

2010 -- S 2732

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND
ECONOMIC DEVELOPMENT

Introduced By: Senators Sheehan, Crowley, Jabour, and DiPalma

Date Introduced: March 25, 2010

Referred To: Senate Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-64-13 and 42-64-14 of the General Laws in Chapter 42-64
2 entitled "Rhode Island Economic Development Corporation" are hereby amended to read as
3 follows:

4 **42-64-13. Relations with municipalities.** -- (a) (1) With respect to projects situated on
5 federal land, the Rhode Island economic development corporation is authorized to plan, construct,
6 reconstruct, rehabilitate, alter, improve, develop, maintain, and operate projects: (i) in conformity
7 with the applicable provisions of chapter 1 of title 2 except that the projects shall not require the
8 approval of a town or city council provided for in section 2-1-21, and (ii) without regard to the
9 zoning or other land use ordinances, codes, plans, or regulations of any municipality or political
10 subdivision; provided, however, that the exemption from the zoning or other land use ordinances,
11 codes, plans, or regulations shall be subject to the corporation's compliance with the provisions of
12 this subsection. Projects which are planned, constructed, reconstructed, rehabilitated, altered,
13 improved, or developed by the corporation on federal land in accordance with the provisions of
14 this subsection may be maintained and operated by lessees from and successors in interest to the
15 corporation in the same manner as if the projects had been in existence prior to the enactment of
16 the zoning or other land use ordinances, codes, plans, or regulations which, but for this chapter,
17 would otherwise be applicable.

18 (2) As used in this section, "the comprehensive plan" means a comprehensive plan

1 adopted pursuant to chapter 22 of title 45 by a planning board or commission; "the applicable
2 comprehensive plan" shall mean the comprehensive plan of any municipality within which any
3 project is to be situated, in whole or in part; and "the project plan" shall mean a general
4 description of a proposed project situated on federal land, describing in reasonable detail its
5 location, nature, and size. A zoning ordinance adopted by a municipality pursuant to chapter 24 of
6 title 45 shall not be deemed to be a comprehensive plan nor a statement of the land use goals,
7 objectives, and standards.

8 (3) If any projects are situated on federal land in the town of North Kingstown, in whole
9 or in part, the corporation shall refer the project plan to the director of planning for a
10 determination of substantial conformity within the applicable comprehensive plan. The
11 determination shall be in writing and be made within fifteen (15) days of the submission. If no
12 determination is made within fifteen (15) days, the project shall be deemed to conform to the
13 applicable comprehensive plan.

14 ~~(3)~~(4) If any project plan of the corporation with respect to projects situated on federal
15 land substantially conforms to the land use goals, objectives, and standards of the applicable
16 comprehensive plan as of the time of the corporation's adoption of the project plan, or if there is
17 no applicable comprehensive plan, then before proceeding with the project described in the
18 project plan, the corporation shall refer the project plan to the appropriate community advisory
19 committee which may thereafter hold any public hearings as it may deem to be desirable for the
20 purpose of permitting the public to comment on the project plan. The community advisory
21 committee shall not later than forty-five (45) days after its receipt of the project plan, transmit its
22 comments on the project plan, in either written or oral form, to the corporation and thereupon, or
23 upon the community advisory committee's failure to take any action within the time specified, the
24 corporation shall be authorized to proceed with the project described in the project plan without
25 regard to the zoning or other land use ordinances, codes, plans, or regulations of a municipality
26 within which the project is to be situated in whole or in part.

27 ~~(4)~~(5) If any project plan of the corporation with respect to projects situated on federal
28 land does not substantially conform to the land use goals, objectives, and standards of the
29 applicable comprehensive plan as of the time of the corporation's adoption of the project plan,
30 then, before proceeding with the project described in the project plan, the corporation shall refer
31 the project plan to the local governing body of any municipality within which any project is to be
32 situated, in whole or in part. The local governing body may thereafter hold any public hearings as
33 it may deem to be desirable for the purpose of permitting the public to comment on the project
34 plan. The local governing body shall, not later than forty-five (45) days after its receipt of the

1 project plan, advise the corporation of its approval or disapproval of that plan. If it shall
2 disapprove the project plan, the corporation shall nevertheless be authorized to proceed with the
3 project described in the project plan (without regard to the zoning or other land use ordinances,
4 codes, plans, or regulations of a municipality within which the project is to be situated in whole
5 or in part) upon the subsequent affirmative vote of a majority of the members of the board of
6 directors then holding office as directors taken at a meeting open to the public. If the local
7 governing body approves the project plan or fails to take any action within the time specified, the
8 corporation shall be authorized to proceed with the project described in the project plan without
9 regard to the zoning or other land use ordinances, codes, plans, or regulations of a municipality
10 within which the project is to be situated in whole or in part.

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

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

19 (c) The corporation shall, in planning, constructing, reconstructing, rehabilitating,
20 altering, or improving any project, comply with all requirements of state and federal laws, codes,
21 or regulations applicable to that planning, construction, reconstruction, rehabilitation, alteration,
22 or improvement. The corporation shall adopt a comprehensive building code (which may, but
23 need not be, the BOCA Code) with which all projects shall comply. That adoption shall not
24 preclude the corporation's later adoption of a different comprehensive building code or of its
25 alteration, amendment, or supplementation of any comprehensive building code so adopted.
26 Except as otherwise specifically provided to the contrary, no municipality or other political
27 subdivision of the state shall have the power to modify or change in whole or in part the
28 drawings, plans, or specifications for any project of the corporation; nor to require that any
29 person, firm, or corporation employed with respect to that project perform work in any other or
30 different manner than that provided by those drawings, plans, and specifications; nor to require
31 that any such person, firm, or corporation obtain any approval, permit, or certificate from the
32 municipality or political subdivision in relation to the project; and the doing of that work by any
33 person, firm, or corporation in accordance with the terms of those drawings, plans, specifications,
34 or contracts shall not subject the person, firm, or corporation to any liability or penalty, civil or

1 criminal, other than as may be stated in he contracts or may be incidental to the proper
2 enforcement thereof; nor shall any municipality or political subdivision have the power to require
3 the corporation, or any lessee or successor in interest, to obtain any approval, permit, or
4 certificate from the municipality or political subdivision as a condition of owning, using,
5 maintaining, operating, or occupying any project acquired, constructed, reconstructed,
6 rehabilitated, altered, or improved by the corporation or pursuant to drawings, plans, and
7 specifications made or approved by the corporation; provided, however, that nothing contained in
8 this subsection shall be deemed to relieve any person, firm, or corporation from the necessity of
9 obtaining from any municipality or other political subdivision of the state any license which, but
10 for the provisions of this chapter, would be required in connection with the rendering of personal
11 services or sale at retail of tangible personal property.

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

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

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

29 **42-64-14. Relations with state agencies.** -- (a) In planning and carrying out projects, the
30 Rhode Island economic development corporation [and its subsidiaries](#) shall conform to the
31 applicable provisions of the state guide plan as that plan may from time to time be altered or
32 amended. In determining whether its proposed projects are in conformity with the state guide
33 plan, the corporation and all persons dealing with it shall be entitled to rely upon a written
34 statement signed by ~~it's~~ [the](#) chairperson or vice-chairperson of the state planning council to the

1 effect that the proposed project conforms or does not conform to the state guide plan. If the
2 corporation ~~shall submit~~ submits to the state planning council a written request for this
3 determination accompanied by a general description of a proposed project describing in
4 reasonable detail its location, nature, and size, and the state planning council shall not within
5 forty-five (45) days after the receipt of this written request issue its written statement to the effect
6 that the proposed project conforms or does not conform to the state guide plan as the case may be,
7 then conformity of the proposed project with the state guide plan shall be conclusively presumed.
8 A written statement issued by the state planning council to the effect that a proposed project does
9 not conform to the state guide plan shall state the respects in which conformity is lacking.

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

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

15 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 -- THE RHODE ISLAND
ECONOMIC DEVELOPMENT

1 This act would clarify that the Rhode Island Economic Development Corporation and its
2 subsidiaries must conform to applicable provisions of the state guide plan. This act would further
3 require that if any projects are situated on federal land in the town of North Kingstown, the
4 economic development corporation shall refer the plan to the town's director of planning for a
5 determination of substantial conformity to the applicable comprehensive plan, which
6 determination shall be made within fifteen (15) days of submission.

7 This act would take effect upon passage.

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