

2022 -- S 3010

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO WATERS AND NAVIGATION -- NARRAGANSETT BAY COMMISSION

Introduced By: Senators Lombardo, F Lombardi, Ciccone, Gallo, Burke, and Archambault

Date Introduced: June 09, 2022

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-25-5 of the General Laws in Chapter 46-25 entitled "Narragansett
2 Bay Commission" is hereby amended to read as follows:

3 **46-25-5. General powers.**

4 The commission shall have the following powers, together with all powers incidental
5 thereto or necessary for the performance of those stated in this chapter:

6 (1) To sue and be sued, complain and defend, in its corporate name.

7 (2) To have a seal which may be altered at pleasure and to use the seal by causing it, or a
8 facsimile thereof, to be impressed or affixed or in any other manner reproduced.

9 (3) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use, and
10 otherwise deal in and with, real or personal property, or any interest therein, wherever situated.

11 (4) To make and execute agreements of lease, construction contracts, operation contracts,
12 and all other contracts and instruments necessary or convenient in the exercise of the powers and
13 functions of the commission granted by this chapter.

14 (5) To make guarantees and incur or assume liabilities as the commission may deem
15 appropriate.

16 (6) To invest and reinvest its funds.

17 (7) To secure the cooperation and assistance of the United States, and any of its agencies,
18 and of agencies of this state and its municipalities in the work of the commission.

19 (8) To accept grants, donations, drafts, loans of funds, and contributions in money, services,

1 materials, or otherwise, from the United States or any of its agencies, from this state and its
2 agencies, or from any other source, and to use or expend those moneys, services, materials, or other
3 contributions in carrying out the purposes of this chapter.

4 (9) To make assessments and impose reasonable and just user charges, and to pay for such
5 expenses as may be required by law or as may be determined by the commission to be necessary
6 for the maintenance and operation of the project. In addition to the foregoing, the assessments and
7 user charges imposed pursuant to this chapter by the commission shall be set at a rate sufficient to
8 enable the commission to pay the debt service cost on not in excess of fourteen million and fifty-
9 nine thousand dollars (\$14,059,000) of general obligation bonds and on notes issued pursuant to
10 this chapter. Any user charge, fee, or rate shall be subject to the approval of the public utilities
11 commission.

12 (10) To establish a sewage pretreatment program, and to require as a condition, to the grant
13 or reissuance of any approval, license, or permit required under the program, that the person
14 applying for the approval, license, or permit, pay to the commission a reasonable fee based on the
15 cost of reviewing and acting upon the application and based on the costs of implementing the
16 program. In addition, where violations of the provisions of §§ 46-25-25 -- 46-25-25.3, or of any
17 permit, rule, regulation, or order issued pursuant thereto have occurred, the violator shall reimburse
18 the commission for the actual costs of implementing and enforcing the terms of the permit, rule,
19 regulation, or order as a condition to the grant or reissuance of any approval, license, or permit.

20 (11) To acquire or contract to acquire, from any person, the federal government or the state,
21 or any agency of either the federal government or state, by grant, purchase, lease, gift,
22 condemnation, or otherwise, or to obtain options for the acquisition of any property, real or
23 personal, improved or unimproved, and interests in land less than the fee thereof; and to own, hold,
24 clear, improve, develop, and rehabilitate, and to sell, assign, exchange, transfer, convey, lease,
25 mortgage, or otherwise dispose of or encumber the property for the purposes of carrying out the
26 provisions and intent of this chapter for such consideration as the commission shall determine.

27 (12) To elect or appoint officers and agents of the commission, and to define their duties
28 and fix their compensation, including authority to employ attorneys, accountants, architectural, and
29 engineering consultants, and such other employees or agents as the commission shall deem
30 necessary in its judgment.

31 (13) To make and alter bylaws, not inconsistent with this chapter, for the administration
32 and regulation of the affairs of the commission, and the bylaws may contain provisions
33 indemnifying any person who is or was a director or a member of the commission, in the manner
34 and to the extent provided in § 7-1.2-814.

1 (14) To construct, acquire, repair, develop, own, operate, maintain, extend, improve,
2 rehabilitate, renovate, equip, and furnish a project and make provision for its management.

3 (15) To prepare or cause to be prepared plans, specifications, designs, and estimates of
4 costs of construction, reconstruction, rehabilitations, improvement, alteration, or repair of a project,
5 and to modify the same.

6 (16) To issue orders of general or specific applicability to carry out the purposes of the
7 project.

8 (17) To have and exercise all powers necessary or convenient to effect its purposes.

9 (18) To impose administrative penalties in accordance with the provisions of § 46-25-25.4.

10 (19) To secure certain payments on its revenue bonds and notes, in whole or in part, by
11 insurance or by letters or lines of credit or other credit facilities.

12 (20) To enter into agreements, contracts, and other arrangements with the state and any of
13 its departments, agencies, boards or commissions relating to the execution or performance of any
14 function or purpose of the commission, including, but not limited to, investments, employee
15 compensation and employee benefits, and the state and its departments, agencies, boards and
16 commissions are hereby authorized to enter into such agreements, contracts and other arrangements
17 with the commission, and upon the request of the commission shall enter into such agreements,
18 contracts and other arrangements with the commission.

19 (21) To engage in public purpose activities that involve construction, infrastructure,
20 remediation, improvements, commercial waterways and recreational projects that will have a
21 positive impact on the economic, environmental, or social welfare of the communities in its service
22 area and the general public of the State of Rhode Island.

23 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 WATERS AND NAVIGATION -- NARRAGANSETT BAY COMMISSION

1 This act would allow the Narragansett Bay Commission to engage in public purpose
2 projects that will have a positive impact on the economic, environmental, and social welfare of
3 Rhode Island.

4 This act would take effect upon passage.

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