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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 of
5 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, debts,
17 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 now are or hereafter
3 shall be or become due, owing, or payable in respect to the Property, and upon receipt thereof, or
4 of any part thereof, to make, sign, execute, and deliver such receipts, releases or other discharges
5 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 Property, 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 Property, 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 Property, 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 may be necessary or proper, and to bargain, contract and agree with respect to
19 the sale or exchange of such properties; and to execute and deliver good and sufficient deeds,
20 bills of sale, assignments, or other instruments or endorsements for the conveyance or transfer of
21 the same; and to give receipts for all or any part of the purchase price or other consideration.

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

32 (6) To enter into subordination agreements, inter-creditor agreements, reinstatement
33 agreements, "stand still" and "stand-by" agreements, modification agreements, forbearance
34 agreements, and other contracts having the effect of subordinating, modifying, renewing,

1 restructuring or otherwise altering the rights, obligations or liabilities of the economic
2 development corporation, under or with respect to any indebtedness, property or other assets
3 constituting or securing any Property.

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

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

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

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

32 (d) To own, hold, improve, operate, manage, and regulate utilities at the Quonset
33 Business Park and to establish rates, fees, and charges, to adopt regulations, and to impose
34 penalties for any services or utilities it provides or causes to have available and to have functions

1 and exercise powers as necessary and appropriate under the provisions of sections 42-64-4, 42-
2 64-7.4, 42-64-7.8, 42-64-7.9 and 42-64-9.1 -- 42-64-9.10, inclusive.

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

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

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

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

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

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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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