

2022 -- H 8112

LC005753

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO CAPITAL DEVELOPMENT PROGRAM -- 2022 BOND REFERENDA

Introduced By: Representatives Tanzi, Morales, Cortvriend, Edwards, Carson, Donovan,
Kislak, Cassar, Fogarty, and Henries

Date Introduced: April 08, 2022

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Proposition to be submitted to the people. -- At the general election to be
2 held on the Tuesday next after the first Monday in November 2022, there shall be submitted to the
3 people ("people") of the State of Rhode Island ("state"), for their approval or rejection, the
4 following proposition:

5 "Shall the action of the general assembly, by an act passed at the January 2022 session,
6 authorizing the issuance of bonds, refunding bonds, and/or temporary notes of the State of Rhode
7 Island for the capital project and in the amount listed below be approved, and the issuance of bonds,
8 refunding bonds, and/or temporary notes authorized in accordance with the provisions of said act?"

9 **Project**

10 (1) Transit Forward RI 2040 \$100,000,000

11 Approval of this question will allow the State of Rhode Island to issue general obligation
12 bonds, refunding bonds, and/or temporary notes in an amount not to exceed one hundred million
13 dollars (\$100,000,000), to provide direct funding for a statewide transit system by providing
14 improvement to existing services, expansion of services to new areas, development of high capacity
15 transit, improvement of access to transit and adoption of new technologies and methods to make
16 service easier to use.

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

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

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

8 SECTION 4. Bonds for capital development program. -- The general treasurer is hereby
9 authorized and empowered, with the approval of the governor, and in accordance with the
10 provisions of this act to issue capital development bonds in serial form, in the name of and on behalf
11 of the State of Rhode Island, in amounts as may be specified by the governor in an aggregate
12 principal amount not to exceed the total amount for the project approved by the people and
13 designated as "capital development loan of 2022 bonds." Provided, however, that the aggregate
14 principal amount of such capital development bonds and of any temporary notes outstanding at any
15 one time issued in anticipation thereof pursuant to section 7 hereof shall not exceed the total amount
16 for the project approved by the people. All provisions in this act relating to "bonds" shall also be
17 deemed to apply to "refunding bonds."

18 Capital development bonds issued under this act shall be in denominations of one thousand
19 dollars (\$1,000) each, or multiples thereof, and shall be payable in any coin or currency of the
20 United States which at the time of payment shall be legal tender for public and private debts. These
21 capital development bonds shall bear such date or dates, mature at specified time or times, but not
22 mature beyond the end of the twentieth state fiscal year following the fiscal year in which they are
23 issued; bear interest payable semi-annually at a specified rate or different or varying rates; be
24 payable at a designated time or times at a specified place or places; be subject to express terms of
25 redemption or recall, with or without premium; be in a form, with or without interest coupons
26 attached; carry such registration, conversion, reconversion, transfer, debt retirement, acceleration
27 and other provisions as may be fixed by the general treasurer, with the approval by the governor,
28 upon each issue of such capital development bonds at the time of each issue. Whenever the
29 governor shall approve the issuance of such capital development bonds, the governor's approval
30 shall be certified to the secretary of state; the bonds shall be signed by the general treasurer and
31 countersigned by the secretary of state and shall bear the seal of the state. The signature approval
32 of the governor shall be endorsed on each bond.

33 SECTION 5. Refunding bonds for 2022 capital development program. -- The general
34 treasurer is hereby authorized and empowered, with the approval of the governor, and in accordance

1 with the provisions of this act, to issue bonds to refund the 2022 capital development program
2 bonds, in the name of and on behalf of the state, in amounts as may be specified by the governor in
3 an aggregate principal amount not to exceed the total amount approved by the people, to be
4 designated as "capital development program loan of 2022 refunding bonds" (hereinafter "refunding
5 bonds").

6 The general treasurer with the approval of the governor shall fix the terms and form of any
7 refunding bonds issued under this act in the same manner as the capital development bonds issued
8 under this act, except that the refunding bonds may not mature more than twenty (20) years from
9 the date of original issue of the capital development bonds being refunded.

10 The proceeds of the refunding bonds, exclusive of any premium and accrual interest and
11 net the underwriters' cost, and cost of bond insurance, shall, upon their receipt, be paid by the
12 general treasurer immediately to the paying agent for the capital development bonds which are to
13 be called and prepaid. The paying agent shall hold the refunding bond proceeds in trust until they
14 are applied to prepay the capital development bonds. While such proceeds are held in trust, the
15 proceeds may be invested for the benefit of the state in obligations of the United States of America
16 or the State of Rhode Island.

17 If the general treasurer shall deposit with the paying agent for the capital development
18 bonds the proceeds of the refunding bonds, or proceeds from other sources, amounts that, when
19 invested in obligations of the United States or the State of Rhode Island, are sufficient to pay all
20 principal, interest, and premium, if any, on the capital development bonds until these bonds are
21 called for prepayment, then such capital development bonds shall not be considered debts of the
22 State of Rhode Island for any purpose starting from the date of deposit of such monies with the
23 paying agent. The refunding bonds shall continue to be a debt of the state until paid.

24 The term "bond" shall include "note," and the term "refunding bonds" shall include
25 "refunding notes" when used in this act.

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

33 All monies in the capital development bond fund shall be expended for the purposes
34 specified in the proposition provided for in section 1 hereof under the direction and supervision of

1 the director of administration (hereinafter referred to as "director"). The director, or designee shall
2 be vested with all power and authority necessary or incidental to the purposes of this act, including,
3 but not limited to, the following authority:

4 (1) To acquire land or other real property or any interest, estate or right therein as may be
5 necessary or advantageous to accomplish the purposes of this act;

6 (2) To direct payment for the preparation of any reports, plans and specifications, and
7 relocation expenses and other costs such as for furnishings, equipment designing, inspecting and
8 engineering, required in connection with the implementation of the project set forth in section 1
9 hereof;

10 (3) To direct payment for the costs of construction, rehabilitation, enlargement, provision
11 of service utilities, and razing of facilities, and other improvements to land in connection with the
12 implementation of the project set forth in section 1 hereof; and

13 (4) To direct payment for the cost of equipment, supplies, devices, materials and labor for
14 repair, renovation or conversion of systems and structures as necessary for the 2022 capital
15 development program bonds or notes hereunder from the proceeds thereof. No funds shall be
16 expended in excess of the amount of the capital development bond fund designated for the project
17 authorized in section 1 hereof. With respect to the bonds and temporary notes described in section
18 1, the proceeds shall be used for the following purpose:

19 Question 1, relating to bonds in the amount of one hundred million dollars (\$100,000,000)
20 to provide funding for a statewide transit system by improvement of existing services, expansion
21 of services to new areas, development of high capacity transit, improvement of access to transit and
22 adoption of new technologies and methods to make service easier to use.

23 SECTION 7. Sale of bonds and notes. -- Any bonds or notes issued under the authority
24 of this act shall be sold at not less than the principal amount thereof, in such mode and on such
25 terms and conditions as the general treasurer, with the approval of the governor, shall deem to be
26 in the best interests of the state.

27 Any premiums and accrued interest, net of the cost of bond insurance and underwriter's
28 discount, which may be received on the sale of the capital development bonds or notes shall become
29 part of the Rhode Island capital plan fund of the state, unless directed by federal law or regulation
30 to be used for some other purpose.

31 In the event that the amount received from the sale of the capital development bonds or
32 notes exceeds the amount necessary for the purposes stated in section 6 hereof, the surplus may be
33 used to the extent possible to retire the bonds as the same may become due, to redeem them in
34 accordance with the terms thereof or otherwise to purchase them as the general treasurer, with the

1 approval of the governor, shall deem to be in the best interests of the state.

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

7 SECTION 8. Bonds and notes to be tax exempt and general obligations of the state. --

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

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

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

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

1 advances.

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

14 SECTION 13. Sections 1, 2, 3, 11 and 12 of this act shall take effect upon passage. The
15 remaining sections of this act shall take effect when and if the state board of elections shall certify
16 to the secretary of state that a majority of the qualified electors voting on the proposition contained
17 in section 1 hereof have indicated their approval of the project thereunder.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CAPITAL DEVELOPMENT PROGRAM -- 2022 BOND REFERENDA

1 This act would submit the state's 2022 capital development program requesting the
2 issuance of general obligation bonds totaling one hundred million dollars (\$100,000,000) for
3 approval of the electorate at the general election to be held on November 8, 2022.

4 Sections 1, 2, 3, 11 and 12 of this act would take effect upon passage. The remaining
5 sections of this act would take effect when and if the state board of elections shall certify to the
6 secretary of state that a majority of the qualified electors voting on the proposition contained in
7 section 1 hereof have indicated their approval the project thereunder.

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