

2022 -- H 8134

LC005775

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO CAPITAL DEVELOPMENT PROGRAM-- 2022 BOND REFERENDA

Introduced By: Representatives Slater, and Diaz

Date Introduced: April 13, 2022

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Preamble. --

2 1. The Roger Williams Park Zoo brings in over eight hundred thousand (800,000) visitors
3 each year, including over four hundred thousand (400,000) from out of state, contributing to over
4 fifty million dollars (\$50,000,000) in economic impact for Roger Williams Park, the city of
5 Providence and the State of Rhode Island;

6 2. The Roger Williams Park Zoo's educational programs directly touch more than one
7 hundred thirty eight thousand (138,000) learners of all ages each year and provide free and reduced
8 entry to ensure that students of all backgrounds have access to these camps and programs;

9 3. Unlike many zoos nationwide that receive dedicated state or local revenues, the Roger
10 Williams Park Zoo relies on entry fees and memberships for capital improvements;

11 4. Rhode Island voters approved fifteen million dollars (\$15,000,000) for the Zoo as part
12 of the 2014 "Clean Water, Open Space and Healthy Communities" bond, which the Zoo used
13 promptly to build a brand new "Faces of the Rainforest" exhibit. The exhibit brought an estimated
14 thirty six thousand, six hundred fifty seven (36,657) additional visitors to the Zoo in the first year
15 and demonstrated a positive return on investment by contributing fifteen million six hundred fifty
16 thousand dollars (\$15,650,000) in direct value to the local and state economy;

17 5. Roger Williams Park is comprised of four hundred thirty five (435) beautifully
18 maintained acres of open space, offering the citizens of Providence and this state a wide range of
19 recreational and educational opportunities; and

1 deemed to be approved by the people. The authority to issue bonds, refunding bonds and/or
2 temporary notes of the state shall be limited to the aggregate amount for the project as set forth in
3 the proposition, which has been approved by the people.

4 SECTION 5. . **Bonds for capital development program.** -- The general treasurer is
5 hereby authorized and empowered, with the approval of the governor, and in accordance with the
6 provisions of this act to issue capital development bonds in serial form, in the name of and on behalf
7 of the State of Rhode Island, in amounts as may be specified by the governor in an aggregate
8 principal amount not to exceed the total amount for the project approved by the people and
9 designated as "capital development loan of 2022 bonds." Provided, however, that the aggregate
10 principal amount of such capital development bonds and of any temporary notes outstanding at any
11 one time issued in anticipation thereof pursuant to section 7 hereof shall not exceed the total amount
12 for the project approved by the people. All provisions in this act relating to "bonds" shall also be
13 deemed to apply to "refunding bonds."

14 Capital development bonds issued under this act shall be in denominations of one thousand
15 dollars (\$1,000) each, or multiples thereof, and shall be payable in any coin or currency of the
16 United States which at the time of payment shall be legal tender for public and private debts. These
17 capital development bonds shall bear such date or dates, mature at specified time or times, but not
18 mature beyond the end of the twentieth state fiscal year following the fiscal year in which they are
19 issued; bear interest payable semi-annually at a specified rate or different or varying rates; be
20 payable at a designated time or times at a specified place or places; be subject to express terms of
21 redemption or recall, with or without premium; be in a form, with or without interest coupons
22 attached; carry such registration, conversion, reconversion, transfer, debt retirement, acceleration
23 and other provisions as may be fixed by the general treasurer, with the approval by the governor,
24 upon each issue of such capital development bonds at the time of each issue. Whenever the
25 governor shall approve the issuance of such capital development bonds, the governor's approval
26 shall be certified to the secretary of state; the bonds shall be signed by the general treasurer and
27 countersigned by the secretary of state and shall bear the seal of the state. The signature approval
28 of the governor shall be endorsed on each bond.

29 SECTION 6. **Refunding bonds for 2022 capital development program.** -- The general
30 treasurer is hereby authorized and empowered, with the approval of the governor, and in accordance
31 with the provisions of this act, to issue bonds to refund the 2022 capital development program
32 bonds, in the name of and on behalf of the state, in amounts as may be specified by the governor in
33 an aggregate principal amount not to exceed the total amount approved by the people, to be
34 designated as "capital development program loan of 2022 refunding bonds" (hereinafter "refunding

1 bonds").

2 The general treasurer with the approval of the governor shall fix the terms and form of any
3 refunding bonds issued under this act in the same manner as the capital development bonds issued
4 under this act, except that the refunding bonds may not mature more than twenty (20) years from
5 the date of original issue of the capital development bonds being refunded.

6 The proceeds of the refunding bonds, exclusive of any premium and accrual interest and
7 net the underwriters' cost, and cost of bond insurance, shall, upon their receipt, be paid by the
8 general treasurer immediately to the paying agent for the capital development bonds which are to
9 be called and prepaid. The paying agent shall hold the refunding bond proceeds in trust until they
10 are applied to prepay the capital development bonds. While such proceeds are held in trust, the
11 proceeds may be invested for the benefit of the state in obligations of the United States of America
12 or the State of Rhode Island.

13 If the general treasurer shall deposit with the paying agent for the capital development
14 bonds the proceeds of the refunding bonds, or proceeds from other sources, amounts that, when
15 invested in obligations of the United States or the State of Rhode Island, are sufficient to pay all
16 principal, interest, and premium, if any, on the capital development bonds until these bonds are
17 called for prepayment, then such capital development bonds shall not be considered debts of the
18 State of Rhode Island for any purpose starting from the date of deposit of such monies with the
19 paying agent. The refunding bonds shall continue to be a debt of the state until paid.

20 The term "bond" shall include "note," and the term "refunding bonds" shall include
21 "refunding notes" when used in this act.

22 SECTION 7. Proceeds of capital development program. -- The general treasurer is
23 directed to deposit the proceeds from the sale of capital development bonds issued under this act,
24 exclusive of premiums and accrued interest and net the underwriters' cost, and cost of bond
25 insurance, in one or more of the depositories in which the funds of the state may be lawfully kept
26 in special accounts (hereinafter cumulatively referred to as "such capital development bond fund")
27 appropriately designated for the project set forth in section 1 hereof which shall have been approved
28 by the people to be used for the purpose of paying the cost of the project so approved.

29 All monies in the capital development bond fund shall be expended for the purposes
30 specified in the proposition provided for in section 1 hereof under the direction and supervision of
31 the director of administration (hereinafter referred to as "director"). The director, or designee shall
32 be vested with all power and authority necessary or incidental to the purposes of this act, including,
33 but not limited to, the following authority:

34 (1) To acquire land or other real property or any interest, estate or right therein as may be

1 necessary or advantageous to accomplish the purposes of this act;

2 (2) To direct payment for the preparation of any reports, plans and specifications, and
3 relocation expenses and other costs such as for furnishings, equipment designing, inspecting and
4 engineering, required in connection with the implementation of the project set forth in section 1
5 hereof;

6 (3) To direct payment for the costs of construction, rehabilitation, enlargement, provision
7 of service utilities, and razing of facilities, and other improvements to land in connection with the
8 implementation of the project set forth in section 2 hereof; and

9 (4) To direct payment for the cost of equipment, supplies, devices, materials and labor for
10 repair, renovation or conversion of systems and structures as necessary for the 2022 capital
11 development program bonds or notes hereunder from the proceeds thereof. No funds shall be
12 expended in excess of the amount of the capital development bond fund designated for the project
13 authorized in section 2 hereof. With respect to the bonds and temporary notes described in section
14 2, the proceeds shall be used for the following purpose:

15 Question 1, relating to bonds in the amount of twenty-eight million five hundred thousand
16 dollars (\$28,500,000) to provide funding for Roger Williams Park and Zoo for construction of a
17 state-of-the-art, carbon-neutral educational center and event pavilion and improvement of the park
18 infrastructure, roadways and renovations to the historic public buildings and public art displays of
19 the park.

20 SECTION 8. Sale of bonds and notes. -- Any bonds or notes issued under the authority
21 of this act shall be sold at not less than the principal amount thereof, in such mode and on such
22 terms and conditions as the general treasurer, with the approval of the governor, shall deem to be
23 in the best interests of the state.

24 Any premiums and accrued interest, net of the cost of bond insurance and underwriter's
25 discount, which may be received on the sale of the capital development bonds or notes shall become
26 part of the Rhode Island capital plan fund of the state, unless directed by federal law or regulation
27 to be used for some other purpose.

28 In the event that the amount received from the sale of the capital development bonds or
29 notes exceeds the amount necessary for the purposes stated in section 6 hereof, the surplus may be
30 used to the extent possible to retire the bonds as the same may become due, to redeem them in
31 accordance with the terms thereof or otherwise to purchase them as the general treasurer, with the
32 approval of the governor, shall deem to be in the best interests of the state.

33 Any bonds or notes issued under the provisions of this act and coupons on any capital
34 development bonds, if properly executed by the manual or electronic signatures of officers of the

1 state in office on the date of execution, shall be valid and binding according to their tenor,
2 notwithstanding that before the delivery thereof and payment therefor, any or all such officers shall
3 for any reason have ceased to hold office.

4 SECTION 9. Bonds and notes to be tax exempt and general obligations of the state. --

5 All bonds and notes issued under the authority of this act shall be exempt from taxation in the state
6 and shall be general obligations of the state, and the full faith and credit of the state is hereby
7 pledged for the due payment of the principal and interest on each of such bonds and notes as the
8 same shall become due.

9 SECTION 10. All monies in the capital development fund not immediately required for
10 payment pursuant to the provisions of this act may be invested by the investment commission, as
11 established by chapter 10 of title 35, entitled "state investment commission," pursuant to the
12 provisions of such chapter; provided, however, that the securities in which the capital development
13 fund is invested shall remain a part of the capital development fund until exchanged for other
14 securities; and provided further, that the income from investments of the capital development fund
15 shall become a part of the general fund of the state and shall be applied to the payment of debt
16 service charges of the state, unless directed by federal law or regulation to be used for some other
17 purpose, or to the extent necessary, to rebate to the United States treasury any income from
18 investments (including gains from the disposition of investments) of proceeds of bonds or notes to
19 the extent deemed necessary to exempt (in whole or in part) the interest paid on such bonds or notes
20 from federal income taxation.

21 SECTION 11. Appropriation. -- To the extent the debt service on these bonds is not
22 otherwise provided, a sum sufficient to pay the interest and principal due each year on bonds and
23 notes hereunder is hereby annually appropriated out of any money in the treasury not otherwise
24 appropriated.

25 SECTION 12. Advances from general fund. -- The general treasurer is authorized, with
26 the approval of the director and the governor, in anticipation of the issue of bonds or notes under
27 the authority of this act, to advance to the capital development bond fund for the purposes specified
28 in section 6 hereof, any funds of the state not specifically held for any particular purpose; provided,
29 however, that all advances made to the capital development bond fund shall be returned to the
30 general fund from the capital development bond fund forthwith upon the receipt by the capital
31 development fund of proceeds resulting from the issue of bonds or notes to the extent of such
32 advances.

33 SECTION 13. Federal assistance and private funds. -- In carrying out this act, the
34 director, or designee, is authorized on behalf of the state, with the approval of the governor, to apply

1 for and accept any federal assistance which may become available for the purpose of this act,
2 whether in the form of loan or grant or otherwise, to accept the provision of any federal legislation
3 therefor, to enter into, act and carry out contracts in connection therewith, to act as agent for the
4 federal government in connection therewith, or to designate a subordinate so to act. Where federal
5 assistance is made available, the project shall be carried out in accordance with applicable federal
6 law, the rules and regulations thereunder and the contract or contracts providing for federal
7 assistance, notwithstanding any contrary provisions of state law. Subject to the foregoing, any
8 federal funds received for the purposes of this act shall be deposited in the capital development
9 bond fund and expended as a part thereof. The director, or designee may also utilize any private
10 funds that may be made available for the purposes of this act.

11 SECTION 14. Sections 1, 2, 3, 4, 12 and 13 of this act shall take effect upon passage. The
12 remaining sections of this act shall take effect when and if the state board of elections shall certify
13 to the secretary of state that a majority of the qualified electors voting on the proposition contained
14 in section 2 hereof have indicated their approval of the project thereunder.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CAPITAL DEVELOPMENT PROGRAM-- 2022 BOND REFERENDA

1 This act would submit the state's 2022 capital development program requesting the
2 issuance of general obligation bonds totaling twenty eight million five hundred thousand dollars
3 (\$28,500,000) for approval of the electorate at the general election to be held on November 8, 2022.

4 Twenty-three million five hundred thousand dollars (\$23,500,000) would be for the new
5 construction of a state-of-the-art carbon-neutral education center and event pavilion. Five million
6 dollars (\$5,000,000) would be for funds to improve the park infrastructure, roadways and
7 renovations to the park's historic public buildings and public art displays.

8 These projects would help the zoo meet the technology demands of the modern-day
9 classrooms, increase student capacity to expand its education programs to Rhode Island schools
10 and provide a large venue with seating capacity for lectures, assemblies, and artistic performances.
11 Both projects would improve access and further contribute the zoo's positive economic impacts on
12 Roger Williams Park, the city of Providence and all of Rhode Island.

13 Sections 1, 2, 3, 4, 12 and 13 of this act would take effect upon passage. The remaining
14 sections of this act would take effect when and if the state board of elections shall certify to the
15 secretary of state that a majority of the qualified electors voting on the proposition contained in
16 section 2 hereof have indicated their approval the project thereunder.

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