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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO WATERS AND NAVIGATION -- PRUDENCE ISLAND FERRY  
AUTHORITY

Introduced By: Senator Christopher S. Ottiano

Date Introduced: February 28, 2013

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 46 of the General Laws entitled "WATERS AND NAVIGATION" is  
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 32

4 THE PRUDENCE ISLAND FERRY AUTHORITY

5 **46-32-1. Prudence Island ferry authority created -- Composition. --** There is hereby  
6 created a body corporate and public to be known as the "Prudence Island Ferry Authority." The  
7 authority shall consist of five (5) members, three (3) of whom shall be residents of the town of  
8 Portsmouth to be appointed by the Portsmouth town council, provided that one member shall be a  
9 resident of Prudent Island and two (2) of whom shall be residents of the town of Bristol, to be  
10 appointed by the Bristol town council. Members shall serve at the pleasure of the appointing town  
11 council.

12 **46-32-2. Powers and duties of commission. --** The authority shall have the following  
13 powers and duties:

14 (1) To sue and be sued, complain and defend, in its corporate name;

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

17 (3) To purchase, take, receive, lease or otherwise acquire, own, hold, improve, operate,  
18 maintain and repair, use or otherwise deal in and with, real or personal property, or any interest

1 therein, wherever situated;

2 (4) To sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of,  
3 all or any part of its property and assets for such consideration and upon such terms and  
4 conditions as the authority shall determine;

5 (5) To fix rates or collect charges for the use of the facilities of, or services rendered by,  
6 or any commodities furnished by, the authority;

7 (6) To make such contracts and guarantees and to incur liabilities, borrow money at such  
8 rates of interest as the authority may determine;

9 (7) To make and execute agreements of lease, conditional sales contracts, installment  
10 sales contracts, loan agreements, mortgages, construction contracts, operation contracts and other  
11 contracts and instruments necessary or convenient in the exercise of the powers and functions of  
12 the authority granted by this chapter;

13 (8) To lend money for its purposes, invest and reinvest its funds and at its option to take  
14 and hold real and personal property as security for the funds so loaned or invested;

15 (9) To acquire, or contract to acquire, from any person, firm, corporation, municipality,  
16 the federal government or the state, or any agency of either the federal government or state by  
17 grant, purchase, lease, gift, condemnation or otherwise, or to obtain options for the acquisition of  
18 any property, real or personal, improved or unimproved, and interests in land less the fee thereof;  
19 and to own, hold, clear, develop, maintain, operate and rehabilitate, sell, assign, exchange,  
20 transfer, convey, lease, mortgage, or otherwise dispose or encumber the same for the purposes of  
21 carrying out the provisions and intent of this chapter for such consideration as the authority shall  
22 determine;

23 (10) To conduct its activities, carry on its operations and have offices and exercise its  
24 power granted by this act within or without the county or state;

25 (11) To elect or appoint officers and agents of the authority and to define their duties and  
26 fix their compensation, except as otherwise expressly limited herein;

27 (12) To make and alter bylaws not inconsistent with this chapter, for the administration  
28 and regulation of the affairs of the authority and such bylaws may contain provisions  
29 indemnifying any person who is or was a director, officer, employee agent of the authority; or is  
30 or was serving at the request of the authority as a director, officer, employee or agent of another  
31 corporation, partnership, joint venture, trust or other enterprise in the manner and to the extent  
32 provided in section 7-1.1-4.1 of the Rhode Island Business Corporation Act.

33 (13) To be a promoter, partner, member, associate or manager of any partnership,  
34 enterprise or venture;

1           (14) To enter who cooperative agreements with cities or towns for the purpose of  
2 operating a ferry service in accordance with this chapter; and

3           (15) To have and exercise all powers necessary and convenient to effect its purposes.

4           **46-32-3. Exclusive right to operate. --** The exclusive right to operate ferry service to and  
5 from Prudence Island in the town of Portsmouth, is hereby vested in the Prudence Island ferry  
6 authority, notwithstanding any statute, law, rule or regulation to the contrary, the public utilities  
7 commission shall have no jurisdiction or authority relating to the Prudence Island ferry authority.

8           **46-32-4. Exclusive right to set tolls and charges. --** (a) The Prudence Island ferry  
9 authority is deemed to have the exclusive right to establish the tolls, rates or charges to be paid  
10 for any services performed by or connected to ferries operated to or from Prudence Island in the  
11 town of Portsmouth, Rhode Island . The authority shall set such tolls, rates or charges by a vote of  
12 a majority of the full Prudence Island ferry authority.

13           (b) No increase shall be made in a toll, rate or charge except after thirty (30) days' notice  
14 to the public, posting the increase in plain type displayed at every dock, station or office where  
15 payments are made by the users of the ferry service.

16           **46-32-5. Exclusive right to contract ferry services. --** The Prudence Island ferry  
17 authority is deemed to have the exclusive right to execute contracts relating to the operation of  
18 ferry services to and from Prudence Island in the town of Portsmouth, Rhode Island.

19           **46-32-6. Severability. --** In case, for any reason, any section, part of section, clause or  
20 provision of this chapter shall be questioned in any court or determined to be unconstitutional or  
21 invalid, the clause or provision shall not in any way affect any other section, part of section,  
22 clause or provision of this chapter.

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 -- PRUDENCE ISLAND FERRY  
AUTHORITY

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- 1           This act would establish the Prudence Island ferry authority which would have exclusive
- 2 authority to operate ferry services both to and from Prudence Island.
- 3           This act would take effect upon passage.

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