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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - QUONSET DEVELOPMENT CORPORATION

Introduced By: Representative Arthur Handy

Date Introduced: March 04, 2014

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-64.10-6 of the General Laws in Chapter 42-64.10 entitled
2 "Quonset Development Corporation" is hereby amended to read as follows:

3 **42-64.10-6. Additional general powers and duties. --** In addition to the powers
4 enumerated in ~~section~~ §42-64.10-5, except to the extent inconsistent with any specific provision
5 of this chapter, the corporation shall have and may exercise additional general powers:

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

9 (b) As a subsidiary of the Rhode Island economic development corporation as provided
10 for in ~~section~~ §42-64-7.1;

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

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

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

6 (2) To lease, purchase, exchange and acquire, and to bargain, contract, and agree for the
7 lease, purchase, exchange, and acquisition of, and to take, receive, possess, and manage any real
8 or personal property related in any way to the Pproperty, tangible and intangible, or any interest
9 therein.

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

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

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

33 (6) To enter into subordination agreements, inter-creditor agreements, reinstatement
34 agreements, "stand still" and "stand-by" agreements, modification agreements, forbearance

1 agreements, and other contracts having the effect of subordinating, modifying, renewing,
2 restructuring or otherwise altering the rights, obligations, or liabilities of the economic
3 development corporation, under or with respect to any indebtedness, property, or other assets
4 constituting or securing any Pproperty.

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

12 (8) To exercise any powers and any duties vested in the economic development
13 corporation as a partner, joint venturer, participant, or other joint interest holder with respect to
14 any Pproperty, or to concur (or not) with persons jointly interested with the economic
15 development corporation in any Pproperty.

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

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

33 (d) To own, hold, improve, operate, manage, and regulate utilities at the Quonset
34 Business Park and to establish rates, fees, and charges, to adopt regulations, and to impose

1 penalties for any services or utilities it provides, or causes to have available, and to have functions
2 and exercise powers as necessary and appropriate under the provisions of ~~sections~~ §§42-64-4, 42-
3 64-7.4, 42-64-7.8, 42-64-7.9 and 42-64-9.1 -- 42-64-9.10, inclusive.

4 (e) To enter into agreements with any city, town, district, or public corporation with
5 regard to application and/or administration of zoning or other land use ordinances, codes, plans,
6 or regulations, and cities, towns, districts, and public corporations are hereby authorized and
7 empowered, notwithstanding any other law to the contrary, to enter into such agreements with the
8 corporation and to do all things necessary to carry out their obligations under such agreements; in
9 the absence of any such agreement the corporation shall act in accordance with the provisions of
10 ~~section~~ §42-64-13.

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

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

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

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

33 (2) Compel any person or entity within the Quonset Business Park, for the purpose of
34 stormwater runoff, to establish a direct connection on the property of the person or entity, or at

1 the boundary thereof, to the corporation's stormwater management and conveyance systems.
2 These connections shall be made at the expense of such person or entity. The term
3 "appurtenance" as used herein shall be construed to include adequate pumping facilities,
4 whenever the pumping facilities shall be necessary to deliver the stormwater runoff to the
5 stormwater management and conveyance systems.

6 (3) Assess any person or entity having a direct or indirect connection (including, without
7 limitation, via runoff) to the Quonset Business Park stormwater management and conveyance
8 systems the reasonable charges for the use, operation, maintenance, and improvements to the
9 systems. The corporation shall also be entitled, in addition to any other remedies available, to
10 assess fines for violations of the rules and regulations established by the corporation with respect
11 to stormwater management.

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

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

30 (6) Without in any way limiting the foregoing powers and authority, the corporation is
31 also hereby empowered to: (i) Establish a fee system and raise funds for administration and
32 operation of the stormwater management and conveyance systems; (ii) Prepare long-range,
33 stormwater management master plans subject to DEM and CRMC approval and consistent with
34 Rhode Island Pollutant Discharge Elimination System (RIPDES) Rule 31(e)(3); (iii) Implement a

1 stormwater management district; (iv) Retrofit existing structures to improve water quality or
2 alleviate downstream flooding or erosion; (v) Properly maintain existing stormwater management
3 and conveyance systems; (vi) Hire personnel to carry out the functions of the stormwater
4 management and conveyance systems; (vii) Receive grants, loans, or funding from state and
5 federal water quality programs; (viii) Grant credits to property owners who maintain retention
6 and detention basins or other filtration structures on their property; (ix) Make grants for
7 implementation of storm-water management plans; (x) Purchase, acquire, sell, transfer, or lease
8 real or personal property; (xi) Impose liens; (xii) Levy fines and sanctions for noncompliance;
9 (xiii) Provide for an appeals process; and (xiv) Contract for services in order to carry out the
10 function of the stormwater management and conveyance systems.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - QUONSET DEVELOPMENT
CORPORATION

1 This act would require that any long range stormwater management master plans of the
2 Quonset Development Corporation be subject to DEM and CRMC approval and be consistent
3 with Rhode Island Pollutant Discharge Elimination System (RIPDES) Rule 31(e)(3).

4 This act would take effect upon passage.

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