

**TITLE 42**  
**State Affairs and Government**

**CHAPTER 42-64.14**  
**The I-195 Redevelopment Act of 2011**

**SECTION 42-64.14-1**

**§ 42-64.14-1 Short title.** – This chapter shall be known as, "The I-195 Redevelopment Act of 2011."

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

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##### SECTION 42-64.14-2

**§ 42-64.14-2 Findings.** – (a) The relocation of interstate route 195 within the city of Providence has resulted in the creation of surplus parcels of land available for sale and commercial, institutional and residential development and beneficial reuse, including without limitation to support or encourage workforce development, education and training, and the growth of "knowledge based" jobs and industries such as research and development, life sciences, media technologies, entrepreneurship and business management, design, hospitality, software design and application, and a variety of other uses consistent with a knowledge based economy;

(b) Use of the anticipated proceeds from the sale of the I-195 surplus land is a key element of the plan of finance for completion of the I-195 relocation project, and vital to making the land usable for future development.

(c) The city of Providence comprehensive plan and various other studies, plans and reports that are a matter of public record support the use of portions of the city of Providence's jewelry district and portions of the surplus land created by the relocation of interstate route 195 for development that is benefited by close proximity to universities, hospitals, and medical schools for the development with and by such institutions of facilities (including without limitation a hotel and/or conference center and academic, medical, research and development, commercial, residential, and parking facilities) to support the growth of a knowledge based economy;

(d) Several of the parcels that will become available for beneficial reuse as a result of the relocation of interstate route 195 are located adjacent to or in the vicinity of properties owned and operated by institutions of higher education;

(e) Plans are being developed by institutions of higher education for use and development of parcels that will be made available by the relocation of interstate route 195; and

(f) The sale or lease of all such surplus parcels of land at fair market value, and the re-use and development of such parcels will be beneficial to the city of Providence and the state and advantageous to the public interest.

##### History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

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#### SECTION 42-64.14-3

**§ 42-64.14-3 Purposes.** – The purposes of this chapter are to:

(a) Create a state-local-private sector partnership to plan, implement, administer, and oversee the redevelopment of the surplus I-195 properties; and

(b) Authorize, provide for, and facilitate the consolidated exercise of development and redevelopment powers existing at the state and local levels.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

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#### SECTION 42-64.14-4

**§ 42-64.14-4 Definitions.** – As used in this chapter, unless the context clearly indicates otherwise:

(1) "Adjusted current employment" means, for any taxable year ending on or after January 1, 2012, the aggregate of the average daily number of full-time equivalent active employees employed within the state by an eligible company and its eligible subsidiaries during each taxable year.

(2) "Affiliated entity" means any corporation or other business entity owned or controlled by the same persons or shareholders or equity holders who own or control an eligible company.

(3) "Base employment" means the aggregate number of full-time equivalent active employees employed within the state by an eligible life sciences company and its eligible life sciences subsidiaries on January 1, 2011, or at the election of the eligible life sciences company, on an alternative date as provided by § 42-64.14-12. In the case of a manufacturing company which is ruined by disaster, the aggregate number of full-time equivalent active employees employed at the destroyed facility would be zero, under which circumstance the base employment date shall be January 1 of the calendar year in which the disaster occurred. Only one base employment period can be elected for purposes of a rate reduction by an eligible life sciences company.

(4) "Disaster" means an occurrence, natural or otherwise, which results in the destruction of sixty percent (60%) or more of an operating manufacturing business facility in this state, thereby making the production of products by the eligible life sciences company impossible and as a result active employees of the facility are without employment in that facility. However, disaster does not include any damage resulting from the willful act of the owner(s) of the manufacturing business facility.

(5) "Eligible life sciences company" means a business corporation, partnership, firm, unincorporated association or other entity engaged in life sciences research, development, manufacturing or commercialization in the state, as further defined in this section, and any affiliate thereof, which is, or the members of which are, subject to taxation.

(6) "Eligible life sciences subsidiary" means each life sciences corporation eighty percent (80%) or more of the outstanding equity securities of which is owned by an eligible life sciences company.

(7) "Full-time equivalent active employee" means any employee of an eligible life sciences company who:

(i) Works a minimum of thirty (30) hours per week within the state, or two (2) or more part-time employees whose combined weekly hours equal or exceed thirty (30) hours per week within the state; and

(ii) Earns no less than two hundred fifty percent (250%) of the hourly minimum wage prescribed by Rhode Island law; provided that the first tax year that an eligible life sciences company qualifies for a rate reduction pursuant to § 42-64.14-10, for purposes of this section, two hundred fifty percent (250%) of the hourly minimum wage prescribed by Rhode Island law shall apply at:

(A) The time the employee was first treated as a full-time equivalent active employee during a tax year that the eligible life sciences company qualified for a rate reduction pursuant to § 42-64.14-10; or, if later,

(B) The time the employee first earned at least two hundred fifty percent (250%) of the hourly minimum wage prescribed by Rhode Island law as an employee of the eligible life sciences company.

(8) "Initial new employment level" means the number of units of new employment reported by an eligible life sciences company in 2012, or, if applicable, the third (3rd) taxable year following the base employment period election set forth in § 42-64.14-12.

(9) "Life sciences" means in advanced and applied sciences that expand the understanding of human physiology and have the potential to lead to medical advances or therapeutic applications including, but not limited to, agricultural biotechnology, biogenerics, bioinformatics, biomedical engineering, biopharmaceuticals, biotechnology, chemical synthesis, chemistry technology, diagnostics, genomics, image analysis, marine biology, marine technology, medical devices, nanotechnology, natural product pharmaceuticals, proteomics, regenerative medicine, RNA interference, stem cell research, veterinary science or computer and information technology. An eligible company does not have to be in existence, be qualified to do business in the state or have any employees in this state at the time its base employment is determined.

(10) "New employment" means for each taxable year the amount of adjusted current employment for each taxable year minus the amount of base employment, but in no event less than zero (0); provided, however, no eligible company is permitted to transfer, assign or hire employees who are already employed within the state by such eligible company from itself or any affiliated entity or utilize any other artifice or device for the purpose of artificially creating new employees in order to qualify for the rate reduction provided for in this chapter.

New employment shall not include employees already employed in this state who become employees of an eligible life sciences company as a result of an acquisition of an existing company by purchase, merger, or otherwise, if the existing company was eligible for a rate reduction. In the case of a manufacturing company that suffers a disaster, it shall mean any employment retained or added as the result of reconstruction of the manufacturing facility.

(11) "Rate reduction" means the reduction in tax rate specified in § 42-64.14-11.

(12) "Small business concern" means any eligible life sciences company which has a base employment level of less than one hundred (100).

(13) "State" means the State of Rhode Island and Providence Plantations.

(14) "Total employment" for an eligible life sciences company as of any date means the total number of full-time equivalent active employees employed within the state by the eligible life sciences company and its eligible life sciences subsidiaries on such date.

(15) "Units of new employment" means:

(i) For eligible life sciences companies which are not small business concerns, the number of full-time equivalent active employees divided by fifty (50), rounded down to the nearest multiple of fifty (50); and

(ii) For eligible life sciences companies which are small business concerns the amount of new employment divided by ten (10), rounded down to the nearest multiple of ten (10); provided, however, that an eligible life sciences company with adjusted current employment of one hundred (100) or more employees in its first year of operation or in any other period following the date its base employment is determined shall determine its units of new employment by dividing the first one hundred (100) employees less its base employment by ten (10), rounded down to the nearest multiple of ten (10), and by dividing the number of additional employees in excess of one hundred (100) by fifty (50), rounded down to the nearest multiple of fifty (50).

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

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#### SECTION 42-64.14-5

**§ 42-64.14-5 The I-195 redevelopment district created.** – (a) The I-195 redevelopment district is hereby constituted as an independent public instrumentality and body corporate and politic for the purposes set forth in this chapter with a separate legal existence from the city of Providence and from the state and the exercise by the commission of the powers conferred by this chapter shall be deemed and held to be the performance of an essential public function. The boundaries of the district are established in 37-5-8. However, parcels P2 and P4, as delineated on that certain plan of land captioned "Improvements to Interstate Route 195, Providence, Rhode Island, Proposed Development Parcel Plans 1 through 10, Scale: 1" =20', May 2010, Bryant Associates, Inc., Engineers-Surveyors-Construction Managers, Lincoln, RI, Maguire Group, Inc., Architects/Engineers/Planners, Providence, RI," shall be developed and continued to be used as parks or park supporting activity provided, however, that the city of Providence shall not be responsible for the upkeep of the parks unless a memorandum of understanding is entered into between the commission or the state and the city of Providence that grants full funding to the city for that purpose.

(b) The I-195 redevelopment district commission established in this chapter shall oversee, plan, implement, and administer the development of the areas within the district consistent with and subject to the city of Providence comprehensive plan adopted by the city pursuant to 45-22-2.1 et seq. and the city of Providence zoning ordinances pursuant to 45-24-27 et seq. as previously enacted by the city of Providence, and as may be enacted and/or amended from time to time through July 1, 2012, or enacted and/or amended thereafter with the consent of the commission.

(c) The city of Providence shall not be required to install or pay for the initial installation of any public or private utility infrastructure within the district.

(d) It is the intent of the general assembly by the passage of this chapter to vest in the commission all powers, authority, rights, privileges, and titles which may be necessary to enable it to accomplish the purposes herein set forth, and this chapter and the powers granted hereby shall be liberally construed in conformity with those purposes.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

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##### SECTION 42-64.14-6

**§ 42-64.14-6 The I-195 redevelopment district commission.** – The powers of the district to achieve the purposes of this chapter shall be exercised by a commission as herein provided:

The I-195 redevelopment district commission shall consist of seven (7) voting members. The governor of the State of Rhode Island shall appoint, with the advice and consent of the senate, the seven (7) voting members of the commission.

The mayor of the city of Providence shall within thirty (30) days of passage of this act submit to the governor a list of names of at least six (6) individuals which the governor shall give due consideration to appointing three (3) individuals from the list. The speaker of the house of representatives shall within thirty (30) days of passage of this act submit to the governor a list of names of three (3) individuals of which the governor shall give due consideration to appointing one individual from the list. The governor shall also appoint three (3) individuals without regard to the lists submitted by the mayor of the city of Providence or the speaker of the house of representatives and the governor shall designate one of the members to serve as chairperson of the commission. The governor shall within forty (40) days of passage of this act submit to the senate for advice and consent the initial list of individuals for appointment to the commission including any individuals appointed by the governor from the lists presented by the mayor of the city of Providence and the speaker of the house of representatives within the time limits set forth in this subsection.

Three (3) members shall be appointed for a term of two (2) years; three (3) members shall be appointed for a term of three (3) years; and one member, who shall be the chair, shall be appointed for a term of four (4) years. Appointments made thereafter shall be for four (4) year terms. Any vacancy occurring in the commission shall be filled by the governor of the State of Rhode Island in the same manner prescribed for the original appointments including those seats by recommendation of the mayor of the city of Providence and the speaker of the house of representatives being selected from a similar prepared list from those parties. A member appointed to fill a vacancy of a director appointed by the governor of the State of Rhode Island shall be appointed for the unexpired portion of the term of office of the member whose vacancy is to be filled. Members of the commission whose terms expire shall continue to serve until their successors are appointed and qualified.

In addition to these voting members, there shall be two (2) ex officio, non-voting members as follows: the city of Providence planning director, or his or her designee and the executive director of the Rhode Island economic development corporation, or his or her designee.

(b) The commissioners shall receive no compensation for the performance of their duties under this chapter, but each commissioner may be reimbursed for his or her reasonable expenses incurred in carrying out those duties, however said reimbursement must be approved at a public meeting of the

commission. A commissioner may engage in private employment, or in a profession or business.

(c) The chairperson shall designate a vice chairperson from the commission who shall serve at the pleasure of the chairperson. Four (4) voting commissioners shall constitute a quorum, and any action to be taken by the commission under the provisions of this chapter may be authorized by resolution approved by a majority of the commissioners present and entitled to vote at any regular or special meeting at which a quorum is present. A vacancy in the membership of the commission shall not impair the right of a quorum to exercise all of the rights and perform all of the duties of the commission. Notwithstanding anything in this chapter to the contrary, in the event that a vacancy is not filled within thirty (30) days of such vacancy, a quorum shall be deemed to exist with a majority of the then duly authorized voting commissioners present.

(d) The commission shall appoint a secretary and such additional officers and staff members as they shall deem appropriate and shall determine the amount of reasonable compensation, if any, each shall receive. The chair shall appoint the executive director with the approval of the commission provided that the position of the executive director must be advertised and the appointment must be approved at a public meeting of the commission. The commission may vest in an executive director or the director's subordinates the authority to recommend additional staff members and to determine the amount of compensation each individual shall receive, which shall then be approved by the commission at a public meeting.

(e) No full-time employee shall during the period of his or her employment by the commission engage in any other private employment, profession, or business, except with the approval of the commissioners.

(f) Any action taken by the commission under the provisions of this chapter may be authorized by vote at any regular or special meeting, and each vote shall take effect immediately, unless otherwise expressly indicated by the commission.

(g) Employees of the commission shall not, by reason of their employment, be deemed to be employees of the state or the city for any purpose, any other provision of the general laws, charter, or ordinance to the contrary notwithstanding except for the provisions of the ethics code as set forth in Rhode Island general law 36-14. Further, no employee of the commission shall be entitled to or accrue pension benefits with the city of Providence or state during such employment.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

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##### SECTION 42-64.14-7

**§ 42-64.14-7 Powers and duties of the commission.** – The commission shall have all the rights and powers reasonably necessary to carry out and effectuate this chapter, including, including, but not limited to, the rights and powers:

- (1) To sue and be sued, complain and defend, in its corporate name.
- (2) To have a seal which may be altered at pleasure and to use the seal by causing it, or a facsimile of the seal, to be impressed or affixed, or in any other manner reproduced.
- (3) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use, and otherwise deal in and with, real or personal property, or any interest in real or personal property, wherever situated.
- (4) To acquire and to dispose of real property, subject to the provisions of this chapter, without the necessity of obtaining the approval of the state properties committee or otherwise complying with the provisions of title 37.
- (5) To sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its property and assets for any consideration and upon any terms and conditions as the commission shall determine.
- (6) To make contracts and guarantees and incur liabilities, borrow money at any rates of interest as the commission may determine.
- (7) To make and execute agreements of lease, conditional sales contracts, installment sales contracts, loan agreements, mortgages, construction contracts, operation contracts, and other contracts and instruments necessary or convenient in the exercise of the powers and functions of the commission granted by this chapter.
- (8) To invest and reinvest its funds, and at its option to take and hold real and personal property as security for the payment of funds so loaned or invested.
- (9) To acquire or contract to acquire, from any person, firm, corporation, municipality, the federal government, or the state, or any agency of either the federal government or the state, by grant, purchase, lease, gift, condemnation, or otherwise, or to obtain options for the acquisition of any property, real or personal, improved or unimproved, and interests in land less than the fee thereof; and to own, hold, clear, improve, develop, and rehabilitate, and to sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose or encumber that property for the purposes of carrying out the provisions and intent of this chapter, for any consideration as the commission shall determine, and with the approval of the

commission to retain a master developer for all or any portion of a project. Any master developer position shall be subject to advertising and solicitation of applicants shall be approved at a duly posted public meeting of the commission.

(10) To conduct its activities, carry on its operations, and have offices and exercise the powers granted by this chapter, within the state.

(11) To make and alter by-laws, not inconsistent with this chapter, for the administration and regulation of the affairs of the district

(12) To be a promoter, partner, member, associate, or manager of any partnership, enterprise, or venture within the district and to engage in promotional, marketing, and similar activities for the benefit of the district.

(13) To enter into contracts, agreements, and cooperative agreements with the city and its agencies and instrumentalities and the State and its agencies and instrumentalities for the sharing of personnel and other resources.

(14) To have and exercise all powers reasonably necessary to effect its purposes; provided, however, that the commission shall not have any power to create, empower or otherwise establish any corporation, subsidiary corporation, corporate body, any form of partnership, or any other separate entity without the express approval and authorization of the general assembly.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

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#### SECTION 42-64.14-8

**§ 42-64.14-8 Additional general powers.** – In addition to the powers of the commission otherwise provided herein, the commission shall have the powers set forth below and shall be subject to the limitations herein set forth. Except as may be expressly limited by action of the commission at a regular or special meeting, the commission shall have the powers necessary to put into effect the powers of the commission as set forth below and as herein limited.

(a) The commission is authorized and empowered to fix, revise, charge, collect, and abate fees, rates, assessments, delinquency charges, and other charges for its services, and other services, facilities, and commodities furnished or supplied by it including penalties for violations of such regulations as the commission may from time to time promulgate under this chapter. Fees, rates, assessments, delinquency charges, and other charges of general application shall be adopted and revised by the commission in accordance with procedures to be established by the commission for assuring that interested persons are afforded notice and an opportunity to present data, views, and arguments. The commission shall hold at least one public hearing on its schedule of fees, rates, and charges or any revision thereof prior to adoption, notice of which shall be published in a newspaper of substantial circulation in the district at least fifteen (15) days in advance of the hearing, and notice of the hearing shall be provided to the city council of the city of Providence. No later than the date of such publication the commission shall make available to the public the proposed schedule of fees, rates, and charges. Fees, rates, rents, assessments, abatements, and other charges established by the commission shall not be subject to supervision or regulation by any department, division, district, board, bureau, or agency of the state or any of its political subdivisions. In order to provide for the collection and enforcement of its fees, rates, rents, assessments, and other charges, the commission is hereby granted all the powers and privileges with respect to such collection and enforcement held by the city of liens for unpaid taxes. Provided however that the commission shall be required to collect all project application fees, zoning fees and charges, building permit fees, fire code compliance or other public safety permit fees or charges, planning fees, historic district fees and charges, and other similar fees and charges that would otherwise be payable to the city of Providence in connection with such projects located in the city of Providence and remit the greater of one-half (1/2) of such fees collected by the commission to the city of Providence, or one-half (1/2) of such fees the city of Providence would have received from the project under the city's ordinances uniformly applied. The city of Providence shall continue to be entitled to collect all other customary fees for development and maintenance within the district as uniformly applied throughout the city of Providence, including, but not limited to, utility tie-in, connection fees, maintenance fees and assessments.

(b) Notwithstanding any provision of law to the contrary, in order to provide for the consolidated, coordinated, efficient and effective exercise of public development powers affecting or benefiting the city of Providence and the state within the boundaries of the district as defined in § 37-5-8, the commission shall have the powers of:

- (i) A special development district as provided for in chapter 45-24.4.
  - (ii) A redevelopment agency as provided for in chapters 45-31, 45-31.1, 45-31.2, 45-32, and 45-33 within areas of the district which are part of an enterprise zone as provided for in chapter 42-64.3. Within the district, the term "blighted area and substandard area" shall be deemed to include areas where the presence of hazardous materials, as defined in § 23-19.14-2, impairs the use, reuse, or redevelopment of impacted sites.
  - (iii) A municipal public buildings authority as provided for in chapter 45-50.
  - (iv) A subsidiary of the Rhode Island economic development corporation and the enactment of this chapter shall constitute the approval of the general assembly as required by § 42-64-7.1.
  - (v) The city planning board as established pursuant to chapter 45-23.
  - (vi) The city zoning board as established pursuant to chapter 45-24, including, but not limited to, the granting of any use or dimensional variances or special use permits.
  - (vii) The city historic district commission established pursuant to chapter 45-24.1.
  - (viii) Any other city board existing or created that exercises any of the authorities of a planning board, zoning board, design review board or historic district commission. Provided, however, and notwithstanding the foregoing, the commission shall at all times ensure that all projects and development subject to the jurisdiction of the commission are consistent with and subject to the city of Providence comprehensive plan adopted by the city pursuant to § 45-22-2.1 et seq. and the city of Providence zoning ordinances pursuant to § 45-24-27 et seq. as previously enacted by the city of Providence, and as may be enacted and/or amended from time to time through July 1, 2012, or enacted and/or amended thereafter with the consent of the commission.
- (3) For the benefit of the district, the commission shall have the power to enter into agreements with the city of Providence for:
- (i) The exercise of powers for tax increment financing as provided for in chapter 45-33.2;
  - (ii) The imposition of impact fees as provided for in chapter 45-22.4 in order to provide infrastructure capacity to or make physical improvements within the district; or
  - (iii) Approval within the district of a district management authority as provided for in chapter 45-59, for purposes of undertaking activities consistent with the approved plans for the district adopted pursuant to § 42-64.14-8.
- (4) Title and survey adjustments. The commission is authorized to adjust boundary lines, survey lines and property descriptions of the parcels of land comprising the I-195 surplus land as may be necessary or appropriate to facilitate or enhance project design plans and for the location and/or relocation of city streets, utility corridors, easements and rights-of-way.
- (5) The commission is authorized and empowered, in the name of and for the State of Rhode Island, to enter into contracts for the sale, transfer or conveyance, in fee simple, by lease or otherwise of the any of the I-195 Surplus lands identified in § 37-5-8 in order to achieve the purposes of this chapter and customary terms for commercial real estate transactions of this nature, and containing the following

provisions:

(i) The terms for each parcel shall be the fair market value of such parcel at the time of conveyance as determined by the commission.

(ii) As a condition to the sale, lease or other transfer of each parcel or any portion thereof, any buyer, tenant or transferee that is a not-for-profit, organization or entity that is otherwise exempt from municipal real estate taxes, including, without limitation, any independent public instrumentality, governmental or quasi governmental agency, body, division, or official, or any affiliate or subsidiary thereof, shall have entered into an agreement for payments to the city in accordance with § 42-64.14-14 relating to tax exempt parcels, or such other things acceptable to the city.

(iii) Promptly after taking title to a parcel, the buyer shall cause such parcel to be attractively landscaped and maintained for use as green space until such time as development of the parcel in accordance with this section begins.

(iv) Development of the parcels, as appropriate, shall be in accordance with the findings set forth in this chapter and with the buyer's approved development plan for the identified parcels, as the same may be amended from time to time with the approval of the commission.

(v) As a condition to the contract for the sale, lease, transfer or conveyance an approved development plan shall include a construction schedule that shall commence within twelve (12) months from the effective date of the contract and all construction shall be complete within three (3) years from the commencement of said construction unless otherwise amended and approved by the commission at a duly posted public meeting of the commission.

(6) Notwithstanding any provision of this chapter 42-64.14 or any other law to the contrary, the commission shall exercise all powers authorized by §§ 42-64.14-7 and 42-64.14-8 in a manner consistent with and subject to the city of Providence comprehensive plan adopted by the city pursuant to 45-22-2.1 et seq. and the city of Providence zoning ordinances pursuant to 45-24-27 et seq. as previously enacted by the city of Providence, and as may be enacted and/or amended from time to time through July 1, 2012, or enacted thereafter with the consent of the commission.

(7) Under no circumstances shall the commission establish, authorize, zone, plan, or permit in the district a so-called "casino" or any form of gambling, including but not limited to those activities governed by title 41 of the Rhode Island general laws, so-called "video-gambling" or any lotteries whatsoever except for the sale of lottery tickets pursuant to title 42, section 61 of the general laws. Furthermore, upon conveyance, but in any event before approving any project, development, or redevelopment, the commission shall ensure that a deed restriction, running to the benefit of the city of Providence and the state, is recorded against the subject property effectuating and memorializing such restriction. The aforementioned restriction shall run with the land and be binding upon all successors and assign. Any deed restriction conveyed to the state pursuant to this subsection may be waived only by statute, resolution or other action by the general assembly which complies with the constitutional requirements for the expansion of gambling.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

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#### The I-195 Redevelopment Act of 2011

##### SECTION 42-64.14-9

**§ 42-64.14-9 I-195 redevelopment life sciences jobs incentives programs.** – (a) There shall be established a life sciences jobs incentive program which shall be administered by the I- 195 redevelopment commission. The purpose of the program shall be to promote life sciences- related employment opportunities in the I-195 redevelopment district and to encourage health- related innovations by supporting and stimulating research and development, manufacturing and commercialization in the life sciences. Life sciences companies certified pursuant to subsection (b) shall be eligible for participation in the program.

(b) The commission may, upon a majority vote of the commission, certify a life sciences company, as defined by § 42-64.14-4 upon the timely receipt, as determined by the commission, of a certification proposal, which shall be treated as proprietary and confidential information, supported by independently verifiable information, signed under the pains and penalties of perjury by a person expressly authorized to contract on behalf of the life sciences company and which shall include, but not be limited to, an estimate of the projected new state revenue the life sciences company expects to generate during the period for which the company seeks certification, together with a plan, including:

- (1) Precise goals and objectives, by which the life sciences company proposes to achieve the projected new state revenue, including for each tax year;
- (2) An estimate of new commercial revenue that the state would not otherwise have received;
- (3) An estimate of the number of permanent full-time employees to be hired;
- (4) An estimate of the year in which the company expects to hire the employees;
- (5) An estimate of the projected average salaries of said employees;
- (6) An estimate of the projected taxable income pursuant to chapter 44-30 generated by said employees; and
- (7) An estimate of the methods by which the company shall obtain new employees and pursue a diverse workforce.

(c) A certified life sciences company may, upon a majority vote of the commission and without further approval of the economic development corporation established pursuant to chapter 64 of this title, be eligible for the following benefits which shall be awarded by the commission:

- (1) Benefits from the life sciences jobs incentive program established by this section;

(2) Innovation investment tax credit established pursuant to chapter 44-63, with this section satisfying the eligibility determination in section 3 of chapter 44-63;

(3) Research and development expense credit established pursuant to chapter 44-32;

(4) Research and development property credit established pursuant to chapter 44-32; and

(5) Elective deduction for research and development facilities established pursuant to chapter 44-32;

(d) Certification granted pursuant to subsection (b) shall be valid for ten (10) years starting with the tax year in which certification is granted. Each certified life sciences company shall file an annual report with the commission detailing whether it has met the specific targets established in the proposal pursuant to subsection (b).

(2) The certification of a life sciences company may be revoked by the commission after an investigation by the division of taxation and determination that representations made by the certified life sciences company in its certification proposal are materially at variance with the conduct of the life sciences company after receiving certification; provided, however, that the commission shall review the certified life sciences company at least annually; provided, further, that a project with an actual return on investment that is less than seventy percent (70%) of the return on investment projected in the certification proposal shall be deemed to contain a material variance for a revocation determination. If the commission determines not to revoke certification upon a finding that the actual return on investment for the project is less than seventy percent (70%), the commission shall provide its reasons for the decision in writing to the tax administrator, the governor, speaker of the house of representatives and the president of the senate. The commission shall post these reasons on the Internet for public access.

(3) Under this subsection, revocation shall take effect on the first day of the tax year in which the commission determines that a material variance commenced. The tax administrator shall, as of the effective date of the revocation, disallow any credits, exemptions or other tax benefits allowed by the original certification of tax benefits under this section. The division of taxation shall issue regulations to recapture the value of any credits, exemptions or other tax benefits allowed by the certification under this section. If the original certification allowed sales and use tax exemptions pursuant to § 44-18-30 or were granted project status as defined in § 42-64-10 by the commission, the purchaser shall accrue use tax as of the date of revocation on a portion of the sales price on which exemption was claimed that is proportionate to the remaining useful life of the property.

(4) Nothing in this subsection shall limit any legal remedies available to the state against any certified life sciences company.

(e) The commission shall revoke the certification of a life sciences company when independent investigations conducted in two (2) consecutive years determine that representations made by the life sciences company in its project proposal are deemed materially at variance, pursuant to paragraph (2) of subsection (d).

(f) No taxpayer may simultaneously utilize the tax provisions of this chapter and the tax provisions of title 42, chapter 64.5 of the general laws.

(g) The commission, in consultation with the division of taxation, shall promulgate rules, regulations or guidelines necessary to carry out the provisions of this section.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

# TITLE 42

## State Affairs and Government

### CHAPTER 42-64.14

#### The I-195 Redevelopment Act of 2011

##### SECTION 42-64.14-10

**§ 42-64.14-10 Life sciences tax rate reduction.** – The rate of tax payable by an eligible life sciences company and each of its eligible subsidiaries for any taxable year beginning on or after January 1, 2011, on its net income pursuant to the provisions of subsection 44-11-2(a), shall be reduced by the amount specified in § 42-64.14-11; this rate reduction shall be applied annually once to those eligible life sciences companies which are permitted by law to file a consolidated state tax return and in the case of eligible companies not permitted by law to file consolidated state tax returns, then the rate reduction shall be applied annually to each eligible life sciences company and its eligible subsidiaries; provided, however, should any eligible life sciences company fail to maintain in any taxable year after 2014 or, if applicable, the third taxable year following the base employment period election set forth in § 42-64.14-12, the number of units of new employment it reported for its 2014 tax year or, if applicable, the third taxable year following the base employment period election set forth in § 42-64.14-12, the rate reduction provided for in this chapter shall expire permanently.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

# TITLE 42

## State Affairs and Government

### CHAPTER 42-64.14

#### The I-195 Redevelopment Act of 2011

#### SECTION 42-64.14-11

**§ 42-64.14-11 Reduction rate schedule.** – The amount of the rate reduction specified in § 42-64.14-10 for any eligible life sciences company for each taxable year beginning on or after January 1, 2012, shall be based upon the aggregate amount of new employment of the eligible life sciences company and its eligible subsidiaries for each taxable year, and shall be determined by multiplying the numerical equivalent of one-quarter of one percent (.25%) by the number of units of new employment for each taxable year through the taxable year ending in 2014 or, if applicable, the third taxable year following the base employment period election set forth in § 42-64.14-12; and for each taxable year thereafter, the number of units of new employment reported for the taxable year 2014 or, if applicable, the third taxable year following the base employment period election set forth in § 42-64.14-12; provided, however, the amount of each rate reduction shall in no event be lower than three percent (3%).

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

# TITLE 42

## State Affairs and Government

### CHAPTER 42-64.14

#### The I-195 Redevelopment Act of 2011

##### SECTION 42-64.14-12

**§ 42-64.14-12 Election.** – (a) An eligible life sciences company may elect to determine its "base employment" for the purposes of this chapter on January 1 of any year subsequent to 2011, rather than on January 1, 2011. As a result of the election, rules comparable to those set forth elsewhere in this chapter shall be applied to determine the rate reduction available for each of the three (3) taxable years following the first anniversary of the date the eligible life sciences company elected to use to determine its "base employment" and for the taxable years following that three (3) year period. This election: (1) Shall be made in a manner that may be determined by the tax administrator; and (2) Shall not be available to an eligible company that previously claimed a rate reduction under this chapter.

(b) The commission shall make no determination under subsection (a) of this section until it has first prepared and publicly released an analysis of the impact the proposed investment will or may have on the state. The analysis shall be supported by appropriate data and documentation and shall consider, but not be limited to, the following factors:

- (1) The impact on the industry or industries in which the applicant will be involved;
- (2) State fiscal matters, including the state budget (revenues and expenses);
- (3) The financial exposure of the taxpayers of the state under the plans for the proposed investment and negative foreseeable contingencies that may arise therefrom;
- (4) The approximate number of full-time, part-time, temporary, seasonal and/or permanent jobs projected to be created, construction and non-construction;
- (5) Identification of geographic sources of the staffing for identified jobs;
- (6) The projected duration of the identified construction jobs;
- (7) The approximate wage rates for each category of the identified jobs;
- (8) The types of fringe benefits to be provided with the identified jobs, including healthcare insurance and any retirement benefits;
- (9) The projected fiscal impact on increased personal income taxes to the State of Rhode Island; and
- (10) The description of any plan or process intended to stimulate hiring from the host community, training of employees or potential employees, and outreach to minority job applicants and minority businesses.

(c) The commission shall monitor every impact analysis it completes through the duration of any approved tax credit.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

# TITLE 42

## State Affairs and Government

### CHAPTER 42-64.14

#### The I-195 Redevelopment Act of 2011

##### SECTION 42-64.14-13

**§ 42-64.14-13 Planning, permitting, appeals and development.** – (a) The commission shall exercise its powers in a manner consistent with development plans approved for the I-195 redevelopment district by the commission. Such plans may be prepared without limitation by the commission in order to achieve the purposes of this chapter. Development in the district, whether by the commission or otherwise shall be subject to the plans prepared by the commission and the commission plans shall be consistent with the city of Providence comprehensive plan adopted by the city pursuant to 45-22-2.1 et seq. and the city of Providence zoning ordinances pursuant to § 45-24-27 et seq. as previously enacted by the city of Providence, and as may be enacted be enacted and/or amended from time to time through July 1, 2012, or enacted thereafter with the consent of the commission. Approved plans for the I-195 redevelopment district may be considered, in whole or part as appropriate, for adoption as an element of the state guide plan by the state planning council, but shall not be subject to the state guide plan or any other approval provisions related thereto.

(b) The commission shall serve as the sole permitting authority for all development within the district, as defined in § 37-5-7, pursuant to the powers granted to the commission by §§ 42-64.14-7 and 42-64.14-8 of this chapter. The state fire marshal and the state building code commissioner shall issue any necessary permits related to fire safety and building code compliance respectively. The commission shall seek the cooperation of the state building code commissioner and the state fire marshal to expedite all necessary permits and approvals for development within the district.

(c) The commission shall have authority to approve and/or mandate an accelerated plan review process, which may include the implementation of phased and/or fast-track development, which is defined as the initiation of development prior to final issuance of all permits and approvals and/or the completion of final project design and construction plans.

(d) The commission shall create for the redevelopment of its properties and parcels sold by its design guidelines in consultation with the state historic preservation officer.

(e) All appeals timely filed pursuant to chapter 42-35 of the general laws entitled the Administrative Procedures Act with the Rhode Island superior court relative to permits and approvals shall be accelerated and given priority and advanced on the calendar of the Rhode Island superior court.

(f) Under no circumstances shall the commission establish, authorize, zone, plan, or permit in the district a so-called "casino" or any form of gambling, including but not limited to those activities governed by title 41 of the Rhode Island general laws, so-called "video-gambling" or any lotteries whatsoever except for the sale of lottery tickets pursuant to title 42, section 61 of the general laws. Furthermore, upon conveyance, but in any event before approving any project, development, or redevelopment, the commission shall ensure that a deed restriction, running to the benefit of the city of

Providence and the state, is recorded against the subject property effectuating and memorializing such restriction. The aforementioned restriction shall run with the land and be binding upon all successors and assign. Any deed restriction conveyed to the state pursuant to this subsection may be waived only by statute, resolution or other action by the general assembly which complies with the constitutional requirements for the expansion of gambling.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

# TITLE 42

## State Affairs and Government

### CHAPTER 42-64.14

#### The I-195 Redevelopment Act of 2011

#### SECTION 42-64.14-14

**§ 42-64.14-14 Payments.** – The commission shall make as a condition to the sale or lease of any parcel of I-195 surplus land, as defined in § 37-5-8, or any portion thereof, to any not-for-profit, organization or entity that is otherwise exempt from municipal real estate taxes including, without limitation, any independent public instrumentality, governmental or quasi governmental agency, body, division, or official, or any affiliate or subsidiary thereof, that the purchaser or lessee, as applicable, shall make payments to the city relating to any parcel of I-195 surplus land to be purchased or leased by such not-for-profit, or tax exempt organization or institution. If no such agreement has been reached with the city of Providence, the commission is authorized to complete the sale; however, in consideration for the purchase or lease of any parcel of the I-195 surplus land, the not-for-profit or tax-exempt organization or institution shall make payments to the city of Providence equivalent to those that would be paid by a taxable institution with regard to the subject parcel including, but not limited to, any improvements constructed thereon by the purchaser or lessee; provided, however, that the obligation to make such payments shall cease in the event all or any portion of or any improvement on the subject parcel(s) is subject to any tax by the city of Providence, whether in the nature of a real estate tax, ad valorem tax, user fee, or otherwise (regardless of the basis on which such tax or fee is calculated) or any other obligation that has the effect of such tax.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

# TITLE 42

## State Affairs and Government

### CHAPTER 42-64.14

#### The I-195 Redevelopment Act of 2011

#### SECTION 42-64.14-15

**§ 42-64.14-15 Abutting properties.** – When a development plan is proposed that includes properties from both the I-195 surplus land and abutting property, and there is actual or contemplated identical ownership of both the I-195 surplus land and the abutting property, then the abutting property shall be subject to all of the powers and authority of the commission pursuant to §§ 42-64.14-7 and 42-64.14-8 and shall not be subject to any local review, approval and permitting authority provided that: (a) The Providence city council has authorized by enactment of a local ordinance the jurisdiction of the commission over abutting properties, and (b) Notwithstanding any provision of this chapter 42-64.14 or any other law to the contrary, the commission shall exercise its authority in a manner consistent with and subject to the city of Providence comprehensive plan adopted by the city pursuant to 45-22-2.1 et seq. and the city of Providence zoning ordinances pursuant to 45-24-27 et seq. as previously enacted by the city of Providence, and as may be enacted and/or amended from time to time through July 1, 2012, or enacted thereafter with the consent of the commission. For purposes of this act "abutting property" shall mean property that shares property lines but does not include property across a public street.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

# TITLE 42

## State Affairs and Government

### CHAPTER 42-64.14

#### The I-195 Redevelopment Act of 2011

#### SECTION 42-64.14-16

**§ 42-64.14-16 Records; reports; inspection.** – The commission shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets, and liabilities, which shall be open to inspection by any officer or duly appointed agent of the state or the city. The commission shall report annually on: (1) Its finances; (2) On the activities undertaken, the progress made in meeting goals and objectives set forth in its plans, and its proposed activities for the next year; and, (3) The name, address, and amount of tax credit received for each taxpayer during the previous state fiscal year. Copies of these reports shall be submitted to the governor, the speaker of the house, the president of the senate, the chairpersons of the house and senate finance committees, the tax administrator and the mayor of the city of Providence. The commission shall conform to the open meetings law, chapter 42-46, the administrative procedures act, chapter 42-35 and the open records law, chapter 38-2, in the same manner as required of the city, and, the commission and the employees of the commission shall be subject to the code of ethics set forth in chapter 36-14.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

# TITLE 42

## State Affairs and Government

### CHAPTER 42-64.14

#### The I-195 Redevelopment Act of 2011

#### SECTION 42-64.14-17

**§ 42-64.14-17 Termination or dissolution of district.** – Upon termination or dissolution of the district, the title to all funds and other properties owned by it which remain after payment of all bonds and notes and other obligations and liabilities of the district shall vest in the corporation.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

# TITLE 42

## State Affairs and Government

### CHAPTER 42-64.14

#### The I-195 Redevelopment Act of 2011

#### SECTION 42-64.14-18

**§ 42-64.14-18 Inconsistent laws or ordinance inoperative.** – Except as otherwise provided herein, any provisions of any special law and part of any special law and all ordinances and parts of ordinances pertaining to development within the district which are inconsistent with the provisions of this chapter shall be inoperative and cease to be effective. The provisions of this chapter shall be deemed to provide an exclusive, additional, alternative, and complete method for the doing of the things authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the commission by law and on the city by its charter; provided, however, that insofar as the express provisions of this chapter are inconsistent with the provisions of any general or special law, administrative order or regulation, or ordinance of the city, the provisions of this chapter shall be controlling.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

# TITLE 42

## State Affairs and Government

### CHAPTER 42-64.14

#### The I-195 Redevelopment Act of 2011

#### SECTION 42-64.14-19

**§ 42-64.14-19 Pledge not to alter rights of district.** – The state does hereby pledge to and agree with the holders of the bonds, notes, and other evidences of indebtedness of the commission that the state and the city will not limit or alter rights hereby vested in the commission, which affect the capacity or ability of the commission to meet its obligations regarding bonds, notes or other forms of indebtedness, until the bonds, notes, or other evidences of indebtedness, together with interest thereon, with interest on any unpaid installment of interest and all costs and expenses in connection with any actions or proceedings by or on behalf of the bondholders and noteholders, are fully met and discharged.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

# TITLE 42

## State Affairs and Government

### CHAPTER 42-64.14

#### The I-195 Redevelopment Act of 2011

#### SECTION 42-64.14-20

**§ 42-64.14-20 Construction.** – This chapter is deemed necessary for the welfare of the state and its inhabitants and shall be liberally construed so as to effectuate its purposes. Insofar as the provisions of this chapter are inconsistent with the provisions of any law or ordinance, general, special or local, the provision of this chapter shall be controlling.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

# TITLE 42

## State Affairs and Government

### CHAPTER 42-64.14

#### The I-195 Redevelopment Act of 2011

#### SECTION 42-64.14-21

**§ 42-64.14-21 Sunset.** – (a) The provisions of § 42-64.14-9, I-195 redevelopment district life sciences jobs incentives program shall sunset on December 31, 2021. If an eligible life sciences company that was established in the district and participated in the life sciences jobs incentive program on or before December 31, 2021, maintained the qualifications to be certified with the commission, then the tax credits acquired by the company shall remain valid for ten (10) years from the date of qualification.

(b) The provisions of this chapter shall sunset when one hundred percent (100%) of the properties have been developed and sold or twenty-one (21) years from the date of enactment, whichever is earlier. All authority vested in the commission shall dissolve and all local and state authority granted to the commission in §§ 42-64.14-7 and 42-64.14-8 shall revert to the appropriate state or municipal authority. In the event that the commission retains ownership in properties at the time of sunset the ownership of said parcels shall revert to the economic development corporation and any leases of parcels shall transfer and be held by the corporation. All procedures to dissolve the commission shall be in accordance with § 42-64-7.3.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)

# TITLE 42

## State Affairs and Government

### CHAPTER 42-64.14

#### The I-195 Redevelopment Act of 2011

#### SECTION 42-64.14-22

**§ 42-64.14-22 Severability.** – If any clause, sentence, paragraph, section or part of this chapter shall be judged by any court or competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but it shall be confined in its operation of the clause, sentence, paragraph, section or part directly involved in the controversy in which that judgment shall have been rendered. Notwithstanding the foregoing, in the event that any term or provision of § 42-64.14-6 is judged by any court of competent jurisdiction to be invalid, the general assembly shall promptly act to address such clause, section, sentence, paragraph, or part directly involved in which the subject judgment shall have been rendered so as to provide, as near as practicable, the result originally intended by such clause, section, sentence, paragraph or part without running contrary to such judgment.

History of Section.

(P.L. 2011, ch. 245, § 3; P.L. 2011, ch. 267, § 3.)