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TITLE 42

State Affairs and Government

CHAPTER 42-63.1

Tourism and Development

SECTION 42-63.1-11

§ 42-63.1-11 Greater Providence-Warwick Convention and Visitors' Bureau – Creation – Composition – Governance – Powers. – (a) There is created the Greater Providence-Warwick Convention and Visitors' Bureau, having a distinct legal existence from the state and not constituting a department or agency of the state government, for the purpose of administering the Greater Providence-Warwick regional tourism district established in § 42-63.1-5(a)(2).

(b) The members of the bureau shall consist of persons, firms, corporations, partnerships, associations and organizations who are interested in promoting the purposes of the Greater Providence-Warwick Convention and Visitors' Bureau.

(c) The Greater Providence-Warwick Convention and Visitors' Bureau shall adopt by-laws to provide for its governance.

(d) The business and affairs of the Greater Providence-Warwick Convention and Visitors' Bureau shall be managed by a board of directors comprised of fifteen (15) members appointed as follows:

(1) By the mayor of the city of Providence: three (3) members who shall be hoteliers directly involved in the marketing of hotels having more than one hundred (100) rooms located in the city of Providence, appointed for terms ending respectively on June 30, 1996, June 30, 1997, and June 30, 1998; and one member who shall be appointed for a term ending on June 30, 1996;

(2) By the mayor of the city of Warwick; one member who shall be a hotelier directly involved in the marketing of a hotel having more than one hundred (100) rooms located in the city of Warwick, appointed for a term ending on June 30, 1997; and one member who shall be appointed for a term ending on June 30, 1998;

(3) By the governor: one member who shall be a hotelier directly involved in the marketing of a hotel having more than one hundred (100) rooms which is not located in either the city of Providence or the city of Warwick, appointed for a term ending on June 30, 1996; one member who shall be a representative of the hospitality industry who is not associated with a hotel and who is not employed by a business or attraction which is located in either the city of Providence or the city of Warwick, appointed from a list of at least three (3) names submitted by the Rhode Island Hospitality Association for a term ending on June 30, 1997; and two (2) members who shall be appointed for terms ending respectively on June 30, 1996, and June 30, 1998;

(4) By the board of commissioners of the Rhode Island Convention Center Authority; two (2) members who shall be appointed for terms ending respectively on June 30, 1997, and June 30, 1998; and one member who shall be a hotelier directly involved in the marketing of a hotel having more than one

hundred (100) rooms located in the city of Warwick, appointed for a term ending on June 30, 1996; and

(5) By the members of the Greater Providence-Warwick Convention and Visitors' Bureau; two (2) members who shall be members of the Greater Providence-Warwick Convention and Visitors' Bureau, appointed for terms ending respectively on June 30, 1997 and June 30, 1998.

(6) Thereafter, and upon the expiration of the terms of the initial directors, the directors shall be appointed by the appointing authorities or elected by the members of the Greater Providence-Warwick Convention and Visitors' Bureau, as the case may be, to succeed the directors whose terms are then ending and to serve for terms of three (3) years, so as to have the terms of one-third (1/3) of the directors expire each year.

(7) Any director may be reappointed or reelected for successive terms. Any vacancy resulting from the death, disability or other failure of a director to continue to serve shall be filled, for the remainder of the director's term, by the person or body given the power to make the original appointment.

(e) The directors shall elect one of the directors to act as the chairperson of the Greater Providence-Warwick Convention and Visitors' Bureau. The directors may elect from among the directors, a vice chairperson and any other officers that they may determine, including a secretary and a treasurer.

(f) The directors shall receive no compensation for the performance of their duties.

(g) The directors may employ an executive director to administer, manage and direct the affairs and business of the Greater Providence-Warwick Convention and Visitors' Bureau, subject to the policies, control and direction of the directors. The directors may employ technical experts and any other agents and employees, permanent and temporary, as they deem necessary. The directors may delegate to one or more of the Greater Providence-Warwick Convention and Visitors' Bureau's agents or employees any administrative duties that they may deem proper.

(h) The Greater Providence-Warwick Convention and Visitors' Bureau shall have and exercise all powers necessary or convenient to effect the purposes of this chapter as set forth in § 42-63.1-1.

History of Section.

(P.L. 1995, ch. 371, § 2.)

CHAPTER 371**95-H 6395A am****Approved Aug. 7, 1995.****AN ACT RELATING TO RHODE ISLAND TOURISM AND DEVELOPMENT**

It is enacted by the General Assembly as follows:

SECTION 1. Sections 42-63.1-1, 42-63.1-3, 42-63.1-4 and 42-63.1-5 of the General Laws in Chapter 42-63.1 entitled "Rhode Island Tourism and Development" are hereby amended to read as follows:

{ADD 42-63.1-1. Purpose. -- ADD} The purpose of this chapter is to establish an operating program to promote and encourage tourism, to coordinate tourism activities within the state, and to establish a fund to promote and encourage tourism **{ADD , and to promote and develop conventions and related exhibitions, meetings, banquets and other events customarily incident thereto in facilities established pursuant to chapter 99 of this title ADD}** .

{ADD 42-63.1-3. Distribution of tax. -- ADD} **{ADD Except as provided in section 42-63.1-12 ADD}** **{DEL The DEL}** **{ADD the ADD}** proceeds of the hotel tax shall be distributed as follows by the **{DEL tax DEL}** division **{ADD of taxation ADD}** and **{DEL municipalities DEL}** **{ADD the city of Newport ADD}** :

(a) Forty-seven percent (47%) of the tax generated by the hotels in the district **{ADD except as otherwise provided in this chapter ADD}** shall be given to the regional tourism district wherein the hotel is located; **{ADD provided however, that from the tax generated by the hotels in the city of Warwick, thirty one percent (31%) of said tax shall be given to the Warwick regional tourism district established in section 42-63.1-5(5) and sixteen percent (16%) of said tax shall be given to the Greater Providence--Warwick convention and visitors bureau established in section 42-63.1-11; and provided further, that from the tax generated by the hotels in the city of Providence, thirty-nine and one-half percent (39.5%) of said tax shall be given to the Greater Providence-Warwick convention and visitors bureau established by section 42-63.1-11 of the general laws, and seven and one-half percent (7.5%) of said tax shall be given to the Convention Authority of the city of Providence established pursuant to the provisions of chapter 84 of the public laws of January, 1980. ADD}**

(b) Twenty percent (20%) of the hotel tax shall be given to city or town wherein the hotel which generates the tax is physically located to be used for whatever purpose the city or town decides;

(c) six percent (6%) of the hotel tax shall be deposited in the Roger Williams reserve fund established in section 42-63.1-6; and

(d) Twenty-seven percent (27%) of the hotel tax shall be given to the department of economic development to be spent and applied for statewide tourism promotion and the other purposes of this chapter.

{ADD 42-63.1-4. Use of funds. -- ADD} Subject to sections 42-63.1-3(b) **{ADD , ADD}** **{DEL and DEL}** 42-63.1-3(c) **{ADD and 42-63.1-12 ADD}** , an entity which receives funds pursuant to this chapter shall use the funds to promote and encourage tourism in Rhode Island, to coordinate tourism activities **{DEL and DEL}** to further economically develop the state by and through tourism activities

{ADD , and to promote and develop conventions and related exhibition, meeting, banquet and other events customarily incident thereto in facilities established pursuant to chapter 99 of this title ADD} .

{ADD 42-63.1-5. Regional tourism districts. -- ADD} The state of Rhode Island is hereby divided into seven (7) regional tourism districts to be administered by the {ADD herein ADD} designated tourism council {ADD , convention and visitors' bureau ADD} or the department of economic development;

(1) South County district which shall include Westerly, Charlestown, Narragansett, South Kingstown, North Kingstown, Hopkinton, Exeter, Richmond and West Greenwich to be administered by the South County Tourism Council, Inc.;

(2) {DEL Greater Providence district consists of the city of Providence to be administered by the Greater Providence convention and visitors' bureau; DEL} {ADD Providence district consists of the city of Providence to be administered by the Convention Authority of the city of Providence; ADD}

(3) Northern Rhode Island district consists of Pawtucket, Woonsocket, Lincoln, Central Falls, Cumberland, North Smithfield, Smithfield, Glocester and Burrillville to be administered by the Blackstone Valley Tourism Council, Inc.;

(4) Aquidnick Island district consists of Newport, Jamestown, Middletown, Portsmouth, Tiverton and Little Compton to be administered by the Newport County convention and visitors' bureau;

(5) Warwick {DEL region DEL} {ADD district ADD} consists of the city of Warwick to be administered by the city of Warwick department of economic development;

(6) Block Island district which shall consist of the town of New Shoreham to be administered by New Shoreham Tourism Council, Inc.

(7) Statewide district consists of all cities and towns not delineated in subdivisions (1) through (6) to be administered by the department.

(8) Before receiving any funds under this chapter, the organizations designated to receive the funds on behalf of the South County regional tourism district and the Northern Rhode Island regional tourism district shall be required to apply to and receive approval from the department of economic development pursuant to guidelines promulgated by the department. The department shall review the eligibility of the regional tourism district organizations to receive the funds at least annually.

SECTION 2. Chapter 42-63.1 of the General Laws entitled "Rhode Island Tourism and Development" is hereby amended by adding thereto the following sections:

{ADD 42-63.1-11. Greater Providence-Warwick Convention and Visitors' Bureau -- Creation -- Composition -- Governance -- Powers. -- ADD} {ADD (a) There is hereby created the Greater Providence-Warwick Convention and Visitors' Bureau, having a distinct legal existence from the state and not constituting a department or agency of the state government, for the purpose of administering the Greater Providence-Warwick regional tourism district established in section 42-63.1-5(2).

(b) The members of the bureau shall consist of persons, firms, corporations, partnerships, associations and organizations who are interested in promoting the purposes of the Greater Providence-Warwick Convention and Visitors' Bureau.

(c) The Greater Providence-Warwick Convention and Visitors' Bureau shall adopt by-laws to provide for its governance.

(d) The business and affairs of the Greater Providence-Warwick Convention and Visitors' Bureau shall be managed by a board of directors comprised of fifteen (15) members appointed as follows:

(i) by the mayor of the city of Providence: three (3) members who shall be hoteliers directly involved in the marketing of hotels having more than one hundred (100) rooms located in the city of Providence, appointed for terms ending respectively on June 30, 1996, June 30, 1997, and June 30, 1998; and one (1) member who shall be appointed for a term ending on June 30, 1996;

(ii) by the mayor of the city of Warwick; one (1) member who shall be a hotelier directly involved in the marketing of a hotel having more than one hundred (100) rooms located in the city of Warwick, appointed for a term ending on June 30, 1997; and one (1) member who shall be appointed for a term ending on June 30, 1998;

(iii) by the governor: one (1) member who shall be a hotelier directly involved in the marketing of a hotel having more than one hundred (100) rooms which is not located in either the city of Providence or the city of Warwick, appointed for a term ending on June 30, 1996; one (1) member who shall be a representative of the hospitality industry who is not associated with a hotel and who is not employed by a business or attraction which is located in either the city of Providence or the city of Warwick, appointed from a list of at least three (3) names submitted by the Rhode Island Hospitality Association for a term ending on June 30, 1997; and two (2) members who shall be appointed for terms ending respectively on June 30, 1996, and June 30, 1998;

(iv) by the board of commissioners of the Rhode Island Convention Center Authority; two (2) members who shall be appointed for terms ending respectively on June 30, 1997, and June 30, 1998; and one (1) member who shall be a hotelier directly involved in the marketing of a hotel having more than one hundred (100) rooms located in the city of Warwick, appointed for a term ending on June 30, 1996; and

(v) by the members of the Greater Providence-Warwick Convention and Visitors' Bureau; two (2) members who shall be members of the Greater Providence-Warwick Convention and Visitors' Bureau, appointed for terms ending respectively on June 30, 1997 and June 30, 1998.

Thereafter and upon the expiration of the terms of the initial directors, the directors shall be appointed by the appointing authorities or elected by the members of the Greater Providence-Warwick Convention and Visitors' Bureau, as the case may be, to succeed the directors whose terms are then ending and to serve for terms of three (3) years, so as to have the terms of one-third (1/3) of the directors expire each year.

Any director may be reappointed or reelected for successive terms. Any vacancy resulting from the death, disability or other failure of a director to continue to serve shall be filled, for the remainder of the director's term, by the person or body given the power to make the original appointment.

(e) The directors shall elect one (1) of the directors to act as the chairperson of the Greater Providence-Warwick Convention and Visitors' Bureau. The directors may elect from among the directors, a vice chairperson and such other officers as they may determine including a secretary and a treasurer.

(f) The directors shall receive no compensation for the performance of their duties hereunder.

(g) The directors may employ an executive director to administer, manage and direct the affairs and business of the Greater Providence-Warwick Convention and Visitors' Bureau, subject to the policies, control and direction of the directors. The directors may employ technical experts and such other agents and employees, permanent and temporary, as they deem necessary. The directors may delegate to one (1) or more of the Greater Providence-Warwick Convention and Visitors' Bureau's agents or employees such administrative duties as they may deem proper.

(h) The Greater Providence-Warwick Convention and Visitors' Bureau shall have and exercise all powers necessary or convenient to effect the purposes of this chapter as set forth in section 42-63.1-1. **ADD}**

{ADD 42-63.1-12. Distribution of tax to Rhode Island Convention Center Authority. -- ADD} {ADD (a) The proceeds of the hotel tax generated by any and all hotels in which the Rhode Island Convention Center Authority maintains a majority ownership interest therein shall be distributed as follows: twenty-seven percent (27%) shall be given to the department of economic development to be spent and applied for statewide tourism promotion; forty-three percent (43%) shall be given to the greater Providence-Warwick Convention and Visitor's Bureau; thirty percent (30%) shall be given to the Rhode Island Convention Center Authority to be used in furtherance of the purposes set forth in this chapter.

(b) The Rhode Island Convention Center Authority is hereby authorized and empowered to enter into contracts with the Greater Providence-Warwick Convention and Visitors' Bureau in furtherance of the purposes set forth in this chapter. **ADD}**

{ADD 42-63.1-13. Annual report. -- ADD} {ADD Each entity which administers a regional tourism district pursuant to section 42-63.1-5 shall submit to the state budget office, the chairman of the house finance committee, and the chairman of the senate finance committee by the first (1st) day of March and the first (1st) day of September of each year, a complete and detailed report, for the prior six (6) month period ending thirty (30) days prior to the reporting date, setting forth: (1) the district's operations and accomplishments; and (2) the district's receipts and expenditures of funds received pursuant to section 42-63.1-3. **ADD}**

SECTION 3. Section 44-18-36.1 of the General Laws in Chapter 44-18 entitled "Sales and Use Taxes -- Liability and Computation" is hereby amended to read as follows:

{ADD 44-18-36.1. Hotel tax. -- ADD} {DEL (a) DEL} There is hereby imposed a hotel tax of five percent (5%) upon the total consideration charged for occupancy of any space furnished by any hotel in this state. The hotel tax shall be in addition to any sales tax imposed. This hotel tax shall be administered and collected by the division of taxation and unless otherwise provided to the contrary in this chapter, all the administration, collection, and other provisions of chapters 18 and 19 of this title shall apply. **{DEL}** Upon request to the department of administration a municipality may, for a given year or years, elect to administer and collect the tax provided for in this chapter; **DEL}** provided, however, the **{DEL cities DEL} {ADD city ADD}** of Newport **{DEL , Providence, and Warwick, and the town of Middletown DEL}** shall collect the tax **{DEL provided for herein; provided, however, that DEL} {ADD generated by hotels physically located within the city of Newport, and shall, within ten (10) days of the receipt of the tax, distribute the tax in accordance with section 42-63.1-3 provided, however that the city of Newport shall submit to the division of taxation, by the first (1st) day of March and the first (1st) day of September of each year in which the city collects the tax, a report setting forth the city's receipts and distributions of funds collected hereunder for the prior six (6) month period ending thirty (30) days prior to the reporting date. ADD} {DEL n DEL} {ADD N ADD}** nothing in this chapter shall be construed to limit the powers of the convention authority of the city of Providence established pursuant to the provisions of chapter 84 of the Public Laws, January session, 1980, except that distribution of hotel tax

receipts shall be made pursuant to this chapter 63.1 of title 42 rather than chapter 84.

{DEL (b) Cities which collect the tax shall, within ten (10) days of the receipt of the tax, distribute the tax in accordance with section 42-63.1-3; provided, that from the proceeds received by the city of Providence pursuant to section 42-63.1-3(b), the city shall grant the sum of sixty-two thousand five hundred dollars (\$62,500.00) to the Roger Williams park improvement commission. **DEL}**

SECTION 4. This act shall take effect upon passage.

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