

2011 -- S 114 SUBSTITUTE A AS AMENDED

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LC00144/SUB A/3
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

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A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS

Introduced By: Senators Ruggerio, Goodwin, Jabour, Perry, and Ciccone

Date Introduced: January 27, 2011

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 37-5 of the General Laws entitled "Department of Transportation"
2 is hereby amended by adding thereto the following section:

3 **37-5-8. Transfer of certain interstate route 195 property.** – (a) Findings. The state of
4 Rhode Island, in accordance with that certain United States Federal Highway Administration
5 Record of Decision entitled “Record of Decision, Improvements to Interstate Route 195,
6 Providence, Rhode Island, FHWA-RI-EIS-93-01-F, January 14, 1997” is relocating and
7 improving certain portions of interstate route 195 traversing through portions of the city of
8 Providence. In connection with such highway relocation, certain parcels of land within the city of
9 Providence will become available for beneficial reuse. It is found and declared that:

10 (1) The surplus parcels of land, together with all improvements thereon, that will be
11 created by the relocation of interstate route 195 are sometimes collectively referred to herein as
12 the “I-195 Surplus Land” which land is identified in the “Rhode Island Interstate 195 Relocation
13 Surplus Land: Redevelopment and Market Analysis” prepared by CKS Architecture & Urban
14 Design dated 2009, and such term means those certain tracts or parcels of land situated in the city
15 of Providence, county of Providence, state of Rhode Island, delineated on that certain plan of land
16 captioned “Improvements to Interstate Route 195, Providence, Rhode Island, Proposed
17 Development Parcel Plans 1 through 10, Scale: 1”=20’, May 2010, Bryant Associates, Inc.,
18 Engineers-Surveyors-Construction Managers, Lincoln, RI., Maguire Group, Inc.,
19 Architects/Engineers/Planners, Providence, RI,” bounded and described as follows:

1 (i) Area I

2 That certain parcel of land, with all improvements thereon, situated easterly of Interstate
3 Route No. 95, southwesterly of Chestnut Street and northwesterly of Hoppin Street in the City of
4 Providence, County of Providence, State of Rhode Island, and more particularly described as
5 follows:

6 Beginning at a point on the southeasterly street line of Pine Street at the westerly corner
7 of land owned now or formerly by Johnson & Wales University;

8 Thence S 54° 21' 39" E along the northwesterly State Freeway Line established by State
9 Highway Plat No. 1074A a distance of ninety-four and eighty-one hundredths (94.81) feet to a
10 point;

11 Thence S 54° 21' 39" E along said State Freeway Line a distance of nineteen and twenty
12 hundredths (19.20) feet to a point, the two previous courses running along land owned now or
13 formerly by Johnson & Wales University;

14 Thence in a general northeasterly direction along a non-tangent curve deflecting to the
15 left, said curve having a radius of four-hundred twenty-three and zero hundredths (423.00) feet,
16 subtended by a central angle of 14° 38' 19" for an arc length of one-hundred eight and seven
17 hundredths (108.07) feet, a chord bearing of N 53° 54' 03" E and a chord length of one-hundred
18 seven and seventy-eight hundredths (107.78) feet to a spiral curve;

19 Thence in a general northeasterly direction along said spiral curve having a radius of
20 four-hundred twenty-three and zero hundredths (423.00) feet, a Theta angle of 09° 50' 57" for a
21 spiral length of one-hundred forty-five and forty-three hundredths (145.43) feet to a point of
22 tangency; said spiral curve running along the northwesterly State Freeway Line established by
23 State Highway Plat No. 1233;

24 Thence N 36° 43' 57" E a distance of sixty-one and ninety hundredths (61.90) feet to a
25 point;

26 Thence N 54° 17' 18" W a distance of four and eighty-seven hundredths (4.87) feet to a
27 point;

28 Thence N 29° 26' 59" E a distance of two-hundred ninety-five and ninety-one hundredths
29 (295.91) feet to a point;

30 Thence N 59° 31' 58" W a distance of fifty-seven and zero hundredths (57.00) feet to a
31 point;

32 Thence N 56° 27' 36" E a distance of one-hundred eighty-six and fifty-seven hundredths
33 (186.57) feet to a point on the southwesterly street line of Chestnut Street, the three previous

1 courses running along the northwesterly State Freeway Line established by State Highway Plat
2 No. 900;
3 Thence S 59° 38' 32" E along said southwesterly street line of Chestnut Street a distance
4 of one-hundred ninety-seven and thirty-five hundredths (197.35) feet to a point;
5 Thence in a general southwesterly direction along a curve deflecting to the left, said
6 curve having a radius of five-hundred ninety and zero hundredths (590.00) feet, subtended by a
7 central angle of 14° 02' 58" for an arc length of one-hundred forty-four and sixty-seven
8 hundredths (144.67) feet, a chord bearing of S 47° 40' 44" W and a chord length of one-hundred
9 forty-four and thirty-one hundredths (144.31) feet to a point;
10 Thence S 32° 34' 31" W a distance of eighty and ninety-two hundredths (80.92) feet to a
11 point;
12 Thence S 55° 19' 41" E a distance of nineteen and fifty hundredths (19.50) feet to a
13 point;
14 Thence S 35° 27' 19" W a distance of one-hundred seventy-eight and fifty-two
15 hundredths (178.52) feet to a point on the southwesterly street line of Claverick Street;
16 Thence S 55° 19' 41" E along said southwesterly street line of Claverick Street a distance
17 of one-hundred thirty-five and fifty-seven hundredths (135.57) feet to a point on the southeasterly
18 street line of Clifford Street;
19 Thence S 35° 26' 28" W along said southeasterly street line of Clifford Street a distance
20 of fifty-six and seventy hundredths (56.70) feet to a point;
21 Thence S 29° 00' 35" W along land owned now or formerly by Eighty-Six Point Street,
22 LLC and Mad Realty Associates, partly by each, a distance of seventy-three and forty-seven
23 hundredths (73.47) feet to a point;
24 Thence S 54° 37' 34" E along land owned now or formerly by Mad River Realty
25 Associates a distance of zero and seventy-six hundredths (0.76) feet to a non-tangent curve;
26 Thence in a general southwesterly direction along said non-tangent curve deflecting to
27 the left, said curve having a radius of three-hundred twenty-seven and zero hundredths (327.00)
28 feet, subtended by a central angle of 29° 27' 51" for an arc length of one-hundred sixty-eight and
29 sixteen hundredths (168.16) feet, having a chord bearing of S 07° 49' 43" W and a chord length
30 of one-hundred sixty-six and thirty-one hundredths (166.31) feet to a point;
31 Thence S 54° 37' 34" E a distance of twenty-three and nine hundredths (23.09) feet to a
32 point, the previous two courses running along land owned now or formerly by Claverick Realty
33 Company;

1 Thence S 35° 22' 26" W a distance of twenty and fifty-three hundredths (20.53) feet to a
2 non-tangent curve on the northeasterly street line of Hoppin Street;

3 Thence in a general southeasterly direction along said non-tangent curve deflecting to the
4 left, said curve having a radius of three-hundred twenty-five and zero hundredths (325.00) feet,
5 subtended by a central angle of 16° 20' 47" for an arc length of ninety-two and seventy-two
6 hundredths (92.72) feet, having a chord bearing of S 20° 09' 55" E and a chord distance of
7 ninety-two and forty-one hundredths (92.41) feet to a point;

8 Thence S 28° 20' 18" E a distance of fifteen and twenty-five hundredths (15.25) feet to a
9 point of curvature;

10 Thence in a general southeasterly direction along a curve deflecting to the left, said curve
11 having a radius of thirteen and fifty-eight hundredths (13.58) feet, subtended by a central angle of
12 116° 31' 28" for an arc length of twenty-seven and sixty-one hundredths (27.61) feet, having a
13 chord bearing of S 86° 36' 02" E and a chord length of twenty-three and nine hundredths (23.09)
14 feet to a point on the northwesterly street line of Bassett Street;

15 Thence S 35° 22' 26" W along said northwesterly street line of Bassett Street a distance
16 of seventy-one and fifty-two hundredths (71.52) feet to a point on the southwesterly street line of
17 Hoppin Street;

18 Thence S 28° 19' 27" E along said southwesterly street line of Hoppin Street a distance
19 of three-hundred eighty-nine and forty hundredths (389.40) feet to a point on the northeasterly
20 street line of Proposed East Franklin Street;

21 Thence N 53° 39' 21" W along said northeasterly street line of Proposed East Franklin
22 Street a distance of one-thousand two-hundred two and fourteen hundredths (1202.14) feet to a
23 point;

24 Thence N 35° 43' 17" E a distance of fifteen and ninety-two hundredths (15.92) feet to a
25 point;

26 Thence N 35° 43' 17" E a distance of thirty-nine and twenty-one hundredths (39.21) feet
27 to a point;

28 Thence S 65° 00' 33" E a distance of five and twenty-six hundredths (5.26) feet to a
29 point;

30 Thence N 36° 11' 07" E a distance of forty-eight and sixty-eight hundredths (48.68) feet
31 to a point;

32 Thence S 54° 02' 43" E a distance of one-hundred twenty-six and ninety-four hundredths
33 feet to a point on the northwesterly street line of Pine Street, the previous four courses running

1 along land owned now or formerly by The Housing Authority of the City of Providence;

2 Thence S 54° 02' 43" E a distance of forty and twelve hundredths (40.12) feet to a point
3 on the southeasterly street line of Pine Street;

4 Thence N 35° 38' 21" E along said southeasterly street line of Pine Street a distance of
5 seventy-four and forty-eight one hundredths (74.48) feet to the point and place of beginning;

6 The above described parcel contains three hundred ninety-five thousand two hundred
7 eighty-two (395,282) square feet or 9.07 acres, more or less.

8 (ii) Area II

9 That certain parcel of land, with all improvements thereon, situated southwesterly of
10 Richmond Street, northeasterly of Ship Street, northwesterly of Chestnut Street and southeasterly
11 of Friendship Street in the City of Providence, County of Providence, State of Rhode Island, and
12 more particularly described as follows:

13 Beginning at a point at the intersection of the southeasterly street line of Friendship Street
14 and the northeasterly street line of Chestnut Street;

15 Thence N 35° 26' 25" E along the southeasterly street line of Friendship Street a distance
16 of two-hundred seventy and eighty-two hundredths (270.82) feet to a point;

17 Thence S 53° 56' 39" E along the State Freeway Line established by Amended State
18 Highway Plat No. 900 a distance of forty-five and two hundredths (45.02) feet to a point;

19 Thence N 64° 30' 09" E along said State Freeway Line a distance of two-hundred eight
20 and forty-six hundredths (208.46) feet to a point on the southwesterly street line of Richmond
21 Street, the two previous courses running along land owned now or formerly by Stephen R. &
22 Francine Beranbaum;

23 Thence S 53° 56' 39" E along said southwesterly street line of Richmond Street a
24 distance of two-hundred twenty and fifty-nine hundredths (220.59) feet to a point;

25 Thence S 35° 26' 57" W along the State Freeway Line established by Amended Plat No.
26 900 a distance of one-hundred twenty and ninety-seven hundredths (120.97) feet to a point;

27 Thence N 55° 40' 21" W along said State Freeway Line a distance of fifteen and one-
28 one-hundredth (15.01) feet to a point;

29 Thence S 60° 41' 45" W along said State Freeway Line a distance of ninety-seven and
30 ninety-two hundredths (97.92) feet to a point;

31 Thence S 67° 47' 39" W along said State Freeway Line a distance of fifty and ninety-
32 three hundredths (50.93) feet to a point, the previous three courses running along land owned now
33 or formerly by Ship Street Parking Associates, LLC;

1 Thence N 41° 01' 46" E a distance of zero and fifty-five hundredths (0.55) feet to a point;
2 Thence N 61° 40' 21" W a distance of twenty-six and forty-nine hundredths (26.49) feet
3 to a point;
4 Thence N 54° 43' 25" W a distance of twenty-five and thirty-two hundredths (25.32) feet
5 to a point;
6 Thence S 35° 23' 19" W a distance of zero and sixty-two hundredths (0.62) feet to a
7 point, the previous four courses running along the State Highway Line established by Plat No.
8 2492;
9 Thence N 54° 36' 41" W along the State Freeway Line established by Plat No. 900 a
10 distance of zero and forty five hundredths (0.45) feet to a point;
11 Thence S 35° 23' 19" W along the State Highway Line established by Plat No. 2728 a
12 distance of one-hundred one and two hundredths (101.02) feet to a point on the northerly street
13 line of Ship Street;
14 Thence S 88° 00' 16" W a distance of fifty and forty-nine hundredths (50.49) feet to a
15 point;
16 Thence S 88° 00' 16" W a distance of eighty-four and thirty-six hundredths (84.36) feet
17 to a point, the two previous courses running along the northerly street line of Ship Street;
18 Thence N 59° 38' 32" W along the northeasterly street line of Chestnut Street a distance
19 of one-hundred twenty-four and thirty hundredths (124.30) feet to the point and place of
20 beginning;
21 The above described parcel contains one hundred five thousand seventy-six (105,076)
22 square feet or 2.41 acres, more or less.
23 (iii) Area III
24 That certain parcel of land, with all improvements thereon, situated westerly of Dyer
25 Street, northeasterly of Richmond Street, southeasterly of Clifford Street and southwesterly of
26 Dorrance Street in the City of Providence, County of Providence, State of Rhode Island, and more
27 particularly described as follows:
28 Beginning at a point at the intersection of the northeasterly street line of Richmond Street
29 and the southeasterly street line of Clifford Street;
30 Thence N 35° 27' 30" E along the southeasterly street line of Clifford Street a distance of
31 one-hundred forty-seven and twenty-six hundredths (147.26) feet to a point;
32 Thence S 54° 32' 30" E a distance of fifteen and zero hundredths (15.00) feet to a point;
33 Thence N 62° 01' 24" E a distance of eighty-nine and forty-four hundredths (89.44) feet

1 to a point;

2 Thence S 54° 32' 30" E a distance of forty and twenty hundredths (40.20) feet to a point;

3 Thence N 35° 27' 30" E a distance of one-hundred fifty-two and eighty-nine hundredths
4 (152.89) feet to a point on the southwesterly street line of Eddy Street;

5 Thence N 61° 53' 05" E a distance of forty and fourteen one-hundredth (40.14) feet to a
6 point on the northeasterly street line of Eddy Street, the previous six courses running along the
7 State Freeway Line established by Amended Plat No. 900;

8 Thence N 28° 06' 55" W along the northeasterly street line of Eddy Street a distance of
9 fifteen and fifty-two hundredths (15.52) feet to a point;

10 Thence N 24° 40' 40" E a distance of one-hundred thirty-six and seventy hundredths
11 (136.70) feet to a point;

12 Thence N 54° 32' 30" W a distance of seventy-three and sixty hundredths (73.60) feet to
13 a point on the southeasterly street line of Clifford Street, the two previous courses running along
14 the State Freeway Line established by Plat No. 1385;

15 Thence N 35° 27' 30" E along the State Highway Line established by Amended Plat No.
16 900 a distance of one-hundred fifty-two and four hundredths (152.04) feet to a point;

17 Thence N 35° 27' 30" E along the State Freeway Line established by Amended Plat No.
18 900 a distance of thirty-nine and three hundredths (39.03) feet to a point;

19 Thence N 35° 27' 30" E along said State Freeway Line a distance of one-hundred
20 seventy-five and seventy hundredths (175.70) feet to a point, the three previous courses running
21 along the southeasterly street line of Clifford Street;

22 Thence S 51° 30' 57" E a distance of eighteen and thirty-seven hundredths (18.37) feet to
23 a point on the westerly street line of Dyer Street;

24 Thence S 04° 06' 53" E a distance of twenty-three and twenty-three hundredths (23.23)
25 feet to a point, the two previous courses running along the State Freeway Line established by
26 Amended Plat No. 900;

27 Thence S 04° 06' 53" E along the State Highway Line established by Amended Plat No.
28 900 a distance of fifty-eight and eighty-eight hundredths (58.88) feet to a point;

29 Thence S 04° 06' 53" E along the State Freeway Line established by Amended Plat No.
30 900 a distance of seventy and seventy-two hundredths (70.72) feet to a point;

31 Thence S 04° 06' 53" E along the State Highway Line established by Amended Plat No.
32 900 a distance of seventy and ninety-nine hundredths (70.99) feet to a point;

33 Thence S 04° 06' 53" E along the State Freeway Line established by Amended Plat No.

1 900 a distance of seven-hundred eighty-eight and seventy-three hundredths (788.73) feet to a
2 point on the northeasterly street line of Eddy street, the previous five courses running along the
3 westerly street line of Dyer Street;

4 Thence N 28° 06' 55" W along the northeasterly street line of Eddy Street a distance of
5 one-hundred eighty-two and eighty-four hundredths (182.84) feet to a point;

6 Thence N 07° 47' 27" W a distance of one-hundred fifteen and sixteen hundredths
7 (115.16) feet to a point;

8 Thence S 57° 36' 31" W a distance of forty and eleven hundredths (40.11) feet to a point
9 on the northeasterly street line of Eddy Street, the two previous courses running along land owned
10 now or formerly by One Ship Street, LLC;

11 Thence N 28° 06' 55" W along said northeasterly street line of Eddy Street a distance of
12 two and ninety-nine hundredths (2.99) feet to a point;

13 Thence S 61° 53' 35" W a distance of forty and nineteen hundredths (40.19) feet to a
14 point on the southwesterly street line of Eddy Street;

15 Thence S 63° 22' 30" W a distance of forty-eight and seventy-four hundredths (48.74)
16 feet to a point;

17 Thence S 64° 11' 22" W a distance of fifty-nine and thirty-nine hundredths (59.39) feet to
18 a point, the two previous courses running along land owned now or formerly by One Ship St.
19 LLC;

20 Thence N 17° 07' 51" W along land owned now or formerly by 196 Richmond Street
21 Associates II a distance of six and twenty-six hundredths (6.26) feet to a point;

22 Thence S 37° 21' 21" W along said 196 Richmond Street Associates II land a distance of
23 one-hundred forty-eight and sixteen hundredths (148.16) feet to a point on the northeasterly street
24 line of Richmond Street, the four previous courses running along the State Freeway Line
25 established by Amended Plat No. 900;

26 Thence N 53° 56' 59" W along the northeasterly street line of Richmond Street a distance
27 of three-hundred twenty-three and eighty-three hundredths (323.83) feet to the point and place of
28 beginning;

29 The above described parcel contains two hundred fifty-six thousand four hundred five
30 (256,405) square feet or 5.89 acres, more or less.

31 (iv) Area IV

32 That certain parcel of land, with all improvements thereon, situated easterly of Dyer
33 Street and southwesterly of the Providence River in the City of Providence, County of

1 Providence, State of Rhode Island, and more particularly described as follows:

2 Beginning at a point at the intersection of the northeasterly street line of Eddy Street and
3 the easterly street line of Dyer Street;

4 Thence N 04° 06' 53" W along the easterly street line of Dyer Street a distance of seven-
5 hundred forty-nine and zero hundredths (749.00) feet to the intersection with the southwesterly
6 street line of Dorrance Street;

7 Thence S 49° 33' 48" E along said southwesterly street line of Dorrance Street a distance
8 of one-hundred thirteen and twenty-three hundredths (113.23) feet to a point;

9 Thence N 40° 26' 12" E a distance of two-hundred twenty and forty-nine hundredths
10 (220.49) feet to a point;

11 Thence N 21° 16' 31" W a distance of seventy-nine and seventy-four hundredths (79.74)
12 feet to a point;

13 Thence N 51° 28' 13" W a distance of twenty-three and fifty hundredths (23.50) feet to a
14 point;

15 Thence N 38° 31' 47" E a distance of thirty-nine and seventy-seven hundredths (39.77)
16 feet to a point;

17 Thence N 00° 58' 39" W a distance of ninety-two and three hundredths (92.03) feet to a
18 non-tangent curve;

19 Thence in a general southeasterly direction along said non-tangent curve deflecting to the
20 right, said curve having a radius of one-hundred twenty and zero hundredths (120.00) feet,
21 subtended by a central angle of 30° 43' 53" for an arc length of sixty-four and thirty-six
22 hundredths (64.36) feet, having a chord bearing of S 38° 51' 16" E and a chord length of sixty-
23 three and fifty-nine hundredths (63.59) feet to a point;

24 Thence S 23° 29' 19" E a distance of one-hundred four and zero hundredths (104.00) feet
25 to a point;

26 Thence N 88° 49' 02" W a distance of sixty-four and eighty-eight hundredths (64.88) feet
27 to a point on the southwesterly Harbor Line of the Providence River;

28 Thence S 24° 02' 21" E along said Providence River Harbor Line a distance of five-
29 hundred sixty-eight and forty-nine hundredths (568.49) feet to a non-tangent curve;

30 Thence in a general southwesterly direction along said non-tangent curve deflecting to
31 the right, said curve having a radius of eighty-seven and zero hundredths (87.00) feet, subtended
32 by a central angle of 35° 36' 29" for an arc length of fifty-four and seven hundredths (54.07) feet,
33 having a chord bearing of S 55° 25' 21" W and a chord length of fifty-three and twenty

1 hundredths (53.20) feet to a point;

2 Thence S 73° 13' 36" W a distance of ninety-five and zero hundredths (95.00) feet to a
3 point;

4 Thence S 16° 46' 24" E a distance of fifty-five and zero hundredths (55.00) feet to a point
5 on the former southerly street line of Ship Street;

6 Thence S 73° 13' 36" W along said former southerly street line of Ship Street a distance
7 of three-hundred eighty and zero hundredths (380.00) feet to a point;

8 Thence 15° 11' 47" W a distance of one-hundred seventy-seven and three hundredths
9 (177.03) feet to the point and place of beginning;

10 The above described parcel contains two hundred ninety thousand three hundred forty-
11 one (290,341) square feet or 6.665 acres, more or less.

12 (v) Area V

13 That certain parcel of land, with all improvements thereon, situated southeasterly of
14 Crawford Street, southwesterly of South Water Street and South Main Street and east of the
15 Providence River in the City of Providence, County of Providence, State of Rhode Island, and
16 more particularly described as follows:

17 Beginning at a point at the intersection of the southeasterly street line of Crawford Street
18 and the southwesterly street line of South Water Street;

19 Thence S 28° 33' 15" E a distance of three-hundred seventy and ninety-nine hundredths
20 (370.99) feet to a point;

21 Thence S 36° 49' 15" E a distance of six-hundred sixty-four and ninety-nine hundredths
22 (664.99) feet to a point;

23 Thence S 35° 04' 38" E a distance of four-hundred twenty-six and forty-one hundredths
24 (426.41) feet to a point;

25 Thence S 33° 47' 46" E a distance of one-hundred fifteen and twenty-one hundredths
26 (115.21) feet to a point on the southeasterly street line of James Street, the four previous courses
27 running along the southwesterly street line of South Water Street;

28 Thence N 55° 45' 24" E along the southerly street line of James Street a distance of
29 twenty-three and ninety-one hundredths (23.91) feet to a point;

30 Thence S 77° 20' 45" E along land owned now or formerly by the State of Rhode Island
31 a distance of ninety-five and eighty-seven hundredths (95.87) to a point;

32 Thence S 34° 14' 36" E a distance of forty-five and ninety hundredths (45.90) feet to a
33 point;

1 Thence N 80° 29' 31" E a distance of thirty-nine and twenty-nine hundredths (39.29) feet
2 to a point;

3 Thence N 55° 04' 40" E a distance of twenty-two and ninety-one hundredths (22.91) feet
4 to a point on the State Freeway Line established by Plat No. 900B, the three previous courses
5 bounded by land owned now or formerly by Dolphin House LTD and running along the State
6 Freeway Line established by Plat No. 900;

7 Thence S 39° 02' 00" E a distance of one-hundred seventeen and fifty-one hundredths
8 (117.51) feet to a point;

9 Thence S 53° 16' 17" E a distance of thirty-nine and thirty-one hundredths (39.31) feet to
10 a point on the southwesterly street line of South Main Street, the two previous courses running
11 along the State Freeway Line established by Plat No. 900B;

12 Thence S 51° 47' 17" E along the southwesterly street line of South Main Street a
13 distance of two-hundred thirty-six and thirty-three hundredths (236.33) feet to a point;

14 Thence S 54° 40' 07" E a distance of four-hundred twenty-five and sixty-two hundredths
15 (425.62) feet to a point on the northerly street line of Bridge Street;

16 Thence N 57° 21' 51" E a distance of eighty-two and seventy one hundredths (82.70) feet
17 to a point on the northwesterly street line of Wickenden Street;

18 Thence S 17° 13' 13" E a distance of forty-four and thirty-seven one-hundreds (44.37)
19 feet to a point;

20 Thence N 72° 46' 47" E a distance of seventy-two and zero hundredths (72.00) feet to a
21 point;

22 Thence S 31° 08' 51" E a distance of fifty-two and eighty-five hundredths (52.85) feet to
23 a point at the intersection of the southeasterly street line of Wickenden Street and the
24 southwesterly street line of Benefit Street;

25 Thence S 55° 53' 32" W a distance of three-hundred thirteen and forty hundredths
26 (313.40) feet to a point;

27 Thence S 75° 42' 33" W a distance of forty-four and eighty-three hundredths (44.83) feet
28 to a point on the northwesterly street line of South Main Street, the two previous courses running
29 along the southeasterly street line of Bridge Street;

30 Thence S 34° 11' 30" E along the northwesterly street line of South Main Street a
31 distance of sixty-seven and ninety-eight hundredths (67.98) feet to a point;

32 Thence N 70° 31' 58" W a distance of forty-nine and ninety-seven hundredths (49.97)
33 feet to a point;

1 Thence S 39° 28' 14" W a distance of fifty-two and forty-four hundredths (52.44) feet to
2 a point;
3 Thence N 50° 42' 37" W a distance of twelve and zero hundredths (12.00) feet to a point;
4 Thence S 71° 46' 00" W a distance of one-hundred one and twelve hundredths (101.12)
5 feet to a point on the northeasterly street line of South Water Street, the four previous courses
6 running along the State Freeway Line established by Plat No. 900;
7 Thence N 18° 33' 00" W along the northeasterly street line of South Water Street a
8 distance of forty-nine and five hundredths (49.05) feet to a point on the southwesterly street line
9 of Bridge Street;
10 Thence S 86° 43' 46" W a distance of forty-five and ninety-four hundredths (45.94) feet
11 to a point at the intersection of the southwesterly street line of South Water Street and the
12 southwesterly street line of Bridge Street;
13 Thence S 88° 50' 14" W along the southwesterly street line of Bridge Street a distance of
14 ninety-five and seventy-one hundredths (95.71) feet to a point on the southeasterly street line of
15 Point Street;
16 Thence N 32° 08' 16" W along the northeasterly Harbor Line of the Providence River a
17 distance of sixty and fourteen hundredths (60.14) feet to a point on the northeasterly street line of
18 Point Street;
19 Thence N 32° 08' 16" W a distance of one-hundred ninety-one and forty hundredths
20 (191.40) feet to a point;
21 Thence N 32° 42' 55" W a distance of three-hundred fifty-eight and five hundredths
22 (358.05) feet to a point;
23 Thence N 34° 20' 00" W a distance of seven-hundred twenty and fifty-six hundredths
24 (720.56) feet to a point;
25 Thence N 34° 58' 15" W a distance of three-hundred twenty-one and eighty-one
26 hundredths (321.81) feet to a point;
27 Thence N 32° 36' 26" W a distance of two-hundred twenty-three and forty-seven
28 hundredths (223.47) feet to a point;
29 Thence N 28° 01' 57" W a distance of three-hundred forty and twenty-seven hundredths
30 (340.27) feet to a point;
31 Thence N 26° 39' 33" W a distance of one-hundred twelve and thirty-eight hundredths
32 (112.38) feet to a point;
33 Thence N 25° 26' 55" W a distance of one-hundred forty-eight and thirty-nine

1 hundredths (148.39) feet to a point on the southeasterly street line of Crawford Street, the eight
2 previous courses running along the northeasterly Harbor Line of the Providence River;

3 Thence N 63° 39' 29" E along the southeasterly street line of Crawford Street a distance
4 of twenty-three and eighty-three hundredths (23.83) feet to the point and place of beginning;

5 The above described parcel contains four hundred seventy-eight thousand two hundred
6 thirteen (478,213) square feet or 10.98 acres, more or less.

7 (vi) Area VI

8 That certain parcel of land, with all improvements thereon, situated southeasterly of
9 Bridge Street and Wickenden Street, northeasterly of South Main Street, southwesterly of Brook
10 Street and northwesterly of Tockwotten Street in the City of Providence, County of Providence,
11 State of Rhode Island, and more particularly described as follows:

12 Beginning at a point at the intersection of the southwesterly street line of Benefit Street
13 and the southeasterly street line of Bridge Street;

14 Thence S 28° 38' 50" E a distance of forty-seven and seventy-eight hundredths (47.78)
15 feet to a point;

16 Thence S 34° 12' 58" E a distance of one-hundred sixty-three and two hundredths
17 (163.02) feet to a point, the two previous courses running along the southwesterly street line of
18 Benefit Street;

19 Thence N 55° 47' 02" E a distance of fifty and fifteen hundredths (50.15) feet to a point
20 on the northeasterly street line of Benefit Street;

21 Thence S 34° 12' 58" E along land owned now or formerly by Church of Our Lady of the
22 Rosary a distance of ninety and zero hundredths (90.00) to a point on the northwesterly street line
23 of Alves Way;

24 Thence N 55° 46' 46" E along the northwesterly street line of Alves Way a distance of
25 one-hundred fifty and thirty-six hundredths (150.36) feet to a point on the southwesterly street
26 line of Traverse Street;

27 Thence S 34° 13' 56" E along the southwesterly street line of Traverse Street a distance
28 of eighty and nine hundredths (80.09) feet to a point;

29 Thence N 80° 05' 06" E a distance of fifty-four and eighty-six hundredths (54.86) feet to
30 a point on the northeasterly street line of Traverse Street, the two previous courses running along
31 the State Freeway Line established by Plat No. 900;

32 Thence N 80° 05' 06" E along the northerly street line of George M. Cohan Boulevard a
33 distance of two-hundred seventy-five and forty-five hundredths (275.45) feet to a point on the
34 southwesterly street line of Brook Street;

1 Thence S 34° 11' 12" E a distance of seventy-four and eighty-six hundredths (74.86) feet
2 to a point on the southerly street line of George M. Cohan Boulevard;

3 Thence S 44° 23' 33" W a distance of three-hundred seven and zero hundredths (307.00)
4 feet to a point on the northwesterly street line of Tockwotten Street;

5 Thence S 55° 48' 33" W along the northwesterly street line of Tockwotten Street a
6 distance of three-hundred fifty-one and sixty hundredths (351.60) feet to a point;

7 Thence N 34° 11' 30" W a distance of two-hundred nineteen and six hundredths (219.06)
8 feet to a point;

9 Thence S 55° 46' 46" W a distance of thirty-four and thirty-five hundredths (34.35) feet
10 to a point, the two previous courses running along land owned now or formerly by A & C
11 Tockwotten Realty, Inc;

12 Thence 34° 12' 51" W a distance of fifty-seven and twenty-seven hundredths (57.27) feet
13 to a point;

14 Thence N 72° 52' 44" W a distance of thirty-one and eighty-two hundredths (31.82) feet
15 to a point on the southeasterly street line of Pike Street (Alves Way); the two previous courses
16 running along land owned now or formerly by Cynthia A. Simmons;

17 Thence N 72° 52' 44" W a distance of sixty-four and twenty-two hundredths (64.22) feet
18 to a point on the northwesterly street line of Pike Street (Alves Way);

19 Thence S 55° 46' 46" W along said Pike Street northwesterly street line a distance of
20 fifty-five and sixty-one hundredths (55.61) feet to a point on the northeasterly street line of South
21 Main Street;

22 Thence N 34° 11' 30" W along the northeasterly street line of South Main Street a
23 distance of three-hundred one and seventeen hundredths (301.17) feet to a point on the
24 southeasterly street line of Bridge Street;

25 Thence N 55° 53' 32" E along the southeasterly street line of Bridge Street a distance of
26 three-hundred five and forty hundredths (305.40) feet to the point and place of beginning;

27 The above described parcel contains two hundred seventy-seven thousand five hundred
28 sixty-six (277,566) square feet or 6.37 acres, more or less.

29 (b) Authorization. The director of the Rhode Island department of transportation is
30 hereby directed, authorized and empowered to sell, transfer and convey, in fee simple, by lease or
31 otherwise, in the name of and for the state of Rhode Island, to the I-195 redevelopment district
32 commission established pursuant to chapter 42-64.14 of the general laws, any or all right, title and
33 interest of the state in the I-195 surplus land, or portions thereof, in one or more sale or lease

1 transactions, and in such assemblages of parcels of such land, in such manner and upon such
2 terms and conditions as may be most advantageous to the public interest as determined by the
3 commission, and in conformance with all applicable laws, rules and regulations of the United
4 States department of transportation federal highway administration.

5 (c) Sale, transfer or conveyance of parcels to higher education institutions. The director
6 of the Rhode Island department of transportation is authorized and empowered to sell, transfer or
7 convey, in fee simple, by lease or otherwise parcels 31 and 36 on the plan titled: “Rhode Island
8 department of transportation, improvements to interstate route 195, Providence, Rhode Island,
9 Proposed Development Parcels, West Side, McGuire Group Inc., Date: 03-02-06” recorded or to
10 be recorded in the Providence recorder of deeds office to Johnson & Wales University as follows:

11 (i) The price for the sale or lease of each parcel shall be the fair market value of such
12 parcel at the time of conveyance in conformance with all applicable laws, rules and regulations of
13 the United States department of transportation federal highway administration.

14 (ii) As a condition to the sale of each parcel, the buyer and the city of Providence shall
15 have entered into an agreement for payments to the city in accordance with section 42-64.14-14
16 relating to tax exempt parcels, or such other things acceptable to the city.

17 (iii) Promptly after taking title to a parcel, the buyer shall cause such parcel to be
18 attractively landscaped and maintained for use as green space until such time as development of
19 the parcel in accordance with this section begins.

20 (iv) Development of the parcels by Johnson & Wales University, as appropriate, shall be
21 in accordance with the findings set forth in this chapter and with the buyer’s approved
22 development plan for the identified parcels and with applicable ordinances, as amended from time
23 to time, including but not limited to matters of zoning and planning, by departments and agencies
24 of the city of Providence having jurisdiction thereover.

25 (v) As a condition to the contract for the sale, lease, transfer or conveyance the contract
26 shall reflect a construction schedule that shall commence within twelve (12) months from the
27 effective date of the contract and all construction shall be complete within three (3) years from
28 the effective date of the contract, and appropriate remedies for any breach thereof.

29 (d) Use of proceeds. Upon the conveyance or lease of any parcel of I-195 surplus land as
30 set forth in this section, the proceeds of such sale or lease shall be used by the State of Rhode
31 Island department of transportation for the relocation of I195 and work related thereto and
32 otherwise in conformance with all applicable laws, rules and regulations. In accordance with the
33 findings of the I-195 Redevelopment Act of 2011 in chapter 42-64.14 of the general laws, use of
34 the anticipated proceeds from the sale of the land is a key element of the plan of finance for

1 completion of the I-195 relocation project, and vital to making the land usable for future
2 development.

3 (e) The provisions of sections 3, 4, 5 and 9 of chapter 7 of this title, shall not be
4 applicable to the transactions authorized by this section 37-5-8 which have been or hereafter may
5 be affected by the director of the Rhode Island department of transportation in the name of and
6 for the State of Rhode Island under the provisions of this section. Notwithstanding the provisions
7 of any general or special law to the contrary, no restriction shall apply to and no further approval,
8 determination or action of any kind shall be required to effect any conveyance of any real
9 property identified in this section by the director of the Rhode Island department of transportation
10 in the name of and for the State of Rhode Island.

11 (f) Nothing herein shall be construed to limit or modify the applicability of section 37-7-
12 6 to any or all of the I-195 surplus land.

13 SECTION 2. Title 42 of the General Laws entitled "STATE AFFAIRS AND
14 GOVERNMENT" is hereby amended by adding thereto the following chapter:

15 CHAPTER 64.14

16 THE I-195 REDEVELOPMENT ACT OF 2011

17 **42-64.14-1. Short title.** – This chapter shall be known as, “The I-195 Redevelopment Act
18 of 2011.”

19 **42-64.14-2. Findings.** – (a) The relocation of interstate route 195 within the city of
20 Providence has resulted in the creation of surplus parcels of land available for sale and
21 commercial, institutional and residential development and beneficial reuse, including without
22 limitation to support or encourage workforce development, education and training, and the
23 growth of “knowledge based” jobs and industries such as research and development, life sciences,
24 media technologies, entrepreneurship and business management, design, hospitality, software
25 design and application, and a variety of other uses consistent with a knowledge based economy;

26 (b) Use of the anticipated proceeds from the sale of the I195 surplus land is a key
27 element of the plan of finance for completion of the I-195 relocation project, and vital to making
28 the land usable for future development.

29 (c) The city of Providence comprehensive plan and various other studies, plans and
30 reports that are a matter of public record support the use of portions of the city of Providence’s
31 jewelry district and portions of the surplus land created by the relocation of interstate route 195
32 for development that is benefited by close proximity to universities, hospitals, and medical
33 schools for the development with and by such institutions of facilities (including without
34 limitation a hotel and/or conference center and academic, medical, research and development,

1 commercial, residential, and parking facilities) to support the growth of a knowledge based
2 economy;

3 (d) Several of the parcels that will become available for beneficial reuse as a result of the
4 relocation of interstate route 195 are located adjacent to or in the vicinity of properties owned and
5 operated by institutions of higher education;

6 (e) Plans are being developed by institutions of higher education for use and development
7 of parcels that will be made available by the relocation of interstate route 195; and

8 (f) The sale or lease of all such surplus parcels of land at fair market value, and the re-use
9 and development of such parcels will be beneficial to the city of Providence and the state and
10 advantageous to the public interest.

11 **42-64.14-3. Purposes.** – The purposes of this chapter are to:

12 (a) Create a state-local-private sector partnership to plan, implement, administer, and
13 oversee the redevelopment of the surplus I-195 properties; and

14 (b) Authorize, provide for, and facilitate the consolidated exercise of development and
15 redevelopment powers existing at the state and local levels.

16 **42-64.14-4. Definitions.** – As used in this chapter, unless the context clearly indicates
17 otherwise:

18 (1) “Adjusted current employment” means, for any taxable year ending on or after
19 January 1, 2012, the aggregate of the average daily number of full-time equivalent active
20 employees employed within the state by an eligible company and its eligible subsidiaries during
21 each taxable year.

22 (2) “Affiliated entity” means any corporation or other business entity owned or controlled
23 by the same persons or shareholders or equity holders who own or control an eligible company.

24 (3) “Base employment” means the aggregate number of full-time equivalent active
25 employees employed within the state by an eligible life sciences company and its eligible life
26 sciences subsidiaries on January 1, 2011, or at the election of the eligible life sciences company,
27 on an alternative date as provided by section 42-64.14-12. In the case of a manufacturing
28 company which is ruined by disaster, the aggregate number of full-time equivalent active
29 employees employed at the destroyed facility would be zero, under which circumstance the base
30 employment date shall be January 1 of the calendar year in which the disaster occurred. Only one
31 base employment period can be elected for purposes of a rate reduction by an eligible life
32 sciences company.

33 (4) “Disaster” means an occurrence, natural or otherwise, which results in the destruction
34 of sixty percent (60%) or more of an operating manufacturing business facility in this state,

1 thereby making the production of products by the eligible life sciences company impossible and
2 as a result active employees of the facility are without employment in that facility. However,
3 disaster does not include any damage resulting from the willful act of the owner(s) of the
4 manufacturing business facility.

5 (5) “Eligible life sciences company” means a business corporation, partnership, firm,
6 unincorporated association or other entity engaged in life sciences research, development,
7 manufacturing or commercialization in the state, as further defined in this section, and any
8 affiliate thereof, which is, or the members of which are, subject to taxation.

9 (6) “Eligible life sciences subsidiary” means each life sciences corporation eighty percent
10 (80%) or more of the outstanding equity securities of which is owned by an eligible life sciences
11 company.

12 (7) “Full-time equivalent active employee” means any employee of an eligible life
13 sciences company who:

14 (i) Works a minimum of thirty (30) hours per week within the state, or two (2) or more
15 part-time employees whose combined weekly hours equal or exceed thirty (30) hours per week
16 within the state; and

17 (ii) Earns no less than two hundred fifty percent (250%) of the hourly minimum wage
18 prescribed by Rhode Island law; provided that the first tax year that an eligible life sciences
19 company qualifies for a rate reduction pursuant to section 42-64.14-10, for purposes of this
20 section, two hundred fifty percent (250%) of the hourly minimum wage prescribed by Rhode
21 Island law shall apply at:

22 (A) The time the employee was first treated as a full-time equivalent active employee
23 during a tax year that the eligible life sciences company qualified for a rate reduction pursuant to
24 section 42-64.14-10; or, if later,

25 (B) The time the employee first earned at least two hundred fifty percent (250%) of the
26 hourly minimum wage prescribed by Rhode Island law as an employee of the eligible life
27 sciences company.

28 (8) “Initial new employment level” means the number of units of new employment
29 reported by an eligible life sciences company in 2012, or, if applicable, the third (3rd) taxable year
30 following the base employment period election set forth in section 42-64.14-12.

31 (9) “Life sciences” means in advanced and applied sciences that expand the
32 understanding of human physiology and have the potential to lead to medical advances or
33 therapeutic applications including, but not limited to, agricultural biotechnology, biogenetics,
34 bioinformatics, biomedical engineering, biopharmaceuticals, biotechnology, chemical synthesis,

1 chemistry technology, diagnostics, genomics, image analysis, marine biology, marine technology,
2 medical devices, nanotechnology, natural product pharmaceuticals, proteomics, regenerative
3 medicine, RNA interference, stem cell research, veterinary science or computer and information
4 technology. An eligible company does not have to be in existence, be qualified to do business in
5 the state or have any employees in this state at the time its base employment is determined.

6 (10) “New employment” means for each taxable year the amount of adjusted current
7 employment for each taxable year minus the amount of base employment, but in no event less
8 than zero (0); provided, however, no eligible company is permitted to transfer, assign or hire
9 employees who are already employed within the state by such eligible company from itself or any
10 affiliated entity or utilize any other artifice or device for the purpose of artificially creating new
11 employees in order to qualify for the rate reduction provided for in this chapter.

12 New employment shall not include employees already employed in this state who
13 become employees of an eligible life sciences company as a result of an acquisition of an existing
14 company by purchase, merger, or otherwise, if the existing company was eligible for a rate
15 reduction. In the case of a manufacturing company that suffers a disaster, it shall mean any
16 employment retained or added as the result of reconstruction of the manufacturing facility.

17 (11) “Rate reduction” means the reduction in tax rate specified in section 42-64.14-11.

18 (12) “Small business concern” means any eligible life sciences company which has a
19 base employment level of less than one hundred (100).

20 (13) “State” means the State of Rhode Island and Providence Plantations.

21 (14) “Total employment” for an eligible life sciences company as of any date means the
22 total number of full-time equivalent active employees employed within the state by the eligible
23 life sciences company and its eligible life sciences subsidiaries on such date.

24 (15) “Units of new employment” means:

25 (i) For eligible life sciences companies which are not small business concerns, the
26 number of full-time equivalent active employees divided by fifty (50), rounded down to the
27 nearest multiple of fifty (50); and

28 (ii) For eligible life sciences companies which are small business concerns the amount of
29 new employment divided by ten (10), rounded down to the nearest multiple of ten (10); provided,
30 however, that an eligible life sciences company with adjusted current employment of one hundred
31 (100) or more employees in its first year of operation or in any other period following the date its
32 base employment is determined shall determine its units of new employment by dividing the first
33 one hundred (100) employees less its base employment by ten (10), rounded down to the nearest
34 multiple of ten (10), and by dividing the number of additional employees in excess of one

1 hundred (100) by fifty (50), rounded down to the nearest multiple of fifty (50).

2 **42-64.14-5. The I-195 redevelopment district created.** – (a) The I-195 redevelopment
3 district is hereby constituted an independent public instrumentality and body corporate and politic
4 for the purposes set forth in this chapter with a separate legal existence from the city of
5 Providence and from the state and the exercise by the commission of the powers conferred by this
6 chapter shall be deemed and held to be the performance of an essential public function. The
7 boundaries of the district are established in 37-5-8. However, parcels P2 and P4, as delineated on
8 that certain plan of land captioned “Improvements to Interstate Route 195, Providence, Rhode
9 Island, Proposed Development Parcel Plans 1 through 10, Scale: 1”=20’, May 2010, Bryant
10 Associates, Inc., Engineers-Surveyors-Construction Managers, Lincoln, RI., Maguire Group, Inc.,
11 Architects/Engineers/Planners, Providence, RI,” shall remain as parks. The I-195 redevelopment
12 district commission established in of this chapter shall oversee, plan, implement, and administer
13 the development of the areas within the district. It is the intent of the general assembly by the
14 passage of this chapter to vest in the commission all powers, authority, rights, privileges, and
15 titles which may be necessary to enable it to accomplish the purposes herein set forth, and this
16 chapter and the powers granted hereby shall be liberally construed in conformity with those
17 purposes.

18 **42-64.14-6. The I-195 redevelopment district commission.** – The powers of the district
19 to achieve the purposes of this chapter shall be exercised by a commission as herein provided:

20 The I-195 redevelopment district commission shall consist of seven (7) voting members.
21 The governor of the State of Rhode Island shall appoint, with the advice and consent of the
22 senate, the seven (7) voting members of the commission.

23 The mayor of the city of Providence shall, within twenty (20) days of passage of this act,
24 submit to the governor a list of names of at least six (6) individuals. The governor shall, within
25 forty (40) days of passage of this act, give due consideration to appointing three (3) individuals
26 from the list. The governor shall also appoint four (4) individuals without regard to the list
27 submitted by the mayor of the city of Providence.

28 Three (3) members shall be appointed for a term of two (2) years; three (3) members shall
29 be appointed for a term of three (3) years; and one member, who shall be the chair, shall be
30 appointed for a term of four (4) years. Appointments made thereafter shall be for four (4) year
31 terms. Any vacancy occurring in the commission shall be filled by the governor of the State of
32 Rhode Island in the same manner prescribed for the original appointments. A member appointed
33 to fill a vacancy of a director appointed by the governor of the State of Rhode Island shall be
34 appointed for the unexpired portion of the term of office of the member whose vacancy is to be

1 filled.

2 In addition to these voting members, there shall be two (2) ex officio, non-voting
3 members as follows: the city of Providence planning director, or his or her designee and the
4 executive director of the RI economic development corporation, or his or her designee.

5 (b) The commissioners shall receive no compensation for the performance of their duties
6 under this chapter, but each commissioner may be reimbursed for his or her reasonable expenses
7 incurred in carrying out those duties. A commissioner may engage in private employment, or in a
8 profession or business.

9 (c) The chairperson shall designate a vice chairperson from the commission who shall
10 serve at the pleasure of the chairperson. Four (4) voting commissioners shall constitute a quorum,
11 and any action to be taken by the commission under the provisions of this chapter may be
12 authorized by resolution approved by a majority of the commissioners present and entitled to vote
13 at any regular or special meeting at which a quorum is present. A vacancy in the membership of
14 the commission shall not impair the right of a quorum to exercise all of the rights and perform all
15 of the duties of the commission. Notwithstanding anything in this chapter to the contrary, in the
16 event that a vacancy is not filled within thirty (30) days of such vacancy, a quorum shall be
17 deemed to exist with a majority of the then duly authorized voting commissioners present.

18 (d) The commission shall appoint a secretary and such additional officers and staff
19 members as they shall deem appropriate and shall determine the amount of reasonable
20 compensation, if any, each shall receive. The chair shall appoint the executive director with the
21 approval of the commission. The commission may vest in an executive director or the director's
22 subordinates the authority to appoint additional staff members and to determine the amount of
23 compensation each individual shall receive.

24 (e) No full-time employee shall during the period of his or her employment by the
25 commission engage in any other private employment, profession, or business, except with the
26 approval of the commissioners.

27 (f) Any action taken by the commission under the provisions of this chapter may be
28 authorized by vote at any regular or special meeting, and each vote shall take effect immediately,
29 unless otherwise expressly indicated by the commission.

30 (g) Employees of the commission shall not, by reason of their employment, be deemed to
31 be employees of the state or the city for any purpose, any other provision of the general laws,
32 charter, or ordinance to the contrary notwithstanding.

33 **42-64.14-7. Powers and duties of the commission.** – The commission shall have all the
34 rights and powers necessary or convenient to carry out and effectuate this chapter, including, but

1 not limited to, the rights and powers:

2 (1) To sue and be sued, complain and defend, in its corporate name.

3 (2) To have a seal which may be altered at pleasure and to use the seal by causing it, or a
4 facsimile of the seal, to be impressed or affixed, or in any other manner reproduced.

5 (3) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use, and
6 otherwise deal in and with, real or personal property, or any interest in real or personal property,
7 wherever situated.

8 (4) To acquire and to dispose of real property, subject to the provisions of this chapter,
9 without the necessity of obtaining the approval of the state properties committee or otherwise
10 complying with the provisions of title 37.

11 (5) To sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of
12 all or any part of its property and assets for any consideration and upon any terms and conditions
13 as the commission shall determine.

14 (6) To make contracts and guarantees and incur liabilities, borrow money at any rates of
15 interest as the commission may determine.

16 (7) To make and execute agreements of lease, conditional sales contracts, installment
17 sales contracts, loan agreements, mortgages, construction contracts, operation contracts, and other
18 contracts and instruments necessary or convenient in the exercise of the powers and functions of
19 the commission granted by this chapter.

20 (8) To lend money for its purposes, invest and reinvest its funds, and at its option to take
21 and hold real and personal property as security for the payment of funds so loaned or invested.

22 (9) To acquire or contract to acquire, from any person, firm, corporation, municipality,
23 the federal government, or the State, or any agency of either the federal government or the State,
24 by grant, purchase, lease, gift, condemnation, or otherwise, or to obtain options for the acquisition
25 of any property, real or personal, improved or unimproved, and interests in land less than the fee
26 thereof; and to own, hold, clear, improve, develop, and rehabilitate, and to sell, assign, exchange,
27 transfer, convey, lease, mortgage, or otherwise dispose or encumber that property for the
28 purposes of carrying out the provisions and intent of this chapter, for any consideration as the
29 commission shall determine, and with the approval of the commission to retain a master
30 developer for all or any portion of a project.

31 (10) To conduct its activities, carry on its operations, and have offices and exercise the
32 powers granted by this chapter, within the state.

33 (11) To elect or appoint officers and agents of the district, and define their duties and fix
34 their compensation.

1 (12) To make and alter by-laws, not inconsistent with this chapter, for the administration
2 and regulation of the affairs of the district, and those by-laws may contain provisions
3 indemnifying any person who is or was a commissioner, officer, employee, or agent of the
4 district.

5 (13) To be a promoter, partner, member, associate, or manager of any partnership,
6 enterprise, or venture within the district and to engage in promotional, marketing, and similar
7 activities for the benefit of the district.

8 (14) To enter into contracts, agreements, and cooperative agreements with the city and its
9 agencies and instrumentalities and the State and its agencies and instrumentalities for the sharing
10 of personnel and other resources.

11 (15) To have and exercise all powers necessary or convenient to effect its purposes;
12 provided, however, that the commission shall not have any power to create, empower or
13 otherwise establish any corporation, subsidiary corporation, corporate body, any form of
14 partnership, or any other separate entity without the express approval and authorization of the
15 general assembly.

16 **42-64.14-8. Additional general powers.** – In addition to the powers of the commission
17 otherwise provided herein, the commission shall have the powers set forth below and shall be
18 subject to the limitations herein set forth. Except as may be expressly limited by action of the
19 commission at a regular or special meeting, the commission shall have the powers necessary to
20 put into effect the powers of the commission as set forth below and as herein limited.

21 (a) The commission is authorized and empowered to fix, revise, charge, collect, and abate
22 fees, rates, assessments, delinquency charges, and other charges for its services, and other
23 services, facilities, and commodities furnished or supplied by it including penalties for violations
24 of such regulations as the commission may from time to time promulgate under this chapter.
25 Fees, rates, assessments, delinquency charges, and other charges of general application shall be
26 adopted and revised by the commission in accordance with procedures to be established by the
27 commission for assuring that interested persons are afforded notice and an opportunity to present
28 data, views, and arguments. The commission shall hold at least one public hearing on its schedule
29 of fees, rates, and charges or any revision thereof prior to adoption, notice of which shall be
30 published in a newspaper of substantial circulation in the district at least fifteen (15) days in
31 advance of the hearing, and notice of the hearing shall be provided to the city council of the city
32 of Providence. No later than the date of such publication the commission shall make available to
33 the public the proposed schedule of fees, rates, and charges. Fees, rates, rents, assessments,
34 abatements, and other charges established by the commission shall not be subject to supervision

1 or regulation by any department, division, district, board, bureau, or agency of the state or any of
2 its political subdivisions. In order to provide for the collection and enforcement of its fees, rates,
3 rents, assessments, and other charges, the commission is hereby granted all the powers and
4 privileges with respect to such collection and enforcement held by the city of liens for unpaid
5 taxes.

6 (b) Notwithstanding any provision of law to the contrary, in order to provide for the
7 consolidated, coordinated, efficient and effective exercise of public development powers affecting
8 or benefiting the city of Providence and the state within the boundaries of the district as defined
9 in section 37-5-8, the commission shall have the powers of:

10 (1) A special development district as provided for in chapter 45-24.4.

11 (2) A redevelopment agency as provided for in chapters 45-31, 45-31.1, 45-31.2, 45-32,
12 and 45-33 within areas of the district which are part of an enterprise zone as provided for in
13 chapter 42-64.3. Within the district, the term “blighted area and substandard area” shall be
14 deemed to include areas where the presence of hazardous materials, as defined in section 23-
15 19.14-2, impairs the use, reuse, or redevelopment of impacted sites.

16 (3) A municipal public buildings authority as provided for in chapter 45-50.

17 (4) A subsidiary of the Rhode Island economic development corporation and the
18 enactment of this chapter shall constitute the approval of the general assembly as required by
19 section 42-64-7.1.

20 (5) The Rhode Island economic development corporation as provided by section 42-64-
21 10, to grant project status, including eligible life sciences companies as defined in this chapter.

22 (6) The city planning board as established pursuant to chapter 45-23.

23 (7) The city zoning board as established pursuant to chapter 45-24.

24 (8) The city historic district commission established pursuant to chapter 45-24.1.

25 (9) Any other city board existing or created that exercises any of the authorities of a
26 planning board, zoning board, design review board or historic district commission.

27 (c) For the benefit of the district, the commission shall have the power to enter into
28 agreements with the city of Providence for:

29 (1) The exercise of powers for tax increment financing as provided for in chapter 45-
30 33.2;

31 (2) The imposition of impact fees as provided for in chapter 45-22.4 in order to provide
32 infrastructure capacity to or make physical improvements within the district; or

33 (3) Approval within the district of a district management authority as provided for in
34 chapter 45-59, for purposes of undertaking activities consistent with the approved plans for the

1 district adopted pursuant to section 42-64.14-8.

2 (d) Title and survey adjustments. The commission is authorized to adjust boundary lines,
3 survey lines and property descriptions of the parcels of land comprising the I-195 surplus land as
4 may be necessary or appropriate to facilitate or enhance project design plans and for the location
5 and/or relocation of city streets, utility corridors, easements and rights-of-way.

6 **42-64.14-9. I-195 redevelopment life sciences jobs incentives program.** – (a) There
7 shall be established a life sciences jobs incentive program which shall be administered by the I-
8 195 redevelopment commission. The purpose of the program shall be to promote life sciences-
9 related employment opportunities in the I-195 redevelopment district and to encourage health-
10 related innovations by supporting and stimulating research and development, manufacturing and
11 commercialization in the life sciences. Life sciences companies certified pursuant to subsection
12 (b) shall be eligible for participation in the program.

13 (b) The commission may, upon a majority vote of the commission, certify a life sciences
14 company, as defined by section 42-64.14-4 upon the timely receipt, as determined by the
15 commission, of a certification proposal, which shall be treated as proprietary and confidential
16 information, supported by independently verifiable information, signed under the pains and
17 penalties of perjury by a person expressly authorized to contract on behalf of the life sciences
18 company and which shall include, but not be limited to, an estimate of the projected new state
19 revenue the life sciences company expects to generate during the period for which the company
20 seeks certification, together with a plan, including:

21 (1) Precise goals and objectives, by which the life sciences company proposes to achieve
22 the projected new state revenue, including for each tax year;

23 (2) An estimate of new commercial revenue that the state would not otherwise have
24 received;

25 (3) An estimate of the number of permanent full-time employees to be hired;

26 (4) An estimate of the year in which the company expects to hire the employees;

27 (5) An estimate of the projected average salaries of said employees;

28 (6) An estimate of the projected taxable income pursuant to chapter 44-30 generated by
29 said employees; and

30 (7) An estimate of the methods by which the company shall obtain new employees and
31 pursue a diverse workforce.

32 (c) A certified life sciences company may, upon a majority vote of the commission and
33 without further approval of the economic development corporation established pursuant to
34 chapter 64 of this title, be eligible for the following benefits which shall be awarded by the

1 commission:

2 (1) Benefits from the life sciences jobs incentive program established by this section;

3 (2) Innovation investment tax credit established pursuant to chapter 44-63, with this
4 section satisfying the eligibility determination in section 3 of chapter 44-63;

5 (3) Research and development expense credit established pursuant to chapter 44-32;

6 (4) Research and development property credit established pursuant to chapter 44-32;

7 (5) Elective deduction for research and development facilities established pursuant to
8 chapter 44-32; and

9 (6) Project status as delegated by the corporation to the commission.

10 (d) (1) Certification granted pursuant to subsection (b) shall be valid for ten (10) years
11 starting with the tax year in which certification is granted. Each certified life sciences company
12 shall file an annual report with the commission detailing whether it has met the specific targets
13 established in the proposal pursuant to subsection (b).

14 (2) The certification of a life sciences company may be revoked by the commission after
15 an investigation by the division of taxation and determination that representations made by the
16 certified life sciences company in its certification proposal are materially at variance with the
17 conduct of the life sciences company after receiving certification; provided, however, that the
18 commission shall review the certified life sciences company at least annually; provided, further,
19 that a project with an actual return on investment that is less than seventy percent (70%) of the
20 return on investment projected in the certification proposal shall be deemed to contain a material
21 variance for a revocation determination. If the commission determines not to revoke certification
22 upon a finding that the actual return on investment for the project is less than seventy percent
23 (70%), the commission shall provide its reasons for the decision in writing to the tax
24 administrator, the governor, speaker of the house of representatives and the president of the
25 senate. The commission shall post these reasons on the Internet for public access.

26 (3) Under this subsection, revocation shall take effect on the first day of the tax year in
27 which the commission determines that a material variance commenced. The tax administrator
28 shall, as of the effective date of the revocation, disallow any credits, exemptions or other tax
29 benefits allowed by the original certification of tax benefits under this section. The division of
30 taxation shall issue regulations to recapture the value of any credits, exemptions or other tax
31 benefits allowed by the certification under this section. If the original certification allowed sales
32 and use tax exemptions pursuant to section 44-18-30 or were granted project status as defined in
33 section 42-64-10 by the commission, the purchaser shall accrue use tax as of the date of
34 revocation on a portion of the sales price on which exemption was claimed that is proportionate to

1 the remaining useful life of the property.

2 (4) Nothing in this subsection shall limit any legal remedies available to the state against
3 any certified life sciences company.

4 (e) The commission shall revoke the certification of a life sciences company when
5 independent investigations conducted in two (2) consecutive years determine that representations
6 made by the life sciences company in its project proposal are deemed materially at variance,
7 pursuant to paragraph (2) of subsection (d).

8 (f) The commission, in consultation with the division of taxation, shall promulgate rules,
9 regulations or guidelines necessary to carry out the provisions of this section.

10 **42-64.14-10. Life sciences tax rate reduction.** – The rate of tax payable by an eligible
11 life sciences company and each of its eligible subsidiaries for any taxable year beginning on or
12 after January 1, 2011, on its net income pursuant to the applicable income tax provisions of the
13 general laws, including but not limited to the provisions of subsection 44-11-2 (a), shall be
14 reduced by the amount specified in section 42-64.14-11; this rate reduction shall be applied
15 annually once to those eligible life sciences companies which are permitted by law to file a
16 consolidated state tax return and in the case of eligible companies not permitted by law to file
17 consolidated state tax returns, then the rate reduction shall be applied annually to each eligible life
18 sciences company and its eligible subsidiaries; provided, however, should any eligible life
19 sciences company fail to maintain in any taxable year after 2014 or, if applicable, the third
20 taxable year following the base employment period election set forth in section 42-64.14-12, the
21 number of units of new employment it reported for its 2014 tax year or, if applicable, the third
22 taxable year following the base employment period election set forth in section 42-64.14-12, the
23 rate reduction provided for in this chapter shall expire permanently.

24 **42-64.14-11. Reduction rate schedule.** – The amount of the rate reduction specified in
25 section 42-64.14-10 for any eligible life sciences company for each taxable year beginning on or
26 after January 1, 2012, shall be based upon the aggregate amount of new employment of the
27 eligible life sciences company and its eligible subsidiaries for each taxable year, and shall be
28 determined by multiplying the numerical equivalent of one-quarter of one percent (.25%) by the
29 number of units of new employment for each taxable year through the taxable year ending in
30 2014 or, if applicable, the third taxable year following the base employment period election set
31 forth in section 42-64.14-12; and for each taxable year thereafter, the number of units of new
32 employment reported for the taxable year 2014 or, if applicable, the third taxable year following
33 the base employment period election set forth in section 42-64.14-12; provided, however, the
34 amount of each rate reduction shall in no event be lower than three percent (3%).

1 **42-64.14-12. Election.** – (a) An eligible life sciences company may elect to determine its
2 “base employment” for the purposes of this chapter on January 1 of any year subsequent to 2011,
3 rather than on January 1, 2011. As a result of the election, rules comparable to those set forth
4 elsewhere in this chapter shall be applied to determine the rate reduction available for each of the
5 three (3) taxable years following the first anniversary of the date the eligible life sciences
6 company elected to use to determine its “base employment” and for the taxable years following
7 that three (3) year period. This election: (1) Shall be made in a manner that may be determined by
8 the tax administrator; and (2) Shall not be available to an eligible company that previously
9 claimed a rate reduction under this chapter.

10 (b) The commission shall make no determination under subsection (a) of this section until
11 it has first prepared and publicly released an analysis of the impact the proposed investment will
12 or may have on the state. The analysis shall be supported by appropriate data and documentation
13 and shall consider, but not be limited to, the following factors:

14 (1) The impact on the industry or industries in which the applicant will be involved;

15 (2) State fiscal matters, including the state budget (revenues and expenses);

16 (3) The financial exposure of the taxpayers of the state under the plans for the proposed
17 investment and negative foreseeable contingencies that may arise therefrom;

18 (4) The approximate number of full-time, part-time, temporary, seasonal and/or
19 permanent jobs projected to be created, construction and non-construction;

20 (5) Identification of geographic sources of the staffing for identified jobs;

21 (6) The projected duration of the identified construction jobs;

22 (7) The approximate wage rates for each category of the identified jobs;

23 (8) The types of fringe benefits to be provided with the identified jobs, including
24 healthcare insurance and any retirement benefits;

25 (9) The projected fiscal impact on increased personal income taxes to the state of Rhode
26 Island; and

27 (10) The description of any plan or process intended to stimulate hiring from the host
28 community, training of employees or potential employees, and outreach to minority job
29 applicants and minority businesses.

30 (c) The commission shall monitor every impact analysis it completes through the duration
31 of any approved tax credit.

32 **42-64.14-13. Planning, permitting, appeals and development.** – (a) The commission
33 shall exercise its powers in a manner consistent with development plans approved for the I-195
34 redevelopment district by the commission. Such plans may be prepared without limitation by the

1 commission in order to achieve the purposes of this chapter. Development in the district, whether
2 by the commission or otherwise shall be subject to the plans prepared by the commission and the
3 commission may consult and give due consideration to any plans adopted by the city. Approved
4 plans for the I-195 redevelopment district may be considered, in whole or part as appropriate, for
5 adoption as an element of the state guide plan by the state planning council, but shall not be
6 subject to the state guide plan or any other approval provisions related thereto.

7 (b) The commission shall serve as the sole permitting authority for all development
8 within the district, as defined in section 37-5-7, pursuant to the powers granted to the commission
9 by sections 42-64.14-7 and 42-64.14-8 of this chapter. The state fire marshal and the state
10 building code commissioner shall issue any necessary permits related to fire safety and building
11 code compliance respectively. The commission shall seek the cooperation of the state building
12 code commissioner and the state fire marshal to expedite all necessary permits and approvals for
13 development within the district.

14 (c) The commission shall have authority to approve and/or mandate an accelerated plan
15 review process, which may include the implementation of phased and/or fast-track development,
16 which is defined as the initiation of development prior to final issuance of all permits and
17 approvals and/or the completion of final project design and construction plans.

18 (d) The commission shall create for the redevelopment of its properties and parcels sold
19 by its design guidelines in consultation with the state historic preservation officer.

20 (e) All appeals timely filed pursuant to chapter 42-35 of the general laws entitled the
21 Administrative Procedures Act with the Rhode Island superior court relative to permits and
22 approvals shall be accelerated and given priority and advanced on the calendar of the Rhode
23 Island superior court.

24 **42-64.14-14. Payments to the city.** – The commission shall make as a condition to the
25 sale or lease of any parcel of I-195 surplus land, as defined in section 37-5-8, to any not-for-
26 profit, organization or entity that is otherwise exempt from municipal real estate taxes, that the
27 purchaser or lessee, as applicable, shall make payments to the city relating to any parcel of I-195
28 surplus land to be purchased or leased by such not-for-profit, or tax exempt organization or
29 institution. If no such agreement has been reached with the city of Providence, the commission is
30 authorized to complete the sale; however, in consideration for the purchase or lease of any parcel
31 of the I-195 surplus land, the not-for-profit or tax-exempt organization or institution shall make
32 payments to the city of Providence equivalent to those that would be paid by a taxable institution
33 with regard to the subject parcel including, but not limited to, any improvements constructed
34 thereon by the purchaser or lessee; provided, however, that the obligation to make such payments

1 shall cease in the event all or any portion of or any improvement on the subject parcel(s) is
2 subject to any tax, whether in the nature of a real estate tax, ad valorem tax, user fee, or otherwise
3 (regardless of the basis on which such tax or fee is calculated) or any other obligation that has the
4 effect of such tax.

5 **42-64.14-15. Abutting properties.** – When a development plan is proposed that: (1)
6 Includes properties from both the I-195 surplus land and abutting property; and (2) There is actual
7 or contemplated identical ownership of both the I-195 surplus land and the abutting property, then
8 the abutting property shall be subject to all of the powers and authority of the commission
9 pursuant to sections 42-64.14-7 and 42-64.14-8 and shall not be subject to any local review,
10 approval and permitting authority. For purposes of this act “abutting property” shall mean
11 property that shares property lines but does not include property across a public street.

12 **42-64.14-16. Records; reports; inspection.** – The commission shall at all times keep full
13 and accurate accounts of its receipts, expenditures, disbursements, assets, and liabilities, which
14 shall be open to inspection by any officer or duly appointed agent of the state or the city. The
15 commission shall report annually on: (1) Its finances; (2) On the activities undertaken, the
16 progress made in meeting goals and objectives set forth in its plans, and its proposed activities for
17 the next year; and, (3) The name, address, and amount of tax credit received for each taxpayer
18 during the previous state fiscal year. Copies of these reports shall be submitted to the governor,
19 the speaker of the house, the president of the senate, the chairpersons of the house and senate
20 finance committees, the tax administrator and the mayor of the city of Providence. The
21 commission shall conform to the open meetings law, chapter 42-46, the administrative procedures
22 act, chapter 42-35 and the open records law, chapter 38-2, in the same manner as required of the
23 city, and, the commission and the employees of the commission shall be subject to the code of
24 ethics set forth in chapter 36-14.

25 **42-64.14-17. Termination or dissolution of district.** – Upon termination or dissolution
26 of the district, the title to all funds and other properties owned by it which remain after payment
27 of all bonds and notes and other obligations and liabilities of the district shall vest in the
28 corporation

29 **42-64.14-18. Inconsistent laws or ordinance inoperative.** – Except as otherwise
30 provided herein, any provisions of any special law and part of any special law and all ordinances
31 and parts of ordinances pertaining to development within the district which are inconsistent with
32 the provisions of this chapter shall be inoperative and cease to be effective. The provisions of this
33 chapter shall be deemed to provide an exclusive, additional, alternative, and complete method for
34 the doing of the things authorized hereby and shall be deemed and construed to be supplemental

1 and additional to, and not in derogation of, powers conferred upon the commission by law and on
2 the city by its charter; provided, however, that insofar as the express provisions of this chapter are
3 inconsistent with the provisions of any general or special law, administrative order or regulation,
4 or ordinance of the city, the provisions of this chapter shall be controlling.

5 **42-64.14-19. Pledge not to alter rights of district.** – The state does hereby pledge to and
6 agree with the holders of the bonds, notes, and other evidences of indebtedness of the commission
7 that the state and the city will not limit or alter rights hereby vested in the commission, which
8 affect the capacity or ability of the commission to meet its obligations regarding bonds, notes or
9 other forms of indebtedness, until the bonds, notes, or other evidences of indebtedness, together
10 with interest thereon, with interest on any unpaid installment of interest and all costs and
11 expenses in connection with any actions or proceedings by or on behalf of the bondholders and
12 noteholders, are fully met and discharged.

13 **42-64.14-20. Construction.** – This chapter is deemed necessary for the welfare of the
14 state and its inhabitants and shall be liberally construed so as to effectuate its purposes. Insofar as
15 the provisions of this chapter are inconsistent with the provisions of any law or ordinance,
16 general, special or local, the provision of this chapter shall be controlling.

17 **42-64.14-21. Sunset.** – (a) The provisions of section 42-64.14-9, I-195 redevelopment
18 district life sciences jobs incentives program shall sunset on December 31, 2021. If an eligible life
19 sciences company that was established in the district and participated in the life sciences jobs
20 incentive program on or before December 31, 2021, maintained the qualifications to be certified
21 with the commission, then the tax credits acquired by the company shall remain valid for ten (10)
22 years from the date of qualification.

23 (b) The provisions of this chapter shall sunset when one hundred percent (100%) of the
24 properties have been developed and sold or twenty-one (21) years from the date of enactment,
25 whichever is earlier. All authority vested in the commission shall dissolve and all local and state
26 authority granted to the commission in sections 42-64.14-7 and 42-64.14-8 shall revert to the
27 appropriate state or municipal authority. In the event that the commission retains ownership in
28 properties at the time of sunset the ownership of said parcels shall revert to the economic
29 development corporation and any leases of parcels shall transfer and be held by the corporation.
30 All procedures to dissolve the commission shall be in accordance with 42-64-7.3.

31 **42-64.14-22. Severability.** – If any clause, sentence, paragraph, section or part of this
32 chapter shall be judged by any court or competent jurisdiction to be invalid, such judgment shall
33 not affect, impair or invalidate the remainder thereof, but it shall be confined in its operation of
34 the clause, sentence, paragraph, section or part directly involved in the controversy in which that

1 [judgment shall have been rendered.](#)

2 SECTION 3. Section 42-64-7.1 of the General Laws in Chapter 42-64 entitled "Rhode
3 Island Economic Development Corporation" is hereby amended to read as follows:

4 **42-64-7.1. Subsidiaries.** -- (a) (1) The parent corporation shall have the right to exercise
5 and perform its powers and functions, or any of them, through one or more subsidiary
6 corporations whose creation shall be approved and authorized by the general assembly.

7 (2) (i) Express approval and authorization of the general assembly shall be deemed to
8 have been given for all legal purposes on July 1, 1995 for the creation and lawful management of
9 a subsidiary corporation created for the management of the Quonset Point/Davisville Industrial
10 Park, that subsidiary corporation being managed by a board of directors, the members of which
11 shall be constituted as follows:

12 (A) two (2) members who shall be appointed by the town council of the town of North
13 Kingstown;

14 (B) two (2) members who shall be residents of the town of North Kingstown appointed
15 by the governor;

16 (C) four (4) members who shall be appointed by the governor;

17 (D) the chairperson, who shall be the executive director of the Rhode Island economic
18 development corporation; and

19 (E) non-voting members, who shall include the members of the general assembly whose
20 districts are comprised in any part by areas located within the town of North Kingstown and one
21 non-voting member who shall be a resident of the town of Jamestown, appointed by the town
22 council of the town of Jamestown. Upon receipt of approval and authorization from the general
23 assembly, the parent corporation by resolution of the board of directors may direct any of its
24 directors, officers, or employees to create subsidiary corporations pursuant to chapter 1.2 or 6 of
25 title 7 or in the manner described in subsection (b); provided, that the parent corporation shall not
26 have any power or authority to create, empower or otherwise establish any corporation,
27 subsidiary corporation, corporate body or any form of partnership or any other separate entity,
28 without the express approval and authorization of the general assembly.

29 (ii) The approval and authorization provided herein shall terminate upon the
30 establishment of the Quonset Development Corporation as provided for in chapter 64.10 of this
31 title.

32 (iii) The Quonset Development Corporation shall be deemed a subsidiary of the Rhode
33 Island economic development corporation:

34 (A) As set forth in section 42-64.10-6(c); and

1 (B) Insofar as it exercises any powers and duties delegated to it by the corporation
2 pursuant to this chapter for any project other than on real and personal property owned, leased or
3 under the control of the corporation located in the town of North Kingstown, and the corporation
4 shall be deemed to have authority to delegate any of its powers, with the exception of the power
5 to issue any form of negotiable bonds or notes and the power of eminent domain, in order to
6 accomplish the purposes of chapter 64.10 of this title; provided, however, that the corporation
7 may, as provided for in this chapter, issue bonds or exercise the power of eminent domain on
8 behalf of the Quonset Development Corporation or to undertake a project of the Quonset
9 Development Corporation.

10 (b) As used in this section, "subsidiary public corporation" means a corporation created
11 pursuant to the provisions of this section. The person or persons directed by the resolution
12 referred to in subsection (a) shall prepare articles of incorporation setting forth:

- 13 (1) the name of the subsidiary public corporation;
- 14 (2) the period of duration, which may be perpetual;
- 15 (3) the purpose or purposes for which the subsidiary public corporation is organized
16 which shall not be more extensive than the purposes of the corporation set forth in section 42-64-
17 5;

18 (4) the number of directors (which may, but need not be, more than one) constituting the
19 initial board of directors and their names and business or residence addresses;

20 (5) the name and business or residence address of the person preparing the articles of
21 incorporation;

22 (6) the date when corporate existence shall begin (which shall not be earlier than the
23 filing of the articles of incorporation with the secretary of state as provided in this subsection);

24 (7) any provision, not inconsistent with law, which the board of directors elect to set forth
25 in the articles of incorporation for the regulation of the internal affairs of the subsidiary public
26 corporation; and

27 (8) a reference to the form of authorization and approval by the general assembly and to
28 the resolution of the board of directors authorizing the preparation of the articles of incorporation.

29 Duplicate originals of the articles of incorporation shall be delivered to the secretary of state. If
30 the secretary of state finds that the articles of incorporation conform to the provisions of this
31 subsection, the secretary shall endorse on each of the duplicate originals the word "Filed," and the
32 month, day and year of the filing; file one of the duplicate originals in his or her office; and a
33 certificate of incorporation to which the secretary shall affix the other duplicate original. No filing
34 fees shall be payable upon the filing of articles of incorporation. Upon the issuance of the

1 certificate of incorporation or upon a later date specified in the articles of incorporation, the
2 corporate existence shall begin and the certificate of incorporation shall be conclusive evidence
3 that all conditions precedent required to be performed have been complied with and that the
4 subsidiary public corporation has been duly and validly incorporated under the provisions hereof.
5 The parent corporation may transfer to any subsidiary public corporation any moneys, real,
6 personal, or mixed property or any project in order to carry out the purposes of this chapter. Each
7 subsidiary public corporation shall have all the powers, privileges, rights, immunities, tax
8 exemptions, and other exemptions of the parent corporation except to the extent that the articles
9 of incorporation of the subsidiary public corporation shall contain an express limitation and
10 except that the subsidiary public corporation shall not have the condemnation power contained in
11 section 42-64-9, nor shall it have the powers contained in, or otherwise be subject to, the
12 provisions of section 42-64-12 and section 42-64-13(a), nor shall it have the power to create,
13 empower or otherwise establish any corporation, subsidiary corporation, corporate body, any
14 form of partnership, or any other separate entity, without the express approval and authorization
15 of the general assembly.

16 (c) Any subsidiary corporation shall not be subject to the provisions of section 42-64-
17 8(a), (c), and (d), except as otherwise provided in the articles of incorporation of the subsidiary
18 corporation.

19 (d) The Rhode Island economic development corporation, as the parent corporation of
20 the Rhode Island Airport Corporation, shall not be liable for the debts or obligations or for any
21 actions or inactions of the Rhode Island Airport Corporation, unless the Rhode Island economic
22 development corporation expressly agrees otherwise in writing.

23 (e) The East Providence Waterfront District shall, with the approval of its commission
24 and the board of directors of the corporation, be a subsidiary of the Rhode Island economic
25 development corporation for the purposes of exercising such powers of the corporation as the
26 board of directors shall determine, and notwithstanding the requirements of subsection (b), the act
27 creating the District shall be deemed fully satisfactory for the purposes of this section regarding
28 the establishment of subsidiary public corporations, and the express approval and authorization of
29 the general assembly shall be deemed to have been given for all legal purposes for the creation
30 and lawful management of a subsidiary corporation created for the purposes of implementing the
31 purposes of the District.

32 (f) The parent corporation is hereby authorized and empowered to create a subsidiary
33 corporation for the expressed purpose to issue bonds and notes of the type and for those projects
34 and purposes specified in the Joint Resolution and Act of the general assembly adopted by the

1 Rhode Island house of representatives and the Rhode Island senate.

2 (g) The I-195 redevelopment district shall be a subsidiary of the Rhode Island economic
3 development corporation for the purposes of exercising such powers of the corporation as the
4 board of directors shall determine, and notwithstanding the requirements of subsection (b), the
5 chapter creating the district shall be deemed fully satisfactory for the purposes of this section
6 regarding the establishment of subsidiary public corporations, and the express approval and
7 authorization of the general assembly shall be deemed to have been given for all legal purposes
8 for the creation and lawful management of a subsidiary corporation created for the purposes of
9 implementing the purposes of the district.

10 SECTION 4. Section 44-30-2.6 of the General Laws in Chapter 44-30 entitled "Personal
11 Income Tax" is hereby amended to read as follows:

12 **44-30-2.6. Rhode Island taxable income -- Rate of tax. [Effective January 1, 2011.] --**

13 (a) "Rhode Island taxable income" means federal taxable income as determined under the Internal
14 Revenue Code, 26 U.S.C. section 1 et seq., not including the increase in the basic standard
15 deduction amount for married couples filing joint returns as provided in the Jobs and Growth Tax
16 Relief Reconciliation Act of 2003 and the Economic Growth and Tax Relief Reconciliation Act
17 of 2001 (EGTRRA), and as modified by the modifications in section 44-30-12.

18 (b) Notwithstanding the provisions of sections 44-30-1 and 44-30-2, for tax years
19 beginning on or after January 1, 2001, a Rhode Island personal income tax is imposed upon the
20 Rhode Island taxable income of residents and nonresidents, including estates and trusts, at the rate
21 of twenty-five and one-half percent (25.5%) for tax year 2001, and twenty-five percent (25%) for
22 tax year 2002 and thereafter of the federal income tax rates, including capital gains rates and any
23 other special rates for other types of income, except as provided in section 44-30-2.7, which were
24 in effect immediately prior to enactment of the Economic Growth and Tax Relief Reconciliation
25 Act of 2001 (EGTRRA); provided, rate schedules shall be adjusted for inflation by the tax
26 administrator beginning in taxable year 2002 and thereafter in the manner prescribed for
27 adjustment by the commissioner of Internal Revenue in 26 U.S.C. section 1(f). However, for tax
28 years beginning on or after January 1, 2006, a taxpayer may elect to use the alternative flat tax
29 rate provided in section 44-30-2.10 to calculate his or her personal income tax liability.

30 (c) For tax years beginning on or after January 1, 2001, if a taxpayer has an alternative
31 minimum tax for federal tax purposes, the taxpayer shall determine if he or she has a Rhode
32 Island alternative minimum tax. The Rhode Island alternative minimum tax shall be computed by
33 multiplying the federal tentative minimum tax without allowing for the increased exemptions
34 under the Jobs and Growth Tax Relief Reconciliation Act of 2003 (as redetermined on federal

1 form 6251 Alternative Minimum Tax-Individuals) by twenty-five and one-half percent (25.5%)
2 for tax year 2001, and twenty-five percent (25%) for tax year 2002 and thereafter, and comparing
3 the product to the Rhode Island tax as computed otherwise under this section. The excess shall be
4 the taxpayer's Rhode Island alternative minimum tax.

5 (1) For tax years beginning on or after January 1, 2005 and thereafter the exemption
6 amount for alternative minimum tax, for Rhode Island purposes, shall be adjusted for inflation by
7 the tax administrator in the manner prescribed for adjustment by the commissioner of Internal
8 Revenue in 26 U.S.C. section 1(f).

9 (2) For the period January 1, 2007 through December 31, 2007, and thereafter, Rhode
10 Island taxable income shall be determined by deducting from federal adjusted gross income as
11 defined in 26 U.S.C. section 62 as modified by the modifications in section 44-30-12 the Rhode
12 Island itemized deduction amount and the Rhode Island exemption amount as determined in this
13 section.

14 (A) Tax imposed.

15 (1) There is hereby imposed on the taxable income of married individuals filing joint
16 returns and surviving spouses a tax determined in accordance with the following table:

17 If taxable income is:	The tax is:
18 Not over \$53,150	3.75% of taxable income
19 Over \$53,150 but not over \$128,500	\$1,993.13 plus 7.00% of the 20 excess over \$53,150
21 Over \$128,500 but not over \$195,850	\$7,267.63 plus 7.75% of the 22 excess over \$128,500
23 Over \$195,850 but not over \$349,700	\$12,487.25 plus 9.00% of the 24 excess over \$195,850
25 Over \$349,700	\$26,333.75 plus 9.90% of the 26 excess over \$349,700

27 (2) There is hereby imposed on the taxable income of every head of household a tax
28 determined in accordance with the following table:

29 If taxable income is:	The tax is:
30 Not over \$42,650	3.75% of taxable income
31 Over \$42,650 but not over \$110,100	\$1,599.38 plus 7.00% of the 32 excess over \$42,650
33 Over \$110,100 but not over \$178,350	\$6,320.88 plus 7.75% of the 34 excess over \$110,100

1	Over \$178,350 but not over \$349,700	\$11,610.25 plus 9.00% of the
2		excess over \$178,350
3	Over \$349,700	\$27,031.75 plus 9.90% of the
4		excess over \$349,700

5 (3) There is hereby imposed on the taxable income of unmarried individuals (other than
6 surviving spouses and heads of households) a tax determined in accordance with the following
7 table:

8	If taxable income is:	The tax is:
9	Not over \$31,850	3.75% of taxable income
10	Over \$31,850 but not over \$77,100	\$1,194.38 plus 7.00% of the
11		excess over \$31,850
12	Over \$77,100 but not over \$160,850	\$4,361.88 plus 7.75% of the
13		excess over \$77,100
14	Over \$160,850 but not over \$349,700	\$10,852.50 plus 9.00% of the
15		excess over \$160,850
16	Over \$349,700	\$27,849.00 plus 9.90% of the
17		excess over \$349,700

18 (4) There is hereby imposed on the taxable income of married individuals filing separate
19 returns and bankruptcy estates a tax determined in accordance with the following table:

20	If taxable income is:	The tax is:
21	Not over \$26,575	3.75% of taxable income
22	Over \$26,575 but not over \$64,250	\$996.56 plus 7.00% of the
23		excess over \$26,575
24	Over \$64,250 but not over \$97,925	\$3,633.81 plus 7.75% of the
25		excess over \$64,250
26	Over \$97,925 but not over \$174,850	\$6,243.63 plus 9.00% of the
27		excess over \$97,925
28	Over \$174,850	\$13,166.88 plus 9.90% of the
29		excess over \$174,850

30 (5) There is hereby imposed a taxable income of an estate or trust a tax determined in
31 accordance with the following table:

32	If taxable income is:	The tax is:
33	Not over \$2,150	3.75% of taxable income
34	Over \$2,150 but not over \$5,000	\$80.63 plus 7.00% of the

1		excess over \$2,150
2	Over \$5,000 but not over \$7,650	\$280.13 plus 7.75% of the
3		excess over \$5,000
4	Over \$7,650 but not over \$10,450	\$485.50 plus 9.00% of the
5		excess over \$7,650
6	Over \$10,450	\$737.50 plus 9.90% of the
7		excess over \$10,450

8 (6) Adjustments for inflation.

9 The dollars amount contained in paragraph (A) shall be increased by an amount equal to:

- 10 (a) Such dollar amount contained in paragraph (A) in the year 1993, multiplied by;
- 11 (b) The cost-of-living adjustment determined under section (J) with a base year of 1993;
- 12 (c) The cost-of-living adjustment referred to in subparagraph (a) and (b) used in making
- 13 adjustments to the nine percent (9%) and nine and nine tenths percent (9.9%) dollar amounts shall
- 14 be determined under section (J) by substituting "1994" for "1993."

15 (B) Maximum capital gains rates

16 (1) In general

17 If a taxpayer has a net capital gain for tax years ending prior to January 1, 2010, the tax

18 imposed by this section for such taxable year shall not exceed the sum of:

19 (a) 2.5 % of the net capital gain as reported for federal income tax purposes under section

20 26 U.S.C. 1(h)(1)(a) and 26 U.S.C. 1(h)(1)(b).

21 (b) 5% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.

22 1(h)(1)(c).

23 (c) 6.25% of the net capital gain as reported for federal income tax purposes under 26

24 U.S.C. 1(h)(1)(d).

25 (d) 7% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.

26 1(h)(1)(e).

27 (2) For tax years beginning on or after January 1, 2010 the tax imposed on net capital

28 gain shall be determined under subdivision 44-30-2.6(c)(2)(A).

29 (C) Itemized deductions.

30 (1) In general

31 For the purposes of section (2) "itemized deductions" means the amount of federal

32 itemized deductions as modified by the modifications in section 44-30-12.

33 (2) Individuals who do not itemize their deductions

34 In the case of an individual who does not elect to itemize his deductions for the taxable

1 year, they may elect to take a standard deduction.

2 (3) Basic standard deduction.

3 The Rhode Island standard deduction shall be allowed in accordance with the following
4 table:

5 Filing status	Amount
6 Single	\$5,350
7 Married filing jointly or qualifying widow(er)	\$8,900
8 Married filing separately	\$4,450
9 Head of Household	\$7,850

10 (4) Additional standard deduction for the aged and blind.

11 An additional standard deduction shall be allowed for individuals age sixty-five (65) or
12 older or blind in the amount of \$1,300 for individuals who are not married and \$1,050 for
13 individuals who are married.

14 (5) Limitation on basic standard deduction in the case of certain dependents.

15 In the case of an individual to whom a deduction under section (E) is allowable to another
16 taxpayer, the basic standard deduction applicable to such individual shall not exceed the greater
17 of:

18 (a) \$850;

19 (b) The sum of \$300 and such individual's earned income;

20 (6) Certain individuals not eligible for standard deduction. In the case of:

21 (a) A married individual filing a separate return where either spouse itemizes deductions;

22 (b) Nonresident alien individual;

23 (c) An estate or trust;

24 The standard deduction shall be zero.

25 (7) Adjustments for inflation.

26 Each dollars amount contained in paragraphs (3), (4) and (5) shall be increased by an
27 amount equal to:

28 (a) Such dollar amount contained in paragraphs (3), (4) and (5) in the year 1988,
29 multiplied by

30 (b) The cost-of-living adjustment determined under section (J) with a base year of 1988.

31 (D) Overall limitation on itemized deductions

32 (1) General rule.

33 In the case of an individual whose adjusted gross income as modified by section 44-30-12
34 exceeds the applicable amount, the amount of the itemized deductions otherwise allowable for the

1 taxable year shall be reduced by the lesser of:

2 (a) Three percent (3%) of the excess of adjusted gross income as modified by section 44-
3 30-12 over the applicable amount; or

4 (b) Eighty percent (80%) of the amount of the itemized deductions otherwise allowable
5 for such taxable year.

6 (2) Applicable amount.

7 (a) In general.

8 For purposes of this section, the term "applicable amount" means \$156,400 (\$78,200 in
9 the case of a separate return by a married individual)

10 (b) Adjustments for inflation.

11 Each dollar amount contained in paragraph (a) shall be increased by an amount equal to:

12 (i) Such dollar amount contained in paragraph (a) in the year 1991, multiplied by

13 (ii) The cost-of-living adjustment determined under section (J) with a base year of
14 1991.

15 (3) Phase-out of Limitation.

16 (a) In general.

17 In the case of taxable year beginning after December 31, 2005, and before January 1,
18 2010, the reduction under section (1) shall be equal to the applicable fraction of the amount
19 which would be the amount of such reduction.

20 (b) Applicable fraction.

21 For purposes of paragraph (a), the applicable fraction shall be determined in accordance
22 with the following table:

23 For taxable years beginning in calendar year	The applicable fraction is
24 2006 and 2007	2/3
25 2008 and 2009	1/3

26 (E) Exemption amount

27 (1) In general.

28 Except as otherwise provided in this subsection, the term "exemption amount" mean
29 \$3,400.

30 (2) Exemption amount disallowed in case of certain dependents. In the case of an
31 individual with respect to whom a deduction under this section is allowable to another taxpayer
32 for the same taxable year, the exemption amount applicable to such individual for such
33 individual's taxable year shall be zero.

34 (3) Adjustments for inflation. The dollar amount contained in paragraph (1) shall be

1 increased by an amount equal to:

2 (a) Such dollar amount contained in paragraph (1) in the year 1989, multiplied by

3 (b) The cost-of-living adjustment determined under section (J) with a base year of 1989.

4 (4) Limitation.

5 (a) In general.

6 In the case of any taxpayer whose adjusted gross income as modified for the taxable year
7 exceeds the threshold amount shall be reduced by the applicable percentage.

8 (b) Applicable percentage.

9 In the case of any taxpayer whose adjusted gross income for the taxable year exceeds the
10 threshold amount, the exemption amount shall be reduced by two (2) percentage points for each
11 \$2,500 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year
12 exceeds the threshold amount. In the case of a married individual filing a separate return, the
13 preceding sentence shall be applied by substituting "\$1,250" for "\$2,500." In no event shall the
14 applicable percentage exceed one hundred percent (100%).

15 (c) Threshold Amount.

16 For the purposes of this paragraph, the term "threshold amount" shall be determined with
17 the following table:

18 Filing status	Amount
19 Single	\$156,400
20 Married filing jointly of qualifying widow(er)	\$234,600
21 Married filing separately	\$117,300
22 Head of Household	\$195,500

23 (d) Adjustments for inflation.

24 Each dollars amount contain in paragraph (b) shall be increased by an amount equal to:

25 (i) Such dollar amount contained in paragraph (b) in the year 1991, multiplied by

26 (ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

27 (5) Phase-out of Limitation.

28 (a) In general.

29 In the case of taxable years beginning after December 31, 2005, and before January 1,
30 2010, the reduction under section 4 shall be equal to the applicable fraction of the amount
31 which would be the amount of such reduction.

32 (b) Applicable fraction.

33 For the purposes of paragraph (a), the applicable fraction shall be determined in
34 accordance with the following table:

1	For taxable years beginning in calendar year	The applicable fraction is
2	2006 and 2007	2/3
3	2008 and 2009	1/3

4 (F) Alternative minimum tax

5 (1) General rule. - There is hereby imposed (in addition to any other tax imposed by this
6 subtitle) a tax equal to the excess (if any) of:

7 (a) The tentative minimum tax for the taxable year, over

8 (b) The regular tax for the taxable year.

9 (2) The tentative minimum tax for the taxable year is the sum of:

10 (a) 6.5 percent of so much of the taxable excess as does not exceed \$175,000, plus

11 (b) 7.0 percent of so much of the taxable excess above \$175,000.

12 (3) The amount determined under the preceding sentence shall be reduced by the
13 alternative minimum tax foreign tax credit for the taxable year.

14 (4) Taxable excess. - For the purposes of this subsection the term "taxable excess" means
15 so much of the federal alternative minimum taxable income as modified by the modifications in
16 section 44-30-12 as exceeds the exemption amount.

17 (5) In the case of a married individual filing a separate return, subparagraph (2) shall be
18 applied by substituting "\$87,500" for \$175,000 each place it appears.

19 (6) Exemption amount.

20 For purposes of this section "exemption amount" means:

21	Filing status	Amount
22	Single	\$39,150
23	Married filing jointly or qualifying widow(er)	\$53,700
24	Married filing separately	\$26,850
25	Head of Household	\$39,150
26	Estate or trust	\$24,650

27 (7) Treatment of unearned income of minor children

28 (a) In general.

29 In the case of a minor child, the exemption amount for purposes of section (6) shall not
30 exceed the sum of:

31 (i) Such child's earned income, plus

32 (ii) \$6,000.

33 (8) Adjustments for inflation.

34 The dollar amount contained in paragraphs (6) and (7) shall be increased by an amount

1 equal to:

2 (a) Such dollar amount contained in paragraphs (6) and (7) in the year 2004, multiplied
3 by

4 (b) The cost-of-living adjustment determined under section (J) with a base year of 2004.

5 (9) Phase-out.

6 (a) In general.

7 The exemption amount of any taxpayer shall be reduced (but not below zero) by an
8 amount equal to twenty-five percent (25%) of the amount by which alternative minimum taxable
9 income of the taxpayer exceeds the threshold amount.

10 (b) Threshold amount.

11 For purposes of this paragraph, the term "threshold amount" shall be determined with the
12 following table:

13 Filing status	Amount
14 Single	123,250
15 Married filing jointly or qualifying widow(er)	164,350
16 Married filing separately	82,175
17 Head of Household	123,250
18 Estate or Trust	2,150

19 (c) Adjustments for inflation

20 Each dollar amount contained in paragraph (9) shall be increased by an amount equal to:

21 (i) Such dollar amount contained in paragraph (9) in the year 2004, multiplied by

22 (ii) The cost-of-living adjustment determined under section (J) with a base year of 2004.

23 (G) Other Rhode Island taxes

24 (1) General rule. - There is hereby imposed (in addition to any other tax imposed by this
25 subtitle) a tax equal to twenty-five percent (25%) of:

26 (a) The Federal income tax on lump-sum distributions.

27 (b) The Federal income tax on parents' election to report child's interest and dividends.

28 (c) The recapture of Federal tax credits that were previously claimed on Rhode Island

29 return.

30 (H) Tax for children under 18 with investment income

31 (1) General rule. - There is hereby imposed a tax equal to twenty-five percent (25%) of:

32 (a) The Federal tax for children under the age of 18 with investment income.

33 (I) Averaging of farm income

34 (1) General rule. - At the election of an individual engaged in a farming business or

1 fishing business, the tax imposed in section 2 shall be equal to twenty-five percent (25%) of:

2 (a) The Federal averaging of farm income as determined in IRC section 1301.

3 (J) Cost-of-living adjustment

4 (1) In general.

5 The cost-of-living adjustment for any calendar year is the percentage (if any) by which:

6 (a) The CPI for the preceding calendar year exceeds

7 (b) The CPI for the base year.

8 (2) CPI for any calendar year.

9 For purposes of paragraph (1), the CPI for any calendar year is the average of the
10 Consumer Price Index as of the close of the twelve (12) month period ending on August 31 of
11 such calendar year.

12 (3) Consumer Price Index

13 For purposes of paragraph (2), the term "consumer price index" means the last consumer
14 price index for all urban consumers published by the department of labor. For purposes of the
15 preceding sentence, the revision of the consumer price index which is most consistent with the
16 consumer price index for calendar year 1986 shall be used.

17 (4) Rounding.

18 (a) In general.

19 If any increase determined under paragraph (1) is not a multiple of \$50, such increase
20 shall be rounded to the next lowest multiple of \$50.

21 (b) In the case of a married individual filing a separate return, subparagraph (a) shall be
22 applied by substituting "\$25" for \$50 each place it appears.

23 (K) Credits against tax. - For tax years beginning on or after January 1, 2001, a taxpayer
24 entitled to any of the following federal credits enacted prior to January 1, 1996 shall be entitled to
25 a credit against the Rhode Island tax imposed under this section:

26 (1) [Deleted by P.L. 2007, ch. 73, art. 7, section 5_.

27 (2) Child and dependent care credit;

28 (3) General business credits;

29 (4) Credit for elderly or the disabled;

30 (5) Credit for prior year minimum tax;

31 (6) Mortgage interest credit;

32 (7) Empowerment zone employment credit;

33 (8) Qualified electric vehicle credit.

34 (L) Credit against tax for adoption. - For tax years beginning on or after January 1, 2006,

1 a taxpayer entitled to the federal adoption credit shall be entitled to a credit against the Rhode
2 Island tax imposed under this section if the adopted child was under the care, custody, or
3 supervision of the Rhode Island department of children, youth and families prior to the adoption.

4 (M) The credit shall be twenty-five percent (25%) of the aforementioned federal credits
5 provided there shall be no deduction based on any federal credits enacted after January 1, 1996,
6 including the rate reduction credit provided by the federal Economic Growth and Tax
7 Reconciliation Act of 2001 (EGTRRA). In no event shall the tax imposed under this section be
8 reduced to less than zero. A taxpayer required to recapture any of the above credits for federal tax
9 purposes shall determine the Rhode Island amount to be recaptured in the same manner as
10 prescribed in this subsection.

11 (N) Rhode Island earned income credit

12 (1) In general.

13 A taxpayer entitled to a federal earned income credit shall be allowed a Rhode Island
14 earned income credit equal to twenty-five percent (25%) of the federal earned income credit.
15 Such credit shall not exceed the amount of the Rhode Island income tax.

16 (2) Refundable portion.

17 In the event the Rhode Island earned income credit allowed under section (J) exceeds the
18 amount of Rhode Island income tax, a refundable earned income credit shall be allowed.

19 (a) For purposes of paragraph (2) refundable earned income credit means fifteen percent
20 (15%) of the amount by which the Rhode Island earned income credit exceeds the Rhode
21 Island income tax.

22 (O) The tax administrator shall recalculate and submit necessary revisions to paragraphs
23 (A) through (J) to the general assembly no later than February 1, 2010 and every three (3) years
24 thereafter for inclusion in the statute.

25 (3) For the period January 1, 2011 through December 31, 2011, and thereafter, "Rhode
26 Island taxable income" means federal adjusted gross income as determined under the Internal
27 Revenue Code, 26 U.S.C. 1 et seq., and as modified for Rhode Island purposes pursuant to
28 section 44-30-12 less the amount of Rhode Island Basic Standard Deduction allowed pursuant to
29 subparagraph 44-30-2.6(c)(3)(B), and less the amount of personal exemption allowed pursuant of
30 subparagraph 44-30-2.6(c)(3)(C).

31 (A) Tax imposed.

32 (I) There is hereby imposed on the taxable income of married individuals filing joint
33 returns, qualifying widow(er), every head of household, unmarried individuals, married
34 individuals filing separate returns and bankruptcy estates, a tax determined in accordance with the

1 following table:

RI Income Tax		RI Income Tax	
Over	But not over	Pay + % on Excess	On the amount over
\$ 0 -	\$ 55,000	\$ 0 + 3.75%	\$ 0
55,000 -	125,000	2,063 + 4.75%	55,000
25,000 -		5,388 + 5.99%	125,000

7 (II) There is hereby imposed on the taxable income of an estate or trust a tax determined
8 in accordance with the following table:

RI Income Tax		RI Income Tax	
Over	But not over	Pay + % on Excess	On the amount over
\$ 0 -	\$ 2,230	\$ 0 + 3.75%	\$ 0
2,230 -	7,022	84 + 4.75%	2,230
7,022 -		312 + 5.99%	7,022

14 (B) Deductions: (I) Rhode Island Basic Standard Deduction. Only the Rhode Island
15 standard deduction shall be allowed in accordance with the following table:

Filing status:	Amount
Single	\$7,500
Married filing jointly or qualifying widow(er)	\$15,000
Married filing separately	\$7,500
Head of Household	\$11,250

21 (II) Nonresident alien individuals, estates and trusts are not eligible for standard
22 deductions.

23 (III) In the case of any taxpayer whose adjusted gross income, as modified for Rhode
24 Island purposes pursuant to section 44-30-12, for the taxable year exceeds one hundred seventy-
25 five thousand dollars (\$175,000), the standard deduction amount shall be reduced by the
26 applicable percentage. The term "applicable percentage" means twenty (20) percentage points for
27 each five thousand dollars (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross
28 income for the taxable year exceeds one hundred seventy-five thousand dollars (\$175,000).

29 (C) Exemption Amount:

30 (I) The term "exemption amount" means three thousand five hundred dollars (\$3,500)
31 multiplied by the number of exemptions allowed for the taxable year for federal income tax
32 purposes.

33 (II) Exemption amount disallowed in case of certain dependents. In the case of an
34 individual with respect to whom a deduction under this section is allowable to another taxpayer

1 for the same taxable year, the exemption amount applicable to such individual for such
2 individual's taxable year shall be zero.

3 (D) In the case of any taxpayer whose adjusted gross income, as modified for Rhode
4 Island purposes pursuant to section 33-30-12, for the taxable year exceeds one hundred seventy-
5 five thousand dollars (\$175,000), the exemption amount shall be reduced by the applicable
6 percentage. The term "applicable percentage" means twenty (20) percentage points for each five
7 thousand dollars (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for
8 the taxable year exceeds one hundred seventy-five thousand dollars (\$175,000).

9 (E) Adjustment for inflation. - The dollar amount contained in subparagraphs 44-30-
10 2.6(c)(3)(A), 44-30-2.6(c)(3)(B) and 44-30-2.6(c)(3)(C) shall be increased annually by an amount
11 equal to:

12 (I) Such dollar amount contained in subparagraphs 44-30-2.6(c)(3)(A), 44-30-
13 2.6(c)(3)(B) and 44-30-2.6(c)(3)(C) adjusted for inflation using a base tax year of 2000,
14 multiplied by;

15 (II) The cost-of-living adjustment with a base year of 2000.

16 (III) For the purposes of this section the cost-of-living adjustment for any calendar year is
17 the percentage (if any) by which the consumer price index for the preceding calendar year
18 exceeds the consumer price index for the base year. The consumer price index for any calendar
19 year is the average of the consumer price index as of the close of the twelve (12) month period
20 ending on August 31, of such calendar year.

21 (IV) For the purpose of this section the term "consumer price index" means the last
22 consumer price index for all urban consumers published by the department of labor. For the
23 purpose of this section the revision of the consumer price index which is most consistent with the
24 consumer price index for calendar year 1986 shall be used.

25 (V) If any increase determined under this section is not a multiple of fifty dollars
26 (\$50.00), such increase shall be rounded to the next lower multiple of fifty dollars (\$50.00). In the
27 case of a married individual filing separate return, if any increase determined under this section is
28 not a multiple of twenty-five dollars (\$25.00), such increase shall be rounded to the next lower
29 multiple of twenty-five dollars (\$25.00).

30 (E) Credits against tax.

31 (I) Notwithstanding any other provisions of Rhode Island Law, for tax years beginning on
32 or after January 1, 2011, the only credits allowed against a tax imposed under this chapter shall be
33 as follows:

34 (a) Rhode Island Earned Income Credit: Credit shall be allowed for earned income credit

1 pursuant to subparagraph 44-30-2.6(c)(2)(N).

2 (b) Property Tax Relief Credit: Credit shall be allowed for property tax relief as provided
3 in section 44-33-1 et seq.

4 (c) Lead Paint Credit: Credit shall be allowed for residential lead abatement income tax
5 credit as provided in section 44-30.3-1 et seq.

6 (d) Credit for income taxes of other states. - Credit shall be allowed for income tax paid
7 to other states pursuant to section 44-30-74.

8 (e) Historic Structures Tax Credit: Credit shall be allowed for historic structures tax
9 credit as provided in section 44-33.2-1 et seq.

10 (f) Motion Picture Productions Tax Credit: Credit shall be allowed for motion picture
11 production tax credit as provided in section 44-31.2-1 et seq.

12 (g) Child and Dependent Care: Credit shall be allowed for twenty-five percent (25%) of
13 the federal child and dependent care credit allowable for the taxable year for federal purposes;
14 provided, however, such credit shall not exceed the Rhode Island tax liability.

15 (h) Tax credits for contributions to Scholarship Organizations: Credit shall be allowed for
16 contributions to scholarship organizations as provided in section 44-62 et seq.

17 (i) Credit for tax withheld. - Wages upon which tax is required to be withheld shall be
18 taxable as if no withholding were required, but any amount of Rhode Island personal income tax
19 actually deducted and withheld in any calendar year shall be deemed to have been paid to the tax
20 administrator on behalf of the person from whom withheld, and the person shall be credited with
21 having paid that amount of tax for the taxable year beginning in that calendar year. For a taxable
22 year of less than twelve (12) months, the credit shall be made under regulations of the tax
23 administrator.

24 [\(j\) Tax credits provided in chapter 42-64.14, entitled "The I-195 Redevelopment Act of](#)
25 [2011."](#)

26 (2) Except as provided in section 1 above, no other state and federal tax credit shall be
27 available to the taxpayers in computing tax liability under this chapter.

28 SECTION 5. Chapter 37-22 of the General Laws entitled "THE I-195
29 REDEVELOPMENT ACT OF 2002" is hereby repealed in its entirety.

30 ~~CHAPTER 37-22~~

31 ~~The I-195 Redevelopment Act of 2002~~

32 ~~37-22-1. Short title. --- This chapter shall be known as "The I-195 Redevelopment Act of~~
33 ~~2002".~~

34 ~~37-22-2. Legislative findings. --- The general assembly finds that:~~

1 ~~-(1) The realignment of Interstate Route 195 through the City of Providence provides a~~
2 ~~unique opportunity to advance public purposes by transforming a major transportation project~~
3 ~~into an important economic and civic development opportunity;~~

4 ~~-(2) This opportunity arises, in large part, from certain land to be made available for~~
5 ~~redevelopment due to the relocation of Interstate Route 195 and its access roads;~~

6 ~~-(3) The clearance of highway structures, replatting, redevelopment and improvement of~~
7 ~~such land shall spur economic development and, as such, is in the public interest;~~

8 ~~-(4) In addition, this unique opportunity can be utilized to advance the state's ability to~~
9 ~~improve public education, public services and infrastructure, thus, furthering an even more~~
10 ~~critical public purpose;~~

11 ~~-(5) The state would greatly benefit from the participation of private institutions in the~~
12 ~~improvement of public education, public services and infrastructure.~~

13 ~~**37-22-3. Declaration of purpose.** --- It is declared that there exist certain state owned~~
14 ~~properties which shall become available by relocation of Interstate Route 195 and its on and off~~
15 ~~ramps. The abandonment of these properties shall create substandard areas for appropriate urban~~
16 ~~planning and development purposes. This urban planning and development shall be consistent~~
17 ~~with and subject to the City of Providence comprehensive plan, pursuant to section 45-22.2-1 et~~
18 ~~seq., City of Providence Zoning Ordinance, pursuant to section 45-24-27 et seq. and the I-195~~
19 ~~Old Harbor Plan (October 1992). As consistent with those plans, these properties can then be~~
20 ~~utilized for the expansion of institutional use. The clearance of highway structures, replatting,~~
21 ~~redevelopment and improvement of this land in recognition of the I-195 Old Harbor Plan~~
22 ~~(October 1992) shall spur the economic development and the improvement of public education,~~
23 ~~public services and infrastructure. Thus, this clearance of highway structures, replanning,~~
24 ~~redevelopment and improvement is hereby declared a public purpose. Therefore, the general~~
25 ~~assembly hereby establishes the I-195 redevelopment board to be responsible to supervise the~~
26 ~~replanning, replatting, redevelopment and improvement of this land through the solicitation,~~
27 ~~negotiation, execution and enforcement of comprehensive agreements for the redevelopment of~~
28 ~~this state owned property through privately funded qualifying projects. The board is hereby~~
29 ~~further authorized and directed to take advantage of private sector efficiencies in designing,~~
30 ~~developing and constructing qualifying institutional projects, which include components that~~
31 ~~specifically improve public education, public services and infrastructure. The board is hereby~~
32 ~~further authorized and directed to ensure that the state and its agencies permit and approve~~
33 ~~qualifying projects in an expedited fashion. In turn, the board shall exercise its authority in~~
34 ~~recognition of the plan objectives set forth in the I-195 Old Harbor Plan (October 1992).~~

1 ~~**37-22-4. Definitions.** -- As used in this chapter, the following words and terms shall have~~
2 ~~the following meaning:~~

3 ~~-(1) "Acquiring authority" means an acquiring authority as defined in Chapter 7 of this~~
4 ~~Title.~~

5 ~~-(2) "Board" means the I-195 Redevelopment Board.~~

6 ~~-(3) "Comprehensive agreement" means a comprehensive agreement between the board~~
7 ~~and those persons obligated to undertake a qualifying project as set forth in section 37-22-7.~~

8 ~~-(4) "Material default" means any default by the private entity in the performance of its~~
9 ~~duties under a comprehensive agreement of section 37-22-10 of this chapter that jeopardizes~~
10 ~~adequate service to the public from a qualifying project and remains unremedied after the board~~
11 ~~has provided notice to the private entity and a reasonable cure period has elapsed.~~

12 ~~-(5) "Permits and approvals" means all permits, licenses, variances and/or approvals to be~~
13 ~~issued by state and/or local agencies as necessary for the development, construction and/or~~
14 ~~operation of a qualifying project.~~

15 ~~-(6) "Plan" means the I-195 Old Harbor Plan (October 1992) adopted by the State of~~
16 ~~Rhode Island, City of Providence and Providence Foundation, a nonbusiness corporation.~~

17 ~~-(7) "Private entity" means any person, institution and/or entity proposing to undertake a~~
18 ~~qualifying project and to enter into a comprehensive agreement for the development, construction~~
19 ~~and/or operation of a qualifying project.~~

20 ~~-(8) "Project area" means that area which is bounded by Pine Street, Chestnut Street,~~
21 ~~Clifford and Foster Streets.~~

22 ~~-(9) "Public-private partnerships" means prearrangements between the public and private~~
23 ~~sectors for the delivery by the private sector of certain sector of certain public infrastructure~~
24 ~~and/or public services, which traditionally would have been provided by the public sector and~~
25 ~~funded by property taxes.~~

26 ~~-(10) "Qualifying project" means the privately funded redevelopment, construction and~~
27 ~~operation of a project within the project area and in furtherance of the plans planning principals as~~
28 ~~provided in the Old Harbor Plan (October 1992). Qualifying projects shall include, but not be~~
29 ~~limited to, institutional uses.~~

30 ~~-(11) "State-owned property" means property to which title is vested in the State of~~
31 ~~Rhode Island and located in the project area.~~

32 ~~**37-22-5. Board.** -- (a) There is hereby established a board to take custody, control and~~
33 ~~supervision over certain real property, title to which is vested in the State of Rhode Island, to~~
34 ~~review applications for qualifying projects, to approve or reject said applications, to negotiate and~~

1 ~~enter into comprehensive agreements, to assist in expediting all permits and approvals pursuant to~~
2 ~~the comprehensive agreements, to administer and enforce comprehensive agreements, and to~~
3 ~~exercise the authority necessary to accomplish the purposes of this chapter. However, no real~~
4 ~~property currently within the freeway line of the interstate shall be transferred to the board for~~
5 ~~sale, lease, or utilization pursuant to a public-private partnership, until the project area becomes~~
6 ~~available for redevelopment pursuant to the plan.~~

7 ~~(b) The board shall consist of nine (9) members as follows: two (2) public members to be~~
8 ~~appointed by the speaker of the house for a term of four (4) years; two (2) public members to be~~
9 ~~appointed by the majority leader of the senate for a term of four (4) years; two (2) members to be~~
10 ~~appointed by the Governor of the State of Rhode Island, one member being a public member and~~
11 ~~the other member being the director of the Rhode Island department of transportation, for a term~~
12 ~~of four (4) years; two (2) public members to be appointed by the Mayor of the City of~~
13 ~~Providence, one member being the City of Providence's director of planning, for a term of four~~
14 ~~(4) years; and one public member to be appointed by the Providence Foundation, a nonbusiness~~
15 ~~corporation for a term of four (4) years. All members shall serve until successors are appointed. A~~
16 ~~member shall be eligible to succeed himself or herself.~~

17 ~~(c) Board members shall select a chairperson and vice chairperson. A quorum necessary~~
18 ~~to conduct business shall consist of five (5) members of the board. A majority vote of the quorum~~
19 ~~present shall be required for action.~~

20 ~~(d) The members of the board shall not receive any compensation. The members of the~~
21 ~~board shall be reimbursed for their actual expenses necessarily incurred in the performance of~~
22 ~~their duties. The board may engage professionals and consultants as it deems necessary.~~

23 ~~(e) The board shall promulgate rules and regulations pursuant to the Rhode Island~~
24 ~~Administrative Procedures Act, section 42-35-1 et seq. The general assembly shall provide~~
25 ~~meeting space for the board.~~

26 ~~(f) The board shall be authorized to establish reasonable application fees. These fees~~
27 ~~shall cover the estimated expenses of reviewing the applications and the execution of the~~
28 ~~comprehensive agreements.~~

29 ~~**37-22-6. Powers and duties of the board.** --- (a) The board is hereby authorized and~~
30 ~~directed to entertain, solicit, evaluate, negotiate, execute, administer and enforce comprehensive~~
31 ~~agreements for the redevelopment of the project area by and through privately funded qualifying~~
32 ~~projects in recognition of and consistent with the plan. The state department of transportation~~
33 ~~shall develop a legal description of this property for the board. Upon completion of the legal~~
34 ~~description, custody, control and supervision of the underlying property shall be transferred to the~~

1 ~~board and a certificate shall be filed with the secretary of state notwithstanding the requirements~~
2 ~~of sections 37-7-6 and 37-7-7. The board shall then be authorized to sell, lease and/or enter into~~
3 ~~public-private initiative agreements with regard to this property notwithstanding the requirements~~
4 ~~of section 37-7-1 et seq.~~

5 ~~-(b) If comprehensive agreements are entered into pursuant to the provisions of this~~
6 ~~chapter, the board is hereby authorized and directed to expedite the consideration and issuance of~~
7 ~~permits and approvals necessary for development, construction, and operation of qualifying~~
8 ~~projects.~~

9 ~~-(c) The board is hereby authorized and directed to administer and enforce all~~
10 ~~comprehensive agreements entered into pursuant to the provisions of this chapter.~~

11 ~~-(d) The board shall annually submit a written report of all its activities to the Governor,~~
12 ~~the General Assembly, and the Mayor and City Council of Providence.~~

13 ~~**37-22-7. Comprehensive agreement.** - (a) Prior to developing, improving, constructing,~~
14 ~~maintaining, and/or operating a qualifying project, the private entity shall enter into a~~
15 ~~comprehensive agreement with the board. The comprehensive agreement shall establish:~~

16 ~~-(1) A specific narrative and description of the qualifying project, including consistency~~
17 ~~with the plan and identification of those components of the project which result in the direct~~
18 ~~improvement to public education, public services and infrastructure;~~

19 ~~-(2) The terms of sale, lease, or public-private initiative. A public-private initiative shall~~
20 ~~establish user fees. User fees shall be set at a level that takes into account: (i) fair market rental~~
21 ~~value of the real property; (ii) the improvements of or the benefits directly resulting to public~~
22 ~~education, public services and infrastructure from the qualifying project; (iii) payments in lieu of~~
23 ~~taxes and/or payments under the host community agreement subject to approval by the~~
24 ~~Providence City Council; and (iv) the services to be provided by and through the board. All such~~
25 ~~revenues shall be deposited in the Intermodal Surface Transportation Fund, as defined in section~~
26 ~~35-4-11, to be used for activities eligible for funding under title 23 (Highways) — United States~~
27 ~~Code;~~

28 ~~-(3) The comprehensive agreement shall address payment in lieu of taxes, or a host~~
29 ~~community agreement subject to approval by the City Council of the City of Providence. All such~~
30 ~~revenues may be pledged by the City of Providence pursuant to section 45-33.2-1 et seq.;~~

31 ~~-(4) Reimbursement to be paid to the board for expenses incurred and services provided~~
32 ~~by the board;~~

33 ~~-(5) With regard to a public-private initiative, the comprehensive agreement shall also~~
34 ~~address:~~

- 1 ~~-(i) The duties of the private entity under this chapter and may contain any other terms~~
2 ~~and conditions consistent with this chapter. Without limitation, the comprehensive agreement~~
3 ~~may contain provisions under which the board agrees to collateral assignment provisions, notice~~
4 ~~of default provisions, and cure rights for the benefit of the private entity and the persons specified~~
5 ~~therein as providing financing for the qualifying project;~~
- 6 ~~-(ii) The schedule for completion of the qualifying project;~~
- 7 ~~-(iii) Delivery of performance and payment bonds in connection with the construction of,~~
8 ~~or improvements to, the qualifying project, in the forms and amounts satisfactory to the board;~~
- 9 ~~-(iv) The review of plans and specifications for the qualifying project;~~
- 10 ~~-(v) The inspection of construction of, or improvements to, the qualifying project to~~
11 ~~ensure conformance with the approved engineering standards;~~
- 12 ~~-(vi) The maintenance of a policy or policies of public liability insurance (copies of which~~
13 ~~shall be filed with the board accompanied by proofs of coverage), self insurance, in form and~~
14 ~~amount satisfactory to the board and reasonably sufficient to insure coverage of tort liability to~~
15 ~~the public and to enable the continued operation of the qualifying project;~~
- 16 ~~-(vii) Monitoring of the maintenance practices of the private entity by the board and the~~
17 ~~taking of any actions that the board finds appropriate to ensure that the qualifying project is~~
18 ~~properly maintained;~~
- 19 ~~-(viii) Filing of appropriate financial statements on a periodic basis; and~~
- 20 ~~-(ix) The date of termination of the private entity's authority and duties under this chapter~~
21 ~~and dedication to the appropriate public entity.~~
- 22 ~~-(b) Any changes in the terms of the comprehensive agreement, as may be agreed upon~~
23 ~~by the parties from time to time, shall be added to the comprehensive agreement by written~~
24 ~~amendment.~~
- 25 ~~-(c) Each comprehensive agreement may provide for state indemnification of the~~
26 ~~contracting party for design and construction liability where the state has approved relevant~~
27 ~~design and construction plans.~~
- 28 **37-22-8. Application process.** ~~-(a) Persons may apply to the board for the development~~
29 ~~of privately funded qualifying projects within the project area. All applications shall be~~
30 ~~accompanied by the following material and information, unless waived by the board, with respect~~
31 ~~to the project that the private entity proposes to operate as a qualifying project:~~
- 32 ~~-(1) A topographic map (1:2,000 or other appropriate scale) indicating the location of the~~
33 ~~project;~~
- 34 ~~-(2) Description of the project, including the conceptual design of the project;~~

1 ~~-(3) A statement setting forth the specific improvements to public education, public~~
2 ~~services and infrastructure;~~

3 ~~-(4) The projected total life cycle cost of the project, tax payments, payments in lieu of~~
4 ~~taxes or including reimbursement for host public services and the proposed date for the beginning~~
5 ~~of and the planned completion date for the construction of, or improvements required by the~~
6 ~~project;~~

7 ~~-(5) A statement setting forth the method by which the private entity proposes to finance,~~
8 ~~develop and operate the project;~~

9 ~~-(6) A statement setting forth the private entity's general plans for financing and operating~~
10 ~~the project;~~

11 ~~-(7) The names and addresses of the persons who may be contacted for further~~
12 ~~information concerning the request; and~~

13 ~~-(8) Any additional material and information that the board may reasonably request.~~

14 ~~-(b) The board may grant approval of a qualifying project and enter into a comprehensive~~
15 ~~agreement, if the board determines that it is consistent with the plan's principles for the expansion~~
16 ~~of institutional use and said project includes component(s) that improve public education, public~~
17 ~~services and infrastructure. The board shall also consider fair market value as defined in 23-~~
18 ~~U.S.C. section 156 and 23 CFR section 710.403. The director of the Rhode Island department of~~
19 ~~transportation as a member of the board shall issue a report to the board on this subject relative to~~
20 ~~each individual application.~~

21 ~~-(c) The board may charge a reasonable fee to cover the costs of processing, reviewing~~
22 ~~and evaluating any application, including without limitation, reasonable attorneys' fees and fees~~
23 ~~for financial and other necessary advisors or consultants.~~

24 ~~-(d) The board shall approve all comprehensive agreements with the private entities.~~

25 ~~-(e) In connection with its approval, the board shall establish a date for the beginning of~~
26 ~~the qualifying project. The board may extend this date from time to time.~~

27 ~~**37-22-9. Permits and approvals for a qualifying project under a comprehensive**~~

28 ~~**agreement.** -- (a) The board shall, with the mandatory assistance of all applicable state and~~
29 ~~municipal agencies and departments, control the schedule for the processing and issuance of all~~
30 ~~necessary permits and approvals for qualifying projects under this chapter. The board shall seek~~
31 ~~the cooperation of all of these agencies to expedite all necessary permits and approvals for the~~
32 ~~qualifying projects; provided, however, that the comprehensive agreement shall provide for~~
33 ~~reimbursement for those accelerated services being rendered by any state or local agencies or~~
34 ~~departments. Qualifying projects shall remain subject to the I-195 Old Harbor Plan (October~~

1 ~~1992), the City of Providence's comprehensive plan, zoning ordinance, the plan and design~~
2 ~~review.~~

3 ~~-(b) Within thirty (30) days of entry into a comprehensive agreement, the board shall~~
4 ~~require that all applicable state and local agencies and departments, meet with the board and~~
5 ~~establish an accelerated time frame for the consideration of and decision upon permits and~~
6 ~~approvals. The board shall have authority to approve and/or mandate an accelerated process,~~
7 ~~which may include the implementation of phased and/or fast track development, which is defined~~
8 ~~as the initiation of development prior to final issuance of all permits and approvals and/or the~~
9 ~~completion of final project design and construction plans.~~

10 ~~-(c) All appeals timely filed with the Rhode Island superior court relative to permits and~~
11 ~~approvals shall be accelerated and given priority and advanced on the calendar of the Rhode~~
12 ~~Island superior court. Appeals shall be subject to de novo review.~~

13 ~~**37-22-10. Material default -- Remedies -- Public-private initiatives.**~~ (a) Except upon
14 ~~agreement of the private entity and any other parties to the comprehensive agreement, providing~~
15 ~~for public-private initiatives, the board shall not exercise any of the remedies provided in this~~
16 ~~section, unless the Providence county superior court, after notice to the private entity and the~~
17 ~~secured parties (as may appear in the private entity's records) and an opportunity for hearing,~~
18 ~~shall first issue a declaratory judgment that a material default, as defined in section 37-22-4, has~~
19 ~~occurred and is continuing.~~

20 ~~-(b) Upon entry by the superior court of a declaratory judgment order pursuant to~~
21 ~~subsection (a) above, unless this order is stayed pending appeal to the Rhode Island supreme~~
22 ~~court, the board may exercise any or all of the following remedies:~~

23 ~~-(1) The board may solicit other private entities to take over a qualifying project and in~~
24 ~~this case it shall succeed to all of the right, title and interest in this project, subject to the secured~~
25 ~~interests of any person providing financing for it in accordance with the comprehensive~~
26 ~~agreement.~~

27 ~~-(2) The board may terminate the comprehensive agreement and exercise any other rights~~
28 ~~and remedies which may be available to it at law or in equity.~~

29 ~~-(3) The board may make or cause to be made any appropriate claims under the~~
30 ~~performance and/or payment bonds required by section 37-22-7(a)(6).~~

31 ~~**37-22-11. Sovereign immunity.**~~ Nothing in this chapter shall be construed as or
32 ~~deemed a waiver of the sovereign immunity of the State of Rhode Island, any responsible public~~
33 ~~entity or any affected local jurisdiction or any officer or employee thereof with respect to the~~
34 ~~participation in, or approval of all or any part of the qualifying project. A city in which a~~

1 ~~qualifying project is located shall possess sovereign immunity with respect to its construction and~~
2 ~~operation.~~

3 ~~**37-22-12. Procurement.** --- The State Purchases Act, section 27-2-1 et seq., the~~
4 ~~Management and Disposal of Property Act, section 37-7-1 et seq., and the Municipal Award Act,~~
5 ~~section 45-55-1 et seq., shall not apply to this chapter. However, notwithstanding any provisions~~
6 ~~of this chapter, the sale, lease or agreement for any real property subject to control by the board~~
7 ~~shall secure an advisory opinion from the office of the attorney general.~~

8 ~~**37-22-13. Construction.** --- This chapter is deemed necessary for the welfare of the state~~
9 ~~and its inhabitants and shall be literally construed so as to effectuate its purposes. Insofar as the~~
10 ~~provisions of this chapter are inconsistent with the provisions of any law or ordinance, general,~~
11 ~~special or local, the provision of this chapter shall be controlling.~~

12 ~~**37-22-14. Severability.** --- If any clause, sentence, paragraph, section or part of this~~
13 ~~chapter shall be judged by any court or competent jurisdiction to be invalid, such judgment shall~~
14 ~~not affect, impair or invalidate the remainder thereof, but it shall be confined in its operation of~~
15 ~~the clause, sentence, paragraph, section or part directly involved in the controversy in which that~~
16 ~~judgment shall have been rendered.~~

17

1 SECTION 6. This act shall take effect upon passage.

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LC00144/SUB A/3
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC PROPERTY AND WORKS

1 This act would authorize and direct the director of the Rhode Island department of
2 transportation to sell, transfer and convey, to the I-195 redevelopment district commission
3 established pursuant to chapter 42-64.14 of the general laws, any or all right, title and interest of
4 the state in the I-195 surplus land. Said conveyance would be upon such terms and conditions as
5 may be most advantageous to the public interest. The proceeds of such sale or lease would be
6 used by the state of Rhode Island department of transportation, to the extent required by the
7 United States department of transportation federal highway administration, to satisfy the unpaid
8 obligations of the Rhode Island state department of transportation to the United States department
9 of transportation federal highway administration. Any excess proceeds would be appropriated by
10 the general assembly.

11 This act would take effect upon passage.

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LC00144/SUB A/3
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SUBSTITUTE A

H.

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS

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LC00144/SUB A/3
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Presented by