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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - QUONSET DEVELOPMENT  
CORPORATION

Introduced By: Senator Ryan W.Pearson

Date Introduced: June 20, 2014

Referred To: Placed on Senate Calendar

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-64.10-6 of the General Laws in Chapter 42-64.10 entitled  
2 "Quonset Development Corporation" is hereby amended to read as follows:

3 **42-64.10-6. Additional general powers and duties. --** In addition to the powers  
4 enumerated in ~~section~~ §42-64.10-5, except to the extent inconsistent with any specific provision  
5 of this chapter, the corporation shall have and may exercise additional general powers:

6 (a) As set forth in ~~section~~ §42-64-7 necessary or convenient to effect its purposes;  
7 provided, however, that the corporation shall not have the power to issue bonds or notes or  
8 exercise eminent domain;

9 (b) As a subsidiary of the Rhode Island economic development corporation as provided  
10 for in ~~section~~ §42-64-7.1;

11 (c) As the Rhode Island economic development corporation's true and lawful attorney as  
12 agent and attorney-in-fact and in the name, place and stead of the Rhode Island economic  
13 development corporation with respect to all property of the Rhode Island economic development  
14 corporation at Quonset Business Park (hereinafter referred to as "the Property") and for the  
15 purposes hereinafter set forth:

16 (1) To ask, demand, recover, collect, receive, hold, and possess all sums of money,  
17 debts, dues, goods, wares, merchandise, chattels, effects, bonds, notes, checks, drafts, accounts,  
18 deposits, safe deposit boxes, interests, dividends, stock certificates, certificates of deposit,

1 insurance benefits and proceeds, documents of title, personal and real property, tangible and  
2 intangible property, and property rights, liquidated or unliquidated, ~~which~~ that now are, or  
3 hereafter, shall be, or become, due, owing, or payable in respect to the Pproperty, and upon  
4 receipt thereof, or of any part thereof, to make, sign, execute, and deliver such receipts, releases,  
5 or other discharges for the same as the corporation shall deem proper.

6 (2) To lease, purchase, exchange and acquire, and to bargain, contract, and agree for the  
7 lease, purchase, exchange, and acquisition of, and to take, receive, possess, and manage any real  
8 or personal property related in any way to the Pproperty, tangible and intangible, or any interest  
9 therein.

10 (3) To enter into and upon all and each of the real properties constituting a part of, or  
11 related in any way, to the Pproperty, and to let, manage, and improve the real property or any part  
12 thereof, and to repair or otherwise improve or alter, and to insure any buildings or structures  
13 thereon.

14 (4) To market and sell, either at public or private sale, or exchange any part or parts of  
15 the real or personal properties, including indebtedness or evidence thereof, constituting a part of  
16 or related in any way to the Pproperty, including sales on credit, and for that purpose to execute  
17 and receive all promissory notes, bonds, mortgages, deeds of trust, security agreements, and other  
18 instruments ~~which~~ that may be necessary or proper, and to bargain, contract, and agree with  
19 respect to the sale or exchange of such properties; and to execute and deliver good and sufficient  
20 deeds, bills of sale, assignments, or other instruments or endorsements for the conveyance or  
21 transfer of the same; and to give receipts for all or any part of the purchase price or other  
22 consideration.

23 (5) To sign, endorse, execute, acknowledge, deliver, receive, and possess such  
24 applications, contracts, agreements, options, covenants, deeds, conveyances, trust deeds,  
25 mortgagees deeds, security agreements, bills of sale, leases, mortgages, assignments, insurance  
26 policies, bills of lading, warehouse receipts, documents of title, bills, bonds, debentures, checks,  
27 drafts, bills of exchange, notes, stock certificates, proxies, warrants, commercial paper, receipts,  
28 withdrawal receipts, and deposit instruments relating to accounts or deposits in, or certificates of  
29 deposit of, banks, savings and loan or other institutions or associations, proofs of loss, evidences  
30 of debts, releases, and satisfactions of mortgages, judgments, liens, security agreements, and other  
31 debts and obligations, and other instruments in writing of whatever kind and nature as be  
32 necessary or proper in the exercise of the rights and powers herein granted.

33 (6) To enter into subordination agreements, inter-creditor agreements, reinstatement  
34 agreements, "stand still" and "stand-by" agreements, modification agreements, forbearance

1 agreements, and other contracts having the effect of subordinating, modifying, renewing,  
2 restructuring or otherwise altering the rights, obligations, or liabilities of the economic  
3 development corporation, under or with respect to any indebtedness, property, or other assets  
4 constituting or securing any Pproperty.

5 (7) To make demands, give notices of default, notices of intention to accelerate, notices  
6 of acceleration, or such other notices as the corporation deems necessary or appropriate, and to  
7 take other actions and exercise other rights ~~which~~ that may be taken under the terms of any loan  
8 agreements, security agreements, guaranties, or other documents or agreements evidencing, or  
9 otherwise relating to, the Pproperty, including foreclosure, lease, sale, taking possession of,  
10 realization upon, or any other disposition of any Pproperty or any collateral therefor or guarantee  
11 thereof.

12 (8) To exercise any powers and any duties vested in the economic development  
13 corporation as a partner, joint venturer, participant, or other joint interest holder with respect to  
14 any Pproperty, or to concur (or not) with persons jointly interested with the economic  
15 development corporation in any Pproperty.

16 (9) With respect to the Pproperty: (i) To sue on, or otherwise prosecute, any claim or  
17 cause of action, or commence or seek any legal, equitable, or administrative or other remedy in  
18 any legal, administrative, arbitration, mediation, or other proceeding whatsoever (including, non-  
19 judicial repossessions and foreclosures or similar actions to recover collateral); (ii) ~~to~~ defend, or  
20 otherwise participate for, ~~or~~ in the name of the economic development corporation in any legal,  
21 administrative, arbitration, mediation, or other proceedings; (iii) ~~to~~ process, determine, or  
22 adjudge any claim or cause of action for, or in the name of, the economic development  
23 corporation; (iv) ~~to~~ compromise, settle, discharge or resolve, or make, execute, or deliver any  
24 endorsements, acquittances, releases, receipts, or other discharges of any claim, cause of action,  
25 determination, judgment, or other proceeding for, or in the name of, the economic development  
26 corporation; and (v) ~~to~~ prepare, execute, and file ad valorem, franchise and other tax returns,  
27 protests and suits against taxing authorities, and to prepare, execute, and file other governmental  
28 or quasi-governmental reports, declarations, applications, requests and documents in connection  
29 with any Pproperty, and to pay taxes in connection with the Pproperty as the corporation deems  
30 necessary or appropriate, or as otherwise required by law.

31 (10) Any third party shall be entitled to rely on a writing signed by the corporation to  
32 conclusively establish the identity of a particular Property as property for all purposes hereof.

33 (d) To own, hold, improve, operate, manage, and regulate utilities at the Quonset  
34 Business Park and to establish rates, fees, and charges, to adopt regulations, and to impose

1 penalties for any services or utilities it provides, or causes to have available, and to have functions  
2 and exercise powers as necessary and appropriate under the provisions of ~~sections~~ §§42-64-4, 42-  
3 64-7.4, 42-64-7.8, 42-64-7.9 and 42-64-9.1 -- 42-64-9.10, inclusive.

4 (e) To enter into agreements with any city, town, district, or public corporation with  
5 regard to application and/or administration of zoning or other land use ordinances, codes, plans,  
6 or regulations, and cities, towns, districts, and public corporations are hereby authorized and  
7 empowered, notwithstanding any other law to the contrary, to enter into such agreements with the  
8 corporation and to do all things necessary to carry out their obligations under such agreements; in  
9 the absence of any such agreement the corporation shall act in accordance with the provisions of  
10 ~~section~~ §42-64-13.

11 (f) To enter into agreements, including with any state agency, city, town, district, or  
12 public corporation, for the provision of police, security, fire, sanitation, health protection, and  
13 other public services.

14 (g) To be exempt from taxation and to enter into agreements for payments in lieu of  
15 taxes as provided for in ~~section~~ §42-64-20.

16 (h) To establish a stormwater management and conveyance system and regulate  
17 connections, user fees, charges, and assessments in connection therewith. In particular, the  
18 corporation shall have full and complete power and authority to:

19 (1) Limit, deny, or cause appropriate direct or indirect connections to be made between  
20 any building or property located in the Quonset Business Park, or from any location outside the  
21 boundaries of the Quonset Business Park and discharging into the corporation's stormwater  
22 management and conveyance systems. The corporation may prescribe those rules and regulations  
23 for stormwater runoff, that in the opinion of the corporation, are necessary and appropriate for the  
24 maintenance and operation of the stormwater management and conveyance systems, and may  
25 establish, from time to time, rules and regulations relating to stormwater management in the  
26 Quonset Business Park. Any person or entity having an existing connection to the stormwater  
27 management and conveyance systems or currently discharging into such systems, will obtain a  
28 permit from the corporation in accordance with its rules and regulations. No person or entity  
29 shall, without first being granted a written permit from the corporation in accordance with its  
30 rules and regulations, make any future connection or permit any runoff from any structure or  
31 property to any stormwater management and conveyance systems, or any appurtenance thereto,  
32 without first being granted a written permit from the corporation in accordance with its rules and  
33 regulations.

34 (2) Compel any person or entity within the Quonset Business Park, for the purpose of

1 stormwater runoff, to establish a direct connection on the property of the person or entity, or at  
2 the boundary thereof, to the corporation's stormwater management and conveyance systems.  
3 These connections shall be made at the expense of such person or entity. The term  
4 "appurtenance" as used herein shall be construed to include adequate pumping facilities,  
5 whenever the pumping facilities shall be necessary to deliver the stormwater runoff to the  
6 stormwater management and conveyance systems.

7 (3) Assess any person or entity having a direct or indirect connection (including, without  
8 limitation, via runoff) to the Quonset Business Park stormwater management and conveyance  
9 systems the reasonable charges for the use, operation, maintenance, and improvements to the  
10 systems. The corporation shall also be entitled, in addition to any other remedies available, to  
11 assess fines for violations of the rules and regulations established by the corporation with respect  
12 to stormwater management.

13 (4) Collect the fees, charges, and assessments from any person or entity so assessed. Each  
14 person or entity so assessed shall pay the fees, charges, or assessments within the time frame  
15 prescribed by the rules and regulations of the corporation. The corporation may collect the fees,  
16 charges, and assessments in the same manner in which taxes are collected by municipalities, with  
17 no additional fees, charges, assessments, or penalties (other than those provided for in chapter 9  
18 of title 44). All unpaid charges shall be a lien upon the real estate of the person or entity. The lien  
19 shall be filed in the records of land evidence for the city or town in which the property is located  
20 and the corporation shall simultaneously, with the filing of the lien, give notice to the property  
21 owner. Owners of property subject to a lien for unpaid charges are entitled to a hearing within  
22 fourteen (14) days of the recording of the lien.

23 (5) Notwithstanding the provisions of subsection (h)(4) of this section, the corporation is  
24 authorized to terminate the water supply service or prohibit the use of the corporation's  
25 stormwater management and conveyance systems of any person or entity for the nonpayment of  
26 storm water management user fees, charges, and assessments. The corporation shall notify the  
27 user of termination of water supply or use of the stormwater management and conveyance  
28 systems at least forty-eight (48) hours prior to ceasing service. The corporation may assess any  
29 person or entity any fees, charges, and assessments affiliated with the shut off and restoration of  
30 service.

31 (6) Without in any way limiting the foregoing powers and authority, the corporation is  
32 also hereby empowered to: (i) Establish a fee system and raise funds for administration and  
33 operation of the stormwater management and conveyance systems; (ii) Prepare long-range,  
34 stormwater management master plans; (iii) Implement a stormwater management district; (iv)

1 Retrofit existing structures to improve water quality or alleviate downstream flooding or erosion;  
2 (v) Properly maintain existing stormwater management and conveyance systems; (vi) Hire  
3 personnel to carry out the functions of the stormwater management and conveyance systems; (vii)  
4 Receive grants, loans, or funding from state and federal water quality programs; (viii) Grant  
5 credits to property owners who maintain retention and detention basins or other filtration  
6 structures on their property; (ix) Make grants for implementation of storm-water management  
7 plans; (x) Purchase, acquire, sell, transfer, or lease real or personal property; (xi) Impose liens;  
8 (xii) Levy fines and sanctions for noncompliance; (xiii) Provide for an appeals process; and (xiv)  
9 Contract for services in order to carry out the function of the stormwater management and  
10 conveyance systems.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - QUONSET DEVELOPMENT  
CORPORATION

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1           This act would authorize the Quonset Development Corporation to establish a stormwater  
2 management and conveyance system and regulate connections, user fees, charges and  
3 assessments.

4           This act would take effect upon passage.

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