

2016 -- S 2266

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY
CORPORATION

Introduced By: Senators Goodwin, Ruggerio, Ciccone, Conley, and Sheehan

Date Introduced: February 09, 2016

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-19-10 of the General Laws in Chapter 23-19 entitled "Rhode
2 Island Resource Recovery Corporation" is hereby amended to read as follows:

3 **23-19-10. General powers and duties.** -- The corporation shall have all of the powers
4 necessary and convenient to carry out and effectuate the purposes and provisions of this chapter,
5 including but without limiting the generality of the foregoing, the power to:

6 (1) Sue and be sued in its own name;

7 (2) Have an official seal and alter the same at pleasure;

8 (3) Have perpetual succession;

9 (4) Maintain an office at a place or places within the state as it may designate;

10 (5) Adopt and from time to time amend and repeal bylaws, rules, and regulations, not
11 inconsistent with this chapter and in a manner substantially similar to procedures set forth in the
12 Administrative Procedures Act as specified in chapter 35 of title 42, as amended, to carry into
13 effect the powers and purposes of the corporation and the conduct of its business; and the bylaws,
14 rules, and regulations may contain provisions indemnifying any person who is or was a
15 commissioner, officer, employee, or agent of the corporation, in the manner and to the extent
16 provided in § 7-1.2-814 of the Business Corporation Act;

17 (6) Elect or appoint officers and employ a staff and fix their duties, qualifications, and
18 compensation;

1 (7) Engage the services of consultants for rendering professional and technical assistance
2 and advice, and employ architects, engineers, attorneys, accountants, construction, and financial
3 experts and any other advisors, consultants, and agents that may be necessary in its judgment, and
4 to fix their compensation;

5 (8) Conduct any hearings, examinations, and investigations that may be necessary and
6 appropriate to the conduct of its business and purposes;

7 (9) Obtain access to public records;

8 (10) Charge reasonable fees for the services it performs and provides;

9 (11) Purchase, receive, lease, or otherwise acquire, own, hold, improve, use, and
10 otherwise deal in and with, any project, including real or personal property, or any interest
11 therein, wherever situated;

12 (12) Sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of
13 all or any part of its property and assets for consideration and upon terms and conditions that the
14 corporation shall determine;

15 (13) Make contracts and guarantees and incur liabilities, and borrow money at rates of
16 interest that the corporation may find feasible;

17 (14) Make and execute agreements of lease, conditional sales contracts, installment sales
18 contracts, loan agreements, mortgages, construction contracts, operation contracts, and other
19 contracts and instruments necessary or convenient in the exercise of the powers and functions of
20 the corporation granted by this chapter, which contracts may include provisions for arbitration of
21 disputes;

22 (15) Lend money for its purposes, invest and reinvest its funds, and at its option take and
23 hold real and personal property as security for the payment of funds so loaned or invested;

24 (16) Acquire or contract to acquire, from any person, firm, corporation, municipality, the
25 federal government, or the state, or any agency of either the federal government or the state, by
26 grant, purchase, lease, gift, or otherwise, or obtain options for the acquisition of any property, real
27 or personal, improved or unimproved, and interests in land less than the fee thereof; and own,
28 hold, clear, improve, develop, and rehabilitate, and sell, assign, exchange, transfer, convey, lease,
29 mortgage, or otherwise dispose of or encumber the same for the purposes of carrying out the
30 provisions and intent of this chapter, for consideration that the corporation shall determine;

31 (17) (i) Sell, mortgage, lease, exchange, transfer, or otherwise dispose of or encumber
32 any of its projects, (or in the case of a sale to accept a purchase money mortgage in connection
33 with the project) or grant options for any purposes with respect to any real or personal property or
34 interest therein, all of the foregoing for the consideration that the corporation shall determine.

1 Any lease by the corporation to another party may be for that part of the corporation's property,
2 real or personal, for a period, upon terms or conditions, with or without an option on the part of
3 the lessee to purchase any or all of the leased property for consideration, at or after the retirement
4 of all indebtedness incurred by the corporation on account thereof, as the corporation shall
5 determine;

6 (ii) Without limiting the generality of the foregoing, the corporation is expressly
7 empowered to lease or sell any part of the real or personal property owned or controlled by the
8 corporation to the state, or any department of the state or to any municipality. The provisions of
9 this section or of any other laws of this state (other than this chapter) restricting the power of the
10 state, its departments or any municipality, to lease or sell property, or requiring or prescribing
11 publication of notice of the intention to lease or sell, that would in any manner interfere with the
12 purpose of this section, which is to provide for the mutual cooperation by and between the
13 corporation and the state, its departments, or any municipality, to the fullest extent possible, are
14 not applicable to leases and sales made pursuant to this section;

15 (18) Manage any project, whether then owned or leased by the corporation, and enter
16 into agreement with the state or any municipality or any person, firm, partnership, or corporation,
17 either public or private, for the purpose of causing any project to be managed;

18 (19) Make plans, surveys, studies, and investigations necessary or desirable, in
19 conformity with applicable provisions of the state guide plan as promulgated and provided for by
20 the state planning agency, with the participation of the state planning council with due
21 consideration to local plans and other state plans;

22 (20) Design or provide for the design of the solid waste management facilities that the
23 corporation will construct or cause to be constructed, as well as designs for the alteration,
24 reconstruction, improvement, enlargement, or extension of the facilities;

25 (21) Construct or to cause to be constructed solid waste transfer station facilities,
26 processing facilities, resource recovery facilities, and ultimate disposal facilities and any other
27 solid waste management facilities that may be required by the corporation for the conduct of its
28 activities as herein provided;

29 (22) Construct, acquire, repair, develop, own, operate, maintain, extend, improve,
30 rehabilitate, renovate, equip, and furnish one or more of its projects and make provision for their
31 management, and pay all or any part of the cost of one or more of its projects from the proceeds
32 of the bonds and notes of the corporation or from any contribution, gift, donation, or any other
33 funds made available to the corporation;

34 (23) Enter upon lands and waters, upon giving due notice as may be necessary, to make

1 surveys, soundings, borings, and any other examinations or tests as may be necessary to
2 accomplish the purposes of this chapter;

3 (24) Enter into agreements or other transactions with and accept grants and the
4 cooperation of the federal government or any instrumentality of the federal government in
5 furtherance of the purposes of this chapter, including, but not limited to, the development,
6 maintenance, operation, and financing of any project, and to do any and all things necessary in
7 order to avail itself of aid and cooperation;

8 (25) Receive and accept bids or contributions from any source of money, property, labor,
9 or other things of value, to be held, used, and applied to carry out the purposes of this chapter
10 subject to the conditions upon which the grants and contributions may be made, including, but not
11 limited to, gifts or grants from any governmental agency or instrumentality of the United States or
12 the state, for any purpose consistent with this chapter;

13 (26) Prepare or cause to be prepared plans, specifications, designs, and estimates of costs
14 for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any of its
15 projects, and from time to time to modify the plans, specifications, designs or estimates;

16 (27) Provide advisory, consultative, training, and educational services, technical
17 assistance and advice to any person, firm, partnership, corporation, or municipality, whether they
18 are public or private, in order to carry out the purposes of this chapter;

19 (28) Review all municipal plans and proposals for the construction, or installation of
20 solid waste management facilities;

21 (29) Undertake and promote the conduct of research into source separation and source
22 reduction techniques, facilities, and systems and into other solid waste management areas for any
23 purpose consistent with this chapter; the corporation shall consistent with regulations of the
24 department of environmental management adopt a statewide plan for separation of solid waste at
25 the source of generation, at collection points or transfer stations and the corporation and the
26 department of environmental management shall cooperate on the implementation of a statewide
27 plan. The corporation, with the assistance of the department of environmental management, will
28 submit an annual report on the status of separation of solid waste in the state;

29 (30) Produce materials, fuels, energy, and by-products in any form from the processing
30 of solid wastes by the system, facilities, and equipment under its jurisdiction, and to receive funds
31 or revenues from their sale, and to deposit the funds or revenues in a bank or banks;

32 (31) Borrow money and issue revenue bonds and notes and provide for the rights of the
33 holders, for any of its purposes, including, without limitation, the purpose of providing funds to
34 pay all or any part of the cost of any project and all costs incident to any project, or for the

1 purpose of refunding any bonds or notes issued;

2 (32) Subject to the provisions of any contract with noteholders or bondholders, consent
3 to the modification, with respect to rate of interest, time of payments or any installment of
4 principal or interest, security or any other term of any mortgage, mortgage loan, mortgage loan
5 commitment, contract, or agreement of any kind to which the corporation is a party;

6 (33) In connection with the property on which it has made a mortgage loan, foreclose on
7 the property or commence an action to protect or enforce any right conferred upon it by law,
8 mortgage, contract, or other agreement, and bid for and purchase the property at any foreclosure
9 or any other sale, or acquire or take possession of the property; and in that event the corporation
10 may complete, administer, pay the principal of or interest on any obligations incurred in
11 connection with the property, dispose of and otherwise deal with the property in a manner that
12 may be necessary or desirable to protect the interest of the corporation;

13 (34) As security for the payment of principal and interest on any bonds or notes or any
14 agreements made in connection therewith, mortgage and pledge any or all of its projects and
15 property, whether then owned or thereafter acquired, and pledge the revenues and receipts from
16 all or part thereof, and assign and pledge the leases, sales contracts, or loan agreements or other
17 agreements on any portion or all of its projects and property, and assign or pledge the income
18 received by virtue of the lease, sales contracts, loan agreements, or other agreements;

19 (35) Invest any funds of the corporation including funds held in reserve or sinking funds,
20 or any money not required for immediate use or disbursement at the discretion of the corporation;

21 (36) Contract with the federal government, other states, state agencies, and regional
22 authorities, as the corporation shall deem necessary or convenient in carrying out the purposes of
23 this chapter;

24 (37) Be a promoter, partner, member, associate, or manager of any partnership,
25 enterprise, or venture;

26 (38) Have and exercise all powers necessary or convenient to effect its purposes;

27 (39) Insofar as the provisions of this chapter are inconsistent with the common law or the
28 provisions of any other laws of this state, general or special, restricting the power of any public
29 agency to enter into long term contracts which exceed the term of the governing body of the
30 agency or its members, the provisions of this chapter are controlling and the corporation shall be
31 deemed to have the power to enter into long term contracts which extend beyond the terms of the
32 commissioners as may be considered necessary, desirable, or convenient by the corporation;
33 provided, however, that prior to the execution of the contract, the contract has been reviewed by
34 the auditor general;

1 (40) Control the transportation, storage, and final disposal of all solid waste in the state
2 other than from sources owned or operated by the federal government, including the final
3 disposal of solid waste in facilities owned, operated, controlled, financed, or otherwise designated
4 by the corporation; provided, however, that the corporation shall not be empowered to engage in
5 the transportation, transfer, or storage of solid waste, other than at recycling facilities, except in
6 temporary situations where a municipality has defaulted in its obligation under this act or in
7 conjunction with its activities at its disposal sites; provided, however, that the corporation shall
8 not be empowered to take any action that would adversely affect or impair the validity of rights
9 and obligations under any valid contract for the disposal of municipal waste, which was in effect
10 on March 1, 1985, or any extension of the contract if extension was approved by the corporation,
11 or the right of any municipality to continue the operation of its own landfill until closure if the
12 landfill was in use by the municipality on December 1, 1986;

13 (41) Undertake and promote continuing efforts to reduce the waste stream to the extent
14 practicable and economically feasible;

15 (42) To purchase, receive, lease, or otherwise acquire, own, hold, improve, use, sell,
16 convey, and otherwise deal in and with real or personal property, wherever situated; and

17 (43) Conduct a training course for newly appointed and qualified members and new
18 designees within six (6) months of their qualification or designation. The course shall be
19 developed by the executive director of the corporation, approved by the corporation, and
20 conducted by the executive director of the corporation. The corporation may approve the use of
21 any corporation or staff members or other individuals to assist with training. The training course
22 shall include instruction in the following areas: the provisions of chapters 23-19, 42-46, 36-14,
23 and 38-2; and the corporation's rules and regulations.

24 [\(44\) Not later than January 1, 2021, contract for the collection of recyclables at all state](#)
25 [agencies, institutions, and educational facilities as determined by the corporation in accordance](#)
26 [with subsection \(10\) of this section.](#)

27 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 HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY
CORPORATION

1 This act would enable the Rhode Island resource recovery corporation to contract for the
2 collection of recyclables at all state agencies, institutions, and educational facilities by January 1,
3 2021.

4 This act would take effect upon passage.

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