

2015 -- S 0332

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO WATERS AND NAVIGATION -- WATER SUPPLY FACILITIES

Introduced By: Senators Morgan, and Algieri

Date Introduced: February 12, 2015

Referred To: Senate Housing & Municipal Government

(by request)

It is enacted by the General Assembly as follows:

SECTION 1. Section 46-15.1-5 of the General Laws in Chapter 46-15.1 entitled "Water Supply Facilities" is hereby amended to read as follows:

**46-15.1-5. Powers.** -- (a) The board shall carry out its functions and shall have the following powers:

- (1) To adopt a seal and to alter the seal from time to time;
- (2) To sue and be sued;
- (3) To purchase, hold, and dispose of real and personal property, or interests therein, and to lease the property as lessee or lessor;
- (4) To make or cause to be made such surveys and borings as it may deem necessary;
- (5) To engage engineering, legal, accounting, and other professional services;
- (6) To make contracts;
- (7) To employ personnel and fix their rates of compensation;
- (8) To borrow money and issue its bonds and notes as hereinafter provided;
- (9) To apply and contract for and to expend assistance from the United States or other sources, whether in the form of a grant or loan or otherwise;
- (10) To adopt and amend bylaws for the regulation of its affairs and the conduct of its business;
- (11) To invest or deposit funds in demand deposits, savings deposits, and time deposits in any bank or trust company which is a member of the Federal Deposit Insurance Corporation or

1 in any obligations issued or guaranteed by the United States or any agency or instrumentality  
2 thereof, or as provided in § 35-10-11;

3 (12) To establish, operate, and maintain or lease to others, or contract with others for the  
4 use of, such water supply facilities as may be reasonably required for the fulfillment of its  
5 purposes;

6 (13) To purchase and sell water;

7 (14) To exercise such other powers as may be necessary or incidental to the exercise of  
8 the foregoing powers or to the accomplishment of the purposes of the board;

9 (15) To acquire, within the limitation of funds therefor, the sites, appurtenant marginal  
10 lands, dams, waters, water rights, rights of way, easements, and other property in interests in  
11 property for reservoirs, groundwater wells, well sites, and for such pipe lines, aqueducts, pumping  
12 stations, filtration plants, and auxiliary structures as may be necessary or desirable for the  
13 treatment and distribution of water from those reservoirs, groundwater wells, and well sites.  
14 Lands acquired under the provisions of this section shall be acquired with the approval of the  
15 governor, [and of the city or town council of the municipality wherein such lands are situated](#), by  
16 purchase, gift, devise, or otherwise on such terms and conditions as the board shall determine, or  
17 by the exercise of eminent domain, in accordance with the provisions of chapter 6 of title 37, as  
18 amended, insofar as those provisions are consistent with the provisions hereof;

19 (16) To construct or purchase water reservoirs, wells and well sites, processing facilities,  
20 transmission or distribution systems, and other facilities, including existing facilities of municipal  
21 water agencies or departments, special water districts, or private water companies, necessary to  
22 accomplish the purposes of this chapter and to implement its plans and program;

23 (17) To acquire the assets, assume the liabilities, or to effect the merger into itself of any  
24 corporation or other organization, including public or private water supply systems incorporated  
25 or organized under the laws of this state, which corporation or organization has as its principal  
26 business the establishment of water supply facilities or provision of related services, all upon such  
27 terms and for such consideration as the board shall deem to be appropriate;

28 (18) To lease, sell, or otherwise convey any reservoir sites or other water supply or  
29 distribution facilities acquired, constructed, or purchased by the board to any municipal water  
30 agency or department or special water district or private water company, upon such terms as the  
31 board shall deem appropriate;

32 (19) To provide for cooperative development, conservation, and use of water resources  
33 by the state, municipal agencies or departments, special water districts or privately owned water  
34 systems, the board may:

- 1 (i) Authorize publicly or privately owned water supply agencies to build structures or  
2 install equipment on land owned or leased by the board.
- 3 (ii) Enter into contracts with publicly or privately owned water supply agencies for  
4 operation of any facilities owned or leased by the board or operate any such facility by itself.
- 5 (20) To enter into contracts to supply raw or processed water to publicly or privately  
6 owned water supply agencies, which shall be approved as to substance by the director of  
7 administration and as to form by the attorney general;
- 8 (21) To review all plans and proposals for construction or installation of facilities for  
9 water supply in accordance with the applicable sections of chapter 15 of this title;
- 10 (22) To make loans to publicly owned water supply agencies for acquisition,  
11 construction, and renovation of water supply facilities from funds which may be appropriated for  
12 this purpose by the general assembly, from bonds issued for this purpose, or from other funds  
13 which may become available to the board for this purpose;
- 14 (23) To borrow money temporarily from the water development fund, for the purposes of  
15 this chapter, and to implement its plans and programs relating to reservoir development, exclusive  
16 of the acquisition of sites for the development of surface reservoirs, in anticipation of revenue or  
17 federal aid;
- 18 (24) To enter into contracts and/or agreements with such departments, divisions,  
19 agencies, or boards of the state as are directed by the governor to regulate, manage, or perform  
20 related functions on any lands or waters acquired under the provisions of the Big River -- Wood  
21 River Reservoir Site Acquisition Act (P.L. of 1964, chapter 133); and
- 22 (25) To compensate the departments, divisions, agencies, or boards from the water  
23 development fund in an amount equal to the cost of providing the functions or services as are  
24 directed to be performed by the governor. The compensation shall be mandatory and shall be  
25 provided according to procedures established by the department of administration.
- 26 (b) The board as a body politic and corporate and public instrumentality created pursuant  
27 to this chapter is subject to § 46-15.1-5(1) -- (25). The board as the state agency pursuant to  
28 chapter 15 of this title is subject to § 46-15.1-5(15) -- (25).

29 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO WATERS AND NAVIGATION -- WATER SUPPLY FACILITIES

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- 1           This act would require consent by a municipality of any land acquisition therein by the  
2 water resources board.  
3           This act would take effect upon passage.

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