ii) As that machinery and equipment which is partially used in
20 the actual manufacture or conversion of raw materials or goods in pro-
21 cess of manufacture by a manufacturer as set forth in subdivision (20)
22 of this section, and machinery, fixtures, and equipment used by a
23 manufacturer for research and development or for quality assurance of
24 its manufactured products, to the extent to which the machinery and
25 equipment is used for the manufacturing processes, research, and
26 development or quality assurance. In the instances where machinery
27 and equipment is used in both manufacturing and/or research, and
28 development, and/or quality assurance activities and nonmanufacturing
29 activities, the assessment on machinery and equipment shall be pro-
30 rated by applying the percentage of usage of the equipment for the
31 manufacturing, research, and development and quality assurance activi-
32 ty to the value of the machinery and equipment for purposes of taxa-
33 tion, and the portion of the value used for manufacturing, research.

1 and development, and quality assurance shall be exempt from taxation.
2 The burden of demonstrating this percentage usage of machinery and
3 equipment for manufacturing and for research, and development, and/or
4 quality assurance of its manufactured products shall rest with manu-
5 facturer.

6 (23) Precious metal bullion, meaning thereby any elementary metal
7 which has been put through a process of melting or refining, and which
8 is in such state or condition that its value depends upon its content
9 and not upon its form. The term does not include fabricated precious
10 metal which has been processed or manufactured for some one or more
11 specific and customary industrial, professional, or artistic uses;

12 (24) Hydroelectric power generation equipment, which includes but
13 is not limited to, turbines, generators, switchgear, controls, moni-
14 toring equipment, circuit breakers, transformers, protective relaying,
15 bus bars, cables, connections, trash racks, headgates, and conduits.
16 The hydroelectric power generation equipment must have been purchased
17 after July 1, 1979 and acquired or used by a person or corporation who
18 owns or leases a dam and utilizes the equipment to generate hydroelec-
19 tric power;

20 (25) Subject to authorization by formal action of the council of
21 any city or town, any real or personal property owned by, held in
22 trust for, or leased to an organization incorporated under chapter 6
23 of title 7, as amended, or an organization meeting the definition of
24 "charitable trust" set out in section 18-9-4, as amended, or an orga-
25 nization incorporated under the not for profits statutes of another
26 state or the District of Columbia, the purpose of which is the con-
27 serving of open space, as that term is defined in title 45, chapter
28 36, as amended, provided the property is used exclusively for the pur-
29 poses of the organization;

30 (26) Tangible personal property, the primary function of which is
31 the recycling, reuse, or recovery of materials (other than precious
32 metals, as defined in section 44-18-30 (Y) (1)) from or the treatment
33 of "hazardous wastes", as defined in section 23-19.1-4, where the

1 "hazardous wastes" are generated primarily by the same taxpayer and
2 where the personal property is located at, in, or adjacent to a gener-
3 ating facility of the taxpayer. The taxpayer may, but need not, pro-
4 cure an order from the director of the department of environmental
5 management certifying that the tangible personal property has this
6 function, which order shall effect a conclusive presumption that the
7 tangible personal property qualifies for the exemption hereunder. If
8 any information relating to secret processes or methods of manufac-
9 ture, production, or treatment is disclosed to the department of envi-
10 ronmental management only to procure an order and is a "trade secret"
11 as defined in section 28-21-10(b), it shall not be open to public
12 inspection or publicly disclosed unless disclosure is otherwise re-
13 quired under chapter 21 of title 28 or chapter 24.4 of title 23.

14 (27) Motorboats as defined in section 46-22-2 for which the
15 annual fee required in section 46-22-4 has been paid.

16 (28) The real and personal property of Providence Performing Arts
17 Center, a Rhode Island non-business corporation as of December 31,
18 1986.

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

ES1340

96-H 8377

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO TAXATION -- EXEMPT PROPERTY

- 1 This act would provide that buildings owned by a school but
- 2 used for residential purposes would not be exempt from taxation.
- 3 This act would take effect upon passage.

ES1340

DES1340

STATE OF RHODE ISLAND

96-S 2973

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1996

A N A C T

RELATING TO TAXATION -- EXEMPT PROPERTY

96-S 2973

Introduced By: Senators Ruggiero, Goodwin
and Perry

Date introduced: February 6, 1996

Referred To: Senate Committee on
Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 44-3-3 of the General Laws in Chapter 44-3
2 entitled "Property Subject to Taxation" is hereby amended to read as
3 follows:

4 44-3-3. Property exempt. -- The following property shall be ex-
5 empt from taxation:

6 (1) Property belonging to the state except as provided in section
7 44-4-4.1;

8 (2) Lands ceded or belonging to the United States;

9 (3) The bonds and other securities issued and exempted from taxa-
10 tion by the government of the United States, or of this state;

11 (4) Real estate, used exclusively for military purposes, owned by
12 chartered or incorporated organizations approved by the adjutant gen-
13 eral, and composed members of the national guard, the naval militia,
14 or the independent chartered military organizations;

15 (5) Buildings for free public schools, buildings for religious
16 worship, and the land upon which they stand and immediately surround-
17 ing them, to an extent not exceeding five (5) acres so far as the

1 buildings and land are occupied and used exclusively for religious or
2 educational purposes;

3 (6) Dwelling houses and the land on which they stand, not exceed-
4 ing one acre in size, or the minimum lot size for zone in which the
5 dwelling house is located, whichever is the greater, owned by or held
6 in trust for any religious organization and actually used by its
7 officiating clergy, to an amount not exceeding one hundred fifty thou-
8 sand dollars (\$150,000) for each house and land so owned and used
9 except in Bristol where the property described above shall be exempt
10 to an amount not exceeding five hundred thousand dollars (\$500,000)
11 provided also, dwelling houses and the land on which they stand in
12 Bristol, not exceeding one (1) acre in size, or the minimum lot size
13 for zone in which the dwelling house is located, whichever is the
14 greater, owned by or held in trust for any religious organization and
15 actually used as a convent or nunnery by its religious order, to an
16 amount not exceeding five hundred thousand dollars (\$500,000) for each
17 house and land so owned and used;

18 (7) The intangible personal property owned by, or held in trust
19 for, any religious or charitable organization, if the principal or
20 income shall be used or appropriated for religious or charitable pur-
21 poses;

22 (8) The buildings and personal estate owned by any corporation
23 used for a school, academy, or seminary of learning, and of any
24 incorporated public charitable institution, and the land upon which
25 the buildings stand and immediately surrounding them to an extent not
26 exceeding one acre, so far as they are used exclusively for educa-
27 tional purposes, but no property or estate whatever shall hereafter be
28 exempt from taxation in any case where any part of the income or prof-
29 its thereof or of the business carried on thereon is divided among its
30 owners or stockholders; property used primarily for residential pur-
31 poses shall not be exempt from taxation;

32 (9) The estates, persons, and families of the president and pro-
33 fessors for the time being of Brown University for not more than ten

1 thousand dollars (\$10,000) for each officer, his estate, person, and
2 family included;

3 (10) Property especially exempt by charter unless the exemption
4 shall have been waived in whole or in part;

5 (11) Lots of land used exclusively for burial grounds;

6 (12) The property, real and personal, held for or by an incorpo-
7 rated library, society, or any free public library, or any free public
8 library society, so far as the property shall be held exclusively for
9 library purposes, or for the aid or support of the aged poor, or for
10 the aid or support of poor friendless children, or for the aid or sup-
11 port of the poor generally, or for a hospital for the sick or dis-
12 abled;

13 (13) The real or personal estate belonging to or held in trust
14 for the benefit of incorporated organizations of veterans of any war
15 in which the United States has been engaged, the parent body of which
16 has been incorporated by act of congress, to the extent of two hundred
17 and fifty thousand dollars (\$250,000) if actually used and occupied by
18 the association; provided, however, that the city council of the city
19 of Cranston may by ordinance exempt the real or personal estate as de-
20 scribed above located within the city of Cranston to the extent of
21 five hundred thousand dollars (\$500,000.);

22 (14) The property real and personal, held for or by the fraternal
23 corporation, association, or body created to build and maintain a
24 building or buildings for its meetings or the meetings of the general
25 assembly of its members, or subordinate bodies of the fraternity, and
26 for the accommodation of other fraternal bodies or associations, the
27 entire net income of which real and personal property is exclusively
28 applied or to be used to build, furnish, and maintain an asylum or
29 asylums, a home or homes, a school or schools, for the free education
30 or relief of the members of the fraternity, or the relief, support and
31 care of worthy and indigent members of the fraternity, their wives,
32 widows, or orphans, and any fund given or held for the purpose of
33 public education, almshouses, and the land and buildings used in con-

1 nection therewith;

2 (15) The real estate and personal property of any incorporated
3 volunteer fire engine company in active service;

4 (16) The estate of any person who in the judgment of the asses-
5 sors is unable from infirmity or poverty to pay the tax; any person
6 claiming the exemption aggrieved by an adverse decision of an assessor
7 shall appeal the decision to the local board of tax review, and there-
8 after according to the provisions of section 44-5-26;

9 (17) The household furniture and family stores of a housekeeper
10 in the whole, including clothing, bedding, and other white goods,
11 books, and all other tangible personal property items which are common
12 to the normal household;

13 (18) The improvements made to any real property to provide a
14 shelter and fall-out protection from nuclear radiation, to the amount
15 of one thousand five hundred dollars (\$1,500) thereof; provided, that
16 the improvements meet applicable standards for shelter construction
17 established from time to time by the Rhode Island defense civil
18 preparedness agency. The improvements shall be deemed to comply with
19 the provisions of any building code or ordinance with respect to the
20 materials or the methods of construction used therein and any shelter
21 or the establishment thereof shall be deemed to comply with the provi-
22 sions of any zoning code or ordinance;

23 (19) Aircraft for which the fee required by section 1-4-2 of the
24 general laws has been paid to the tax administrator;

25 (20) Manufacturer's inventory;

26 (i) For the purposes of sections 44-4-10, 44-5-3, 44-5-20, and
27 44-5-38, a person is deemed to be a manufacturer within a city or town
28 within this state if that person uses any premises, room, or place
29 therein primarily for the purpose of transforming raw materials into a
30 finished product for trade through any or all of the following opera-
31 tions: adapting, altering, finishing, making, and ornamenting; pro-
32 vided, however, that public utilities, building and construction con-
33 tractors, warehousing operations including distribution bases or out-

1 lets of out-of-state manufacturers, fabricating processes incidental
2 to warehousing or distribution of raw materials such as alteration of
3 stock for the convenience of a customer, shall be excluded from this
4 definition.

5 (ii) For the purpose of sections 44-3-3, 44-4-10, and 44-5-38,
6 the term "manufacturer's inventory" or any similar term shall mean and
7 include his or her raw materials, his or her work in process, and fin-
8 ished products which have been manufactured by the manufacturer in
9 this state, and not sold, leased, or traded by the manufacturer or the
10 title or right to possession thereof otherwise divested, provided,
11 however, that the term shall not include any finished products which
12 are held by the manufacturer in any retail store or other similar
13 selling place operated by the manufacturer whether or not the retail
14 establishment is located in the same building in which the manufac-
15 turer operates his or her manufacturing plant.

16 (iii) For the purpose of section 44-11-2, a manufacturer is a
17 person whose principal business in this state consists of transforming
18 raw materials into a finished product for trade through any or all of
19 the operations described in subdivision (a) of this subdivision. A
20 person will be deemed to be thus principally engaged if the gross
21 receipts which that person derived from the manufacturing operations
22 in this state during the calendar year or fiscal year mentioned in
23 section 44-11-1 amounted to more than fifty percent (50%) of the total
24 gross receipts which that person derived from all his or her business
25 activities in which that person engaged in this state during the tax-
26 able year. For the purpose of computing the percentage, gross receipts
27 derived by a manufacturer from the sale, lease, or rental of finished
28 products manufactured by the manufacturer in this state, even though
29 his or her store or other selling place therein may be at a different
30 location from the location of his or her manufacturing plant in this
31 state, shall be deemed to have been derived from manufacturing.

32 (iv) Within the meaning of the preceding paragraphs of this sub-
33 division, the term "manufacturer" shall also include persons who are

1 principally engaged in any of the general activities respectively
2 coded and listed as establishments engaged in manufacturing in the
3 standard industrial classification manual prepared by the technical
4 committee on industrial classification, office of statistical stan-
5 dards, executive office of the president, United States bureau of the
6 budget, as revised from time to time, but eliminating as manufacturers
7 those persons, who, because of their limited type of manufacturing ac-
8 tivities, are classified in the manual as falling within a trade
9 rather than an industrial classification of manufacturers. Among those
10 thus eliminated, and accordingly also excluded as manufacturers within
11 the meaning of this subdivision, are persons primarily engaged in
12 selling, to the general public, products produced on the premises from
13 which they are sold, such as neighborhood bakeries, candy stores, ice
14 cream parlors, shade shops, and custom tailors, except, however, that
15 a person who manufactures bakery products for sale primarily for home
16 delivery, or through one or more nonbaking retail outlets, and whether
17 or not retail outlets are operated by the person, shall be a manufac-
18 turer within the meaning of this subdivision.

19 (v) The term "person" shall mean and include, as appropriate, a
20 person, partnership, or corporation.

21 (vi) The department of administration shall provide to the local
22 assessors such assistance as is necessary in determining the proper
23 application of the foregoing definitions.

24 (21) Real and tangible personal property acquired to provide a
25 treatment facility used primarily to control the pollution or contami-
26 nation of the waters or the air of the state, as defined in chapter 12
27 of title 46 and chapter 25 of title 23, respectively, the facility
28 having been constructed, reconstructed, erected, installed, or ac-
29 quired in furtherance of federal or state requirements or standards
30 for the control of water or air pollution or contamination, and certi-
31 fied as approved in an order entered by the director of environmental
32 management. The property shall be exempt as long as it is operated
33 properly in compliance with the order of approval of the director of

1 environmental management, provided further, that any grant of the ex-
2 emption by the director of environmental management in excess of ten
3 (10) years shall be approved by the city or town in which the property
4 is situated. This provision shall apply only to water and air pollu-
5 tion control properties and facilities installed for the treatment of
6 waste waters and air contaminants resulting from industrial process-
7 ing; furthermore, it shall apply only to water or air pollution con-
8 trol properties and facilities placed in operation for the first time
9 after April 13, 1970;

10 (22) New manufacturing machinery and equipment acquired or used
11 by a manufacturer and purchased after December 31, 1974. Manufac-
12 turing machinery and equipment is defined:

13 (i) As that machinery and equipment which is used exclusively in
14 the actual manufacture or conversion of raw materials or goods in the
15 process of manufacture by a manufacturer as set forth in subdivision
16 (20) of this section, and machinery, fixtures, and equipment used
17 exclusively by a manufacturer for research and development or for
18 quality assurance of its manufactured products; and

19 (ii) As that machinery and equipment which is partially used in
20 the actual manufacture or conversion of raw materials or goods in pro-
21 cess of manufacture by a manufacturer as set forth in subdivision (20)
22 of this section, and machinery, fixtures, and equipment used by a
23 manufacturer for research and development or for quality assurance of
24 its manufactured products, to the extent to which the machinery and
25 equipment is used for the manufacturing processes, research, and
26 development or quality assurance. In the instances where machinery
27 and equipment is used in both manufacturing and/or research, and
28 development, and/or quality assurance activities and nonmanufacturing
29 activities, the assessment on machinery and equipment shall be pro-
30 rated by applying the percentage of usage of the equipment for the
31 manufacturing, research, and development and quality assurance activi-
32 ty to the value of the machinery and equipment for purposes of taxa-
33 tion, and the portion of the value used for manufacturing, research,

1 and development, and quality assurance shall be exempt from taxation.
2 The burden of demonstrating this percentage usage of machinery and
3 equipment for manufacturing and for research, and development, and/or
4 quality assurance of its manufactured products shall rest with manu-
5 facturer.

6 (23) Precious metal bullion, meaning thereby any elementary metal
7 which has been put through a process of melting or refining, and which
8 is in such state or condition that its value depends upon its content
9 and not upon its form. The term does not include fabricated precious
10 metal which has been processed or manufactured for some one or more
11 specific and customary industrial, professional, or artistic uses;

12 (24) Hydroelectric power generation equipment, which includes but
13 is not limited to, turbines, generators, switchgear, controls, moni-
14 toring equipment, circuit breakers, transformers, protective relaying,
15 bus bars, cables, connections, trash racks, headgates, and conduits.
16 The hydroelectric power generation equipment must have been purchased
17 after July 1, 1979 and acquired or used by a person or corporation who
18 owns or leases a dam and utilizes the equipment to generate hydroelec-
19 tric power;

20 (25) Subject to authorization by formal action of the council of
21 any city or town, any real or personal property owned by, held in
22 trust for, or leased to an organization incorporated under chapter 6
23 of title 7, as amended, or an organization meeting the definition of
24 "charitable trust" set out in section 18-9-4, as amended, or an orga-
25 nization incorporated under the not for profits statutes of another
26 state or the District of Columbia, the purpose of which is the con-
27 serving of open space, as that term is defined in title 45, chapter
28 36, as amended, provided the property is used exclusively for the pur-
29 poses of the organization;

30 (26) Tangible personal property, the primary function of which is
31 the recycling, reuse, or recovery of materials (other than precious
32 metals, as defined in section 44-18-30 (Y) (1)) from or the treatment
33 of "hazardous wastes", as defined in section 23-19.1-4, where the

1 "hazardous wastes" are generated primarily by the same taxpayer and
2 where the personal property is located at, in, or adjacent to a gener-
3 ating facility of the taxpayer. The taxpayer may, but need not, pro-
4 cure an order from the director of the department of environmental
5 management certifying that the tangible personal property has this
6 function, which order shall effect a conclusive presumption that the
7 tangible personal property qualifies for the exemption hereunder. If
8 any information relating to secret processes or methods of manufac-
9 ture, production, or treatment is disclosed to the department of envi-
10 ronmental management only to procure an order and is a "trade secret"
11 as defined in section 28-21-10(b), it shall not be open to public
12 inspection or publicly disclosed unless disclosure is otherwise re-
13 quired under chapter 21 of title 28 or chapter 24.4 of title 23.

14 (27) Motorboats as defined in section 46-22-2 for which the
15 annual fee required in section 46-22-4 has been paid.

16 (28) The real and personal property of Providence Performing Arts
17 Center, a Rhode Island non-business corporation as of December 31,
18 1986.

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

DES1340

96-S 2973

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO TAXATION -- EXEMPT PROPERTY

- 1 This act would provide that buildings owned by a school but
- 2 used for residential purposes would not be exempt from taxation.
- 3 This act would take effect upon passage.

DES1340
