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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

**RELATING TO STATE AFFAIRS AND GOVERNMENT -- QUONSET DEVELOPMENT
CORPORATION**

Introduced By: Senators DiMario, and Valverde

Date Introduced: March 18, 2021

Referred To: Senate Commerce

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.**

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

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

10 (b) As a subsidiary of the Rhode Island commerce corporation as provided for in § 42-64-
11 7.1;

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

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

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

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

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

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

30 (6) To enter into subordination agreements, inter-creditor agreements, reinstatement
31 agreements, "stand still" and "stand-by" agreements, modification agreements, forbearance
32 agreements, and other contracts having the effect of subordinating, modifying, renewing,
33 restructuring or otherwise altering the rights, obligations, or liabilities of the commerce corporation,
34 under or with respect to any indebtedness, property, or other assets constituting or securing any

1 property.

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

8 (8) To exercise any powers and any duties vested in the commerce corporation as a partner,
9 joint venturer, participant, or other joint-interest holder with respect to any property, or to concur
10 (or not) with persons jointly interested with the commerce corporation in any property.

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

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

27 (d) To own, hold, improve, operate, manage, and regulate utilities at the Quonset Business
28 Park and to establish rates, fees, and charges, to adopt regulations, and to impose penalties for any
29 services or utilities it provides, or causes to have available, and to have functions and exercise
30 powers as necessary and appropriate under the provisions of §§ 42-64-4, 42-64-7.4, 42-64-7.8, 42-
31 64-7.9 and 42-64-9.1 -- 42-64-9.10, inclusive.

32 (e) To enter into agreements with any city, town, district, or public corporation with regard
33 to application and/or administration of zoning or other land use ordinances, codes, plans, or
34 regulations, and cities, towns, districts, and public corporations are hereby authorized and

1 empowered, notwithstanding any other law to the contrary, to enter into such agreements with the
2 corporation and to do all things necessary to carry out their obligations under such agreements; in
3 the absence of any such agreement the corporation shall act in accordance with the provisions of §
4 42-64-13.

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

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

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

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

27 (2) Compel any person or entity within the Quonset Business Park, for the purpose of
28 stormwater runoff, to establish a direct connection on the property of the person or entity, or at the
29 boundary thereof, to the corporation's stormwater management and conveyance systems. These
30 connections shall be made at the expense of such person or entity. The term "appurtenance" as used
31 herein shall be construed to include adequate pumping facilities, whenever the pumping facilities
32 shall be necessary to deliver the stormwater runoff to the stormwater management and conveyance
33 systems.

34 (3) Assess any person or entity having a direct or indirect connection (including, without

1 limitation, via runoff) to the Quonset Business Park stormwater management and conveyance
2 systems the reasonable charges for the use, operation, maintenance, and improvements to the
3 systems. The corporation shall also be entitled, in addition to any other remedies available, to assess
4 fines for violations of the rules and regulations established by the corporation with respect to
5 stormwater management.

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

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

23 (6) Without in any way limiting the foregoing powers and authority, the corporation is also
24 hereby empowered to: (i) Establish a fee system and raise funds for administration and operation
25 of the stormwater management and conveyance systems; (ii) Prepare long-range, stormwater
26 management master plans; (iii) Implement a stormwater management district; (iv) Retrofit existing
27 structures to improve water quality or alleviate downstream flooding or erosion; (v) Properly
28 maintain existing stormwater management and conveyance systems; (vi) Hire personnel to carry
29 out the functions of the stormwater management and conveyance systems; (vii) Receive grants,
30 loans, or funding from state and federal water-quality programs; (viii) Grant credits to property
31 owners who maintain retention and detention basins or other filtration structures on their property;
32 (ix) Make grants for implementation of stormwater management plans; (x) Purchase, acquire, sell,
33 transfer, or lease real or personal property; (xi) Impose liens; (xii) Levy fines and sanctions for
34 noncompliance; (xiii) Provide for an appeals process; and (xiv) Contract for services in order to

1 carry out the function of the stormwater management and conveyance systems.

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

4 (1) Enter into agreements or contracts with any city, town, county, water district, or other
5 water supply authority to purchase, acquire, and receive water supply and water service.

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

9 (3) Connect the water supply system at Quonset Business Park with any city, town, county,
10 water district, or other water supply authority that receives or has a connection with the city of
11 Providence and/or the Providence Water Supply Board (or any successor thereof) and purchase,
12 connect to, receive, and enter into agreements to receive water supply from any city, town, county,
13 water district, or other water supply authority regardless of the origin of such water supply. The
14 city of Providence and the Providence Water Supply Board (and any successor thereof) are
15 authorized and directed to supply water to the Quonset Business Park either directly or via
16 connections between the Quonset Development Corporation and any city, town, county, water
17 district, or other water supply authority, notwithstanding any terms to the contrary in any
18 agreement, including, without limitation, any agreement between any city, town, county, water
19 district, or other water supply authority and the city of Providence and/or the Providence Water
20 Supply Board (or its or their predecessors), or the provisions of chapter 16 of title 39. In addition,
21 the provisions of § 18 of chapter 1278 of the public laws of Rhode Island of 1915 as amended, and
22 any other public law that would conflict with the terms hereof, are hereby amended to authorize
23 the provision of water supply by the city of Providence and the Providence Water Supply Board
24 (or any successor thereof) to the Quonset Business Park and to authorize any additional connections
25 in accordance herewith. There shall be no requirement that the corporation demonstrate public
26 necessity before entering into such agreements, connecting to such water supplies, or receiving
27 such water as described in this subsection, but the corporation shall be subject to the other
28 applicable provisions of chapter 15 of title 46.

29 (j) Notwithstanding any provisions of the general laws to the contrary, the corporation shall
30 be entitled to borrow funds in the form of a revolving line of credit or similar financing arrangement
31 of up to one million dollars (\$1,000,000). Such funds will be used by the corporation for cash
32 management, emergencies, improvements, repairs, and grant management. In connection with such
33 borrowing, and notwithstanding any provisions of the general laws to the contrary, the corporation
34 shall be entitled to grant security interests, and issue notes, mortgages, and other security

1 instruments. However, any indebtedness authorized by this provision shall be secured only by
2 Quonset Business Park assets and shall be the obligation of the corporation and shall not be an
3 indebtedness of the State of Rhode Island.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT -- QUONSET DEVELOPMENT
CORPORATION

1 This act would authorize the Quonset development corporation to borrow up to one million
2 dollars (\$1,000,000) for operational purposes; however, the debt would not be a debt of the state
3 and would be secured only by the Quonset development corporation's assets.

4 This act would take effect upon passage.

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