ARTICLE 7

2	RELATING TO ECONOMIC DEVELOPMENT
3	SECTION 1. Sections 42-64.20-5 and 42-64.20-10 of the General Laws in Chapter 42-
4	64.20 entitled "Rebuild Rhode Island Tax Credit Act" are hereby amended to read as follows:
5	42-64.20-5. Tax credits. [Effective January 1, 2023]
6	(a) An applicant meeting the requirements of this chapter may be allowed a credit as set
7	forth hereinafter against taxes imposed upon such person under applicable provisions of title 44 of
8	the general laws for a qualified development project.
9	(b) To be eligible as a qualified development project entitled to tax credits, an applicant's
10	chief executive officer or equivalent officer shall demonstrate to the commerce corporation, at the
11	time of application, that:
12	(1) The applicant has committed a capital investment or owner equity of not less than
13	twenty percent (20%) of the total project cost;
14	(2) There is a project financing gap in which after taking into account all available private
15	and public funding sources, the project is not likely to be accomplished by private enterprise
16	without the tax credits described in this chapter; and
17	(3) The project fulfills the state's policy and planning objectives and priorities in that:
18	(i) The applicant will, at the discretion of the commerce corporation, obtain a tax
19	stabilization agreement from the municipality in which the real estate project is located on such
20	terms as the commerce corporation deems acceptable;
21	(ii) It (A) Is a commercial development consisting of at least 25,000 square feet occupied
22	by at least one business employing at least 25 full-time employees after construction or such
23	additional full-time employees as the commerce corporation may determine; (B) Is a multi-family
24	residential development in a new, adaptive reuse, certified historic structure, or recognized
25	historical structure consisting of at least 20,000 square feet and having at least 20 residential units
26	in a hope community; or (C) Is a mixed-use development in a new, adaptive reuse, certified historic
27	structure, or recognized historical structure consisting of at least 25,000 square feet occupied by at
28	least one business, subject to further definition through rules and regulations promulgated by the
29	commerce corporation; and

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(iii) Involves a total project cost of not less than \$5,000,000, except for a qualified
 development project located in a hope community or redevelopment area designated under § 45 32-4 in which event the commerce corporation shall have the discretion to modify the minimum
 project cost requirement.

5 (c) The commerce corporation shall develop separate, streamlined application processes
6 for the issuance of rebuild RI tax credits for each of the following:

7 (1) Qualified development projects that involve certified historic structures;

8 (2) Qualified development projects that involve recognized historical structures;

9 (3) Qualified development projects that involve at least one manufacturer; and

10 (4) Qualified development projects that include affordable housing or workforce housing.

(d) Applications made for a historic structure or recognized historic structure tax credit under chapter 33.6 of title 44 shall be considered for tax credits under this chapter. The division of taxation, at the expense of the commerce corporation, shall provide communications from the commerce corporation to those who have applied for and are in the queue awaiting the offer of tax credits pursuant to chapter 33.6 of title 44 regarding their potential eligibility for the rebuild RI tax credit program.

(e) Applicants (1) Who have received the notice referenced in subsection (d) above and
who may be eligible for a tax credit pursuant to chapter 33.6 of title 44, (2) Whose application
involves a certified historic structure or recognized historical structure, or (3) Whose project is
occupied by at least one manufacturer shall be exempt from the requirements of subsections
(b)(3)(ii) and (b)(3)(iii). The following procedure shall apply to such applicants:

(i) The division of taxation shall remain responsible for determining the eligibility of an
applicant for tax credits awarded under chapter 33.6 of title 44;

24 (ii) The commerce corporation shall retain sole authority for determining the eligibility of
25 an applicant for tax credits awarded under this chapter; and

(iii) The commerce corporation shall not award in excess of fifteen percent (15%) of the
annual amount authorized in any fiscal year to applicants seeking tax credits pursuant to this
subsection (e).

29

(f) Maximum project credit.

30 (1) For qualified development projects, the maximum tax credit allowed under this chapter
31 shall be the lesser of (i) Thirty percent (30%) of the total project cost; or (ii) The amount needed to
32 close a project financing gap (after taking into account all other private and public funding sources
33 available to the project), as determined by the commerce corporation.

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1 (2) The credit allowed pursuant to this chapter, inclusive of any sales and use tax 2 exemptions allowed pursuant to this chapter, shall not exceed fifteen million dollars (\$15,000,000) 3 for any qualified development project under this chapter; except as provided in subsection (f)(3) of this section; provided however, any qualified development project that exceeds the project cap upon 4 5 passage of this act shall be deemed not to exceed the cap, shall not be reduced, nor shall it be further 6 increased. No building or qualified development project to be completed in phases or in multiple 7 projects shall exceed the maximum project credit of fifteen million dollars (\$15,000,000) for all 8 phases or projects involved in the rehabilitation of the building. Provided, however, that for 9 purposes of this subsection and no more than once in a given fiscal year, the commerce corporation 10 may consider the development of land and buildings by a developer on the "I-195 land" as defined 11 in § 42-64.24-3(6) as a separate, qualified development project from a qualified development 12 project by a tenant or owner of a commercial condominium or similar legal interest including 13 leasehold improvement, fit out, and capital investment. Such qualified development project by a 14 tenant or owner of a commercial condominium or similar legal interest on the I-195 land may be 15 exempted from subsection (f)(1)(i) of this section.

(3) The credit allowed pursuant to this chapter, inclusive of any sales and use tax
exemptions allowed pursuant to this chapter, shall not exceed twenty-five million dollars
(\$25,000,000) for the project for which the I-195 redevelopment district was authorized to enter
into a purchase and sale agreement for parcels 42 and P4 on December 19, 2018, provided that
project is approved for credits pursuant to this chapter by the commerce corporation.

(g) Credits available under this chapter shall not exceed twenty percent (20%) of the project
cost, provided, however, that the applicant shall be eligible for additional tax credits of not more
than ten percent (10%) of the project cost, if the qualified development project meets any of the
following criteria or other additional criteria determined by the commerce corporation from time
to time in response to evolving economic or market conditions:

26 (1) The project includes adaptive reuse or development of a recognized historical structure;

27 (2) The project is undertaken by or for a targeted industry;

28 (3) The project is located in a transit-oriented development area;

- (4) The project includes residential development of which at least twenty percent (20%) of
 the residential units are designated as affordable housing or workforce housing;
- 31 (5) The project includes the adaptive reuse of property subject to the requirements of the
- 32 industrial property remediation and reuse act, § 23-19.14-1 et seq.; or

- (6) The project includes commercial facilities constructed in accordance with the minimum
 environmental and sustainability standards, as certified by the commerce corporation pursuant to
 Leadership in Energy and Environmental Design or other equivalent standards.
- (h) Maximum aggregate credits. The aggregate sum authorized pursuant to this chapter,
 inclusive of any sales and use tax exemptions allowed pursuant to this chapter, shall not exceed
 two hundred ten million dollars (\$210,000,000) two hundred twenty five million dollars
 (\$225,000,000), excluding any tax credits allowed pursuant to subsection (f)(3) of this section.

8 (i) Tax credits shall not be allowed under this chapter prior to the taxable year in which the9 project is placed in service.

(j) The amount of a tax credit allowed under this chapter shall be allowable to the taxpayer
in up to five, annual increments; no more than thirty percent (30%) and no less than fifteen percent
(15%) of the total credits allowed to a taxpayer under this chapter may be allowable for any taxable
year.

14 (k) If the portion of the tax credit allowed under this chapter exceeds the taxpayer's total 15 tax liability for the year in which the relevant portion of the credit is allowed, the amount that 16 exceeds the taxpayer's tax liability may be carried forward for credit against the taxes imposed for 17 the succeeding four (4) years, or until the full credit is used, whichever occurs first. Credits allowed 18 to a partnership, a limited-liability company taxed as a partnership, or multiple owners of property 19 shall be passed through to the persons designated as partners, members, or owners respectively pro 20 rata or pursuant to an executed agreement among persons designated as partners, members, or 21 owners documenting an alternate distribution method without regard to their sharing of other tax 22 or economic attributes of such entity.

(1) The commerce corporation, in consultation with the division of taxation, shall establish,
by regulation, the process for the assignment, transfer, or conveyance of tax credits.

25 (m) For purposes of this chapter, any assignment or sales proceeds received by the taxpayer 26 for its assignment or sale of the tax credits allowed pursuant to this section shall be exempt from 27 taxation under title 44. If a tax credit is subsequently revoked or adjusted, the seller's tax calculation 28 for the year of revocation or adjustment shall be increased by the total amount of the sales proceeds, 29 without proration, as a modification under chapter 30 of title 44. In the event that the seller is not a 30 natural person, the seller's tax calculation under chapter 11, 13, 14, or 17 of title 44, as applicable, 31 for the year of revocation, or adjustment, shall be increased by including the total amount of the 32 sales proceeds without proration.

(n) The tax credit allowed under this chapter may be used as a credit against corporate
income taxes imposed under chapter 11, 13, 14, or 17, of title 44, or may be used as a credit against

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1 personal income taxes imposed under chapter 30 of title 44 for owners of pass-through entities such 2 as a partnership, a limited-liability company taxed as a partnership, or multiple owners of property.

3 (o) In the case of a corporation, this credit is only allowed against the tax of a corporation included in a consolidated return that qualifies for the credit and not against the tax of other 4 5 corporations that may join in the filing of a consolidated tax return.

6 (p) Upon request of a taxpayer and subject to annual appropriation, the state shall redeem 7 this credit, in whole or in part, for ninety percent (90%) of the value of the tax credit. The division 8 of taxation, in consultation with the commerce corporation, shall establish by regulation a 9 redemption process for tax credits.

10 (q) Projects eligible to receive a tax credit under this chapter may, at the discretion of the 11 commerce corporation, be exempt from sales and use taxes imposed on the purchase of the 12 following classes of personal property only to the extent utilized directly and exclusively in the 13 project: (1) Furniture, fixtures, and equipment, except automobiles, trucks, or other motor vehicles; 14 or (2) Other materials, including construction materials and supplies, that are depreciable and have 15 a useful life of one year or more and are essential to the project.

16 (r) The commerce corporation shall promulgate rules and regulations for the administration 17 and certification of additional tax credit under subsection (e), including criteria for the eligibility, 18 evaluation, prioritization, and approval of projects that qualify for such additional tax credit.

19 (s) The commerce corporation shall not have any obligation to make any award or grant 20 any benefits under this chapter.

21 42-64.20-10. Sunset.

- 22 No credits shall be authorized to be reserved pursuant to this chapter after December 31,
- 23 2023December 31, 2024.
- 24 SECTION 2. Section 42-64.21-9 of the General Laws in Chapter 42-64.21 entitled "Rhode
- 25 Island Tax Increment Financing" is hereby amended to read as follows:

26 42-64.21-9. Sunset.

- 27 The commerce corporation shall enter into no agreement under this chapter after December
- 31, 20232024. 28
- 29 SECTION 3. Section 42-64.22-15 of the General Laws in Chapter 42-64.22 entitled "Tax
- 30 Stabilization Incentive" is hereby amended to read as follows:
- 31 42-64.22-15. Sunset.
- 32 The commerce corporation shall enter into no agreement under this chapter after December
- 33 31, 2023 December 31, 2024.

1 SECTION 4. Section 42-64.23-8 of the General Laws in Chapter 42-64.23 entitled "First 2 Wave Closing Fund Act" is hereby amended to read as follows: 3 42-64.23-8. Sunset. No financing shall be authorized to be reserved pursuant to this chapter after December 31, 4 5 2023 December 31, 2024. SECTION 5. Section 42-64.24-8 of the General Laws in Chapter 42-64.24 entitled "I-195 6 7 Redevelopment Project Fund Act" is hereby amended as follows: 8 42-64.24-8. Sunset. 9 No funding, credits, or incentives shall be authorized or authorized to be reserved pursuant 10 to this chapter after December 31, 2023December 31, 2024. 11 SECTION 6. Section 42-64.25-14 of the General Laws in Chapter 42-64.24 entitled "Small 12 Business Assistance Program Act" is hereby amended as follows: 42-64.25-14 Sunset. 13 14 No grants, funding, or incentives shall be authorized pursuant to this chapter after 15 December 31, 2023 December 31, 2024. 16 SECTION 7. Sections 42-64.26-3, 42-64.26-4, 42-64.26-5 and 42-64.26-12 of the General 17 Laws in Chapter 42-64.26 entitled "Stay Invested in RI Wavemaker Fellowship" are hereby amended to read as follows: 18 19 42-64.26-3. Definitions. 20 As used in this chapter: 21 (1) "Applicant" means an eligible graduate who applies for a tax credit for education loan 22 repayment expenses under this chapter. 23 (2) "Award" means a tax credit awarded by the commerce corporation to an applicant as 24 provided under this chapter. (3) "Commerce corporation" means the Rhode Island commerce corporation established 25 26 pursuant to chapter 64 of this title. 27 (4) "Eligibility period" means a term of up to four (4) consecutive service periods 28 beginning with the date that an eligible graduate receives initial notice of award under this chapter 29 and expiring at the conclusion of the fourth service period after such date specified. 30 (5) "Eligibility requirements" means the following qualifications or criteria required for an 31 applicant to claim an award under this chapter: 32 (i) That the applicant shall have graduated from an accredited two-year (2), four-year (4) or graduate postsecondary institution of higher learning with an associate's, bachelor's, graduate, 33 34 or post-graduate degree and at which the applicant incurred education loan repayment expenses;

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1 (ii) That the applicant shall be a full-time employee with a Rhode Island-based employer 2 located in this state throughout the eligibility period, whose employment is

3 (a) for work in one or more of the following covered fields: life, natural or environmental sciences; computer, information or software technology; advanced mathematics or finance; 4 5 engineering; industrial design or other commercially related design field; or medicine or medical 6 device technology-;

7 (b) as a teacher; or

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(c) as a healthcare applicant.

9 (6) "Eligible expenses" or "education loan repayment expenses" means annual higher 10 education loan repayment expenses, including, without limitation, principal, interest and fees, as 11 may be applicable, incurred by an eligible graduate and which the eligible graduate is obligated to 12 repay for attendance at a postsecondary institution of higher learning.

13 (7) "Eligible graduate" means an individual who meets the eligibility requirements under 14 this chapter.

15 (8) "Full-time employee" means a person who is employed by a business for consideration 16 for a minimum of at least thirty-five (35) hours per week, or who renders any other standard of 17 service generally accepted by custom or practice as full-time employment, or who is employed by 18 a professional employer organization pursuant to an employee leasing agreement between the 19 business and the professional employer organization for a minimum of thirty-five (35) hours per 20 week, or who renders any other standard of service generally accepted by custom or practice as 21 full-time employment, and whose wages are subject to withholding.

22 (9) "Healthcare applicant" means any applicant who meets the eligibility requirements and works as a full-time employee as a high-demand healthcare practitioner or mental health 23 24 professional, including, but not limited to, clinical social workers and mental health counselors 25 licensed by the department of health, and as defined in regulations to be promulgated by the 26 commerce corporation, in consultation with the executive office of health and human services, 27 pursuant to chapter 35 of this title.

28 (10) "Healthcare fund" refers to the "Healthcare Stay Invested in RI Wavemaker 29 Fellowship Fund" established pursuant to § 42-64.26 4(b).

30 (110) "Rhode Island-based employer" means: (i) An employer having a principal place of 31 business or at least fifty-one percent (51%) of its employees located in this state; or (ii) An employer 32 registered to conduct business in this state that reported Rhode Island tax liability in the previous 33 tax year.

1 (121) "Service period" means a twelve-month (12) period beginning on the date that an 2 eligible graduate receives initial notice of award under this chapter. 3 (123) "STEM/designf Fund" refers to the "Stay Invested in RI Wavemaker Fellowship 4 Fund" established pursuant to \S 42-64.26-4(a). 5 (134) "Student loan" means a loan to an individual by a public authority or private lender to assist the individual to pay for tuition, books, and living expenses in order to attend a 6 7 postsecondary institution of higher learning. 8 (145) "Taxpayer" means an applicant who receives a tax credit under this chapter. 9 (15) "Teacher" shall have the meaning prescribed to it in rules and regulations to be 10 promulgated by the Commerce Corporation in consultation with the Rhode Island Department of 11 Elementary and Secondary Education. 12 **42-64.26-4. Establishment of funds** — Purposes — Composition. 13 (a) There is hereby established the "Stay Invested in RI Wavemaker Fellowship Fund" to 14 be administered by the commerce corporation as set forth in this chapter. 15 (b) There is hereby established the "Healthcare Stay Invested in RI Wavemaker Fellowship 16 Fund" to be administered by the commerce corporation as set forth in this chapter. 17 (be) The purpose of the STEM/design fund, and healthcare fund is to expand employment 18 opportunities in the state and to retain talented individuals in the state by providing tax credits in 19 relation to education loan repayment expenses to applicants who meet the eligibility requirements 20 under this chapter. 21 (cd) The STEM/design fund, and healthcare shall consist of: 22 (1) Money appropriated in the state budget to the fund; 23 (2) Money made available to the fund through federal programs or private contributions; 24 and 25 (3) Any other money made available to the fund. 26 (de) The STEM/design fund shall be used to pay for the redemption of tax credits or 27 reimbursement to the state for tax credits applied against the tax liability of any non-healthcare 28 applicant who received an award. The healthcare fund shall be used to pay for the redemption of 29 tax credits or reimbursement to the state for tax credits applied against the tax liability of any 30 healthcare applicant who received an award on or after July 1, 2022. The funds shall be exempt 31 from attachment, levy, or any other process at law or in equity. The director of the department of 32 revenue shall make a requisition to the commerce corporation for funding during any fiscal year as 33 may be necessary to pay for the redemption of tax credits presented for redemption or to reimburse 34 the state for tax credits applied against a taxpayer's tax liability. The commerce corporation shall

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pay from the funds such amounts as requested by the director of the department of revenue
necessary for redemption or reimbursement in relation to tax credits granted under this chapter.

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42-64.26-5. Administration.

4 (a) Application. An eligible graduate claiming an award under this chapter shall submit
5 to the commerce corporation an application in the manner that the commerce corporation shall
6 prescribe.

7 (b) Upon receipt of a proper application from an applicant who meets all of the eligibility 8 requirements, the commerce corporation shall select applicants on a competitive basis to receive 9 credits for up to a maximum amount for each service period of one thousand dollars (\$1,000) for 10 an associate's degree holder, four thousand dollars (\$4,000) for a bachelor's degree holder, and six 11 thousand dollars (\$6,000) for a graduate or post-graduate degree holder, but not to exceed the 12 education loan repayment expenses incurred by such taxpayer during each service period 13 completed, for up to four (4) consecutive service periods provided that the taxpayer continues to 14 meet the eligibility requirements throughout the eligibility period. The commerce corporation shall 15 delegate the selection of the applicants that are to receive awards to a fellowship committee to be 16 convened by the commerce corporation and promulgate the selection procedures the fellowship 17 committee will use, which procedures shall require that the committee's consideration of 18 applications be conducted on a name-blind and employer-blind basis and that the applications and 19 other supporting documents received or reviewed by the fellowship committee shall be redacted of 20 the applicant's name, street address, and other personally-identifying information as well as the 21 applicant's employer's name, street address, and other employer-identifying information. The 22 commerce corporation shall determine the composition of the fellowship committee and the 23 selection procedures it will use in consultation with the state's chambers of commerce. 24 Notwithstanding the foregoing, the commerce corporation shall create and establish a committee 25 to evaluate any healthcare applicant for an award in the same manner as prescribed in this 26 subsection. The executive office of health and human services ("EOHHS") shall be represented on 27 the committee and provide consultation to the commerce corporation on selection procedures. 28 Notwithstanding EOHHS's consultation and representation in the selection of healthcare 29 applicants, the commerce corporation shall administer all other aspects of a healthcare applicant's 30 application, award, and certification.

31 (c) The credits awarded under this chapter shall not exceed one hundred percent (100%) of 32 the education loan repayment expenses incurred by such taxpayer during each service period 33 completed for up to four (4) consecutive service periods. Tax credits shall be issued annually to the 34 taxpayer upon proof that (i) The taxpayer has actually incurred and paid such education loan

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repayment expenses; (ii) The taxpayer continues to meet the eligibility requirements throughout
the service period; (iii) The award shall not exceed the original loan amount plus any capitalized
interest less award previously claimed under this section; and (iv) The taxpayer claiming an award
is current on his or her student loan repayment obligations.

- 5 (d) The commerce corporation shall not commit to overall STEM/design awards in excess
 6 of the amount contained in the STEM/design fund or to overall healthcare awards in excess of the
 7 amount contained in the healthcare fund.
- 8 (e) The commerce corporation shall reserve seventy percent (70%) of the awards issued in 9 a calendar year to applicants who are permanent residents of the state of Rhode Island or who 10 attended an institution of higher education located in Rhode Island when they incurred the 11 education loan expenses to be repaid.
- 12 (f) In administering award, the commerce corporation shall:
- (1) Require suitable proof that an applicant meets the eligibility requirements for awardunder this chapter;
- (2) Determine the contents of applications and other materials to be submitted in support
 of an application for award under this chapter; and
- (3) Collect reports and other information during the eligibility period for each award to
 verify that a taxpayer continues to meet the eligibility requirements for an award.
- 19 <u>42-64.26-12. Sunset.</u>
- 20 No incentives or credits shall be authorized pursuant to this chapter after December 31,
 21 2023December 31, 2024.
- SECTION 8. Sections 42-64.27-2 and 42-64.27-6 of the General Laws in Chapter 42-64.27
 entitled "Main Street Rhode Island Streetscape Improvement Fund" are hereby amended as
 follows:
- 25 42

42-64.27-2. Fund Established.

26 The main street RI streetscape improvement fund is hereby created within the Rhode Island 27 commerce corporation. The commerce corporation is authorized, within available appropriations, 28 to administer a program to award loans, matching grants, and other forms of financing to facilitate 29 improvement of streetscapes such as but not limited to (1) enhanced sidewalks, (2) new wayfinding 30 signage, (3) upgraded building facades, and (4) improved street and public space lighting, and (5) 31 technical assistance, in support of creating an attractive environment for small business 32 development and commerce. The commerce corporation shall include maximum amounts for 33 program administration and awards for technical assistance in the rules and regulations promulgated pursuant to § 42-64.27-3. Applications and awards of grants or loans shall be on a 34

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rolling basis. There is established an account in the name of the "main street RI streetscape
improvement fund" under the control of the commerce corporation, and the commerce corporation
shall pay into such account any eligible funds available to the commerce corporation from any
source, including funds appropriated by the state and any grants made available by the United States
or any agency of the United States.
<u>42-64.27-6. Sunset.</u>
No incentives shall be authorized pursuant to this chapter after <u>December 31</u>,

- 8 <u>2023</u>December 31, 2024.
- 9 SECTION 9. Sections 42-64.28-6 and 42-64.28-10 of the General Laws in Chapter 42-
- 10 64.28 entitled "Innovation Initiative" is hereby amended as follows:
- 11 <u>42-64.28-6. Voucher amounts and matching fund awards.</u>
- 12 (a) Voucher award amounts to a selected applicant shall be determined by the corporation,
- 13 to be in the minimum amount of five thousand dollars (\$5,000) and the maximum amount of fifty
- 14 thousand dollars (\$50,000) seventy-five thousand dollars (\$75,000), subject to appropriations or
- 15 other available moneys in the fund.
- 16 (b) Matching fund awards shall be awarded to organizations in an amount approved by the
- 17 corporation, subject to appropriations or other available moneys in the fund.
- 18 <u>42-64.28-10. Sunset.</u>
- 19 No vouchers, grants, or incentives shall be authorized pursuant to this chapter after
- 20 December 31, 2023 December 31, 2024.
- 21 SECTION 10. Section 42-64.31-4 of the General Laws in Chapter 42-64.31 entitled "High
- 22 School, College, and Employer Partnerships" is hereby amended as follows:
- 23 **42-64.31-4. Sunset.**
- 24 No grants shall be authorized pursuant to this chapter after **December 31, 2023**December
- 25 <u>31, 2024</u>.
- 26 SECTION 11. Section 42-64.32-6 of the General Laws in Chapter 42-64.32 entitled "Air
- 27 Service Development Fund" is hereby amended as follows:
- 28 <u>42-64.32-6. Sunset.</u>
- 29 No grants, credits, or incentives shall be authorized or authorized to be reserved pursuant
- 30 to this chapter after December 31, 2023December 31, 2024.
- 31 SECTION 12. Section 44-48.3-14 of the General Laws in Chapter 44-48.3 entitled "Rhode
- 32 Island Qualified Jobs Incentive Act of 2015" is hereby amended as follows:
- 33 <u>44-48.3-14. Sunset.</u>

- 1 No credits shall be authorized to be reserved pursuant to this chapter after December 31,
- 2 <u>2023</u>December 31, 2024.
- 3 SECTION 13. This article shall take effect upon passage.

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