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LC005421

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - QUONSET DEVELOPMENT CORPORATION

Introduced By: Senators Sosnowski, Conley, Kettle, and Archambault

Date Introduced: March 23, 2016

Referred To: Senate Environment & Agriculture

(Quonset Development Corporation)

It is enacted by the General Assembly as follows:

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

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

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

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

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

(1) To ask, demand, recover, collect, receive, hold, and possess all sums of money, debts, dues, goods, wares, merchandise, chattels, effects, bonds, notes, checks, drafts, accounts, 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, that now are, or hereafter,
3 shall be, or become, due, owing, or payable in respect to the property, and upon receipt thereof, or
4 of any part thereof, to make, sign, execute, and deliver such receipts, releases, or other discharges
5 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 property, 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 property, 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 property, 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 that may be necessary or proper, and to bargain, contract, and agree with respect to
19 the sale or exchange of such properties; and to execute and deliver good and sufficient deeds,
20 bills of sale, assignments, or other instruments or endorsements for the conveyance or transfer of
21 the same; and to give receipts for all or any part of the purchase price or other consideration.

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

32 (6) To enter into subordination agreements, inter-creditor agreements, reinstatement
33 agreements, "stand still" and "stand-by" agreements, modification agreements, forbearance
34 agreements, and other contracts having the effect of subordinating, modifying, renewing,

1 restructuring or otherwise altering the rights, obligations, or liabilities of the economic
2 development corporation, under or with respect to any indebtedness, property, or other assets
3 constituting or securing any property.

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

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

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

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

32 (d) To own, hold, improve, operate, manage, and regulate utilities at the Quonset
33 Business Park and to establish rates, fees, and charges, to adopt regulations, and to impose
34 penalties for any services or utilities it provides, or causes to have available, and to have functions

1 and exercise powers as necessary and appropriate under the provisions of §§ 42-64-4, 42-64-7.4,
2 42-64-7.8, 42-64-7.9 and 42-64-9.1 -- 42-64-9.10, inclusive.

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

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

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

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

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

33 (2) Compel any person or entity within the Quonset Business Park, for the purpose of
34 stormwater runoff, to establish a direct connection on the property of the person or entity, or at

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

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

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

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

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

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

(i) To purchase and obtain water supply and water service from any city, town, water district, or other water supply authority. In particular, the corporation is authorized to:

(1) Enter into agreements or contracts with any city, town, county, water district, or other water supply authority to purchase, acquire, and receive water supply and water service. There shall be no requirement that the corporation demonstrate public necessity before entering into such agreements.

(2) Enter into cooperative agreements with cities, towns, counties, water districts or other water supply authorities for the interconnection of facilities or for any other lawful corporate purposes necessary or desirable to effect the purposes of this chapter.

(3) Connect the water supply system at Quonset Business Park with any city, town, county, water district, or other water supply authority that receives or has a connection with the Providence Water Supply Board.

(4) Purchase water supply from any city, town, county, water district, or other water supply authority that receives or has a connection with Quonset Development Corporation regardless of the origin of such water supply. The Providence Water Supply Board is authorized and directed to supply water for the connection between the Quonset Development Corporation and any city, town, county, water district, or other water supply authority, notwithstanding any terms to the contrary in any agreement between any city, town, county, water district, or other water supply authority and the Providence Water Supply Board, the provisions of chapter 16 of title 39, or chapter 1278 of the public laws of 1915, as amended, or any other provisions of the general laws.

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

- 1 This act would grant the Quonset Development Corporation the ability to purchase
2 potable water from the Providence Water Supply Board to ensure an adequate water supply for all
3 of the current and future tenants at the Quonset Business Park.
4 This act would take effect upon passage.

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