

2020 -- H 7676

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LC004762  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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J O I N T   R E S O L U T I O N

RELATING TO OPEN SPACE AND FOREST CONSERVATION -- CAPITAL  
DEVELOPMENT PROGRAM

Introduced By: Representatives Slater, Blazejewski, Kislak, Diaz, and Bennett

Date Introduced: February 26, 2020

Referred To: House Finance

1           SECTION 1. Proposition to be submitted to the people. -- At the general election to be  
2 held on the Tuesday next after the first Monday in November 2020, there shall be submitted to  
3 the people for their approval or rejection the following proposition:

4           "Shall the action of the general assembly, by a joint resolution passed at the January 2020  
5 session, authorizing the issuance of bonds, refunding bonds, and temporary notes of the state for  
6 the capital projects and in the amount with respect to each such project listed below be approved,  
7 and the issuance of bonds, refunding bonds, and temporary notes authorized in accordance with  
8 the provisions of said joint resolution?"

9           Project

10           Open Space and Forest Conservation \$4,000,000. Approval of this question will allow  
11 the State of Rhode Island to issue its general obligation bonds, refunding bonds and temporary  
12 notes in an amount not to exceed four million dollars (\$4,000,000) for the state Local Land  
13 Acquisition Matching Grant Program to provide seventy-five percent (75%) matching grants to  
14 municipalities, local land trusts and nonprofit organizations to acquire fee-simple interest,  
15 development rights, or conservation easements on open space, forest and urban parklands in  
16 Rhode Island.

17           SECTION 2. Ballot labels and applicability of general election laws. -- The secretary of  
18 state shall prepare and deliver to the state board of elections ballot labels for each of the projects  
19 provided for in Section 1 hereof with the designations "approve" or "reject" provided next to the

1 description of each such project to enable voters to approve or reject each such proposition. The  
2 general election laws, so far as consistent herewith, shall apply to this proposition.

3 SECTION 3. Approval of projects by people. -- If a majority of the people voting on the  
4 proposition provided for in Section 1 hereof shall vote to approve the proposition as to any  
5 project provided for in Section 1 hereof, said project shall be deemed to be approved by the  
6 people. The authority to issue bonds, refunding bonds and temporary notes of the state shall be  
7 limited to the aggregate amount for all such projects as set forth in the proposition provided for in  
8 Section 1 hereof which has been approved by the people.

9 SECTION 4. Bonds for capital development program. -- The general treasurer is hereby  
10 authorized and empowered with the approval of the governor and in accordance with the  
11 provisions of this joint resolution, to issue from time to time capital development bonds in serial  
12 form in the name and on behalf of the state in amounts as may be specified from time to time by  
13 the governor in an aggregate principal amount not to exceed the total amount for all projects  
14 approved by the people and designated as "capital development loan of 2020 bonds"; provided,  
15 however, that the aggregate principal amount of such capital development bonds and of any  
16 temporary notes outstanding at any one time issued in anticipation thereof pursuant to Section 7  
17 hereof shall not exceed the total amount for all such projects as have been approved by the  
18 people. All provisions in this joint resolution relating to "bonds" shall also be deemed to apply to  
19 "refunding bonds". Capital development bonds issued under this joint resolution shall be in  
20 denominations of one thousand dollars (\$1,000) each, or multiples thereof, and shall be payable  
21 in any coin or currency of the United States which at the time of payment shall be legal tender for  
22 public and private debts. These capital development bonds shall bear such date or dates, mature at  
23 specified time or times, but not beyond the end of the twentieth state fiscal year following the  
24 state fiscal year in which they are issued, bear interest payable semi-annually at a specified rate or  
25 different or varying rates, be payable at designated time or times at specified place or places, be  
26 subject to expressed terms of redemption or recall, with or without premium, be in a form, with or  
27 without interest coupons attached, carry such registration, conversion, reconversion, transfer, debt  
28 retirement, acceleration and other provisions as may be fixed by the general treasurer, with the  
29 approval of the governor, upon each issue of such capital development bonds at the time of each  
30 issue. Whenever the governor shall approve the issuance of such capital development bonds, they  
31 shall certify approval to the secretary of state; the bonds shall be signed by the general treasurer  
32 and countersigned by the manual or facsimile signature of the secretary of state and shall bear the  
33 seal of the state or a facsimile thereof. The approval of the governor shall be endorsed on each  
34 bond so approved with a facsimile of their signature.

1           SECTION 5. Refunding bonds for 2020 capital development program. -- The general  
2 treasurer is hereby authorized and empowered, with the approval of the governor and in  
3 accordance with the provisions of this joint resolution, to issue from time to time bonds to refund  
4 the 2020 capital development program bonds in the name and on behalf of the state, in amounts  
5 as may be specified from time to time by the governor in an aggregate principal amount not to  
6 exceed the total amount approved by the people, to be designated as "capital development  
7 program loan of 2020 refunding bonds" (hereinafter "refunding bonds"). The general treasurer  
8 with the approval of the governor shall fix the terms and form of any refunding bonds issued  
9 under this joint resolution in the same manner as the capital development bonds issued under this  
10 joint resolution, except that the refunding bonds may not mature more than twenty (20) years  
11 from the date of original issue of the capital development bonds being refunded. The proceeds of  
12 the refunding bonds, exclusive of any premium and accrual interest and net the underwriters'  
13 cost, and cost of bond insurance, shall, upon their receipt, be paid by the general treasurer  
14 immediately to the paying agent for the capital development bonds which are to be called and  
15 prepaid. The paying agent shall hold the refunding bond proceeds in trust until they are applied to  
16 prepay the capital development bonds. While such proceeds are held in trust, they may be  
17 invested for the benefit of the state in obligations of the United States of America or the state of  
18 Rhode Island. If the general treasurer shall deposit with the paying agent for the capital  
19 development bonds the proceeds of the refunding bonds or proceeds from other sources amounts  
20 that, when invested in obligations of the United States or the state of Rhode Island, are sufficient  
21 to pay all principal, interest, and premium, if any, on the capital development bonds until these  
22 bonds are called for prepayment, then such capital development bonds shall not be considered  
23 debts of the state of Rhode Island for any purpose from the date of deposit of such monies with  
24 the paying agent. The refunding bonds shall continue to be a debt of the state until paid. The term  
25 "bond" shall include "note", and the term "refunding bonds" shall include "refunding notes" when  
26 used in this joint resolution.

27           SECTION 6. Proceeds of capital development program. -- The general treasurer is  
28 directed to deposit the proceeds from the sale of capital development bonds issued under this joint  
29 resolution, exclusive of premiums and accrued interest and net the underwriters' cost, and cost of  
30 bond insurance, in one or more of the depositories in which the funds of the state may be lawfully  
31 kept in special accounts (hereinafter cumulatively referred to as "such capital development bond  
32 fund") appropriately designated for each of the projects set forth in Section 1 hereof which shall  
33 have been approved by the people to be used for the purpose of paying the cost of all such  
34 projects so approved. All monies in the capital development bond fund shall be expended for the

1 purposes specified in the proposition provided for in Section 1 hereof under the direction and  
2 supervision of the director of administration (hereinafter referred to as "director"). The director or  
3 their designee shall be vested with all power and authority necessary or incidental to the purposes  
4 of this joint resolution, including, but not limited to, the following authority: (1) To acquire land  
5 or other real property or any interest, estate or right therein as may be necessary or advantageous  
6 to accomplish the purposes of this joint resolution; (2) To direct payment for the preparation of  
7 any reports, plans and specifications, and relocation expenses and other costs such as for  
8 furnishings, equipment designing, inspecting and engineering, required in connection with the  
9 implementation of any projects set forth in Section 1 hereof; (3) To direct payment for the costs  
10 of construction, rehabilitation, enlargement, provision of service utilities, and razing of facilities,  
11 and other improvements to land in connection with the implementation of any projects set forth in  
12 Section 1 hereof; and (4) To direct payment for the cost of equipment, supplies, devices, materials  
13 and labor for repair, renovation or conversion of systems and structures as necessary for 2016  
14 capital development program bonds or notes hereunder from the proceeds thereof. No funds shall  
15 be expended in excess of the amount of the capital development bond fund designated for each  
16 project authorized in Section 1 hereof. With respect to the bonds and temporary notes described  
17 in Section 1, the proceeds shall be utilized for the following purpose:

18         Question 1 relating to bonds in the amount of four million dollars (\$4,000,000) for open  
19 space and forest conservation purposes to be allocated for the state Local Land Acquisition  
20 Matching Grant Program \$4,000,000 Provides seventy-five percent (75%) matching grants to  
21 municipalities, local land trusts and nonprofit organizations to acquire fee-simple interest,  
22 development rights, or conservation easements on open space, forest, and urban parklands in  
23 Rhode Island.

24         SECTION 7. Sale of bonds and notes. -- Any bonds or notes issued under the authority of  
25 this joint resolution shall be sold from time to time at not less than the principal amount thereof,  
26 in such mode and on such terms and conditions as the general treasurer, with the approval of the  
27 governor, shall deem to be for the best interests of the state. Any premiums and accrued interest,  
28 net of the cost of bond insurance and underwriters discount, that may be received on the sale of  
29 the capital development bonds or notes shall become part of the Rhode Island capital fund of the  
30 state, unless directed by federal law or regulation to be used for some other purpose. In the event  
31 that the amount received from the sale of the capital development bonds or notes exceeds the  
32 amount necessary for the purposes stated in Section 6 hereof, the surplus may be used to the  
33 extent possible to retire the bonds as the same may become due, to redeem them in accordance  
34 with the terms thereof or otherwise to purchase them as the general treasurer, with the approval of

1 the governor, shall deem to be for the best interests of the state. Any bonds or notes issued under  
2 the provisions of this joint resolution and coupons on any capital development bonds, if properly  
3 executed by the manual or facsimile signatures of officers of the state in office on the date of  
4 execution shall be valid and binding according to their tenor, notwithstanding that before the  
5 delivery thereof and payment therefor, any or all such officers shall for any reason have ceased to  
6 hold office.

7 SECTION 8. Bonds and notes to be tax exempt and general obligations of the state. -- All  
8 bonds and notes issued under the authority of this joint resolution shall be exempt from taxation  
9 in the state and shall be general obligations of the state, and the full faith and credit of the state is  
10 hereby pledged for the due payment of the principal and interest on each of such bonds and notes  
11 as the same shall become due.

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

24 SECTION 10. Appropriation. -- To the extent the debt service on these bonds is not  
25 otherwise provided, a sum sufficient to pay the interest and principal due each year on bonds and  
26 notes hereunder is hereby annually appropriated out of any money in the treasury not otherwise  
27 appropriated.

28 SECTION 11. Advances from general fund. -- The general treasurer is authorized from  
29 time to time with the approval of the director and the governor, in anticipation of the issue of  
30 bonds or notes under the authority of this joint resolution, to advance to the capital development  
31 bond fund for the purposes specified in Section 6 hereof, any funds of the state not specifically  
32 held for any particular purpose; provided, however, that all advances made to the capital  
33 development bond fund shall be returned to the general fund from the capital development bond  
34 fund forthwith upon the receipt by the capital development fund of proceeds resulting from the

1 issue of bonds or notes to the extent of such advances.

2 SECTION 12. Federal assistance and private funds. -- In carrying out this joint  
3 resolution, the director, or their designee, is authorized on behalf of the state, with the approval of  
4 the governor, to apply for and accept any federal assistance which may become available for the  
5 purpose of this joint resolution, whether in the form of loan or grant or otherwise, to accept the  
6 provision of any federal legislation therefor, to enter into, joint resolution and carry out contracts  
7 in connection therewith, to resolution as agent for the federal government in connection  
8 therewith, or to designate a subordinate so to resolution. Where federal assistance is made  
9 available, the project shall be carried out in accordance with applicable federal law, the rules and  
10 regulations thereunder and the contract or contracts providing for federal assistance,  
11 notwithstanding any contrary provisions of state law. Subject to the foregoing, any federal funds  
12 received for the purposes of this joint resolution shall be deposited in the capital development  
13 bond fund and expended as a part thereof. The director or their designee may also utilize any  
14 private funds that may be made available for the purposes of this joint resolution.

15 SECTION 13. This joint resolution shall take effect if and when the state board of  
16 elections shall certify to the secretary of state that a majority of the qualified electors voting on  
17 the propositions contained in Section 1 hereof have indicated their approval of the project  
18 thereunder.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
JOINT RESOLUTION  
RELATING TO OPEN SPACE AND FOREST CONSERVATION -- CAPITAL  
DEVELOPMENT PROGRAM

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1           This joint resolution would provide for a statewide voter referendum seeking approval of  
2 issuance of bonds, refunding bonds, and temporary notes of the state for the capital project for  
3 open space and forest conservation in an amount not to exceed \$4,000,000 and for the state Local  
4 Land Acquisition Matching Grant Program to provide seventy-five percent (75%) matching  
5 grants to municipalities, local land trusts and nonprofit organizations to acquire fee-simple  
6 interest, development rights, or conservation easements on open space, forest and urban parklands  
7 in Rhode Island.

8           This joint resolution would take effect upon passage. The remaining sections of this joint  
9 resolution would take effect if and when the state board of elections would certify to the secretary  
10 of state that a majority of the qualified electors voting on the propositions contained in Section 1  
11 hereof have indicated their approval of the project thereunder.

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