

2013 -- H 6071 AS AMENDED

=====
LC02350
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND COMMERCE
CORPORATION

Introduced By: Representatives Ucci, Craven, Canario, O'Brien, and Azzinaro

Date Introduced: May 01, 2013

Referred To: House Finance

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Legislative findings. - The general assembly hereby finds and declares the
2 following: (1) While institutions and methods which have been employed by the state in the past
3 to create and foster economic development have experienced some degree of success, a new and
4 revised approach led by the creation of new entities will provide greater state oversight and
5 governance and will promote a more dramatic and sustained long-term growth for the state.
6 (2) The dissolution of the Rhode Island economic development corporation and the
7 creation of a Rhode Island commerce corporation will provide increased state oversight and
8 governance, while still allowing for the existence of a separate Rhode Island commerce
9 corporation that will have the flexibility to address, adapt, and adjust to changing economic
10 conditions. This will also create an increased level of transparency and accountability to the state.
11 (3) That the geographic size and population of Rhode Island, while often derided as an
12 impediment to economic growth, are potential assets, not a handicap, to economic development,
13 in that they can lead to a more unified branding approach to marketing the state, its people, its
14 businesses, and its products, and that these assets have not been utilized to their fullest potential
15 by previous business models employed by the state.
16 (4) That the above reflects a shift in business cultivation in the state, and such shift can
17 best be accomplished through new leadership provided through new entities that seek to foster
18 and develop a public-private sector partnership that takes advantage of Rhode Island's strengths.

1 (5) That a key element to long-term growth is long-term planning with specific,
2 measurable goals and accountability for such goals. As such, a key component of this plan shall
3 be to require the use of four (4) year plans or periods to measure economic growth and
4 development, with evaluation on an annual basis and significant re-evaluation on a four (4) year
5 basis.

6 (6) That another key component to such growth is the appointment of a secretary of
7 commerce to lead this new economic initiative and coordinate the new entities to be created.

8 (7) To such ends, the general assembly shall create a new "Rhode Island commerce
9 corporation," a new Rhode Island state economic development planning council, and an
10 "executive office of commerce" to be led by a new appointed state officer to be known as the
11 "secretary of commerce."

12 SECTION 2. The title of Chapter 42-64 of the General Laws entitled "Rhode Island
13 Economic Development Corporation" is hereby amended to read as follows:

14 ~~CHAPTER 42-64~~

15 ~~Rhode Island Economic Development Commerce Corporation~~

16 CHAPTER

17 42-64

18 RHODE ISLAND COMMERCE CORPORATION

19 SECTION 3. Sections 42-64-1, 42-64-1.1, 42-64-2, 42-64-3, 42-64-4, 42-64-5, 42-64-6,
20 42-64-7, 42-64-7.1, 42-64-7.4, 42-64-7.5, 42-64-7.6, 42-64-7.7, 42-64-7.8, 42-64-7.9, 42-64-7.11,
21 42-64-7.13, 42-64-8, 42-64-8.1, 42-64-9, 42-64-9.1, 42-64-9.2, 42-64-9.3, 42-64-9.4, 42-64-9.5,
22 42-64-9.6, 42-64-9.7, 42-64-9.8, 42-64-9.9, 42-64-9.10, 42-64-10, 42-64-11, 42-64-12, 42-64-13,
23 42-64-13.1, 42-64-13.2, 42-64-14, 42-64-15, 42-64-16, 42-64-17, 42-64-18, 42-64-19, 42-64-20,
24 42-64-20.1, 42-64-21, 42-64-22, 42-64-23, 42-64-25, 42-64-26, 42-64-27, 42-64-28, 42-64-29,
25 42-64-31, and 42-64-34, of the General Laws in Chapter 42-64 entitled "Rhode Island Economic
26 Development Corporation" are hereby amended to read as follows:

27 **42-64-1. Short title.** -- This chapter shall be known as "The Rhode Island ~~economic~~
28 ~~development~~ commerce corporation Act".

29 **42-64-1.1. Change of name.** -- (a) Whenever in any general or public law, reference is
30 made to the "department of economic development" or the "Rhode Island port authority and
31 economic development corporation", ~~the reference shall be deemed to refer to and mean~~ or the
32 "Rhode Island economic development corporation", ~~which may also be referred to as the~~
33 ~~"economic development corporation"~~, the reference shall be deemed to refer to and mean the
34 "Rhode Island commerce corporation," which may also be referred to as the "commerce

1 [corporation.](#)"

2 (b) Whenever in any general or public law, reference is made to the "director of the
3 department of economic development" or the "executive director of the Rhode Island port
4 authority and economic development corporation", ~~the reference shall be deemed to refer to and~~
5 ~~mean or~~ the "executive director of the Rhode Island economic development corporation," [the](#)
6 [reference shall be deemed to refer to and mean the chief executive officer of the Rhode Island](#)
7 [commerce corporation, who shall also be the secretary of the Rhode Island executive office of](#)
8 [commerce.](#)

9 (c) Whenever in any general or public law, reference is made to the "economic
10 development council", the reference shall be deemed to refer to and mean the "board of directors
11 of the Rhode Island ~~economic development~~ [commerce](#) corporation".

12 **42-64-2. Legislative findings.** -- (a) It is found and declared that there exists in our state
13 a condition of substantial and persistent unemployment and underemployment which causes
14 hardship to many individuals and families, wastes vital human resources, increases the public
15 assistance burdens of the state, impairs the security of family life, contributes to crime and
16 delinquency, prevents many of our youths from continuing their education, impedes the economic
17 and physical development of municipalities and adversely affects the welfare and prosperity of
18 our state; that many existing industrial, manufacturing, recreational and commercial facilities in
19 our state are obsolete and inefficient, and dilapidated; that many of these facilities are under-
20 utilized or in the process of being vacated, creating additional unemployment; that technological
21 advances and the provision of modern and efficient industrial, manufacturing, recreational and
22 commercial facilities in other states will speed the obsolescence and abandonment of existing
23 facilities, causing serious injuries to the economy of our state; that the drastic curtailment of
24 federal military installations in our state presently being undertaken and the announcement by the
25 United States government of plans to relocate large numbers of military personnel and their
26 families presently on duty in this state has and will further result in an additional loss of
27 employment and aggravate the overall unemployment conditions of the state; that new industrial,
28 manufacturing, recreational, and commercial facilities are required to attract and house new
29 industries and thereby reduce the hazards of unemployment; that unaided efforts of private
30 enterprises have not met and cannot meet the needs of providing those facilities due to problems
31 encountered in assembling suitable building sites, lack of adequate public service, unavailability
32 of private capital for development, and the inability of private enterprise alone to plan, finance
33 and coordinate industrial, recreational, and commercial development; that the economic
34 insecurity attendant to chronic and new unemployment and the absence of new employment

1 opportunities constitutes a serious menace for the safety, morals, and general welfare of the
2 people of our state.

3 (b) It is further found and declared that the decision of the United States government to
4 close certain military facilities located within the state (including those located in the towns of
5 North Kingstown, Portsmouth, Middletown and Charlestown, and the city of Newport) and to
6 dispose of the property comprising those facilities will, because many residents of the state were
7 employed by the United States government at those facilities, aggravate the condition of
8 employment and underemployment mentioned above. The United States government is
9 authorized and intends to make available to the state or to an instrumentality thereof, the property
10 to be disposed of and by virtue of the provisions of Public Laws 1939, chapter 696, certain land in
11 the town of North Kingstown shall revert to the state upon the abandonment by the United States
12 government of the naval base located there. With comprehensive planning and adequate
13 financing, the property can be converted to industrial, manufacturing, recreational, and
14 commercial uses which will promote a healthy and growing economy, thereby encouraging new
15 industries and commercial enterprises to locate in the state, enabling existing industries and
16 commercial enterprises to remain and expand, and alleviating the condition of unemployment and
17 underemployment that now exists.

18 (c) It is further found and declared that notwithstanding the decision of the United States
19 government to dispose of the property mentioned above, there will continue to be a shortage of
20 property in the state for industrial, manufacturing, recreational, and commercial development.
21 The expansion of the economy, while increasing the need for that property, will continually
22 diminish the supply of that property. Private enterprise has encountered difficulty in providing
23 new industrial, manufacturing, recreational, and commercial facilities in economically strategic
24 areas of the state, because of the problems in assembling tracts of property suitable for those
25 purposes and the cost of providing adequate public services to serve the development.

26 (d) It is further found and declared that the acquisition and development of property for
27 industrial, manufacturing, recreational, and commercial purposes (including the property to be
28 disposed of by the United States government and that land reverting to the state pursuant to the
29 provisions of Public Laws 1939, chapter 696) and the disposition thereof, must be undertaken on
30 a comprehensive statewide basis so as to assure that new industrial, manufacturing, recreational,
31 and commercial sites are adequately served by appropriate transportation facilities and public
32 services and that those sites are located in any manner as to provide for the orderly economic
33 growth and development of the state, while at the same time conserving the environment. Local
34 planning and development agencies and institutions are insufficient to provide for that

1 comprehensive statewide planning and development.

2 (e) It is further found and declared that the appropriate development of the property to be
3 disposed of by the United States government and that land reverting to the state pursuant to
4 Public Laws 1939, chapter 696 will require development not only for industrial and commercial
5 purposes but also for transportation, residential, recreational, utility, institutional, civic, and
6 community purposes.

7 (f) It is further found and declared that there exists in the state blighted or substandard
8 areas, or areas which are becoming blighted and substandard, including obsolete and dilapidated
9 buildings and structures, defective construction, outmoded and obsolete design, lack of proper
10 sanitary facilities, or adequate fire and safety protection, excessive land coverage, insufficient
11 light and ventilation, illegal uses and conversions, inadequate maintenance, buildings abandoned
12 or not utilized in whole or in part, obsolete systems of utilities, poorly or improperly designed
13 street patterns and intersections, inadequate access to areas, inadequate transportation facilities,
14 all of which hamper or impede proper and economic growth of the area as well as the state as a
15 whole.

16 (g) It is further found and declared to be the public policy of the state to encourage the
17 expansion and development of the state's harbors and ports; to foster and improve the handling of
18 waterborne commerce from and to any port of this state and other states and foreign countries; to
19 seek to effect consolidation of the ports of this state and to promote a spirit of cooperation among
20 these ports in the interest of the state as a whole; to initiate and further plan for the development
21 of the ports of this state and to keep informed as to the present and future requirements and needs
22 of the ports of this state; also to furnish proper and adequate airport facilities within this state and
23 to encourage the integration of these facilities so far as practicable.

24 (h) In the furtherance of these goals, it is the policy of the state to retain existing
25 industries and to induce, encourage, and attract new industries through the acquisition,
26 construction, reconstruction, and rehabilitation of industrial, manufacturing, recreational, and
27 commercial facilities, as well as transportation, residential, environmental, utility, public service,
28 institutional, and civic and community facilities, and to develop sites for those facilities.

29 (i) It is declared to be the policy of the state to promote a vigorous and growing
30 economy, to prevent economic stagnation, and to encourage the creation of new job opportunities
31 in order to ameliorate the hazards of unemployment and underemployment, reduce the level of
32 public assistance, increase revenues to the state and its municipalities, and to achieve a stable
33 diversified economy.

34 (j) The purpose of this chapter is to create the Rhode Island ~~economic development~~

1 [commerce](#) corporation having an existence separate and apart from the state, with the power and
2 authority to acquire and develop property within the state and to provide financing for the
3 purposes set forth above in this chapter.

4 **42-64-3. Definitions.** -- As used in this chapter, the following words and terms shall have
5 the following meanings, unless the context indicates another or different meaning or intent:

6 (1) "Administrative penalty" means a monetary penalty not to exceed the civil penalty
7 specified in section 42-64-9.2 of this chapter.

8 (2) "Airport facility" means developments consisting of runways, hangars, control
9 towers, ramps, wharves, bulkheads, buildings, structures, parking areas, improvements, facilities,
10 or other real or personal property necessary, convenient, or desirable for the landing, taking off,
11 accommodation, and servicing of aircraft of all types, operated by carriers engaged in the
12 transportation of passengers or cargo, or for the loading, unloading, interchange, or transfer of the
13 passengers or their baggage, or the cargo, or otherwise for the accommodation, use or
14 convenience of the passengers or the carriers or their employees (including related facilities and
15 accommodations at sites removed from landing fields and other landing areas), or for the landing,
16 taking off, accommodation, and servicing of aircraft owned or operated by persons other than
17 carriers. It also means facilities providing access to an airport facility, consisting of rail, rapid
18 transit, or other forms of mass transportation which furnish a connection between the air terminal
19 and other points within the state, including appropriate mass transportation terminal facilities at
20 and within the air terminal itself and suitable offsite facilities for the accommodation of air
21 passengers, baggage, mail, express, freight, and other users of the connecting facility.

22 (3) "BOCA code" means the BOCA basic building code published by building officials
23 & code administrators international, inc., as the code may from time to time be promulgated by
24 the building officials & code administrators international, inc.

25 (4) "Bonds" and "notes" means the bonds, notes, securities, or other obligations or
26 evidences of indebtedness issued by the corporation pursuant to this chapter, all of which shall be
27 issued under the name of and known as obligations of the "Rhode Island ~~economic development~~
28 [commerce](#) corporation."

29 (5) "Civic facility" means any real or personal property designed and intended for the
30 purpose of providing facilities for educational, cultural, community, or other civic purposes.

31 (6) "Compliance schedule" means a schedule of remedial measures including an
32 enforceable sequence of actions or operations leading to compliance with an effluent limitation or
33 any other limitation, prohibition or standard.

34 (7) "Corporation," "port authority", or "authority" means the governmental agency and

1 public instrumentality, formerly known as the "Rhode Island port authority and economic
2 development corporation" and/or ~~renamed~~ also formerly known as the "Rhode Island economic
3 development corporation," and now known as the Rhode Island commerce corporation
4 authorized, created, and established pursuant to section 42-64-4, or any subsidiary corporation
5 thereof which is established pursuant to section 42-64-7.1.

6 (8) "Director" means the ~~executive director of the economic development corporation~~
7 chief executive officer of the Rhode Island commerce corporation, who shall also be the secretary
8 of the Rhode Island executive office of commerce.

9 (9) "Federal land" means real property within the state, now acquired or hereafter
10 acquired by the Rhode Island ~~economic development~~ commerce corporation which was formerly
11 owned by the United States government, or any agency or instrumentality thereof, including
12 without limiting the generality of the foregoing, any and all real property now or formerly owned
13 or used by the United States government in the towns of North Kingstown, Portsmouth,
14 Middletown, and Charlestown and the city of Newport as military installations or for other
15 purposes related to the national defense. Without limiting the generality of the foregoing, federal
16 land shall also mean and include certain land in the town of North Kingstown, or any portion
17 thereof, which has or shall revert to the state pursuant to the provisions of Public Laws 1939,
18 chapter 696 and is now or hereafter acquired by the corporation from the state.

19 (10) "Industrial facility" means any real or personal property, the demolition, removal,
20 relocation, acquisition, expansion, modification, alteration, or improvement of existing buildings,
21 structures, or facilities, the construction of new buildings, structures, or facilities, the
22 replacement, acquisition, modification, or renovation of existing machinery and equipment, or the
23 acquisition of new machinery and equipment, or any combination of the United States, which
24 shall be suitable for manufacturing, research, production, processing, agriculture, and marine
25 commerce, or warehousing; or convention centers, trade centers, exhibition centers, or offices
26 (including offices for the government of the United States or any agency, department, board,
27 bureau, corporation, or other instrumentality of the United States, or for the state or any state
28 agency, or for any municipality); or facilities for other industrial, commercial or business
29 purposes of every type and description; and facilities appurtenant or incidental to the foregoing,
30 including headquarters or office facilities, whether or not at the location of the remainder of the
31 facility, warehouses, distribution centers, access roads, sidewalks, utilities, railway sidings,
32 trucking, and similar facilities, parking areas, waterways, dockage, wharfage, and other
33 improvements necessary or convenient for the construction, development, maintenance, and
34 operation of those facilities.

1 (11) "Local governing body" means any town or city council, commission, or other
2 elective governing body now or hereafter vested by state statute, charter, or other law, with
3 jurisdiction to initiate and adopt local ordinances, whether or not these local ordinances require
4 the approval of the elected or appointed chief executive officer or other official or body to
5 become effective.

6 (12) "Local redevelopment corporation" means any agency or corporation created and
7 existing pursuant to the provisions of chapter 31 of title 45.

8 (13) "Municipality" means any city or town within the state now existing or hereafter
9 created, or any state agency.

10 (14) "Parent corporation" means, when used in connection with a subsidiary corporation
11 established pursuant to section 42-64-7.1, the governmental agency and public instrumentality
12 created and established pursuant to section 42-64-4.

13 (15) "Personal property" means all tangible personal property, new or used, including,
14 without limiting the generality of the foregoing, all machinery, equipment, transportation
15 equipment, ships, aircraft, railroad rolling stock, locomotives, pipelines, and all other things and
16 rights usually included within that term. "Personal property" also means and includes any and all
17 interests in the property which are less than full title, such as leasehold interests, security
18 interests, and every other interest or right, legal or equitable.

19 (16) "Pollutant" means any material or effluent which may alter the chemical, physical,
20 biological or radiological characteristics or integrity of water, including but not limited to,
21 dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions,
22 chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded
23 equipment, cellar dirt, or industrial, municipal, agricultural or other waste petroleum or petroleum
24 products, including, but not limited to, oil.

25 (17) "Pollution" means the discharge of any gaseous, liquid, or solid substance or
26 combination thereof (including noise) into the air, water, or land which affects the physical,
27 chemical, or biological properties (including temperature) of the air, water, or land in a manner or
28 to an extent which renders or is likely to render the air, water, or land harmful or inimical to the
29 public health, safety, or welfare, or to animal, bird, or aquatic life, or to the use of the air or water
30 for domestic, industrial, or agricultural purposes or recreation including the man-made or man-
31 induced alteration of the chemical, physical, biological or radiological integrity of water.

32 (18) "Pollution control facility" means any land or interest in land, the demolition,
33 removal, relocation, acquisition, expansion, modification, alteration, or improvement of existing
34 buildings, structures, or facilities, the construction of new buildings, structures, or facilities, the

1 replacement, modification, or renovation of existing machinery and equipment, or the acquisition
2 of new machinery and equipment, or any combination thereof, having to do with or the purpose
3 of which is the abatement, control, or prevention of pollution, including industrial pollution, and
4 all real and personal property incidental to that facility.

5 (19) "Port facility" means harbors, ports, and all real and personal property used in
6 connection therewith, including, but not limited to, waterways, channels, wharves, docks, yards,
7 bulkheads, slips, basins, pipelines, ships, boats, railroads, trucks, and other motor vehicles,
8 aircraft, parking areas, shipyards, piers, quays, elevators, compressors, loading and unloading
9 facilities, storage facilities, and warehouses of every type, buildings and facilities used in the
10 manufacturing, processing, assembling, storing, or handling of any produce or products, other
11 structures and facilities necessary for the convenient use of the harbors and seaports, including
12 dredged approaches, railways, railroad terminals, side tracks, airports, roads, highways, tunnels,
13 viaducts, bridges, and other approaches, useful in connection therewith, and any other shipping or
14 transportation facility useful in the operation of a port or harbor.

15 (20) "Project" or "port project" means the acquisition, ownership, operation,
16 construction, reconstruction, rehabilitation, improvement, development, sale, lease, or other
17 disposition of, or the provision of financing for, any real or personal property (by whomever
18 owned) or any interests in real or personal property, including without limiting the generality of
19 the foregoing, any port facility, recreational facility, industrial facility, airport facility, pollution
20 control facility, utility facility, solid waste disposal facility, civic facility, residential facility,
21 water supply facility, energy facility or renewable energy facility, or any other facility, or any
22 combination of two (2) or more of the foregoing, or any other activity undertaken by the
23 corporation.

24 (21) "Project cost" means the sum total of all costs incurred by the Rhode Island
25 ~~economic development~~ [commerce](#) corporation in carrying out all works and undertakings, which
26 the corporation deems reasonable and necessary for the development of a project. These shall
27 include, but are not necessarily limited to, the costs of all necessary studies, surveys, plans, and
28 specifications, architectural, engineering, or other special services, acquisition of land and any
29 buildings on the land, site preparation and development, construction, reconstruction,
30 rehabilitation, improvement, and the acquisition of any machinery and equipment or other
31 personal property as may be deemed necessary in connection with the project (other than raw
32 materials, work in process, or stock in trade); the necessary expenses incurred in connection with
33 the initial occupancy of the project; an allocable portion of the administrative and operating
34 expenses of the corporation; the cost of financing the project, including interest on all bonds and

1 notes issued by the corporation to finance the project from the date thereof to one year from the
2 date when the corporation shall deem the project substantially occupied; and the cost of those
3 other items, including any indemnity or surety bonds and premiums on insurance, legal fees, real
4 estate brokers and agent fees, fees and expenses of trustees, depositories, and paying agent for
5 bonds and notes issued by the Rhode Island ~~economic-development~~ commerce corporation,
6 including reimbursement to any project user for any expenditures as may be allowed by the
7 corporation (as would be costs of the project under this section had they been made directly by
8 the corporation), and relocation costs, all as the corporation shall deem necessary.

9 (22) "Project user" means the person, company, corporation, partnership, or commercial
10 entity, municipality, state, or United States of America who shall be the user of, or beneficiary of,
11 a port project.

12 (23) "Real property" means lands, structures (new or used), franchises, and interests in
13 land, including lands under water, and riparian rights, space rights, and air rights, and all other
14 things and rights usually included within the term. "Real property" shall also mean and include
15 any and all interests in that property less than fee simple, such as easements, incorporeal
16 hereditaments, and every estate, interest or right, legal or equitable, including terms for years and
17 liens thereon by way of judgments, mortgages or otherwise, and also all claims for damages to
18 that real property.

19 (24) "Recreational facility" means any building, development, or improvement, provided
20 that building, facility, development, or improvement is designed in whole or in part to attract
21 tourists to the state or to provide essential overnight accommodations to transients visiting this
22 state, including, without limiting in any way the generality of the foregoing, marinas, beaches,
23 bathing facilities, ski facilities, convention facilities, hotels, motels, golf courses, camp grounds,
24 arenas, theatres, lodges, guest cottages, and all types of real or personal property related thereto as
25 may be determined from time to time by the corporation.

26 (25) "Revenues" means: (i) with respect to any project, the rents, fees, tolls, charges,
27 installment payments, repayments, and other income or profit derived from a project or a
28 combination of projects pursuant to any lease, conditional sales contract, installment sales
29 contract, loan agreement, or other contract or agreement, or any combination thereof, and (ii) any
30 receipts, fees, payments, moneys, revenues or other payments received or to be received by the
31 corporation in the exercise of its corporate powers under this chapter, including, without
32 limitation, loan repayments, grants, aid, appropriations and other assistance for the state, the
33 United States or any corporation, department or instrumentality of either or of a political
34 subdivision thereof, bond proceeds, investment earnings, insurance proceeds, amounts in reserves

1 and other funds and accounts established by or pursuant to this chapter or in connection with the
2 issuance of bonds, and any other taxes, assessments, fees, charges, awards or other income or
3 amounts received or receivable by the corporation.

4 (26) "Rule or regulation" means any directive promulgated by the Rhode Island
5 ~~economic-development~~ commerce corporation not inconsistent with the laws of the United States
6 or the state, for the improvement of navigation and commerce or other project purposes and shall
7 include, but not be limited to, charges, tolls, rates, rentals, and security provisions fixed or
8 established by the corporation.

9 (27) "Sewage" shall be construed to mean the same as "pollutant" as defined in section
10 42-64-3(o) above.

11 (28) "Sewage treatment facility" means the sewage treatment plant, structure, combined
12 sewer overflows, equipment, interceptors, mains, pumping stations and other property, real,
13 personal or mixed, for the treatment, storage, collection, transporting or disposal of sewage, or
14 any property or system to be used in whole or in part for any of the aforesaid purposes located or
15 operated within the boundaries of the Quonset Point/Davisville Industrial Park, or utilized by the
16 corporation for the transport, collection, treatment, storage or disposal of waste.

17 (29) "Solid waste" means garbage, refuse, and other discarded materials, including, but
18 not limited to, solid waste materials resulting from industrial, recreational, utility, and commercial
19 enterprises, hotels, apartments, or any other public building or private building, or agricultural, or
20 residential activities.

21 (30) "Solid waste disposal facility" means any real or personal property, related to or
22 incidental to any project, which is designed or intended or designated for the purpose of treating,
23 compacting, composting, or disposing of solid waste materials, including treatment, compacting,
24 composting, or disposal plants, site and equipment furnishings thereof, and their appurtenances.

25 (31) "Source" means any building, structure, facility or installation from which there is
26 or may be the discharge of sewage.

27 (32) "State" means the state of Rhode Island and Providence Plantations.

28 (33) "State agency" means any office, department, board, commission, bureau, division,
29 authority, or public corporation, agency or instrumentality of the state.

30 (34) "State guide plan" means the plan adopted pursuant to section 42-11-10, which
31 establishes the statewide planning program.

32 (35) "Utility facility" means any real or personal property designed, intended or utilized
33 for generating, manufacturing, producing, storing, transmitting, distributing, delivering, or
34 furnishing natural or manufactured gas, steam, electrical, or nuclear energy, heat, light, or power

1 directly or indirectly to or for any project, project user, or for the public, the collection and
2 disposal of storm and sanitary sewage; any railroads necessary or desirable for the free flow of
3 commerce to and from projects; any roads, highways, bridges, tunnels, viaducts, or other
4 crossings necessary or desirable for the free flow of commerce to and from projects, and any
5 public transportation systems or facilities, including, but not limited to, bus, truck, ferry, and
6 railroad terminals, depots, tracked vehicles, and other rolling stock and ferries; and any
7 appurtenances, equipment, and machinery or other personal property necessary or desirable for
8 the utilization thereof.

9 (36) "Water supply facility" means any real or personal property, or any combination
10 thereof, related to or incidental to any project, designed, intended, or utilized for the furnishing of
11 water for domestic, industrial, irrigation, or other purposes and including artesian wells,
12 reservoirs, dams, related equipment, and pipelines, and other facilities.

13 (37) "Renewable energy facility" means any real or personal property, or any
14 combination thereof, related to, or incidental to, any project, designed, intended, or utilized for an
15 eligible renewable energy resource that meets the criteria set forth in subsections 39-26-5(a) and
16 39-26-5(c).

17 **42-64-4. Creation.** -- (a) There is authorized, created, and established a public
18 corporation of the state having a distinct legal existence from the state and not constituting a
19 department of state government, which is a governmental agency and public instrumentality of
20 the state, to be known as the "Rhode Island ~~economic development~~ commerce corporation", and
21 which may be referred to as the "~~economic development~~ commerce corporation", with those
22 powers that are set forth in this chapter, for the purposes of acquiring and developing real and
23 personal property, and providing financing to others as set forth in this chapter, providing and
24 promoting and encouraging the preservation, expansion and sound development of new and
25 existing industry, business, commerce, agriculture, tourism, recreational, and renewable energy
26 facilities, promoting thereby the economic development of the state and the general welfare of its
27 citizens.

28 (b) The exercise by the corporation of the powers conferred by this chapter shall be
29 deemed and held to be the performance of an essential governmental function of the state for
30 public purposes. It is the intent of the general assembly by the passage of this chapter to vest in
31 the corporation all powers, authority, rights, privileges, and titles which may be necessary to
32 enable it to accomplish the purposes herein set forth, and this chapter and the powers granted
33 hereby shall be liberally construed in conformity with those purposes.

34 (c) The corporation and its corporate existence shall continue until terminated by law or

1 until the corporation shall cease entirely and continuously to conduct or be involved in any
2 business whatsoever in furtherance of its purposes; provided, that no termination shall take effect,
3 so long as the corporation shall have bonds, notes, or other obligations outstanding, unless
4 adequate provision shall have been made for the payment thereof pursuant to the documents
5 securing the obligations or to the terminating law. Upon termination of the existence of the
6 corporation, all of its rights and properties shall pass to and be vested in the state. At no time shall
7 the assets or other property of the corporation inure to the benefit of any person or other
8 corporation or entity.

9 **42-64-5. Purposes.** -- The Rhode Island ~~economic development~~ commerce corporation is
10 authorized, created, and established to be an agency under the jurisdiction of the state's lead
11 agency for economic development, the executive office of commerce, and to be the operating
12 agency of the state to carry out the policies and procedure as established by the secretary,
13 governor and the board of directors ~~as the state's lead agency for economic development~~
14 ~~throughout Rhode Island~~ for the following purposes:

15 (1) To promote and encourage the preservation, expansion, and sound development of
16 new and existing industry, business, commerce, agriculture, tourism, and recreational facilities in
17 the state, which will promote the economic development of the state and the general welfare of its
18 citizens; and

19 (2) With respect to real property other than federal land or land related to federal land, to
20 undertake any project, except a residential facility; and

21 (3) With respect to federal land or land related to federal land, to undertake any project,
22 except as those responsibilities are assigned to the Quonset Development Corporation.

23 (4) To create an organization that is responsive to the needs and interests of businesses of
24 all sizes within the state of Rhode Island and to be structured to be customer centric to enhance
25 commerce in the state utilizing all available resources.

26 **42-64-6. General powers.** -- (a) Except to the extent inconsistent with any specific
27 provision of this chapter, the Rhode Island ~~economic development~~ commerce Corporation shall
28 have the power:

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

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

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

1 (4) To sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of
2 all or any part of its property and assets for any consideration and upon any terms and conditions
3 as the corporation shall determine.

4 (5) To make contracts and guarantees and incur liabilities, borrow money at any rates of
5 interest as the corporation may determine.

6 (6) To make and execute agreements of lease, conditional sales contracts, installment
7 sales contracts, loan agreements, mortgages, construction contracts, operation contracts, and other
8 contracts and instruments necessary or convenient in the exercise of the powers and functions of
9 the corporation granted by this chapter.

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

12 (8) To acquire or contract to acquire, from any person, firm, corporation, municipality,
13 the federal government, or the state, or any agency of either the federal government or the state,
14 by grant, purchase, lease, gift, condemnation, or otherwise, or to obtain options for the acquisition
15 of any property, real or personal, improved or unimproved, and interests in land less than the fee
16 thereof; and to own, hold, clear, improve, develop, and rehabilitate, and to sell, assign, exchange,
17 transfer, convey, lease, mortgage, or otherwise dispose or encumber that property for the
18 purposes of carrying out the provisions and intent of this chapter, for any consideration as the
19 corporation shall determine.

20 (9) To conduct its activities, carry on its operations, and have offices and exercise the
21 powers granted by this chapter, within or outside of the state.

22 (10) To elect or appoint officers and agents of the corporation, and define their duties
23 and fix their compensation.

24 (11) To make and alter by-laws, not inconsistent with this chapter, for the administration
25 and regulation of the affairs of the corporation, and those by-laws may contain provisions
26 indemnifying any person who is or was a director, officer, employee, or agent of the corporation,
27 or is or was serving at the request of the corporation as a director, officer, employee, or agent of
28 another corporation, partnership, joint venture, trust, or other enterprise, in the manner and to the
29 extent provided in section 7-1.2-814 of the business corporation act.

30 (12) To be a promoter, partner, member, associate, or manager of any partnership,
31 enterprise, or venture.

32 (13) To have and exercise all powers necessary or convenient to effect its purposes;
33 provided, however, that the corporation shall not have any power to create, empower or otherwise
34 establish any corporation, subsidiary corporation, corporate body, any form of partnership, or any

1 other separate entity without the express approval and authorization of the general assembly.

2 (b) Express approval and authorization of the general assembly shall be deemed to have
3 been given for all legal purposes on July 1, 1995 for the creation and lawful management of a
4 subsidiary corporation created for the management of the Quonset Point/Davisville Industrial
5 Park, that subsidiary corporation being managed by a board of directors, the members of which
6 shall be constituted as follows: (1) two (2) members who shall be appointed by the town council
7 of the town of North Kingstown; (2) two (2) members who shall be residents of the town of North
8 Kingstown appointed by the governor; (3) four (4) members who shall be appointed by the
9 governor; (4) the chairperson, who shall be the ~~executive director of the Rhode Island economic~~
10 ~~development corporation~~ chief executive officer of the Rhode Island commerce corporation, and
11 who also shall be the secretary of the Rhode Island executive office of commerce; and (5) non-
12 voting members who shall be the members of the general assembly whose districts are comprised
13 in any part by areas located within the town of North Kingstown.

14 The approval and authorization provided herein shall terminate upon the establishment
15 of the Quonset Development Corporation as provided for in chapter 64.10 of this title.

16 **42-64-7. Additional general powers.** -- In addition to the powers enumerated in section
17 42-64-6, except to the extent inconsistent with any specific provision of this chapter, the Rhode
18 Island ~~economic development~~ commerce corporation shall have power:

19 (1) To undertake the planning, development, construction, financing, management,
20 operation of any project, and all activities in relation thereto.

21 (2) (i) To sell, mortgage, lease, exchange, transfer, or otherwise dispose of or encumber
22 any port project, (or in the case of a sale, to accept a purchase money mortgage in connection
23 with any port project) or to grant options for any purposes with respect to any real or personal
24 property or interest in real or personal property, all of the foregoing for consideration as the
25 corporation shall determine. Any lease by the corporation to another party may be for any part of
26 the corporation's property, real or personal, for any period, upon any terms or conditions, with or
27 without an option on the part of the lessee to purchase any or all of the leased property for any
28 consideration, at or after the retirement of all indebtedness incurred by the corporation on account
29 thereof, as the corporation shall determine.

30 (ii) Without limiting the generality of the foregoing, the corporation is expressly
31 empowered to lease or sell any part of the real or personal property owned or controlled by the
32 corporation to the state, or any department of the state or to any municipality. The provisions of
33 this section or of any other laws of this state (other than this chapter) restricting the power of the
34 state, its departments or any municipality, to lease or sell property, or requiring or prescribing

1 publication of notice of intention to lease or sell, advertising for bids, the terms of contracts of
2 lease or sale, that would in any manner interfere with the purpose of this section, which is to
3 provide for the mutual cooperation by and between the corporation and the state, its departments
4 or any municipality, to the fullest extent possible, are not applicable to leases and sales made
5 pursuant to this section.

6 (3) To prepare or cause to be prepared plans, specifications, designs, and estimates of
7 costs for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any
8 project, and from time to time to modify those plans, specifications, designs, or estimates.

9 (4) To manage any project, whether then owned or leased by the corporation, and to
10 enter into agreements with the state or any municipality or any agency or their instrumentalities,
11 or with any person, firm, partnership, or corporation, either public or private, for the purpose of
12 causing any project to be managed.

13 (5) To provide advisory, consultative, training, and educational services, technical
14 assistance, and advice to any person, firm, partnership, or corporation, whether it is public or
15 private, in order to carry out the purposes of this chapter.

16 (6) Subject to the provisions of any contract with note holders or bond holders to consent
17 to the modification, with respect to rate of interest, time of payments of any installment of
18 principal or interest, security or any other term of any mortgage, mortgage loan, mortgage loan
19 commitment, contract, or agreement of any kind to which the corporation is a party.

20 (7) In connection with any property on which it has made a mortgage loan, to foreclose
21 on that property or commence an action to protect or enforce any right conferred upon it by law,
22 mortgage, contract, or other agreement and to bid for and purchase the property at any foreclosure
23 or any other sale, or to acquire or take possession of the property; and in that event the
24 corporation may complete, administer, pay the principal of, or interest on any obligations incurred
25 in connection with the property, dispose of, and otherwise deal with the property in a manner as
26 may be necessary or desirable to protect the interest of the corporation therein.

27 (8) As security for the payment of principal and interest on any bonds or notes or any
28 agreements made in connection therewith, to mortgage and pledge any or all of its projects and
29 property, whether then owned or thereafter acquired, and to pledge the revenues and receipts from
30 all or part thereof, and to assign or pledge the leases, sales contracts or loan agreements or other
31 agreements on any portion or all of its projects and property and to assign or pledge the income
32 received by virtue of the lease, sales contracts, loan agreements or other agreements.

33 (9) To invest any funds of the corporation, including funds held in reserve or sinking
34 funds, or any moneys not required for immediate use or disbursement at the discretion of the

1 corporation, in: (i) obligations of the state or the United States, (ii) obligations of the principal
2 and interest of which are guaranteed by the state or the United States, (iii) obligations of agencies
3 and instrumentalities of the state or the United States, or (iv) certificates of deposits of banks and
4 trust companies or shares of building loan associations organized under the laws of the state or
5 doing business in the state or (v) any obligations, securities, and other investments as shall be
6 specified in resolutions of the corporation.

7 (10) To engage the services of consultants on a contract basis for rendering professional
8 and technical assistance and advice, and to employ architects, engineers, attorneys, accountants,
9 construction, and financial experts and any other advisors, consultants, and agents as may be
10 necessary in his or her judgment, and to fix their compensation.

11 (11) To contract for and to accept any gifts or grants or loans or funds or property or
12 financial or other assistance in any form from the United States or any agency or instrumentality
13 of the United States or from the state or any agency or instrumentality of the state or from any
14 other source and to comply, subject to the provisions of this chapter, with the terms and
15 conditions of this contract.

16 (12) To enter into agreements with any municipality or political subdivision, either
17 directly or on behalf of any other party which holds legal title to all or any portion of a project as
18 the lessee from the corporation designated pursuant to section 42-64-20(c), providing that the
19 corporation or the lessee shall pay annual sums in lieu of taxes to the municipality or political
20 subdivision of the state in respect to any real or personal property which is owned by the
21 corporation or the lessee and is located in the municipality or political subdivision.

22 (13) To borrow money and to issue negotiable bonds and notes, and to provide for the
23 rights of the holders of these bonds and notes, for the purpose of providing funds to pay all or any
24 part of the cost of any port project or for the purpose of refunding any of these bonds issued.

25 (14) To construct, acquire, own, repair, develop, operate, maintain, extend, and improve,
26 rehabilitate, renovate, furnish, and equip one or more port projects and to pay all or any part of
27 the costs of these bonds and notes from the proceeds of bonds of the corporation or from any
28 contribution, gift, or donation or other funds made available to the corporation for those purposes.

29 (15) To fix, charge and collect rents, fees, tolls, and charges for the use of any port
30 project and to alter and investigate rates, and practices of charging, which affect port projects so
31 as to increase commerce in the state.

32 (16) To prescribe rules and regulations deemed necessary or desirable to carry out the
33 purposes of this chapter including rules and regulations to insure maximum use and proper
34 operation of port projects.

1 (17) To establish penalties for violations of any order, rule, or regulation of the
2 corporation, and a method of enforcing these penalties.

3 (18) To develop, maintain, and operate foreign trade zones under those terms and
4 conditions that may be prescribed by law.

5 (19) To impose administrative penalties in accordance with the provisions of section 42-
6 64-9.2.

7 (20) To make assessments and impose reasonable and just user charges, and to pay for
8 those expenses that may be required by law or as may be determined by the corporation to be
9 necessary for the maintenance and operation of the sewage treatment facility.

10 (21) To establish a sewage pretreatment program, and to require as a condition to the
11 grant or re-issuance of any approval, license, or permit required under the program that the person
12 applying for the approval, license or permit, pay to the corporation a reasonable fee based on the
13 cost of reviewing and acting upon the application and based on the costs of implementing the
14 program. In addition, where a violation of any of the provisions of this title or any permit, rule,
15 regulation, or order issued pursuant to this title have occurred, the violator shall reimburse the
16 corporation for the actual costs of implementing and enforcing the terms of the permit, rule,
17 regulation or order as a condition to the grant or re-issuance of any approval.

18 (22) To assist urban communities revitalize their local economics.

19 (23) To provide assistance to minority businesses and to neighborhoods where there is
20 insufficient economic and business investment.

21 (24) To support and assist entrepreneurial activity by minorities and by low and
22 moderate income persons.

23 (25) To issue bonds and notes of the type and for those projects and for those purposes
24 specified in any Joint Resolution of the General Assembly adopted by the Rhode Island house of
25 representatives and the Rhode Island senate; pursuant to section 18 of title 35 of the general laws
26 entitled "the Rhode Island Public Corporation Debt Management Act"; and to make such
27 determinations, enter into such agreements, to deliver such instruments and to take such other
28 actions as it shall deem necessary or desirable to effectuate the financing of such projects.

29 **42-64-7.1. Subsidiaries.** -- (a) (1) The parent corporation shall have the right to exercise
30 and perform its powers and functions, or any of them, through one or more subsidiary
31 corporations whose creation shall be approved and authorized by the general assembly.

32 (2) (i) Express approval and authorization of the general assembly shall be deemed to
33 have been given for all legal purposes on July 1, 1995 for the creation and lawful management of
34 a subsidiary corporation created for the management of the Quonset Point/Davisville Industrial

1 Park, that subsidiary corporation being managed by a board of directors, the members of which
2 shall be constituted as follows: (A) two (2) members who shall be appointed by the town council
3 of the town of North Kingstown; (B) two (2) members who shall be residents of the town of
4 North Kingstown appointed by the governor; (C) four (4) members who shall be appointed by the
5 governor; (D) the chairperson, who shall be ~~the executive director of the Rhode Island economic~~
6 ~~development corporation~~ chief executive officer of the Rhode Island commerce corporation, and
7 who also shall be the secretary of the Rhode Island executive office of commerce; and (E) non-
8 voting members, who shall include the members of the general assembly whose districts are
9 comprised in any part by areas located within the town of North Kingstown and one non-voting
10 member who shall be a resident of the town of Jamestown, appointed by the town council of the
11 town of Jamestown. Upon receipt of approval and authorization from the general assembly, the
12 parent corporation by resolution of the board of directors may direct any of its directors, officers,
13 or employees to create subsidiary corporations pursuant to chapter 1.2 or 6 of title 7 or in the
14 manner described in subsection (b); provided, that the parent corporation shall not have any
15 power or authority to create, empower or otherwise establish any corporation, subsidiary
16 corporation, corporate body or any form of partnership or any other separate entity, without the
17 express approval and authorization of the general assembly.

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

21 (iii) The Quonset Development Corporation shall be deemed a subsidiary of the Rhode
22 Island ~~economic development~~ commerce corporation:

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

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

33 (b) As used in this section, "subsidiary public corporation" means a corporation created
34 pursuant to the provisions of this section. The person or persons directed by the resolution

1 referred to in subsection (a) shall prepare articles of incorporation setting forth: (1) the name of
2 the subsidiary public corporation; (2) the period of duration, which may be perpetual; (3) the
3 purpose or purposes for which the subsidiary public corporation is organized which shall not be
4 more extensive than the purposes of the corporation set forth in section 42-64-5; (4) the number
5 of directors (which may, but need not be, more than one) constituting the initial board of directors
6 and their names and business or residence addresses; (5) the name and business or residence
7 address of the person preparing the articles of incorporation; (6) the date when corporate
8 existence shall begin (which shall not be earlier than the filing of the articles of incorporation
9 with the secretary of state as provided in this subsection); (7) any provision, not inconsistent with
10 law, which the board of directors elect to set forth in the articles of incorporation for the
11 regulation of the internal affairs of the subsidiary public corporation; and (8) a reference to the
12 form of authorization and approval by the general assembly and to the resolution of the board of
13 directors authorizing the preparation of the articles of incorporation. Duplicate originals of the
14 articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds
15 that the articles of incorporation conform to the provisions of this subsection, the secretary shall
16 endorse on each of the duplicate originals the word "Filed," and the month, day and year of the
17 filing; file one of the duplicate originals in his or her office; and a certificate of incorporation to
18 which the secretary shall affix the other duplicate original. No filing fees shall be payable upon
19 the filing of articles of incorporation. Upon the issuance of the certificate of incorporation or upon
20 a later date specified in the articles of incorporation, the corporate existence shall begin and the
21 certificate of incorporation shall be conclusive evidence that all conditions precedent required to
22 be performed have been complied with and that the subsidiary public corporation has been duly
23 and validly incorporated under the provisions hereof. The parent corporation may transfer to any
24 subsidiary public corporation any moneys, real, personal, or mixed property or any project in
25 order to carry out the purposes of this chapter. Each subsidiary public corporation shall have all
26 the powers, privileges, rights, immunities, tax exemptions, and other exemptions of the parent
27 corporation except to the extent that the articles of incorporation of the subsidiary public
28 corporation shall contain an express limitation and except that the subsidiary public corporation
29 shall not have the condemnation power contained in section 42-64-9, nor shall it have the powers
30 contained in, or otherwise be subject to, the provisions of section 42-64-12 and section 42-64-
31 13(a), nor shall it have the power to create, empower or otherwise establish any corporation,
32 subsidiary corporation, corporate body, any form of partnership, or any other separate entity,
33 without the express approval and authorization of the general assembly.

34 (c) Any subsidiary corporation shall not be subject to the provisions of section 42-64-

1 8(a), (c), and (d), except as otherwise provided in the articles of incorporation of the subsidiary
2 corporation.

3 (d) The Rhode Island ~~economic-development~~ commerce corporation, as the parent
4 corporation of the Rhode Island Airport Corporation, shall not be liable for the debts or
5 obligations or for any actions or inactions of the Rhode Island Airport Corporation, unless the
6 Rhode Island ~~economic-development~~ commerce corporation expressly agrees otherwise in
7 writing.

8 (e) The East Providence Waterfront District shall, with the approval of its commission
9 and the board of directors of the corporation, be a subsidiary of the Rhode Island ~~economic~~
10 ~~development~~ commerce corporation for the purposes of exercising such powers of the corporation
11 as the board of directors shall determine, and notwithstanding the requirements of subsection (b),
12 the act creating the District shall be deemed fully satisfactory for the purposes of this section
13 regarding the establishment of subsidiary public corporations, and the express approval and
14 authorization of the general assembly shall be deemed to have been given for all legal purposes
15 for the creation and lawful management of a subsidiary corporation created for the purposes of
16 implementing the purposes of the District.

17 (f) The parent corporation is hereby authorized and empowered to create a subsidiary
18 corporation for the expressed purpose to issue bonds and notes of the type and for those projects
19 and purposes specified in the Joint Resolution and Act of the general assembly adopted by the
20 Rhode Island house of representatives and the Rhode Island senate.

21 (g) The I-195 redevelopment district shall be a subsidiary of the Rhode Island ~~economic~~
22 ~~development~~ commerce corporation for the purposes of exercising such powers of the corporation
23 as the board of directors shall determine, and notwithstanding the requirements of subsection (b),
24 the chapter creating the district shall be deemed fully satisfactory for the purposes of this section
25 regarding the establishment of subsidiary public corporations, and the express approval and
26 authorization of the general assembly shall be deemed to have been given for all legal purposes
27 for the creation and lawful management of a subsidiary corporation created for the purposes of
28 implementing the purposes of the district.

29 (h) The Rhode Island airport corporation -- appointment of directors:

30 The board of directors of the Rhode Island airport corporation shall consist of seven (7)
31 members: The board of directors shall have extensive experience in the fields of finance,
32 business, construction and/or organized labor.

33 The governor of the State of Rhode Island shall appoint, with the advice and consent of
34 the senate when nominated to serve, the seven (7) members of the board of directors. One director

1 shall be appointed for a term of one year; two (2) directors shall be appointed for a term of two
2 (2) years; three (3) directors shall be appointed for a term of three (3) years; and one director shall
3 be appointed for a term of four (4) years. Appointments made thereafter shall be for four (4) year
4 terms.

5 Any vacancy occurring in the board of directors shall be filled by the governor of the
6 State of Rhode Island in the same manner prescribed for the original appointments.

7 A director appointed to fill a vacancy of a director appointed by the governor of the State
8 of Rhode Island shall be appointed for the unexpired portion of the term of office of the director
9 whose vacancy is to be filled.

10 All members of the board of directors of the Rhode Island airport corporation shall serve
11 without compensation.

12 **42-64-7.4. Water supply facilities.** -- (a) The Rhode Island ~~economic development~~
13 [commerce](#) corporation is authorized and empowered to acquire and construct water supply
14 facilities; to maintain, repair, and operate those facilities; and to issue revenue bonds of the
15 corporation payable solely from revenues derived from the leasing of those water supply facilities
16 to finance them. Development of these projects may be initiated by the corporation upon request
17 of a municipality or municipalities seeking to undertake the project either singly or jointly.

18 (b) Without limiting the generality of the foregoing, the corporation is expressly
19 empowered to lease or sell water supply facilities or any part of those facilities to any
20 municipality. A lease by the corporation to any municipality may be for any period, upon any
21 terms and conditions, with or without an option to purchase, as the corporation may determine.

22 (c) The provisions of any other laws or ordinances, general, special, or local, or of any
23 rule or regulation of the state or any municipality, restricting or regulating in any manner the
24 power of any municipality to lease, as lessee or lessor, or sell property real, personal, or mixed,
25 shall not apply to leases and sales made with authority pursuant to this section; and insofar as the
26 provisions of this section are inconsistent with the other laws of this state, general, special, or
27 local, restricting the power of any municipality to enter into a lease or to sell property, the
28 provisions of this section shall be controlling.

29 (d) Any municipality, notwithstanding any contrary provision of law, is authorized and
30 empowered to lease, lend, grant, or convey to the corporation, at its request upon those terms and
31 conditions that the proper authorities of a municipality may deem reasonable and fair and without
32 the necessity for any advertisement, order of court, or other action or formality, other than the
33 regular and formal action of the authorities concerned, any real property or personal property
34 which may be necessary or convenient to effectuation of the authorized purposes of the

1 corporation including real property already devoted to public use; and subject to the aforesaid, the
2 state consents to the use of all lands owned by it, including land lying under water, and which are
3 deemed by the corporation to be necessary for the construction or operation of any water supply
4 facilities.

5 **42-64-7.5. ~~Transfer of functions from the department of economic development~~**

6 **Transfer of functions from the economic development corporation.** -- (a) Effective January 1,
7 2014, all~~All~~ functions formerly administered by the ~~department of~~ Rhode Island economic
8 development corporation are hereby transferred to the Rhode Island ~~economic development~~
9 commerce corporation. Also effective January 1, 2014, the commerce corporation shall assume
10 all rights, duties, liabilities, and obligations of the former economic development corporation, and
11 the commerce corporation shall be considered to be the successor-in-interest to the economic
12 development corporation.

13 (b) In addition to any of its other powers and responsibilities, the Rhode Island ~~economic~~
14 ~~development~~ commerce corporation is authorized and empowered to accept any grants made
15 available by the United States government or any agency of the United States government, and
16 the corporation, with the approval of the governor, is authorized and empowered to perform any
17 acts and enter into all necessary contracts and agreements with the United States or any agency of
18 the United States as may be necessary in any manner and degree that shall be deemed to be in the
19 best interests of the state. The proceeds of any grants received shall be paid to the general
20 treasurer of the state and deposited in a separate fund to be used solely for the purposes of the
21 grant or grants.

22 **42-64-7.6. Transfer of functions from the governor's office of intergovernmental**

23 **relations.** -- (a) All functions formerly administered by the governor's office of
24 intergovernmental relations in the executive department relating to community development
25 block grants are hereby transferred to the department of administration, division of planning.

26 (b) In addition to any of its other powers and responsibilities, the Rhode Island ~~economic~~
27 ~~development~~ commerce corporation is authorized and empowered to accept any grants made
28 available by the United States government or any agency of the United States government, and
29 the corporation, with the approval of the governor, is authorized and empowered to perform any
30 acts and enter into all necessary contracts and agreements with the United States or any agency of
31 the United States as may be necessary in any manner and degree that shall be deemed to be in the
32 best interest of the state. The proceeds of the received grants shall be paid to the general treasurer
33 and deposited in a separate fund to be used solely for the purposes of the grant or grants.

34 **42-64-7.7. Grant of powers to the corporation.** -- The Rhode Island ~~economic~~

1 ~~development~~ commerce corporation is granted all of the powers necessary and convenient to
2 perform the functions transferred to the Rhode Island ~~economic-development~~ commerce
3 corporation pursuant to sections 42-64-7.5 and 42-64-7.6.

4 **42-64-7.8. Sewer treatment facilities, connections, sewer user fees, charges and**
5 **assessments.** -- (a) The Rhode Island ~~economic-development~~ commerce corporation shall have
6 full and complete authority to limit, deny, or cause appropriate direct or indirect connections to be
7 made between any building or property located in the Quonset Point/Davisville Industrial Park, or
8 from any location outside the boundaries of the Quonset Point/Davisville Park and discharging
9 into the corporation's sewage treatment facility. The corporation shall prescribe those rules and
10 regulations for sewer connections that in the opinion of the corporation are necessary and
11 appropriate for the maintenance and operation of the sewer treatment facility. No person shall
12 make any connection from any structure to any sewer or appurtenance thereto discharging to the
13 sewage treatment facility without first being granted a written permit from the corporation in
14 accordance with its rules and regulations. Rhode Island ~~economic-development~~ commerce
15 corporation shall have full and complete power and authority to compel any person within the
16 Quonset Point/Davisville Industrial Park, for the purpose of sewage disposal, to establish a direct
17 connection on the property of the individual, firm, partnership or corporation, or at the boundary
18 thereof to the corporation's sewage treatment facility. These connections shall be made at the
19 expense of the individual, firm, partnership or corporation. The term "appurtenance" as used
20 herein shall be construed to include adequate pumping facilities, whenever the pumping facilities
21 shall be necessary to deliver sewage to the sewage treatment facility.

22 (b) The Rhode Island ~~economic-development~~ commerce corporation shall assess any
23 person having a direct or indirect connection to the Quonset Point/Davisville Industrial Park
24 sewage treatment facility the reasonable charges for the use, operation, maintenance and
25 improvements to the facility.

26 (c) The Rhode Island ~~economic-development~~ commerce corporation shall proceed under
27 the provisions of this chapter to collect the fees, charges and assessments from any individual,
28 firm, partnership or corporation so assessed. Each entity so assessed shall pay the fees, charges,
29 or assessments within the time frame prescribed by the rules and regulations of the corporation.
30 The Rhode Island ~~economic-development~~ commerce corporation may collect the fees, charges
31 and assessments in the same manner in which taxes are collected by municipalities, with no
32 additional fees, charges, assessments or penalties (other than those provided for in chapter 9 of
33 title 44). All unpaid charges shall be a lien upon the real estate of the individual, firm, partnership
34 or corporation. The lien shall be filed in the records of land evidence for the city or town in which

1 the property is located and the corporation shall simultaneously with the filing of the lien give
2 notice to the property owner. Owners of property subject to a lien for unpaid charges are entitled
3 to a hearing within fourteen (14) days of the recording of the lien.

4 (d) Notwithstanding the provisions of subsection (c), the Rhode Island ~~economic~~
5 ~~development~~ commerce corporation is authorized to terminate the water supply service of any
6 individual, firm, partnership or corporation for the nonpayment of sewer user fees, charges and
7 assessments. The corporation shall notify the user of termination of water supply at least forty-
8 eight (48) hours prior to ceasing service. The corporation may assess any individual, firm,
9 partnership or corporation any fees, charges and assessments affiliated with the shut off and
10 restoration of service.

11 **42-64-7.9. Orders as to pretreatment of sewage.** -- (a) Without limiting the generality
12 of the foregoing, the authority vested in the Rhode Island ~~economic-development~~ commerce
13 corporation shall include the authority to limit, reject, or prohibit any direct or indirect discharge
14 of pollutants or combination of pollutants as defined by applicable federal or state law, into any
15 treatment facility operated by the corporation, to require that any person or class of user shall
16 submit any and all discharges into the corporation's wastewater collection and treatment system to
17 those pretreatment standards and requirements as prescribed by the corporation.

18 (b) The corporation shall adopt rules, regulations and permit requirements for
19 pretreatment. The corporation shall adopt rules, regulations and permit requirements necessary to
20 ensure compliance by all parties with:

21 (1) Applicable federal and state laws

22 (2) State and federal discharge permit limitations for the corporation's wastewater
23 treatment facility

24 (3) Necessary and appropriate local limitations.

25 (c) The Rhode Island ~~economic-development~~ commerce corporation shall have the
26 authority to issue or deny permits to any person for the direct or indirect discharge of any
27 pollutants into any corporation wastewater treatment facility and to require the development of a
28 compliance schedule by each discharger to insure compliance with any pretreatment required by
29 the corporation. No person shall discharge any pollutant into the corporation's wastewater facility
30 except as in compliance with the provisions of this section and any rules and regulations
31 promulgated under this chapter and pursuant to all terms and conditions of a permit.

32 (d) The Rhode Island ~~economic-development~~ commerce corporation may, by regulation,
33 order, permit or otherwise require any person who discharges into any wastewater treatment
34 facility owned by the corporation to:

1 (1) Establish and maintain records as required by federal or state statute, or by rule,
2 regulation, compliance order or permit terms;

3 (2) Make any and all reports as required by federal or state statute or by rule, regulation,
4 compliance order or permit terms;

5 (3) Install, calibrate, use and maintain any and all monitoring equipment or testing
6 procedures including, where appropriate, biological monitoring methods;

7 (4) Sample any discharges and effluents in accordance with the methods and at the
8 locations and at the intervals and in a manner as the corporation may prescribe, and

9 (5) Provide any other information relating to discharges into the facilities of the
10 corporation that the corporation may reasonably require to insure compliance with prescribed
11 pretreatment. The information shall include, but is not limited to, those records, reports and
12 procedures required by applicable federal and state laws.

13 (e) Notwithstanding any other provision of this section, the Rhode Island ~~economic~~
14 ~~development~~ commerce corporation shall have the authority, and shall accordingly prescribe the
15 appropriate procedures, to immediately and effectively halt or prevent any discharge of pollutants
16 into the facilities of the corporation which reasonably appears to present an imminent danger to
17 human health or the environment. The Rhode Island ~~economic-development~~ commerce
18 corporation shall also have the authority and shall prescribe the appropriate procedures, which
19 shall include notice to the affected discharger and an opportunity to respond, to hold or prevent
20 any discharge into the facilities of the corporation, which presents or may present a threat to the
21 operation of the wastewater collection and/or treatment system. Procedures prescribed under this
22 subsection, which comply in form to those provided in section 42-17.1-2(21) shall be deemed to
23 be appropriate.

24 **42-64-7.11. Venture capital forum program.** -- The Rhode Island ~~economic~~
25 ~~development~~ commerce corporation shall establish a "Rhode Island Venture Capital Forum
26 Program." To establish the program, the corporation shall organize a statewide system for
27 facilitating venture capital investing. Such system may include, but need not be limited to, the
28 following:

29 (a) Identifying and providing information to investors about investment opportunities in
30 new and high-growth business enterprises;

31 (b) Identifying and providing information to entrepreneurs and high-growth business
32 enterprises about investors seeking investment opportunities;

33 (c) Providing statewide and regional meetings, forums, internet-based information
34 systems, venture capital fairs, and other opportunities for venture capital investors and new and

1 high-growth business enterprises to meet and discuss potential mutual opportunities;

2 (d) Cooperating with other service entities in facilitating effectiveness of the program
3 including, but not limited to, financial institutions, attorneys, accountants, investment banking
4 firms, established venture capital funds, institutions of higher education, local and regional
5 development organizations, business development centers, business incubators, and utilities;

6 (e) Serving as a clearinghouse and access point for information about venture capital
7 investment opportunities in Rhode Island;

8 (f) Serving as the central organization and means of delivering appropriate education and
9 training programs for potential investors and new or high-growth business enterprises;

10 (g) Facilitating the formation of private venture capital funds.

11 (h) Reviewing annually the current status of venture capital in Rhode Island in
12 conjunction with the full capital continuum needs of businesses in Rhode Island and make such
13 report to the legislature as to the availability of capital for businesses in Rhode Island. The report
14 shall analyze the needs and recommend steps to meet the needs of small and larger businesses in
15 Rhode Island. The corporation shall work in conjunction with any organization formed to provide
16 economic analysis for the state.

17 **42-64-7.13. National security infrastructure support fund.** -- The Rhode Island
18 ~~economic development~~ commerce corporation is hereby authorized and empowered to administer
19 the national security infrastructure support fund in accordance with the powers and terms
20 enumerated in chapter 32 of title 30.

21 **42-64-8. Directors, officers, and employees.** -- (a) The powers of the Rhode Island
22 ~~economic development~~ commerce corporation shall be vested in a board of directors consisting of
23 thirteen (13) members.

24 (1) The ~~governor~~ secretary of commerce shall serve as a member of the board and as
25 chairperson, ex-officio, who shall vote only in the event of a tie.

26 (2) In addition to the ~~governor~~ secretary of commerce, the membership of the board shall
27 consist of twelve (12) public members to be appointed by the governor.

28 (3) Each gubernatorial appointee shall be subject to the advice and consent of the senate
29 and no one shall be eligible for appointment unless he or she is a resident of this state. The
30 membership of the board shall reflect the geographic diversity of the state. Four (4) of the public
31 members shall be owners or principals of small businesses doing business in this state which are
32 independently owned and operated and which employs one hundred (100) or fewer persons. One
33 other of the public members shall be a representative of organized labor. One other of the public
34 members shall be a representative of higher education. One other of the public members shall be

1 [a representative from the governor's work force board. One other of the public members shall be a](#)
2 [representative of a minority business.](#) One other of the public members shall be appointed on an
3 interim basis by the governor when a project plan of the corporation situated on federal land is
4 disapproved by the governing body of a municipality in accordance with section 42-64-13(a)(4).
5 The member shall be the mayor of the municipality within whose borders all or a majority of the
6 project plan is to be carried out, or in a municipality, which has no mayor, the member shall be
7 the president of the town or city council. The appointed interim member shall have all the powers
8 of other members of the board only in its deliberations and action on the disapproval of the
9 project plan situated on federal land and within the borders of his or her municipality. Upon final
10 action by the board pursuant to section 42-64-13(a)(5), the interim member's term of appointment
11 shall automatically terminate.

12 (4) It shall be the responsibility of the corporation to conduct a training course for newly
13 appointed and qualified members and new designees of ex-officio members within six (6) months
14 of their qualification or designation. The course shall be developed by the executive director of
15 the corporation or his or her designee, be approved by the board, and conducted by the executive
16 director or his or her designee. The board may approve the use of any board or staff members or
17 other individuals to assist with training. The training course shall include instruction in the
18 following areas: the provisions of the entirety of chapter 64 of this title and of chapters 46 of this
19 title, 14 of title 36, and 2 of title 38 of the Rhode Island general laws; and the board's rules and
20 regulations. The director of the department of administration shall, within ninety (90) days of July
21 15, 2005, prepare and disseminate materials relating to the provisions of chapters 46 of this title,
22 14 of title 36, and 2 of title 38.

23 (5) Members of the board shall be removable by the governor, pursuant to the provisions
24 of section 36-1-7 and for cause only, and removal solely for partisan or personal reasons
25 unrelated to capacity or fitness for the office shall be unlawful.

26 (6) The five (5) current members of the board of directors who were duly appointed and
27 who have unexpired terms shall continue as directors of the corporation until February 1, 2010,
28 and thereafter until their successors are appointed and qualified. Upon passage of this act, the
29 governor shall appoint seven (7) members to the board, with terms expiring as follows: three (3)
30 members shall have terms expiring on February 1, 2011; three (3) members shall have terms
31 expiring on February 1, 2012; and one member shall have a term expiring on February 1, 2013. In
32 January 2010, the governor shall appoint five (5) members to the board with terms expiring as
33 follows: two (2) members shall have terms expiring on February 1, 2013 and three (3) members
34 shall have terms expiring on February 1, 2014. Beginning in 2011 and annually thereafter, during

1 the month of January, the governor shall appoint a member or members to succeed the member or
2 members whose terms will then next expire to serve for a term of four (4) years commencing on
3 the first day of February and then next following, and thereafter until the successors are appointed
4 and qualified. Beginning in 2011 and annually thereafter the governor shall appoint owners or
5 principals of small businesses doing business in this state which are independently owned and
6 operated, and which employs one hundred (100) or fewer persons. The members of the board
7 shall be eligible to succeed themselves, but only upon reappointment and with senate advice and
8 consent. The current members of the board of directors of the Rhode Island economic
9 development corporation who were duly appointed and who have unexpired terms shall be
10 considered as directors of the corporation until their terms expire, and thereafter until their
11 successors are appointed and qualified.

12 (7) In the event of a vacancy occurring in the office of a member by death, resignation or
13 otherwise, that vacancy shall be filled in the same manner as an original appointment, but only for
14 the remainder of the term of the former member.

15 (b) The directors shall receive no compensation for the performance of their duties under
16 this chapter, but each director shall be reimbursed for his or her reasonable expenses incurred in
17 carrying out those duties. A director may engage in private employment, or in a profession or
18 business.

19 (c) The chairperson shall designate a vice chairperson from among the members of the
20 board who shall serve at the pleasure of the chairperson. A majority of directors holding office
21 shall constitute a quorum, and, except as otherwise provided in section 42-64-13, any action to be
22 taken by the corporation under the provisions of this chapter may be authorized by resolution
23 approved by a majority of the directors present and entitled to vote at any regular or special
24 meeting at which a quorum is present. A vacancy in the membership of the board of directors
25 shall not impair the right of a quorum to exercise all of the rights and perform all of the duties of
26 the corporation.

27 ~~(d) The chief executive officer of the corporation shall be executive director of the~~
28 ~~corporation, appointed by the governor with the advice and consent of the senate. The executive~~
29 ~~director shall hold office for the term of three (3) years from the time of his or her appointment~~
30 ~~and until his or her successor is duly appointed and qualified. The director shall be eligible for~~
31 ~~reappointment, and shall not engage in any other occupation. The executive director of the~~
32 ~~corporation shall be entitled to receive for his or her services any reasonable compensation as the~~
33 ~~board of directors may determine.~~ The secretary of commerce shall be the commerce
34 corporation's chief executive officer and responsible the management of the corporation. There

1 shall be a chief operating officer (COO) of the corporation and he/she shall be appointed by the
2 secretary of commerce. The chief operating officer shall hold office for the term of three (3) years
3 from the time of his or her appointment and until his or her successor is duly appointed and
4 qualified. The COO shall be eligible for reappointment, and shall not engage in any other
5 occupation. The COO of the corporation shall be entitled to receive for his or her services any
6 reasonable compensation as the secretary of commerce and the board of directors may determine.
7 The COO shall be the chief administrative officer of the corporation and responsible for the day
8 to day management of the corporation. The COO shall be a professional in the area of economic
9 development, management of economic development corporations, and shall hold the requisite
10 experience and education as established by the secretary and board.

11 (e) The board of directors shall appoint a secretary and such additional officers and staff
12 members as they shall deem appropriate and shall determine the amount of reasonable
13 compensation, if any, each shall receive. The board of directors may vest in the ~~executive~~
14 ~~director, or the director's subordinates~~ the chief operating officer or the chief operating officer's
15 subordinates, the authority to appoint additional staff members and to determine the amount of
16 compensation each individual shall receive.

17 (f) No full-time employee shall during the period of his or her employment by the
18 corporation engage in any other private employment, profession or business, except with the
19 approval of the board of directors.

20 (g) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict
21 of interest for a director, officer, or employee of any financial institution, investment banking
22 firm, brokerage firm, commercial bank, trust company, building-loan association, architecture
23 firm, insurance company, or any other firm, person, or corporation to serve as a director of the
24 corporation, nor shall any contract or transaction between the corporation and a financial
25 institution, investment banking firm, brokerage firm, commercial bank, trust company, building-
26 loan association, architecture firm, insurance company, or other firm, person, or corporation be
27 void or voidable by reason of that service as director of the corporation. If any director, officer, or
28 employee of the corporation shall be interested either directly or indirectly, or shall be a director,
29 officer, or employee of or have an ownership interest (other than as the owner of less than one
30 percent (1%) of the shares of a publicly-held corporation) in any firm or corporation interested
31 directly or indirectly in any contract with the corporation, that interest shall be disclosed to the
32 corporation and set forth in the minutes of the corporation, and the director, officer, or employee
33 having that ownership interest shall not participate on behalf of the corporation in the
34 authorization of that contract. Interested directors may be counted in determining the presence of

1 a quorum at a meeting of the board of directors of the corporation, which authorizes the contract
2 or transaction.

3 (h) Any action taken by the corporation under the provisions of this chapter may be
4 authorized by vote at any regular or special meeting, and each vote shall take effect immediately.
5 All meetings shall be open to the public and all records shall be a matter of public record except
6 that if a majority of the board of directors decides that it would be in the best interests of the
7 corporation and the state to hold an executive session in private, then the board of directors is
8 authorized to transact any business it deems necessary at that executive session in private, and the
9 record of the executive session shall not become a matter of public record until the transaction
10 discussed has in the opinion of the board of directors been completed.

11 (i) The board of directors may designate from among its members an executive
12 committee and one or more other committees each of which, to the extent authorized by the board
13 of directors, shall have and may exercise all of the authority of the board of directors, but no
14 executive committee shall have the authority of the board of directors in reference to the
15 disposition of all or substantially all of the property and assets of the corporation, amending the
16 by-laws of the corporation, exercising the condemnation power conferred upon the corporation by
17 section 42-64-9 or taking actions described or referred to in section 42-64-13(a).

18 (j) The board shall create a capital finance subcommittee which shall be responsible for
19 drafting for board approval a set of guidelines, principals and processes for all loans, loan
20 guarantees and financing programs. The guidelines shall contain a set of metrics which the board
21 can use to determine the effectiveness of each program and to inform the governor and the
22 general assembly of the outcome of the various programs and to determine if there is need for
23 modification, continuance or termination. The guidelines shall also contain measures to annually
24 review the outstanding loan and loan guarantee programs to determine if the loans and loan
25 guarantees were granted in accordance with the board's guidelines and principals and to
26 determine the risk factors normally used by lending institutions to determine risk and potential for
27 repayment. The board shall also implement the provisions of sections 42-64-36 and 42-64-37.

28 ~~(j)~~(k) Any action required by this chapter to be taken at a meeting of the board of
29 directors, or any action which may be taken at a meeting of the board of directors, or committee
30 of the board of directors, may be taken without a meeting if a consent in writing, setting forth the
31 action to be taken, shall be signed before or after that action by all of the directors, or all of the
32 members of the committee, as the case may be.

33 ~~(k)~~(l) Employees of the corporation shall not, by reason of their employment, be deemed
34 to be employees of the state for any purpose, any other provision of the general laws to the

1 contrary notwithstanding, including, without limiting the generality of the foregoing, chapters 29,
2 39, and 42 of title 28 and chapters 4, 8, 9, and 10 of title 36.

3 (m) The board shall create a set of metrics and reporting requirements to disclose the
4 programs and services offered or provided by the corporation and the effectiveness of each
5 offering. The board shall develop an annual report containing these metrics and shall submit the
6 report to the governor and the general assembly. The annual report shall also contain
7 recommendations for improving the business climate within the state and other actions the board
8 deems necessary to improve its effectiveness.

9 **42-64-8.1. Appropriation and expenses.** -- The general assembly shall annually
10 appropriate any sums that it may deem necessary to carry out the provisions of this chapter; and
11 the state controller is authorized and directed to draw his or her orders upon the general treasurer
12 for the payment of that sum, or so much as may be required from time to time, upon receipt by
13 the controller of proper vouchers authenticated.

14 **42-64-9. Condemnation power.** -- (a) If, for any of the purposes of this chapter, the
15 Rhode Island ~~economic development~~ commerce corporation shall find it necessary to acquire any
16 real property, whether for immediate or future use, the corporation may find and determine that
17 the property, whether a fee simple absolute or a lesser interest, is required for the acquisition,
18 construction, or operation of a project, and upon that determination, the property shall be deemed
19 to be required for public use until otherwise determined by the corporation; and with the
20 exceptions hereinafter specifically noted, the determination shall not be affected by the fact that
21 the property has been taken for, or is then devoted to, a public use; but the public use in the hands
22 or under the control of the corporation shall be deemed superior to the public use in the hands of
23 any other person, association, or corporation; provided further, however, that no real property or
24 interest, estate, or right in these belonging to the state shall be acquired without consent of the
25 state; and no real property or interest, estate, or right in these belonging to any municipality shall
26 be acquired without the consent of the municipality; and no real property, or interest or estate in
27 these, belonging to a public utility corporation may be acquired without the approval of the public
28 utility commission or another regulatory body having regulatory power over the corporation
29 except for the following real property or interest or estate in these: the underground electric
30 distribution system, located at the Quonset Point/Davisville industrial complex ("QP/D"), North
31 Kingstown, Rhode Island, consisting of lines of buried wires and cables and lines of wires and
32 cables installed in underground conduits, together with all equipment and appurtenances to these
33 for the furnishing of underground electric service running from the southwesterly side of Kiefer
34 Park Substation 81 located in QP/D in an easterly and southeasterly direction to Carrier Pier

1 Substation 82 located in QP/D together with any and all rights and easements as may be
2 necessary to repair, maintain, operate or otherwise gain access to the above-mentioned property.

3 (b) The corporation may proceed to acquire and is authorized to and may proceed to
4 acquire property, whether a fee simple absolute or a lesser interest, by the exercise of the right of
5 eminent domain in the manner prescribed in this chapter.

6 (c) Nothing contained in this section shall be construed to prohibit the corporation from
7 bringing any proceedings to remove a cloud on title or any other proceedings that it may, in its
8 discretion, deem proper and necessary, or from acquiring property by negotiation or purchase.

9 (d) The necessity for the acquisition of property under this chapter shall be conclusively
10 presumed upon the adoption by the corporation of a vote determining that the acquisition of the
11 property or any interest in property described in that vote is necessary for the acquisition,
12 construction, or operation of a project. Within six (6) months after its passage, the corporation
13 shall cause to be filed in the appropriate land evidence records a copy of its vote together with a
14 statement signed by the chairperson or vice-chairperson of the corporation that the property is
15 taken pursuant to this chapter, and also a description of the real property indicating the nature and
16 extent of the estate or interest in the estate taken and a plat of the real property, which copy of the
17 vote and statement of the chairperson or vice-chairperson shall be certified by the secretary of the
18 corporation and the description and plat shall be certified by the city or town clerk for the city or
19 town within which the real property lies.

20 (e) Forthwith thereafter the corporation shall cause to be filed in the superior court in and
21 for the county within which the real property lies a statement of the sum of money estimated to be
22 just compensation for the property taken, and shall deposit in the superior court to the use of the
23 persons entitled to the money the sum set forth in the statement. The corporation shall satisfy the
24 court that the amount deposited with the court is sufficient to satisfy the just claims of all persons
25 having an estate or interest in the real property. Whenever the corporation satisfies the court that
26 the claims of all persons interested in the real property taken have been satisfied, the unexpended
27 balance shall be ordered repaid forthwith to the corporation.

28 (f) Upon the filing of the copy of the vote, statement, description, and plat in the land
29 evidence records and upon the making of the deposit in accordance with the order of the superior
30 court, title to the real property in fee simple absolute or any lesser estate or interest specified in
31 the resolution shall vest in the corporation, and that real property shall be deemed to be
32 condemned and taken for the use of the corporation and the right to just compensation for the
33 condemned property shall vest in the persons entitled to compensation, and the corporation
34 thereupon may take possession of the real property. No sum paid unto the court shall be charged

1 with clerks' fees of any nature.

2 (g) After the filing of the copy of the vote, statement, description, and plat, notice of the
3 taking of that land or other real property shall be served upon the owners of, or persons having
4 any estate or interest in, the real property by the sheriff or his or her deputies of the county in
5 which the real estate is situated by leaving a true and attested copy of the vote, statement,
6 description, and plat with each of those persons personally, or at the last and usual place of abode
7 in this state with some person living there, and in case any of those persons are absent from this
8 state and have no last and usual place of abode therein occupied by any person, the copy shall be
9 left with the person or persons, if any, in charge of, or having possession of the real property
10 taken of the absent persons, and another copy shall be mailed to the address of the person, if the
11 address is known to the officer serving the notice.

12 (h) After the filing of the vote, description, and plat, the corporation shall cause a copy to
13 be published in some newspaper having general circulation in the city or town in which the real
14 property lies at least once a week for three (3) successive weeks.

15 (i) If any party shall agree with the corporation upon the price to be paid for the value of
16 the real property so taken and of appurtenant damage to any remainder or for the value of his or
17 her estate, right, or interest therein, the court, upon application of the parties in interest, may order
18 that the sum agreed upon be paid forthwith from the money deposited, as the just compensation to
19 be awarded in the proceedings; provided, however, that no payment shall be made to any official
20 or employee of the corporation for any property or interest in the property acquired from the
21 official or employee unless the amount of the payment is determined by the court to constitute
22 just compensation to be awarded in the proceedings.

23 (j) Any owner of, or person entitled to any estate or right in, or interested in any part of,
24 the real property taken, who cannot agree with the corporation upon the price to be paid for his or
25 her estate, right or interest in the real property taken and the appurtenant damage to the
26 remainder, may, within three (3) months after personal notice of the taking, or if he or she has no
27 personal notice, may within one year from the time the sum of money estimated to be just
28 compensation is deposited in the superior court to the use of the persons entitled to the
29 compensation, apply by petition to the superior court for the county in which the real property is
30 situated, setting forth the taking of his or her land or his or her estate or interest in these and
31 praying for an assessment of damages by the court or by a jury. Upon the filing of the petition,
32 the court shall cause twenty (20) days' notice of the pendency of a trial to be given to the
33 corporation by serving the chairperson or vice chairperson of the corporation with a certified copy
34 of the notice.

1 (k) After the service of notice, the court may proceed to the trial thereof. The trial shall
2 be conducted as other civil actions at law are tried. The trial shall determine all questions of fact
3 relating to the value of the real property, and any estate or interest, and the amount of this value
4 and the appurtenant damage to any remainder and the amount of this damage, and the trial and
5 decision or verdict of the court or jury shall be subject to all rights to except to rulings, to move
6 for new trial, and to appeal, as are provided by law. Upon the entry of judgment in those
7 proceedings, execution shall be issued against the money deposited in court and in default against
8 any other property of the corporation.

9 (l) In case two (2) or more petitioners make claim to the same real property, or to any
10 estate or interest, or to different estate or interests in the same real property, the court shall, upon
11 motion, consolidate their several petitions for trial at the same time, and may frame all necessary
12 issues for the trial.

13 (m) If any real property or any estate or interest, in which any minor or other person not
14 capable in law to act in his or her own behalf is interested, is taken under the provisions of this
15 chapter, the superior court, upon the filing of a petition by or in behalf of the minor or person or
16 by the corporation, may appoint a guardian ad litem for the minor or other person. Guardians
17 may, with the advice and consent of the superior court, and upon any terms as the superior court
18 may prescribe, release to the corporation all claims for damages for the land of the minor or other
19 person or for any estate or interest. Any lawfully appointed, qualified, and acting guardian or
20 other fiduciary of the estate of any minor or other person, with the approval of the court of
21 probate within this state having jurisdiction to authorize the sale of lands and properties within
22 this state of the minor or other person, may before the filing of any petition, agree with the minor
23 or other person for any taking of his or her real property or of his or her interest or estate, and
24 may, upon receiving the amount, release to the corporation all claims for damages for the minor
25 or other person for the taking.

26 (n) In case any owner of or any person having an estate or interest in the real property
27 fails to file his or her petition, superior court for the county in which the real property is situated,
28 in its discretion, may permit the filing of the petition within one year subsequent to the year
29 following the time of the deposit in the superior court of the sum of money estimated to be just
30 compensation for the property taken; provided, the person shall have had no actual knowledge of
31 the taking of the land in season to file the petition; and provided, no other person or persons
32 claiming to own the real property or estate or interest shall have been paid the value; and
33 provided, no judgment has been rendered against the corporation for the payment of the value to
34 any other person or persons claiming to own the real estate.

1 (o) If any real property or any estate or interest is unclaimed or held by a person or
2 persons whose whereabouts are unknown, after making inquiry satisfactory to the superior court
3 for the county in which the real property lies, the corporation, after the expiration of two (2) years
4 from the first publication of the copy of the vote, statement, description, and plat, may petition the
5 court that the value of the estate or interest of the unknown person or persons be determined.
6 After the notice by publication to any person or persons that the court in its discretion may order,
7 and after a hearing on the petition, the court shall fix the value of the estate or interest and shall
8 order the sum to be deposited in the registry of the court in a special account to accumulate for
9 the benefit of the person or persons, if any, entitled to it. The receipt of the clerk of the superior
10 court shall constitute a discharge of the corporation from all liability in connection with the
11 taking. When the person entitled to the money deposited shall have satisfied the superior court of
12 his or her right to receive that money, the court shall cause it to be paid over to him or her, with
13 all accumulations thereon.

14 (p) The superior court shall have power to make any orders with respect to
15 encumbrances, liens, taxes, and other charges on the land, if any, as shall be just and equitable.

16 (q) Whenever, in the opinion of the corporation, a substantial saving in the cost of
17 acquiring title can be effected by conveying other real property, title to which is in the
18 corporation, to the person or persons from whom the estate or interest in real property is being
19 purchased or taken, or by the construction or improvement by the corporation of any work or
20 facility upon the remaining real property of the person or persons from whom the estate or
21 interest in real property is being purchased or taken, the corporation shall be and hereby is
22 authorized to convey that other real property to the person or persons from whom the estate or
23 interest in real property is being purchased or taken and to construct or improve any work or
24 facility upon the remaining land of the person or persons.

25 (r) At any time during the pendency of any proceedings for the assessment of damages
26 for property or interests taken or to be taken by eminent domain by the corporation, the
27 corporation or any owner may apply to the court for an order directing an owner or the
28 corporation, as the case may be, to show cause why further proceedings should not be expedited,
29 and the court may upon that application make an order requiring that the hearings proceed and
30 that any other steps be taken with all possible expedition.

31 **42-64-9.1. Inspection powers.** -- (a) The Rhode Island ~~economic development~~
32 [commerce](#) corporation is authorized to carry out all inspection, surveillance and monitoring
33 procedures necessary to determine, independent of information supplied by any discharger or
34 permit holder compliance or non-compliance by the person with pretreatment requirements

1 prescribed by the corporation.

2 (b) The corporation or its duly authorized employees or agents, upon presentation of
3 identification and appropriate credentials, is authorized:

4 (1) To enter without delay and at reasonable times, those premises, both public and
5 private, either receiving services from the corporation, or applying for a permit for discharge into
6 the corporation's wastewater collection and treatment system;

7 (2) To examine any and all records kept in accordance with the rules and regulations
8 adopted by the corporation, or required by permit or compliance order or maintained pursuant to
9 section 42-64-7.9;

10 (3) To have access to and inspect or test any monitoring or testing equipment or
11 monitoring or testing method, or to sample any effluent or discharge during regular working
12 hours, or at other reasonable times, or at any time a discharge is reasonably believed to present an
13 imminent danger to human health or the environment.

14 (c) Any person obstructing, hindering or in any way causing to be obstructed or hindered
15 the corporation or its duly authorized employees or agents in the performance of their duties, or
16 who shall refuse to permit the corporation or its duly authorized employees or agents entrance to
17 or egress from any premises, buildings, plant or equipment or other places belonging to or
18 controlled by the person in the performance of his or her duties shall be subject to the civil and
19 criminal penalties set forth in sections 42-64-9.2 and 42-64-9.3.

20 **42-64-9.2. Civil penalties.** -- (a) Any person who violates the provisions of this chapter
21 or of any permit, rule, regulation, or order issued pursuant thereto, shall be subject to a civil
22 penalty of not more than twenty-five thousand dollars (\$25,000) for each day during which the
23 violation occurs.

24 (b) The Rhode Island ~~economic development~~ commerce corporation shall, in the same
25 manner as cities and towns are authorized under the provisions of section 45-6-2.3(a)(4) and the
26 Narragansett Bay Commission are authorized under the provisions of section 46-25-25.2(b),
27 obtain actual costs and reasonable attorney's fees incurred by the corporation in seeking
28 compliance, penalties or damages.

29 **42-64-9.3. Criminal penalties.** -- (a) No person shall knowingly make any false
30 statement, representation, or certification in any application, record, report, plan, or other
31 document filed or required to be maintained under this chapter or by any permit, rule, regulation
32 or order issued under those sections, and no person shall falsify, tamper with or knowingly render
33 inaccurate any monitoring device or method required to be maintained under this chapter or by
34 any permit, rule, regulation or order issued under those sections.

1 (b) No person shall discharge into any outlet within the Quonset Point/Davisville
2 Industrial Park any sewage or waste without a permit.

3 (c) No person shall construct or maintain any privy, privy vault, septic tank cesspool, dry
4 well or other facility intended or used for the disposal of sewage wastes or other pollutants within
5 the Quonset Point/Davisville Industrial Park.

6 (d) No person shall maliciously, willfully or negligently breach, damage, destroy,
7 uncover, deface, or tamper with any structure, appurtenance, or equipment, or dump garbage,
8 refuse, or other material into any drain, storm sewer or other part of the wastewater collection or
9 treatment system or on any property within the Quonset Point/Davisville Industrial Park.

10 (e) No person shall uncover, make any connection with, or opening into, use, alter, or
11 disturb any interceptor or appurtenance of this interceptor, without first obtaining written
12 permission from the corporation.

13 (f) No person shall discharge or cause to be discharged any unpolluted waters such as
14 storm water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or
15 unpolluted industrial process waters to the corporation's wastewater treatment facility.

16 (g) Any person who is found guilty of violating willfully or with criminal negligence any
17 of the provisions of this chapter or of any permit, rule or regulation issued pursuant to this
18 chapter, or an order of the corporation shall be punished by a fine of not more than twenty-five
19 thousand dollars (\$25,000) or by imprisonment for not more than thirty (30) days, or by both fine
20 and imprisonment; and every person shall be deemed guilty of a separate and distinct offense for
21 each day during which the violation shall be repeated or continued. Further, the person shall be
22 liable for all damages directly related to the violation, including additional costs of handling and
23 treatment of any prohibited wastes, and shall reimburse the corporation for actual enforcement
24 costs incurred by the corporation including reasonable attorney's fees and administrative costs.

25 **42-64-9.4. Procedures for enforcement.** -- (a) The Rhode Island ~~economic development~~
26 [commerce](#) corporation shall have authority to seek legal or equitable relief in the federal court or
27 in the superior court of Providence county to enforce the requirements of sections 307(b) and (c);
28 402(b)(8) and other applicable sections of the Federal Water Pollution Control Act [33 U.S.C.
29 section 1251 et seq.]and any regulations implementing those sections or authorized by this
30 chapter. Whenever, on the basis of any information available to the corporation, the corporation
31 has reasonable grounds to believe that a person has violated any provision of this chapter or of
32 any permit, rule, regulation or order issued pursuant to this chapter the corporation may institute
33 administrative, civil or criminal proceedings in the name of the Rhode Island ~~economic~~
34 ~~development~~ [commerce](#) corporation. The corporation shall not be required to enter into any

1 recognizance or give surety for costs prior to instituting this proceeding. The corporation has the
2 authority to order any person who violates any provision of this chapter or of any permit, rule,
3 regulation or order issued pursuant to this chapter to cease and desist the violation or to remedy
4 the violation and to impose administrative penalties. The corporation may impose administrative
5 penalties only in accordance with the notice and hearing provisions of chapter 35 of this title, this
6 chapter and as set forth in the corporation's rules and regulations.

7 (b) The superior court for Providence county shall have jurisdiction to enforce the
8 provisions of this chapter and any rule, regulation, permit or administrative order issued pursuant
9 to this chapter. Proceedings for enforcement may be instituted and prosecuted in the name of the
10 corporation. In any proceeding on which injunctive relief is sought, it shall not be necessary for
11 the corporation to establish that without the relief the injury, which will result will be irreparable
12 or that the remedy at law is inadequate. Proceedings provided in this section shall be in addition
13 to, and may be utilized in lieu of, other administrative or judicial proceedings authorized by this
14 chapter.

15 **42-64-9.5. Hearings.** -- At all hearings held under the provisions of this chapter, the
16 Rhode Island ~~economic-development~~ [commerce](#) corporation and its members shall have the right
17 to administer oaths. All persons testifying at the hearings shall do so under oath and under penalty
18 of perjury. The corporation shall have the right to issue subpoenas to compel the appearance of
19 witnesses and/or the production of any books, records, or other documents. Any person may be
20 represented by counsel at the hearing. The corporation may adjourn the hearings from time to
21 time whenever the adjournment shall in its opinion, be necessary or desirable. The testimony
22 adduced at the hearing shall be transcribed by a stenographer.

23 **42-64-9.6. Notice of decisions.** -- Within a reasonable time following the conclusion of
24 the hearing, the Rhode Island ~~economic-development~~ [commerce](#) corporation shall render its
25 decision and findings and shall give notice by publication in some newspaper of general
26 circulation published in Rhode Island and distributed in Washington and Providence counties and
27 by mailing a copy by registered or certified mail to each person who shall have registered with
28 the corporation with his or her name and address with a request for specific notification of the
29 results of the hearing.

30 **42-64-9.7. Notice of hearing on orders.** -- Before adopting or entering any order
31 applicable to any one or more specific persons, the Rhode Island ~~economic-development~~
32 [commerce](#) corporation shall give to each of the persons, by registered or certified mail, twenty
33 (20) days notice of the time and place of the hearing to be afforded to each of the persons if he,
34 she or it desires the hearing. The notice shall state the date, time and location of the hearing.

1 **42-64-9.8. Procedure for hearings on orders.** -- The provisions of sections 42-64-9.5--
2 42-64-9.7 relative to hearings and judicial review shall be applicable to all hearings and decisions
3 held pursuant to this chapter.

4 **42-64-9.9. Public access to information.** -- Any permit, permit application or effluent
5 data shall be available to the public for inspection and copying. The Rhode Island ~~economic~~
6 ~~development~~ commerce corporation shall treat as privileged any information, which would, if
7 made public, divulge methods or processes entitled to protections as trade secrets of the person or
8 entity. Confidential or privileged materials may be disclosed or transmitted to other officers,
9 employees or agents of the corporation.

10 **42-64-9.10. Rules and regulations -- Notice of rule review.** -- The Rhode Island
11 ~~economic-development~~ commerce corporation may adopt rules and regulations or any
12 amendments to rules and regulations according to the provisions of chapter 35 of title 42. The
13 corporation shall also give notice of these rules and regulations or any amendments, prior to their
14 effective date, by sending, by registered or certified mail, copies to each person interested in these
15 rules, regulations or any amendments who shall have registered with the corporation his or her
16 name and address, with a request to be notified. Review of the rules and regulations may be had
17 as provided in chapter 35 of title 42.

18 **42-64-10. Findings of the corporation.** -- (a) Except as specifically provided in this
19 chapter, the Rhode Island ~~economic-development~~ commerce corporation shall not be empowered
20 to undertake the acquisition, construction, reconstruction, rehabilitation, development, or
21 improvement of a project, nor enter into a contract for any undertaking or for the financing of this
22 undertaking, unless it first:

- 23 (1) Finds:
- 24 (i) That the acquisition or construction and operation of the project will prevent,
25 eliminate, or reduce unemployment or underemployment in the state and will generally benefit
26 economic development of the state;
- 27 (ii) That adequate provision has been made or will be made for the payment of the cost
28 of the acquisition, construction, operation, and maintenance and upkeep of the project;
- 29 (iii) That, with respect to real property, the plans and specifications assure adequate
30 light, air, sanitation, and fire protection;
- 31 (iv) That the project is in conformity with the applicable provisions of chapter 23 of title
32 46; and
- 33 (v) That the project is in conformity with the applicable provisions of the state guide
34 plan; and

1 (2) Prepares and publicly releases an analysis of the impact the proposed project will or
2 may have on the State. The analysis shall be supported by appropriate data and documentation
3 and shall consider, but not be limited to, the following factors:

4 (i) The impact on the industry or industries in which the completed project will be
5 involved;

6 (ii) State fiscal matters, including the state budget (revenues and expenses);

7 (iii) The financial exposure of the taxpayers of the state under the plans for the proposed
8 project and negative foreseeable contingencies that may arise therefrom;

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

11 (v) Identification of geographic sources of the staffing for identified jobs;

12 (vi) The projected duration of the identified construction jobs;

13 (vii) The approximate wage rates for each category of the identified jobs;

14 (viii) The types of fringe benefits to be provided with the identified jobs, including
15 healthcare insurance and any retirement benefits;

16 (ix) The projected fiscal impact on increased personal income taxes to the state of Rhode
17 Island; and

18 (x) The description of any plan or process intended to stimulate hiring from the host
19 community, training of employees or potential employees and outreach to minority job applicants
20 and minority businesses.

21 (b) With respect to the uses described in section 42-64-3(18), (23), (30), (35), and (36)
22 and with respect to projects situated on federal lands, the corporation shall not be required to
23 make the findings specified in subsection (a)(1)(i) of this section.

24 (c) Except for the findings specified in subsections (a)(1)(iv) and (a)(1)(v) of this
25 section, the findings of the corporation made pursuant to this section shall be binding and
26 conclusive for all purposes. Upon adoption by the corporation, any such findings shall be
27 transmitted to the division of taxation, and shall be made available to the public for inspection by
28 any person, and shall be published by the tax administrator on the tax division website.

29 (d) The corporation shall monitor every impact analysis it completes through the
30 duration of any project incentives. Such monitoring shall include annual reports which shall be
31 transmitted to the division of taxation, and shall be available to the public for inspection by any
32 person, and shall be published by the tax administrator on the tax division website. The annual
33 reports on the impact analysis shall include:

34 (1) Actual versus projected impact for all considered factors; and

1 (2) Verification of all commitments made in consideration of state incentives or aid.

2 (e) Upon its preparation and release of the analysis required by subsection (a)(2) of this
3 section, the corporation shall provide copies of that analysis to the chairpersons of the house and
4 senate finance committees, the house and senate fiscal advisors, the department of labor and
5 training and the division of taxation. Any such analysis shall be available to the public for
6 inspection by any person and shall be published by the tax administrator on the tax division
7 website. Annually thereafter, the department of labor and training shall certify to the chairpersons
8 of the house and senate finance committees, the house and senate fiscal advisors, the corporation
9 and the division of taxation that: (i) the actual number of new full-time jobs with benefits created
10 by the project, not including construction jobs, is on target to meet or exceed the estimated
11 number of new jobs identified in the analysis above, and (ii) the actual number of existing full-
12 time jobs with benefits has not declined. This certification shall no longer be required two (2) tax
13 years after the terms and conditions of both the general assembly's joint resolution of approval
14 required by section 42-64-20.1 of this chapter and any agreement between the corporation and the
15 project lessee have been satisfied. For purposes of this section, "full-time jobs with benefits"
16 means jobs that require working a minimum of thirty (30) hours per week within the state, with a
17 median wage that exceeds by five percent (5%) the median annual wage for full-time jobs in
18 Rhode Island and within the taxpayer's industry, with a benefit package that includes healthcare
19 insurance plus other benefits typical of companies within the project lessee's industry. The
20 department of labor and training shall also certify annually to the chairpersons of the house and
21 senate finance committees, the house and senate fiscal advisors, and the division of taxation that
22 jobs created by the project are "new jobs" in the state of Rhode Island, meaning that the
23 employees of the project are in addition to, and without a reduction in the number of, those
24 employees of the project lessee currently employed in Rhode Island, are not relocated from
25 another facility of the project lessee in Rhode Island or are employees assumed by the project
26 lessee as the result of a merger or acquisition of a company already located in Rhode Island. The
27 certifications made by the department of labor and training shall be available to the public for
28 inspection by any person and shall be published by the tax administrator on the tax division
29 website.

30 (f) The corporation, with the assistance of the taxpayer, the department of labor and
31 training, the department of human services and the division of taxation shall provide annually an
32 analysis of whether any of the employees of the project lessee has received RIte Care or RIte
33 Share benefits and the impact such benefits or assistance may have on the state budget. Any such
34 analysis shall be available to the public for inspection by any person and shall be published by the

1 tax administrator on the tax division website. Notwithstanding any other provision of law or rule
2 or regulation, the division of taxation, the department of labor and training and the department of
3 human services are authorized to present, review and discuss lessee-specific tax or employment
4 information or data with the Rhode Island ~~economic-development~~ commerce corporation
5 ~~(RIEDC)~~(RICC), the chairpersons of the house and senate finance committees, and/or the house
6 and senate fiscal advisors for the purpose of verification and compliance with this tax credit
7 reporting requirement.

8 (g) The corporation and the project lessee shall agree that, if at any time prior to pay
9 back of the amount of the sales tax exemption through new income tax collections over three (3)
10 years, not including construction job income taxes, the project lessee will be unable to continue
11 the project, or otherwise defaults on its obligations to the corporation, the project lessee shall be
12 liable to the state for all the sales tax benefits granted to the project plus interest, as determined in
13 Rhode Island General Law section 44-1-7, calculated from the date the project lessee received the
14 sales tax benefits.

15 (h) Any agreements or contracts entered into by the corporation and the project lessee
16 shall be sent to the division of taxation and be available to the public for inspection by any person
17 and shall be published by the tax administrator on the tax division website.

18 (i) By August 15th of each year the project lessee shall report the source and amount of
19 any bonds, grants, loans, loan guarantees, matching funds or tax credits received from any state
20 governmental entity, state agency or public agency as defined in section 37-2-7 received during
21 the previous state fiscal year. This annual report shall be sent to the division of taxation and be
22 available to the public for inspection by any person and shall be published by the tax
23 administrator on the tax division website.

24 (j) By August 15th of each year the division of taxation shall report the name, address,
25 and amount of sales tax benefit each project lessee received during the previous state fiscal year
26 to the corporation, the chairpersons of the house and senate finance committees, the house and
27 senate fiscal advisors, the department of labor and training and the division of taxation. This
28 report shall be available to the public for inspection by any person and shall be published by the
29 tax administrator on the tax division website.

30 (k) On or before September 1, 2011, and every September 1 thereafter, the project lessee
31 shall file an annual report with the tax administrator. Said report shall contain each full-time
32 equivalent, part-time or seasonal employee's name, social security number, date of hire, and
33 hourly wage as of the immediately preceding July 1 and such other information deemed necessary
34 by the tax administrator. The report shall be filed on a form and in a manner prescribed by the tax

1 administrator.

2 **42-64-11. Disposition of projects.** -- (a) Notwithstanding the provisions of any other
3 law, the Rhode Island ~~economic development~~ commerce corporation may sell or lease to any
4 person, firm, partnership, or corporation, or to any local redevelopment agency, or to any state or
5 federal agency or instrumentality, or to any municipality or political subdivision of the state
6 empowered to enter into the sale or lease, any project without public bidding or public sale, for
7 consideration and upon terms as may be agreed upon between the corporation and the purchaser
8 or lessee; provided that in the case of a lease, the term shall not exceed ninety-nine (99) years.
9 The sale or lease or agreement may be consummated as entered into prior to, at the date of, or
10 subsequent to the acquisition of completion of the project. Where a contract of sale or lease is
11 entered into prior to the completion of construction of the project to be conveyed or leased, the
12 corporation may complete the project prior or subsequent to the consummation of the sale or
13 lease.

14 (b) In connection with the corporation's disposition by sale, lease, or otherwise of any of
15 its projects, the corporation is authorized to require that the party acquiring the project, or any
16 interest therein or any right to use or occupy the project, may not sell, assign, convey, lease,
17 sublease, or otherwise dispose of, in whole or in part, its interest in the project or its right to use
18 and occupy the project without the approval, in writing, of the corporation. The corporation may
19 not unreasonably withhold that approval; and shall state the reason or reasons upon which that
20 withholding of approval is based. In determining whether to grant or withhold that approval, the
21 corporation shall consider whether the proposed disposition will further the purposes of this
22 chapter and may consider any and all other relevant factors as well.

23 (c) The provisions of subsection (b) shall not be deemed to limit in any manner the
24 corporation's authority in connection with the disposition by sale, lease, or otherwise of any of its
25 projects or to impose those terms and conditions permitted by law with respect to those
26 dispositions as it shall determine to be desirable.

27 (d) The corporation shall dispose, by sale, lease, transfer or other agreement, of projects
28 on or related to former Navy lands in the town of North Kingstown through the Quonset
29 Development Corporation as provided for in chapter 64.10 of this title and may dispose, by sale,
30 lease, transfer or other agreement, of other projects related to land and real estate development,
31 regardless of location in Rhode Island, through the Quonset Development Corporation as may be
32 mutually agreeable to the corporation and the Quonset Development Corporation.

33 **42-64-12. Community advisory committees.** -- (a) The Rhode Island ~~economic~~
34 ~~development~~ commerce corporation may establish one or more local or regional community

1 advisory committees to consider and advise the corporation upon matters submitted to them by
2 the corporation concerning the development of any area or any project, and may establish rules
3 and regulations with respect to those committees. The community advisory committees shall
4 include, as members ex officio, the mayors of the cities and the presidents of the town councils of
5 the cities and towns, respectively, situated in the area with respect to which the community
6 advisory committees are established. Those members shall serve at the pleasure of the corporation
7 and without salary, but shall be entitled to reimbursement for their actual and necessary expenses
8 incurred in the performance of their duties.

9 (b) The corporation may purchase from, sell to, borrow from, loan to, contract with, or
10 otherwise deal with any corporation, trust, association, partnership, or other entity in which any
11 member of a community advisory committee has a financial interest, direct or indirect, provided
12 that the interest is disclosed in the minutes of the corporation.

13 (c) Notwithstanding any provision of law, general, special, or local, no officer or
14 employee of the state or of any agency thereof shall be deemed to have forfeited or shall forfeit
15 his or her office or employment by reason of his or her acceptance of membership on a
16 community advisory committee.

17 **42-64-13. Relations with municipalities.** -- (a) (1) With respect to projects situated on
18 federal land, the Rhode Island ~~economic development~~ [commerce](#) corporation is authorized to
19 plan, construct, reconstruct, rehabilitate, alter, improve, develop, maintain, and operate projects:
20 (i) in conformity with the applicable provisions of chapter 1 of title 2 except that the projects shall
21 not require the approval of a town or city council provided for in section 2-1-21, and (ii) without
22 regard to the zoning or other land use ordinances, codes, plans, or regulations of any municipality
23 or political subdivision; provided, however, that the exemption from the zoning or other land use
24 ordinances, codes, plans, or regulations shall be subject to the corporation's compliance with the
25 provisions of this subsection. Projects which are planned, constructed, reconstructed,
26 rehabilitated, altered, improved, or developed by the corporation on federal land in accordance
27 with the provisions of this subsection may be maintained and operated by lessees from and
28 successors in interest to the corporation in the same manner as if the projects had been in
29 existence prior to the enactment of the zoning or other land use ordinances, codes, plans, or
30 regulations which, but for this chapter, would otherwise be applicable.

31 (2) As used in this section, "the comprehensive plan" means a comprehensive plan
32 adopted pursuant to chapter 22 of title 45 by a planning board or commission; "the applicable
33 comprehensive plan" shall mean the comprehensive plan of any municipality within which any
34 project is to be situated, in whole or in part; and "the project plan" shall mean a general

1 description of a proposed project situated on federal land, describing in reasonable detail its
2 location, nature, and size. A zoning ordinance adopted by a municipality pursuant to chapter 24 of
3 title 45 shall not be deemed to be a comprehensive plan nor a statement of the land use goals,
4 objectives, and standards.

5 (3) If any project plan of the corporation with respect to projects situated on federal land
6 conforms to the land use goals, objectives, and standards of the applicable comprehensive plan as
7 of the time of the corporation's adoption of the project plan, or if there is no applicable
8 comprehensive plan, then before proceeding with the project described in the project plan, the
9 corporation shall refer the project plan to the appropriate community advisory committee which
10 may thereafter hold any public hearings as it may deem to be desirable for the purpose of
11 permitting the public to comment on the project plan. The community advisory committee shall
12 not later than forty-five (45) days after its receipt of the project plan, transmit its comments on the
13 project plan, in either written or oral form, to the corporation and thereupon, or upon the
14 community advisory committee's failure to take any action within the time specified, the
15 corporation shall be authorized to proceed with the project described in the project plan without
16 regard to the zoning or other land use ordinances, codes, plans, or regulations of a municipality
17 within which the project is to be situated in whole or in part.

18 (4) If any project plan of the corporation with respect to projects situated on federal land
19 does not conform to the land use goals, objectives, and standards of the applicable comprehensive
20 plan as of the time of the corporation's adoption of the project plan, then, before proceeding with
21 the project described in the project plan, the corporation shall refer the project plan to the local
22 governing body of any municipality within which any project is to be situated, in whole or in part.
23 The local governing body may thereafter hold any public hearings as it may deem to be desirable
24 for the purpose of permitting the public to comment on the project plan. The local governing
25 body shall, not later than forty-five (45) days after its receipt of the project plan, advise the
26 corporation of its approval or disapproval of that plan. If it shall disapprove the project plan, the
27 corporation shall nevertheless be authorized to proceed with the project described in the project
28 plan (without regard to the zoning or other land use ordinances, codes, plans, or regulations of a
29 municipality within which the project is to be situated in whole or in part) upon the subsequent
30 affirmative vote of a majority of the members of the board of directors then holding office as
31 directors taken at a meeting open to the public. If the local governing body approves the project
32 plan or fails to take any action within the time specified, the corporation shall be authorized to
33 proceed with the project described in the project plan without regard to the zoning or other land
34 use ordinances, codes, plans, or regulations of a municipality within which the project is to be

1 situated in whole or in part.

2 (5) The project plan's conformity with the applicable comprehensive plan shall be
3 determined by the board of directors of the corporation and its determination shall be binding and
4 conclusive for all purposes.

5 (b) With respect to projects situated on real property other than federal land, the
6 corporation shall plan, construct, reconstruct, rehabilitate, alter, improve, develop, maintain, and
7 operate projects in conformity with the applicable zoning or other land use ordinances, codes,
8 plans, or regulations of any municipality or political subdivision of the state in which those
9 projects are situated.

10 (c) The corporation shall, in planning, constructing, reconstructing, rehabilitating,
11 altering, or improving any project, comply with all requirements of state and federal laws, codes,
12 or regulations applicable to that planning, construction, reconstruction, rehabilitation, alteration,
13 or improvement. The corporation shall adopt a comprehensive building code (which may, but
14 need not be, the BOCA Code) with which all projects shall comply. That adoption shall not
15 preclude the corporation's later adoption of a different comprehensive building code or of its
16 alteration, amendment, or supplementation of any comprehensive building code so adopted.
17 Except as otherwise specifically provided to the contrary, no municipality or other political
18 subdivision of the state shall have the power to modify or change in whole or in part the
19 drawings, plans, or specifications for any project of the corporation; nor to require that any
20 person, firm, or corporation employed with respect to that project perform work in any other or
21 different manner than that provided by those drawings, plans, and specifications; nor to require
22 that any such person, firm, or corporation obtain any approval, permit, or certificate from the
23 municipality or political subdivision in relation to the project; and the doing of that work by any
24 person, firm, or corporation in accordance with the terms of those drawings, plans, specifications,
25 or contracts shall not subject the person, firm, or corporation to any liability or penalty, civil or
26 criminal, other than as may be stated in the contracts or may be incidental to the proper
27 enforcement thereof; nor shall any municipality or political subdivision have the power to require
28 the corporation, or any lessee or successor in interest, to obtain any approval, permit, or
29 certificate from the municipality or political subdivision as a condition of owning, using,
30 maintaining, operating, or occupying any project acquired, constructed, reconstructed,
31 rehabilitated, altered, or improved by the corporation or pursuant to drawings, plans, and
32 specifications made or approved by the corporation; provided, however, that nothing contained in
33 this subsection shall be deemed to relieve any person, firm, or corporation from the necessity of
34 obtaining from any municipality or other political subdivision of the state any license which, but

1 for the provisions of this chapter, would be required in connection with the rendering of personal
2 services or sale at retail of tangible personal property.

3 (d) Except to the extent that the corporation shall expressly otherwise agree, a
4 municipality or political subdivision, including, but not limited to, a county, city, town, or district,
5 in which a project of the corporation is located, shall provide for the project, whether then owned
6 by the corporation or any successor in interest, police, fire, sanitation, health protection, and other
7 municipal services of the same character and to the same extent as those provided for other
8 residents of that municipality or political subdivision, but nothing contained in this section shall
9 be deemed to require any municipality or political subdivision to make capital expenditures for
10 the sole purpose of providing any of these services for that project.

11 (e) In carrying out a project, the corporation shall be empowered to enter into contractual
12 agreements with municipalities and public corporations and those municipalities and public
13 corporations are authorized and empowered, notwithstanding any other law, to enter into any
14 contractual agreements with the corporation and to do all things necessary to carry out their
15 obligations under the agreements.

16 (f) Notwithstanding the provisions of any general, special, or local law or charter,
17 municipalities and public corporations are empowered to purchase, or to lease for a term not
18 exceeding ninety-nine (99) years, projects of the corporation, upon any terms and conditions as
19 may be agreed upon by the municipality or public corporation and the corporation.

20 **42-64-13.1. Assistance to urban communities for economic revitalization.** -- (a) The
21 Rhode Island ~~economic-development~~ commerce corporation shall, in furtherance of its
22 responsibility to assist urban communities, provide for the establishment of an urban enterprise
23 equity fund, the establishment of an urban business incubator, and such other programs and
24 activities as the corporation may deem appropriate to assist with urban revitalization.

25 (b) For purposes of this section, the following words and terms shall have the following
26 meanings:

27 (1) "Equity" shall mean cash or cash equivalents, through personal or other assets that
28 are either pledged to or become part of a small business venture. Equity constitutes resources that
29 are considered part of the balance sheet of the small business.

30 (2) "Equity Financing" shall be a loan from an institution, bank, non-bank or any other
31 resource, by which terms and conditions are established for repayment of the debt. For the
32 purposes of this legislation, "Equity Financing" shall be deeply subordinated on the balance sheet
33 of the business, and by this deep subordination is converted to equity on the balance sheet.
34 "Equity Financing" by virtue of its subordination shall be the last loan to be paid out of the cash

1 flow of the business.

2 (3) "Fund" shall mean a revolving loan fund used to provide equity to assist start-up and
3 existing businesses in securing resources from lenders including, but not limited to, private sector
4 lending institutions, and federal and non-federal public sector lenders.

5 (4) "Small business" shall mean any corporation, partnership, sole proprietorship, or
6 other business entity qualifying as "small" under the standards contained in 13 CFR section 121.

7 (5) "Urban" shall mean any community, which exceeds two thousand (2000) persons per
8 square mile as established by the most recent federal census.

9 (c) Establishment of an Urban Enterprise Equity Fund.

10 (1) (i) In order to provide "Equity Financing", commonly referred to as either "Equity"
11 or "Equity Debt", to assist small businesses finance investments, the general assembly establishes
12 the urban enterprise fund.

13 (ii) This fund will be located at and administered by the economic development
14 corporation, referred to as the corporation, hereinafter for the purposes of providing equity
15 financing to assist small businesses in obtaining additional resources for capital investments.
16 Seventy-five percent (75%) of the fund financing shall be targeted to urban small businesses
17 located in enterprise zones established pursuant to chapter 64.3 of title 42. The corporation shall
18 be responsible for the establishment of "the urban enterprise fund" and for the adoption of rules
19 and standards and guidelines, eligibility qualifications, and performance measures for the fund.
20 Such rules shall limit the amount of equity financing from the fund in any small business to an
21 amount not to exceed one hundred thousand (\$100,000) dollars and shall provide, inter alia that
22 the corporation be allowed to take stock, stock options, stock warrants, equity or other ownership
23 interests in the small business to which it is providing such Equity Financing.

24 (2) Nothing herein provided with regard to equity and Equity Financing shall be deemed
25 to prevent or restrict the corporation or other private lenders from providing additional financing
26 to the small business under traditional methods, conventional financing with or without credit
27 enhancements for the purposes of fulfilling the necessary instruments to finance the small
28 business.

29 (3) In the implementation of the provisions of this paragraph, the corporation is
30 encouraged to utilize credit enhancements such as the US Small Business Administration's (SBA)
31 Guaranteed Loan Program in conjunction with SBA's participating lenders to make the small
32 business financing transactions in the best interest of the Small Business.

33 (4) The corporation will annually report the status and performance of the Urban
34 Enterprise Equity Fund to the general assembly on or before the first Tuesday of November.

1 (d) (1) Establishment of an Urban Business Incubator. - There is hereby authorized,
2 established, and created an urban business incubator to be located in an enterprise zone, as
3 defined in chapter 64.3 of this title. The incubator shall be designed to foster the growth of
4 businesses through a multi-tenant, mixed-use facility serving companies in a variety of industries
5 including, but not limited to: services, distribution, light manufacturing, or technology-based
6 businesses. The incubator shall provide a range of services designed to assist these new
7 businesses, including, but not limited to: flexible leases, shared office equipment, use of common
8 areas such as conference rooms, and will provide (directly or indirectly) easily accessible
9 business management, training, financial, legal, accounting, and marketing services.

10 (2) The incubator shall be established as a non-business corporation, and shall have tax
11 exempt status under U.S. Internal Revenue Code section 501(c)(3), 26 U.S.C. section 501(c)(3),
12 and shall have an independent board of directors. The board of directors, in consultation with the
13 corporations, shall adopt guidelines and performance measures for the purposes of operating and
14 monitoring the incubator.

15 (e) The general assembly shall annually appropriate the sums it deems necessary to carry
16 out the provisions of subsections (c) and (d) of this section.

17 **42-64-13.2. Renewable energy investment coordination.** -- (a) Intent. - To develop an
18 integrated organizational structure to secure for Rhode Island and its people the full benefits of
19 cost-effective renewable energy development from diverse sources.

20 (b) Definitions. - For purposes of this section, the following words and terms shall have
21 the meanings set forth in RIGL 42-64-3 unless this section provides a different meaning. Within
22 this section, the following words and terms shall have the following meanings:

23 (1) "Corporation" means the Rhode Island ~~economic—development~~ [commerce](#)
24 corporation.

25 (2) "Municipality" means any city or town, or other political subdivision of the state.

26 (3) "Office" means the office of energy resources established by chapter 42-140.

27 (c) Renewable energy development fund. - The corporation shall, in the furtherance of its
28 responsibilities to promote and encourage economic development, establish and administer a
29 renewable energy development fund as provided for in section 39-26-7, may exercise the powers
30 set forth in this chapter, as necessary or convenient to accomplish this purpose, and shall provide
31 such administrative support as may be needed for the coordinated administration of the renewable
32 energy standard as provided for in chapter 39-26 and the renewable energy program established
33 by section 39-2-1.2. The corporation may upon the request of any person undertaking a renewable
34 energy facility project, grant project status to the project, and a renewable energy facility project,

1 which is given project status by the corporation, shall be deemed an energy project of the
2 corporation.

3 (d) Duties. - The corporation shall, with regards to renewable energy project investment:

4 (1) Establish by rule, in consultation with the office, standards for financing renewable
5 energy projects from diverse sources.

6 (2) Enter into agreements, consistent with this chapter and renewable energy investment
7 plans adopted by the office, to provide support to renewable energy projects that meet applicable
8 standards established by the corporation. Said agreements may include contracts with
9 municipalities and public corporations.

10 (e) Conduct of activities.

11 (1) To the extent reasonable and practical, the conduct of activities under the provisions
12 of this chapter shall be open and inclusive; the director shall seek, in addressing the purposes of
13 this chapter, to involve the research and analytic capacities of institutions of higher education
14 within the state, industry, advocacy groups, and regional entities, and shall seek input from
15 stakeholders including, but not limited to, residential and commercial energy users.

16 (2) By January 1, 2009, the director shall adopt:

17 (A) Goals for renewable energy facility investment which is beneficial, prudent, and
18 from diverse sources;

19 (B) A plan for a period of five (5) years, annually upgraded as appropriate, to meet the
20 aforementioned goals; and

21 (C) Standards and procedures for evaluating proposals for renewable energy projects in
22 order to determine the consistency of proposed projects with the plan.

23 (f) Reporting. - On March 1, of each year after the effective date of this chapter, the
24 corporation shall submit to the governor, the president of the senate, the speaker of the house of
25 representatives, and the secretary of state, a financial and performance report. These reports shall
26 be posted electronically on the general assembly and the secretary of state's websites as
27 prescribed in section 42-20-8.2. The reports shall set forth:

28 (1) The corporation's receipts and expenditures in each of the renewable energy program
29 funds administered in accordance with this section.

30 (2) A listing of all private consultants engaged by the corporation on a contract basis and
31 a statement of the total amount paid to each private consultant from the two (2) renewable energy
32 funds administered in accordance with this chapter; a listing of any staff supported by these
33 funds, and a summary of any clerical, administrative or technical support received; and

34 (3) A summary of performance during the prior year including accomplishments and

1 shortcomings; project investments, the cost-effectiveness of renewable energy investments by the
2 corporation; and recommendations for improvement.

3 **42-64-14. Relations with state agencies.** -- (a) In planning and carrying out projects, the
4 Rhode Island ~~economic-development~~ commerce corporation shall conform to the applicable
5 provisions of the state guide plan as that plan may from time to time be altered or amended. In
6 determining whether its proposed projects are in conformity with the state guide plan, the
7 corporation and all persons dealing with it shall be entitled to rely upon a written statement signed
8 by its chairperson or vice-chairperson of the state planning council to the effect that the proposed
9 project conforms to the state guide plan. If the corporation shall submit to the state planning
10 council a written request for this determination accompanied by a general description of a
11 proposed project describing in reasonable detail its location, nature, and size, and the state
12 planning council shall not within forty-five (45) days after the receipt of this written request issue
13 its written statement to the effect that the proposed project conforms or does not conform to the
14 state guide plan as the case may be, then conformity of the proposed project with the state guide
15 plan shall be conclusively presumed. A written statement issued by the state planning council to
16 the effect that a proposed project does not conform to the state guide plan shall state the respects
17 in which conformity is lacking.

18 (b) In planning and carrying out projects, the corporation shall conform to the applicable
19 provisions of chapter 23 of title 46.

20 (c) The corporation is authorized and empowered to acquire and to dispose of real
21 property, subject to the provisions of this chapter, without the necessity of obtaining the approval
22 of the state properties committee or otherwise complying with the provisions of title 37.

23 **42-64-15. Bonds and notes of the corporation.** -- (a) The Rhode Island ~~economic~~
24 ~~development~~ commerce corporation shall have the power and is authorized to issue from time to
25 time its negotiable bonds and notes in one or more series in any principal amounts as in the
26 opinion of the corporation shall be necessary to provide sufficient funds for achieving its
27 purposes, including the payment of interest on bonds and notes of the corporation, the
28 establishment of reserves to secure those bonds and notes (including the reserve funds created
29 pursuant to section 42-64-18), and the making of all other expenditures of the corporation
30 incident to and necessary or convenient to carrying out its corporate purposes and powers.

31 (b) All bonds and notes issued by the corporation may be secured by the full faith and
32 credit of the corporation or may be payable solely out of the revenues and receipts derived from
33 the lease, mortgage, or sale by the corporation of its projects or of any part of its projects, or from
34 any other revenues or from repayment from any loans made by the corporation with regard to any

1 of its projects or any part of its projects, all as may be designated in the proceedings of the
2 corporation under which the bonds or notes shall be authorized to be issued. The bonds and notes
3 may be executed and delivered by the corporation at any time from time to time, may be in any
4 form and denominations and of any tenor and maturities, and may be in bearer form or in
5 registered form, as to principal and interest or as to principal alone, all as the corporation may
6 determine.

7 (c) Bonds may be payable in any installments, and at times not exceeding fifty (50) years
8 from their date, as shall be determined by the corporation.

9 (d) Except for notes issued pursuant to section 42-64-16, notes, and any renewals, may
10 be payable in any installments and at any times not exceeding ten (10) years from the date of the
11 original issue of the notes, as shall be determined by the corporation.

12 (e) Bonds and notes may be payable at any places, whether within or outside of the state,
13 may bear interest at any rate or rates payable at any time or times and at any place or places and
14 evidenced in any manner, and may contain any provisions not inconsistent with this section, all as
15 shall be provided in the proceedings of the corporation under which they shall be authorized to be
16 issued.

17 (f) There may be retained by provision made in the proceedings under which any bonds
18 or notes of the corporation are authorized to be issued an option to redeem all or any part of these
19 bonds or notes, at any prices and upon any notice, and on any further terms and conditions as
20 shall be set forth on the record of the proceedings and on the face of the bonds or notes.

21 (g) Any bonds or notes of the corporation may be sold from time to time at those prices,
22 at public or private sale, and in any manner as shall be determined by the corporation, and the
23 corporation shall pay all expenses, premiums, and commissions that it shall deem necessary or
24 advantageous in connection with the issuance and sale of these bonds and notes.

25 (h) Moneys of the corporation, including proceeds from the sale of bonds or notes, and
26 revenues, receipts and income from any of its projects or mortgages, may be invested and
27 reinvested in any obligations, securities, and other investments consistent with this section as
28 shall be specified in the resolutions under which the bonds or notes are authorized.

29 (i) Issuance by the corporation of one or more series of bonds or notes for one or more
30 purposes shall not preclude it from issuing other bonds or notes in connection with the same
31 project or any other project, but the proceedings whereunder any subsequent bonds or notes may
32 be issued shall recognize and protect a prior pledge or mortgage made for a prior issue of bonds
33 or notes unless in the proceedings authorizing that prior issue the right is reserved to issue
34 subsequent bonds or notes on a parity with that prior issue.

1 (j) The corporation is authorized to issue bonds or notes for the purpose of refunding its
2 bonds or notes then outstanding, including the payment of any redemption premium and any
3 interest accrued or to accrue to the earliest or subsequent date of redemption, purchase, or
4 maturity of the bonds or notes, and, if deemed advisable by the corporation, for the additional
5 purpose of paying all or part of the cost of acquiring, constructing, reconstructing, rehabilitating,
6 or improving any project, or the making of loans on any project. The proceeds of bonds or notes
7 issued for the purpose of refunding outstanding bonds or notes may be applied, in the discretion
8 of the corporation, to the purchase, retirement at maturity, or redemption of the outstanding bonds
9 or notes either on their earliest or a subsequent redemption date, and may, pending that
10 application, be placed in escrow. Those escrowed proceeds may be invested and reinvested in
11 obligations of or guaranteed by the United States, or in certificates of deposit or time deposits
12 secured or guaranteed by the state or the United States, or an instrumentality of either, maturing at
13 any time or times as shall be appropriate to assure the prompt payment, as to principal, interest,
14 and redemption premium, if any, of the outstanding bonds or notes to be so refunded. The
15 interest, income and profits, if any, earned or realized on the investment may also be applied to
16 the payment of the outstanding bonds or notes to be so refunded. After the terms of the escrow
17 have been fully satisfied and carried out, any balance of the proceeds and interest, income and
18 profits, if any, earned or realized on the investments may be returned to the corporation for use by
19 it in furtherance of its purposes. The portion of the proceeds of bonds or notes issued for the
20 additional purpose of paying all or part of the cost of acquiring, constructing, reconstructing,
21 rehabilitating, developing, or improving any project, or the making of loans on any project, may
22 be invested and reinvested in any obligations, securities, and other investments consistent with
23 this section as shall be specified in the resolutions under which those bonds or notes are
24 authorized and which shall mature not later than the times when those proceeds will be needed for
25 those purposes. The interest, income and profits, if any, earned or realized on those investments
26 may be applied to the payment of all parts of the costs, or to the making of loans, or may be used
27 by the corporation otherwise in furtherance of its purposes. All bonds or notes shall be issued and
28 secured and shall be subject to the provisions of this chapter in the same manner and to the same
29 extent as any other bonds or notes issued pursuant to this chapter.

30 (k) The directors, the executive director of the corporation, and other persons executing
31 bonds or notes shall not be subject to personal liability or accountability by reason of the issuance
32 of these bonds and notes.

33 (l) Bonds or notes may be issued under the provisions of this chapter without obtaining
34 the consent of any department, division, commission, board, body, bureau, or agency of the state,

1 and without any other proceedings or the happening of any conditions or things other than those
2 proceedings, conditions, or things which are specifically required by this chapter and by the
3 provisions of the resolution authorizing the issuance of bonds or notes or the trust agreement
4 securing them.

5 (m) The corporation, subject to any agreements with note holders or bondholders as may
6 then be in force, shall have power out of any funds available therefor to purchase bonds or notes
7 of the corporation, which shall thereupon be cancelled, at a price not exceeding:

8 (1) If the bonds or notes are then redeemable, the redemption price then applicable plus
9 accrued interest to the next interest payment date; or

10 (2) If the bonds or notes are not then redeemable, the redemption price applicable on the
11 earliest date that the bonds or notes become subject to redemption, plus the interest that would
12 have accrued to that date.

13 (n) Whether or not the bonds and notes are of a form and character as to be negotiable
14 instruments under the terms of the Rhode Island Uniform Commercial Code, title 6A, the bonds
15 and notes are hereby made negotiable instruments within the meaning of and for all the purposes
16 of the Rhode Island Uniform Commercial Code, subject only to the provisions of the bonds and
17 notes for registration.

18 (o) If a director or officer of the corporation whose signature appears on bonds, notes, or
19 coupons shall cease to be a director or officer before the delivery of those bonds or notes, that
20 signature shall, nevertheless, be valid and sufficient for all purposes, the same as if the director or
21 officer had remained in office until the delivery.

22 **42-64-16. Short-term notes.** -- Money borrowed by the Rhode Island ~~economic~~
23 ~~development~~ commerce corporation for the purpose of providing temporary financing of a project
24 or projects or combination of projects pending the issuance of bonds or other notes, shall be
25 evidenced by notes or other obligations. The principal and interest of all notes or other obligations
26 of the corporation issued under the provisions of this section shall be payable no later than the
27 fourth anniversary of the date of their issue, and shall be payable from the following: (1) from the
28 proceeds of bonds subsequently issued; or (2) from the proceeds of subsequent borrowings which
29 comply with the provisions hereof; or (3) from general revenues of the corporation which may be
30 equal and proportionate with, but not superior to, that securing bonds then outstanding or
31 subsequently issued. Notwithstanding any other provisions of this chapter, all these notes shall be
32 deemed to be negotiable instruments under the laws of the state of Rhode Island subject only to
33 the provisions for registration contained in those laws. The notes or other obligations or any issue
34 of these shall be in a form and contain any other provisions as the corporation may determine and

1 the notes or resolutions or proceedings authorizing the notes or other obligations or any issue of
2 these may contain, in addition to any provisions, conditions, covenants, or limitations authorized
3 by this chapter, any provisions, conditions, covenants, or limitations which the corporation is
4 authorized to include in any resolution or resolutions authorizing bonds or notes or in any trust
5 indenture relating to bonds or notes. The corporation may issue the notes or other obligations in
6 any manner either publicly or privately on any terms as it may determine to be in its best
7 interests. These notes or other obligations may be issued under the provisions of this chapter
8 without obtaining the consent of any department, division, commission, board, body, or agency of
9 the state, without any other proceedings or the happening of any conditions or things other than
10 those proceedings, conditions, or things which are specifically required by this chapter and by the
11 provisions and resolutions authorizing the issuance of the notes or obligations.

12 **42-64-17. Security for bonds or notes.** -- (a) The principal of and interest on any bonds
13 or notes issued by the Rhode Island ~~economic-development~~ commerce corporation may be
14 secured by a pledge of any revenues and receipts of the corporation and may be secured by a
15 mortgage or other instrument covering all or any part of one or more projects, including all or part
16 of any additions, improvements, extensions to, or enlargements of projects thereafter made.

17 (b) Bonds or notes issued for the acquisition, construction, reconstruction, rehabilitation,
18 development, or improvement of one or more projects may also be secured by an assignment of
19 leases of, or mortgages on, or contracts of sale or loan agreements with regard to the project or
20 projects and by an assignment of the revenues, receipts, payments, or repayments derived by the
21 corporation from those leases, mortgages, sales agreements, or loan agreements.

22 (c) The resolution under which the bonds or notes are authorized to be issued and any
23 mortgage, lease, sales agreement, or loan agreement, or other instrument may contain agreements
24 and provisions respecting the maintenance of the projects covered thereby, the fixing and
25 collection of rents, payments or repayments or other revenues, including moneys received in
26 repayment of loans, and interest on the loans, the creation and maintenance of special funds from
27 rents or other revenues and the rights and remedies available in the event of default, all as the
28 corporation shall deem advisable.

29 (d) Each pledge, agreement, mortgage, or other instrument made for the benefit or
30 security of any of the bonds or notes of the corporation shall be valid and binding from the time
31 the pledge is made and shall continue in effect until the principal of and interest on the bonds or
32 notes for the benefit of which the pledge was made has been fully paid, or until provision has
33 been made for the payment in the manner provided in the resolutions under which those bonds or
34 notes were authorized. The revenues, moneys, or property pledged by the corporation shall

1 immediately be subject to the lien of that pledge without any physical delivery thereof or further
2 act, and the lien of the pledge shall be valid and binding as against all parties having claims of
3 any kind in tort, contract, or otherwise against the corporation, irrespective of whether the parties
4 have notice thereof. Neither the resolution nor any other instrument by which a pledge is created
5 need be recorded.

6 (e) The corporation may provide in any proceedings under which bonds or notes may be
7 authorized that any project or part of a project may be constructed, reconstructed, rehabilitated, or
8 improved by the corporation, or any lessee, vendee, obligor, or any designee of the corporation
9 and may also provide in those proceedings for the time and manner of and requisitions for
10 disbursements to be made for the cost of the construction, and for any certificates and approvals
11 of construction and disbursements that the corporation shall deem necessary and provide for in
12 those proceedings.

13 (f) Any resolution under which bonds or notes of the corporation are authorized to be
14 issued (and any trust indenture established thereby) may contain provisions for vesting in a
15 trustee or trustees those properties, rights, powers, and duties in trust that the corporation may
16 determine, including any or all of the rights, powers, and duties of the trustee appointed by the
17 holders of any issue of bonds or notes pursuant to section 42-64-25, in which event the provisions
18 of section 42-64-25 authorizing the appointment of a trustee by holders of bonds or notes shall
19 not apply.

20 **42-64-18. Reserve funds and appropriations.** -- To assure the continued operation and
21 solvency of the Rhode Island ~~economic development~~ commerce corporation for the carrying out
22 of its corporate purposes:

23 (1) The corporation may create and establish one or more special funds, "capital reserve
24 funds", and may pay into each capital reserve fund: (i) any moneys appropriated and made
25 available by the state for the purpose of the fund; (ii) proceeds from the sale of notes or bonds to
26 the extent provided in the resolution or resolutions of the corporation authorizing the issuance
27 thereof; and (iii) any other moneys that may be made available to the corporation for the purpose
28 of that fund from any other source. All moneys held in a capital reserve fund, except as provided,
29 shall be used solely for the payment of the principal of bonds secured in whole or in part by that
30 fund or of the sinking fund payments hereinafter mentioned with respect to the bonds, the
31 purchase or redemption of the bonds, the payment of interest on the bonds or the payment of any
32 redemption premium required to be paid when the bonds are redeemed prior to maturity;
33 provided, that moneys in the fund shall not be withdrawn (except for the purpose of making (with
34 respect to bonds secured in whole or in part by the fund) payment when due of principal, interest,

1 redemption premiums, and the sinking fund payments hereinafter mentioned, for the payment of
2 which other moneys of the corporation are not available) if the withdrawal would reduce the
3 amount of the fund to less than the minimum capital reserve requirement established for the fund
4 as provided in this section. Any income or interest earned by, or incremental to, any capital
5 reserve fund due to the investment of the funds may be transferred by the corporation to other
6 funds or accounts of the corporation if the transfer would not reduce the amount of the capital
7 reserve fund below the minimum capital reserve fund requirement for the fund;

8 (2) The corporation shall not at any time issue bonds secured in whole or in part by a
9 capital reserve fund if, upon the issuance of the bonds, the outstanding principal balance of such
10 bonds would exceed the sum of two hundred fifty million dollars (\$250,000,000), or the amount
11 of the capital reserve fund would be less than the minimum capital reserve required for the fund,
12 unless the corporation, at the time of issuance of the bonds, shall deposit in the fund from the
13 proceeds of the bonds to be issued, or from other sources, an amount that, together with the
14 amount then in the fund, is not less than the minimum capital reserve fund requirement for the
15 fund. For the purpose of this section, the term "minimum capital reserve fund requirement"
16 means, as of any particular date of computation, an amount of money, as provided in the
17 resolution or resolutions of the corporation authorizing the bonds or notes with respect to which
18 the fund is established, equal to not more than the greatest of the respective amounts, for the
19 current or any future fiscal year of the corporation, of annual debt service on the bonds of the
20 corporation secured in whole or in part by the fund, the annual debt service for any fiscal year
21 being the amount of money equal to the sum of: (i) the interest payable during the fiscal year on
22 all bonds secured in whole or in part by the fund outstanding on the date of computation plus; (ii)
23 the principal amount of all the bonds and bond anticipation notes outstanding on the date of
24 computation that mature during the fiscal year; plus (iii) all amounts specified in any resolution of
25 the corporation authorizing the bonds as payable during the fiscal year as a sinking fund payment
26 with respect to any of the bonds that mature after the fiscal year, all calculated on the assumption
27 that the bonds will after the date of computation cease to be outstanding by reason, but only by
28 reason, of the payment of bonds when due and application in accordance with the resolution
29 authorizing those bonds of all of the sinking fund payments payable at or after the date of
30 computation;

31 (3) In computing the amount of the capital reserve funds for the purpose of this section,
32 securities in which all or a portion of the funds shall be invested, shall be valued as provided in
33 the proceedings under which the bonds are authorized but in no event shall be valued at a value
34 greater than par;

1 (4) In order further to assure the continued operation and solvency of the corporation for
2 the carrying out of its corporate purposes, the executive director shall annually, on or before
3 December first, make and deliver to the governor a certificate stating the sum, if any, required to
4 restore each capital reserve fund to the minimum capital reserve fund requirement for the fund.
5 During each January session of the general assembly, the governor shall submit to the general
6 assembly printed copies of a budget including the total of the sums, if any, as part of the
7 governor's budget required to restore each capital reserve fund to the minimum capital reserve
8 fund requirement for the fund. All sums appropriated by the general assembly for this purpose,
9 and paid to the corporation, if any, shall be deposited by the corporation in the applicable capital
10 reserve fund;

11 (5) All amounts paid over to the corporation by the state pursuant to the provisions of
12 this section shall constitute and be accounted for as advances by the state to the corporation and,
13 subject to the rights of the holders of any bonds or notes of the corporation issued before or after,
14 shall be repaid to the state without interest from all available operating revenues of the
15 corporation in excess of amounts required for the payment of bonds, notes, or other obligations of
16 the corporation, the capital reserve funds and operating expenses;

17 (6) The corporation may create and establish any other fund or funds as may be
18 necessary or desirable for its corporate purposes;

19 (7) The corporation may by resolution permit the issuance of bonds and notes to carry
20 out the purposes of this chapter without establishing a capital reserve fund pursuant to this section
21 and without complying with the limitations set forth in this section. Bonds and notes issued
22 pursuant to this subdivision may be secured by any other funds or methods as the corporation
23 may in its discretion determine by resolution.

24 (8) On or before January 1 of each year, the Rhode Island ~~economic development~~
25 [commerce](#) corporation shall issue a report on all such bonds issued by the corporations. The
26 report shall include at a minimum the following: a list of each bond issued; the purpose of each
27 bond issued; the amount of each bond issued; the amount of principal and interest of each bond
28 issued paid to date; the outstanding principal balance of each bond issued; and the total
29 outstanding principal balance of all such bonds issued subject to this section. The report shall be
30 transmitted to the chairpersons of the house and senate finance committees, with copies to the
31 house and senate fiscal advisors.

32 **42-64-19. Trust funds.** -- All moneys received pursuant to the authority of this chapter,
33 whether as proceeds from the sale of bonds or notes or as revenues, receipts, or income, and
34 moneys held by the Rhode Island ~~economic development~~ [commerce](#) corporation in the tire site

1 remediation account established pursuant to section 23-63-4.1, shall be trust funds to be held and
2 applied solely as provided in the proceedings under which the bonds or notes are authorized. Any
3 officer with whom or any bank or trust company with which the moneys shall be deposited as
4 trustee shall hold and apply the moneys for the purposes thereof, subject to the applicable
5 provisions of this chapter, the proceedings authorizing the bonds or notes and the trust agreement
6 securing the bonds or notes, if any.

7 **42-64-20. Exemption from taxation.** -- (a) The exercise of the powers granted by this
8 chapter will be in all respects for the benefit of the people of this state, the increase of their
9 commerce, welfare, and prosperity and for the improvement of their health and living conditions
10 and will constitute the performance of an essential governmental function and the corporation
11 shall not be required to pay any taxes or assessments upon or in respect of any project or of any
12 property or moneys of the Rhode Island ~~ECONOMIC DEVELOPMENT~~ COMMERCE
13 CORPORATION, levied by any municipality or political subdivision of the state; provided, that
14 the corporation shall make payments in lieu of real property taxes and assessments to
15 municipalities and political subdivisions with respect to projects of the corporation located in the
16 municipalities and political subdivisions during those times that the corporation derives revenue
17 from the lease or operation of the projects. Payments in lieu of taxes shall be in amounts agreed
18 upon by the corporation and the affected municipalities and political subdivisions. Failing the
19 agreement, the amounts of payments in lieu of taxes shall be determined by the corporation using
20 a formula that shall reasonably ensure that the amounts approximate the average amount of real
21 property taxes due throughout the state with respect to facilities of a similar nature and size. Any
22 municipality or political subdivision is empowered to accept at its option an amount of payments
23 in lieu of taxes less than that determined by the corporation. If, pursuant to section 42-64-13(f),
24 the corporation shall have agreed with a municipality or political subdivision that it shall not
25 provide all of the specified services, the payments in lieu of taxes shall be reduced by the cost
26 incurred by the corporation or any other person in providing the services not provided by the
27 municipality or political subdivision.

28 (b) The corporation shall not be required to pay state taxes of any kind, and the
29 corporation, its projects, property, and moneys and, except for estate, inheritance, and gift taxes,
30 any bonds or notes issued under the provisions of this chapter and the income (including gain
31 from sale or exchange) from these shall at all times be free from taxation of every kind by the
32 state and by the municipalities and all political subdivisions of the state. The corporation shall not
33 be required to pay any transfer tax of any kind on account of instruments recorded by it or on its
34 behalf.

1 (c) For purposes of the exemption from taxes and assessments upon or in respect of any
2 project under subsections (a) or (b) of this section, the corporation shall not be required to hold
3 legal title to any real or personal property, including any fixtures, furnishings or equipment which
4 are acquired and used in the construction and development of the project, but the legal title may
5 be held in the name of a lessee (including sublessees) from the corporation. This property, which
6 shall not include any goods or inventory used in the project after completion of construction, shall
7 be exempt from taxation to the same extent as if legal title of the property were in the name of the
8 corporation; provided that the board of directors of the corporation adopts a resolution confirming
9 use of the tax exemption for the project by the lessee. Such resolution shall not take effect until
10 thirty (30) days from passage. The resolution shall include findings that: (1) the project is a
11 project of the corporation under section 42-64-3(20), and (2) it is in the interest of the corporation
12 and of the project that legal title be held by the lessee from the corporation. In adopting the
13 resolution, the board of directors may consider any factors it deems relevant to the interests of the
14 corporation or the project including, for example, but without limitation, reduction in potential
15 liability or costs to the corporation or designation of the project as a "Project of Critical Economic
16 Concern" pursuant to Chapter 117 of this title.

17 (d) For purposes of the exemption from taxes and assessments for any project of the
18 corporation held by a lessee of the corporation under subsection (c) of this section, any such
19 project shall be subject to the following additional requirements:

20 (1) The total sales tax exemption benefit to the lessee will be implemented through a
21 reimbursement process as determined by the division of taxation rather than an up-front purchase
22 exemption;

23 (2) The sales tax benefits granted pursuant to RIGL 42-64-20(c) shall only apply to
24 project approved prior to July 1, 2011 and shall: (i) only apply to materials used in the
25 construction, reconstruction or rehabilitation of the project and to the acquisition of furniture,
26 fixtures and equipment, except automobiles, trucks or other motor vehicles, or materials that
27 otherwise are depreciable and have a useful life of one year or more, for the project for a period
28 not to exceed six (6) months after receipt of a certificate of occupancy for any given phase of the
29 project for which sales tax benefits are utilized; and (ii) not exceed an amount equal to the income
30 tax revenue received by the state from the new full-time jobs with benefits excluding project
31 construction jobs, generated by the project within a period of three (3) years from after the receipt
32 of a certificate of occupancy for any given phase of the project. "Full- time jobs with benefits"
33 means jobs that require working a minimum of thirty (30) hours per week within the state, with a
34 median wage that exceeds by five percent (5%) the median annual wage for the preceding year

1 for full-time jobs in Rhode Island, as certified by the department of labor and training with a
2 benefit package that is typical of companies within the lessee's industry. The sales tax benefits
3 granted pursuant to Rhode Island general laws subsection 42-64-20(c) shall not be effective for
4 projects approved on or after July 1, 2011.

5 (3) The corporation shall transmit the analysis required by RIGL 42-64-10(a)(2) to the
6 house and senate fiscal committee chairs, the department of labor and training and the division of
7 taxation promptly upon completion. Annually thereafter, the department of labor and training
8 shall certify to the house and senate fiscal committee chairs, the house and senate fiscal advisors,
9 the corporation and the division of taxation the actual number of new full-time jobs with benefits
10 created by the project, in addition to construction jobs, and whether such new jobs are on target to
11 meet or exceed the estimated number of new jobs identified in the analysis above. This
12 certification shall no longer be required when the total amount of new income tax revenue
13 received by the state exceeds the amount of the sales tax exemption benefit granted above.

14 (4) The department of labor and training shall certify to the house and senate fiscal
15 committee chairs and the division of taxation that jobs created by the project are "new jobs" in the
16 state of Rhode Island, meaning that the employees of the project are in addition to, and without a
17 reduction of, those employees of the lessee currently employed in Rhode Island, are not relocated
18 from another facility of the lessee's in Rhode Island or are employees assumed by the lessee as
19 the result of a merger or acquisition of a company already located in Rhode Island. Additionally,
20 the corporation, with the assistance of the lessee, the department of labor and training, the
21 department of human services and the division of taxation shall provide annually an analysis of
22 whether any of the employees of the project qualify for RIte Care or RIte Share benefits and the
23 impact such benefits or assistance may have on the state budget.

24 (5) Notwithstanding any other provision of law, the division of taxation, the department
25 of labor and training and the department of human services are authorized to present, review and
26 discuss lessee specific tax or employment information or data with the corporation, the house and
27 senate fiscal committee chairs, and/or the house and senate fiscal advisors for the purpose of
28 verification and compliance with this resolution; and

29 (6) The corporation and the project lessee shall agree that, if at any time prior to the state
30 recouping the amount of the sales tax exemption through new income tax collections from the
31 project, not including construction job income taxes, the lessee will be unable to continue the
32 project, or otherwise defaults on its obligations to the corporation, the lessee shall be liable to the
33 state for all the sales tax benefits granted to the project plus interest, as determined in RIGL 44-1-
34 7, calculated from the date the lessee received the sales tax benefits.

1 **42-64-20.1. Procedure.** -- (a) A resolution by the board of directors of the corporation
2 that adopts confirming use of the tax exemption for a project by the lessee as required in section
3 42-64-20(c) shall be deemed to have been approved by the general assembly when the general
4 assembly passes a concurrent resolution of approval which the corporation requests that, the
5 resolution adopting confirming use of the tax exemption for a project by the lessee, be approved
6 by the general assembly. These requests shall be transmitted to the speaker of the house and the
7 president of the senate with copies to the chairpersons of the respective finance committees, and
8 fiscal advisors. The request for approval shall include:

- 9 (1) A full description of the project to which the tax exemption is related;
10 (2) The corporation's findings required by section 42-62-10(1); and
11 (3) The corporation's analysis of impact required by section 42-64-10(2).

12 **42-64-21. Notes and bonds as legal investments.** -- The notes and bonds of the Rhode
13 Island ~~economic development~~ [commerce](#) corporation are made securities in which all public
14 officers and bodies of this state and all municipalities and municipal subdivisions, all insurance
15 companies and associations, and other persons carrying on an insurance business, all banks,
16 bankers, trust companies, saving banks and saving associations, including savings and loan
17 associations, building and loan associations, investment companies, and other persons carrying on
18 a banking business, all administrators, guardians, executors, trustees, and other fiduciaries, and all
19 other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other
20 obligations of the state, may properly and legally invest funds, including capital, in their control
21 or belonging to them.

22 **42-64-22. Agreement of the state.** -- The state does pledge to and agree with the holders
23 of any bonds or notes issued under this chapter that the state will not limit or alter the rights
24 vested in the Rhode Island ~~economic development~~ [commerce](#) corporation to fulfill the terms of
25 any agreements made with the holders until the bonds or notes, together with the interest on these
26 bonds and notes, with interest on any unpaid installments of interest, and all costs and expenses in
27 connection with any action or proceeding by or on behalf of the holders, are fully met and
28 discharged. The corporation is authorized to include this pledge and agreement of the state in any
29 agreement with the holders of the bonds or notes.

30 **42-64-23. Credit of state.** -- (a) Obligations issued under the provisions of this chapter,
31 except those obligations secured by mortgages which are insured by the industrial building
32 authority, shall not constitute a debt, liability or obligation of the state or of any political
33 subdivision of the state other than the Rhode Island ~~economic development~~ [commerce](#)
34 corporation or a pledge of the faith and credit of the state or any political subdivision other than

1 the corporation but shall be payable solely from the revenues or assets of the corporation. Each
2 obligation issued under this chapter, except those obligations secured by mortgages which are
3 insured by the industrial building authority, shall contain on its face a statement to the effect that
4 the corporation shall not be obligated to pay the obligation or interest on the obligation except
5 from revenues or assets pledged therefor and that neither the faith and credit nor the taking power
6 of the state or any political subdivision of the state other than the corporation is pledged to the
7 payment of the principal of or the interest on the obligation.

8 (b) Obligations issued under the provisions of this chapter which are secured by
9 mortgages insured by the industrial building authority, in addition to being payable from the
10 revenues or assets of the corporation, shall be secured by a pledge of the faith and credit of the
11 state consistent with the terms and limitations of chapter 34 of this title.

12 **42-64-25. Remedies of bondholders and note-holders.** -- (a) In the event that the Rhode
13 Island ~~economic-development~~ commerce corporation shall default in the payment of principal of
14 or interest on any bonds or notes issued under this chapter after the bonds or notes shall become
15 due, whether at maturity or upon call for redemption, and the default shall continue for a period
16 of thirty (30) days, or in the event that the corporation shall fail or refuse to comply with the
17 provisions of this chapter, or shall default in any agreement made with the holders of an issue of
18 bonds or notes of the corporation the holders of twenty-five percent (25%) in aggregate principal
19 amount of the bonds or notes of an issue then outstanding, by instrument or instruments filed in
20 the office of the secretary of state and proved or acknowledged in the same manner as a deed to
21 be recorded, may appoint a trustee to represent the holders of the bonds or notes for the purposes
22 provided in this section.

23 (b) The trustee may, and upon written request of the holders of twenty-five percent
24 (25%) in principal amount of the bonds or notes then outstanding shall, in the trustee's own name:

25 (1) Enforce all rights of the bondholders or note-holders, including the right to require
26 the corporation to collect rent, interest repayments and payments on the leases, mortgages, loan
27 agreements and sales agreements held by it adequate to carry out any agreement as to, or pledge
28 of, rent, interest repayments and payments, and to require the corporation to carry out any other
29 agreements with the holders of the bonds or notes and to perform its duties under this chapter;

30 (2) Enforce all rights of the bondholders or note-holders so as to carry out any contract
31 as to, or pledge of, revenues, and to require the corporation to carry out and perform the terms of
32 any contract with the holders of its bonds or notes or its duties under the chapter;

33 (3) Bring suit upon all or any part of the bonds or notes;

34 (4) By action or suit, require the corporation to account as if it were the trustee of an

1 express trust for the holders of the bonds or notes;

2 (5) By action or suit, enjoin any acts or things which may be unlawful or in violation of
3 the rights of the holders of the bonds or notes;

4 (6) Declare all the bonds or notes due and payable and, if all defaults shall be made
5 good, then, with the consent of the holders of twenty-five percent (25%) of the principal amount
6 of the bonds or notes then outstanding, to annul the declaration and its consequences.

7 (c) The trustee shall, in addition to the foregoing, have and possess all the powers
8 necessary or appropriate for the exercise of any functions specifically set forth in this section or
9 incident to the general representation of bondholders or note-holders in the enforcement and
10 protection of their rights.

11 (d) Before declaring the principal of bonds or notes due and payable, the trustee shall
12 first give thirty (30) days' notice, in writing, to the governor of the state and to the corporation.

13 (e) The superior court of Providence County shall have jurisdiction of any suit, action, or
14 proceeding by the trustee on behalf of bondholders or note-holders.

15 **42-64-26. Authorization to accept appropriated moneys.** -- The Rhode Island
16 ~~economic-development~~ [commerce](#) corporation is authorized to accept any moneys as may be
17 appropriated from time to time by the general assembly for effectuating its corporate purposes
18 including, without limitation, the payment of the initial expenses of administration and operation
19 and the establishment of reserves or contingency funds to be available for the payment of the
20 principal of and the interest on any bonds, notes or other obligations of the corporation.

21 **42-64-27. Assistance by state officers, departments, boards and commission.** -- (a)
22 All state agencies may render any services to the Rhode Island ~~economic-development~~ [commerce](#)
23 corporation within their respective functions as may be requested by the corporation.

24 (b) Upon request of the corporation, any state agency is authorized and empowered to
25 transfer to the corporation any officers and employees as it may deem necessary from time to
26 time to assist the corporation in carrying out its functions and duties under this chapter. Officers
27 and employees so transferred shall not lose their civil service status or rights.

28 **42-64-28. Annual financial reports and performance report.** -- (a) The board shall
29 approve and the Rhode Island ~~economic-development~~ [commerce](#) corporation shall submit to the
30 governor, the president of the senate, the speaker of the house of representatives, and the
31 secretary of state, within eleven (11) months after the close of its fiscal year, complete and
32 detailed financial reports and a performance report. These reports shall cover the corporation and
33 its subsidiaries and shall be posted electronically on the general assembly and the secretary of
34 state's websites as prescribed in section 42-20-8.1.

1 (b) The financial reports shall set forth the corporation's:

2 (1) Operations;

3 (2) Receipts and expenditures during the fiscal year in accordance with the categories
4 and classifications established by the corporation for its operating and capital outlay purposes
5 including a listing of all private consultants engaged by the corporation on a contract basis and a
6 statement of the total amount paid to each private consultant, a listing of any staff supported by
7 these funds, and a summary of any clerical, administrative or technical support received;

8 (3) Assets and liabilities at the end of its fiscal year including a schedule of its leases and
9 mortgages and the status of the reserve, special or other funds;

10 (4) Schedule of the bonds and notes outstanding at the end of its fiscal year together with
11 a statement of amounts redeemed and incurred during the fiscal year;

12 (5) The reports shall be prepared by independent certified public accountants in
13 accordance with generally accepted principles of accounting.

14 (c) The performance report shall include:

15 (1) A summary of performance during the previous fiscal year including
16 accomplishments, shortcomings in general and relative to plan, and actions to be taken to remedy
17 such shortcomings;

18 (2) For all board meetings and public hearings held by the corporation: the subjects
19 addressed, decisions rendered, actions considered and their disposition; and, the minutes of these
20 meetings and hearings if requested by the governor, the president of the senate, the speaker of the
21 house of representatives, or the secretary of state;

22 (3) Rules or regulations promulgated by the board or corporation, a summary of studies
23 conducted, policies and plans developed, approved, or modified, and programs administered,
24 initiated or terminated;

25 (4) A synopsis of hearings, complaints, suspensions, or other legal matters related to the
26 authority of the board or corporation;

27 (5) A summary of any training courses held pursuant to subdivision 42-64-8(a)(4);

28 (6) A briefing on anticipated plans and activities in the upcoming fiscal year; and
29 findings and recommendations for improvements.

30 [\(7\) Compliance with the reporting requirements of the general laws.](#)

31 (d) The director of the department of administration shall be responsible for the
32 enforcement of the provisions of this section.

33 **42-64-29. Inventory of development sites.** -- (a) The Rhode Island ~~economic~~
34 ~~development~~ commerce corporation, in coordination with the statewide planning program, shall

1 maintain an inventory of potential sites for development and act as a clearinghouse for investors
2 and businesses that want to expand or locate in Rhode Island.

3 (b) Further, the corporation, in coordination with Rhode Island municipalities and local
4 or regional development agencies, shall promote the re-use of abandoned and distressed industrial
5 properties in the State, specifically those designated as brownfields and certified mill buildings.

6 (c) The corporation shall create a program of marketing for underutilized or abandoned
7 sites as identified by the department of environmental management in section 23-19-14.5(d).

8 (d) The corporation shall, in cooperation with the department of environmental
9 management, assist prospective Brownfield redevelopment developers in identifying and securing
10 public and private funding sources for Brownfield redevelopment projects.

11 **42-64-31. Other statutes.** -- Nothing contained in this chapter shall restrict or limit the
12 powers of the Rhode Island ~~economic development~~ [commerce](#) corporation arising under any laws
13 of this state except where those powers are expressly contrary to the provisions of this chapter;
14 provided, however, that the corporation shall not have any power to create, empower or otherwise
15 establish any corporation, subsidiary corporation, corporate body, any form of partnership, or any
16 other separate entity, without the express approval and authorization of the general assembly.
17 Except as otherwise provided, this chapter shall be construed to provide a complete additional
18 and alternative method for doing the things authorized hereby and shall be regarded as
19 supplemental and in addition to the powers conferred by other laws. The issuance of all bonds,
20 notes, and other obligations of the corporation under the provisions of this chapter need not
21 comply with the requirements of any other statute applicable to the issuance of bonds, notes and
22 obligations, and contracts for the construction and acquisition of any project undertaken pursuant
23 to this chapter need not comply with any provision of any other state law applicable to contracts
24 for the construction and acquisition of state owned property, except that the provisions of section
25 37-13-1 et seq. (prevailing wage); section 37-16-2 et seq. (public works arbitration); and section
26 37-12-1 et seq. (contractors' bonds) for the construction and acquisition of state or municipally
27 owned property shall be applicable. No proceedings or notice of approval shall be required for the
28 issuance of any bonds, notes, and other obligations or any instrument of security except as
29 provided in this chapter.

30 **42-64-34. Appointment of small business advocate.** -- (a) The director of the Rhode
31 Island ~~economic development~~ [commerce](#) corporation shall appoint a staff person to serve as the
32 small business advocate.

33 (b) The small business advocate shall:

34 (1) Identify and convey specific concerns raised by small business in providing notice to

1 the state agency proposing the regulation;

2 (2) Inform businesses regarding proposed regulation that may have a significant adverse
3 economic impact; and

4 (3) Formulate policies and procedures in accordance with chapter 35 of this title.

5 [\(4\) Assist with implementation and execution of the Rapid Rhody program set forth in](#)
6 [this chapter.](#)

7 (c) The small business advocate may request from any government agency, and the
8 agency is authorized and directed to provide, any cooperation and assistance, services, and data as
9 will enable the small business advocate to properly perform or exercise any of his or her
10 functions, duties, and powers under this chapter.

11 SECTION 3. Section 42-64.3-3.1 of the General Laws in Chapter 42-64.3 entitled
12 "Distressed Areas Economic Revitalization Act" is hereby amended to read as follows:

13 **42-64.3-3.1. Enterprise zone council.** -- (a) There is created within the Rhode Island
14 ~~economic-development~~ [commerce](#) corporation the "enterprise zone council," which shall consist
15 of five (5) members to be appointed by the governor; one member shall be the executive director
16 of the Rhode Island ~~economic-development~~ [commerce](#) corporation; one member shall represent
17 the urban league of Rhode Island; one member shall represent the Rhode Island League of Cities
18 and Towns; and two (2) members from the general public. The governor shall designate one
19 member to serve as chairperson of the enterprise zone council.

20 (b) The members shall be appointed for terms of five (5) years each; provided, however,
21 of the members originally appointed, one shall be appointed for a term of one year, one shall be
22 appointed for a term of two (2) years, one shall be appointed for a term of three (3) years, one
23 shall be appointed for a term of four (4) years and one shall be appointed for a term of five (5)
24 years.

25 (c) In carrying out its powers and duties under this chapter, the council shall utilize the
26 staffs and resources of the division of statewide planning and the Rhode Island economic
27 development corporation. Those agencies and other departments and agencies of state
28 government shall cooperate with the council in carrying out its mandate under this chapter.

29 (d) The council shall promulgate rules and regulations necessary to implement the intent
30 of this chapter.

31 [\(e\) Transfer of functions from the Rhode Island economic development corporation](#)
32 [enterprise zone council. – All functions formerly administered by the Rhode Island economic](#)
33 [development corporation's enterprise zone council are hereby transferred to the Rhode Island](#)
34 [commerce corporation.](#)

1 SECTION 4. Chapter 42-64 of the General Laws entitled "Rhode Island Economic
2 Development Corporation" is hereby amended by adding thereto the following sections:

3 **42-64-36. Program accountability.** -- The board of the Rhode Island commerce
4 corporation shall be responsible for establishing accountability standards, reporting standards and
5 outcome measurements for each of its programs to include, but not be limited to, the use of tax
6 credits, loans, loan guarantees and other financial transactions managed or utilized by the
7 corporation. Included in the standards shall be a set of principles and guidelines to be followed by
8 the board to include:

9 (1) A set of outcomes against which the board will measure each program's and offering's
10 effectiveness;

11 (2) A set of standards for risk analysis for all of programs especially the loans and loan
12 guarantee programs.

13 (3) A process for reporting out all loans, loan guarantees and any other financial
14 commitments made through the corporation that includes the purpose of the loan, financial data
15 as to payment history and other related information.

16 The board shall annually prepare a report starting in January 2015 which shall be
17 submitted to house and senate. The report shall summarize the above listed information on each
18 of its programs and offerings and contain recommendations for modification, elimination or
19 continuation.

20 The board shall coordinate its efforts with the office of revenue to not duplicate
21 information on the use of tax credits and other tax expenditures.

22 **42-64-37. Loan and loan guarantee programs.** -- (a) The board shall establish by
23 January, 2014 a risk management program for all loans, loan guarantees and all other financial
24 commitments into which the corporation enters. The program shall be established in conjunction
25 with the state's banking regulators and shall consists of at least the following components:

26 (1) A set of principles and guidelines for providing any financial commitments to be
27 made by the corporation; and

28 (2) A public process for providing financial commitments to include the formation of a
29 sub-committee of the board to review, analysis and approve all commitments. This process shall
30 include the formation of a sub-committee that consists of members of the board and other non-
31 board members that shall have no affiliation with the corporation or with the organization seeking
32 the financial commitment. The board shall appoint the non-board members. No employee of the
33 corporation shall be a member of the sub-committee. The sub-committee shall be required to
34 approve or reject the financial commitment in accordance with the set of principles established by

1 the board;

2 (b) The board shall approve in public session all financial commitments after the sub-
3 committee has rendered its opinion regarding the commitment. The board shall opine that the
4 commitment meets the principles and guidelines established by the board.

5 (c) The board shall annually audit and provide a risk analysis of all outstanding financial
6 commitments. The board shall engage an external firm qualified to conduct such analysis and
7 shall submit the report to the general assembly, chairs of the house finance committee and the
8 senate finance committee.

9 (d) The board shall establish a monitoring process for each financial commitment which
10 shall be a part of the risk analysis report; and

11 (e) The board shall review the risk analysis report and make modifications to the financial
12 commitment as it deems necessary.

13 SECTION 5. This act shall take on January 1, 2014.

=====
LC02350
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND COMMERCE
CORPORATION

1 This act would repeal the Rhode Island economic development corporation and establish
2 a new Rhode Island commerce corporation to take over the duties of the former economic
3 development corporation.

4 This act would take effect on January 1, 2014.

=====
LC02350
=====