



1 ~~water quality management district commission~~ [Commission](#) or acquired by the Narragansett Bay  
2 ~~water quality management district commission~~ [Commission](#); provided, however, the acquisition  
3 of any sewage [or water](#) treatment facility requires the approval of the city or town council in the  
4 municipality where the facility is located. Upon the merger or acquisition, the district or any  
5 commission or other governing authority established by such city or town or the state to manage  
6 and operate the sewage [or water](#) treatment facilities shall cease to have control and authority over  
7 the facilities acquired; provided, however, that all actions shall be taken which are necessary to  
8 preserve any federal funds or federal assistance currently available to or expected to become  
9 available to the city, town, [board](#), or district for sewage [or water](#) treatment facilities. The  
10 existence of the Narragansett Bay ~~water quality management district commission~~ [Commission](#)  
11 shall continue unaffected and unimpaired by said merger or acquisition, and the Narragansett Bay  
12 ~~water quality management district commission~~ [Commission](#) shall continue to be governed by  
13 chapter 25 of this title.

14 (b) The district, [the board](#), the city or town and any commission or governing authority  
15 established by the city or town or the state to manage and operate the sewage [or water](#) treatment  
16 facilities are hereby authorized to and may pass such resolutions, enter into such agreements and  
17 do all things deemed useful and necessary by it to effectuate the merger or acquisition; and the  
18 Narragansett Bay ~~water quality management district commission~~ [Commission](#) is hereby  
19 authorized and may pass such resolutions, enter into such agreements and do all things useful and  
20 necessary by it to effectuate the merger or acquisition.

21 (c) Upon completion, the merger or acquisition shall be certified to the secretary of state  
22 by the executive director of the Narragansett Bay ~~water quality management district commission~~  
23 [Commission](#).

24 (d) (1) In accordance with the terms of the merger or acquisition agreement, on the  
25 effective date of the merger or acquisition, all property, real, personal, and mixed, and all debts  
26 due on whatever account, all other choses in action, and all and every other interest of or  
27 belonging to or due to the district, [board](#), or city or town related to the sewage [or water](#) treatment  
28 facilities, shall, unless otherwise agreed to, be taken and deemed to be transferred to and vested in  
29 the Narragansett Bay ~~water quality management district commission~~ [Commission](#) without further  
30 act or deed; all persons employed by the district, [board](#), or city or town related to the sewage [or](#)  
31 [water](#) treatment facilities on the date of the merger or acquisition may be deemed employees of  
32 the Narragansett Bay ~~water quality management district commission~~ [Commission](#); and the title to  
33 any real estate, or any interest therein, vested in the district, [board](#), or city or town related to the  
34 sewage [or water](#) treatment facilities shall not revert or be in any way impaired by reason of the

1 merger or acquisition.

2 (2) In accordance with the terms of the merger or acquisition agreement, the Narragansett  
3 Bay ~~water quality management district commission~~ Commission shall, unless otherwise agreed  
4 to, also be responsible and liable for all the liabilities and obligations of the district, board or city  
5 or town related to such sewage or water treatment facilities; and any claim existing or action or  
6 proceeding pending by or against the district, board or city or town related to such sewage or  
7 water treatment facilities shall be prosecuted as if the merger or acquisition had not taken place.  
8 Neither the rights of creditors nor any liens upon the property of the district, board, or city or  
9 town related to such sewage or water treatment facilities shall be impaired by the merger or  
10 acquisition. The merger or acquisition as provided for herein shall not impair the obligation of  
11 any contract or agreement nor abate any suit, action, or other proceeding lawfully commenced by  
12 or against the district, board or city or town related to the sewage or water treatment facilities, or  
13 any of its members or officers in relation to the discharge of their official duties, but a court of  
14 competent jurisdiction may, on motion filed within twelve (12) months after the effective date of  
15 the merger or acquisition, allow such a suit, action, or proceeding to be maintained by or against  
16 the Narragansett Bay ~~water quality management district commission~~ Commission or any of its  
17 commissioners in relation to the discharge of their official duties.

18 (3) Upon a merger or acquisition as provided herein, should the employees of the merged  
19 facility ("merged employees" ) have been represented by a local, subsidiary or affiliate labor  
20 organization of one of the parent labor organizations already representing Narragansett Bay ~~water~~  
21 ~~quality management district commission~~ Commission employees, then the merged employees  
22 shall be eligible, if appropriate, for accretion into the existing local, subsidiary or affiliate of the  
23 Narragansett Bay ~~water quality management district commission~~ Commission employees; and  
24 provided further, the Narragansett Bay ~~water quality management district commission~~  
25 Commission shall have no obligation to recognize or bargain with any labor organization which  
26 had represented the merged employees when they were employed by the merged facility.

27 (e) Upon completion of the acquisition, merger, or consolidation, the district, board, or  
28 any commission or other governing authority established by a city or town or the state to manage  
29 and operate the sewage or water treatment facilities shall cease to have control and authority over  
30 the facilities acquired and any ordinance, charter provision, public law, general law, or bylaw  
31 governing the district's, board's, commission's or governing authority's control over the facilities  
32 acquired shall be repealed in its entirety.

33 (f) Subject to the terms of the merger or acquisition agreement employees of the sewage  
34 or water treatment facility, district, board, commission, or other governing authority who

1 subsequently become employees of the Narragansett Bay ~~water quality management district~~  
2 ~~commission~~ Commission as a result of the acquisition, merger or consolidation, shall be subject  
3 to the provisions of §§ 46-25-8 and 36-9-36, and may be able to utilize their term of service with  
4 the sewage or water treatment facility, district, board, commission, or other governing authority,  
5 as determined by the executive director, for the purposes of longevity computation as it applies to  
6 wages, vacation time, and longevity increases. Provided, however, accrued vacation, sick leave,  
7 and all other benefits with the municipality, sewage or water treatment facility, district, board, or  
8 other governing authority may be transferred.

9 (g) Any sewer or water use fees, charges, and assessments in effect prior to the merger or  
10 acquisition shall remain in effect and may be assessed and collected by the commission in  
11 accordance with §§ 46-25-5(9), 46-25-5(10), 46-25-21, 46-25-22 and 46-25-22.1. Any change in  
12 the sewer or water use fees, charges and assessments shall be subject to the approval of the public  
13 utilities commission, excluding costs related to the acquisition, merger, or consolidation.

14 SECTION 3. This act shall take effect upon passage.

=====  
LC005292  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO WATERS AND NAVIGATION -- NARRAGANSETT BAY COMMISSION

\*\*\*

1           This act would authorize the Narragansett Bay Commission to enter into agreements with  
2 various entities for the acquisition, merger or consolidation of water treatment facilities, in  
3 addition to their current sewage treatment facilities powers.

4           This act would take effect upon passage.

=====  
LC005292  
=====