

## CHAPTER 68

### REGIONAL WATER COUNCILS

#### §6801. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2005, c. 209, §1 (NEW).]

**1. Regional water council.** "Regional water council" means a nonprofit corporation established for the benefit of 2 or more water-related entities pursuant to this chapter, where at least one of the organizing members is a water utility.

[PL 2017, c. 58, §1 (AMD).]

**2. Water-related entity.** "Water-related entity" means a water utility or a municipal or quasi-municipal entity owning, controlling, operating or managing sewer, sanitary or storm water works.

[PL 2017, c. 58, §1 (NEW).]

#### SECTION HISTORY

PL 2005, c. 209, §1 (NEW). PL 2017, c. 58, §1 (AMD).

#### §6802. Regional water councils authorized

Two or more water-related entities may organize a regional water council by forming a nonprofit corporation under Title 13-B, as long as one of the organizing members is a water utility. The membership of a regional water council is restricted to water-related entities. A water utility is not required to become a member of a regional water council. [PL 2017, c. 58, §2 (AMD).]

#### SECTION HISTORY

PL 2005, c. 209, §1 (NEW). PL 2017, c. 58, §2 (AMD).

#### §6803. Council organization

The organizational documents of a regional water council must provide for representation of each member. The documents must specify the organizational structure, the method of withdrawal, the method of terminating the council and the grounds for suspension of members. [PL 2017, c. 58, §3 (AMD).]

#### SECTION HISTORY

PL 2005, c. 209, §1 (NEW). PL 2017, c. 58, §3 (AMD).

#### §6804. Powers

**1. Powers.** A regional water council may:

A. Study an issue common to 2 or more of the members of the regional water council that it considers appropriate, including, but not limited to, matters affecting water supply, watershed protection, water use policies, regional economic conditions and future development; [PL 2005, c. 209, §1 (NEW).]

B. Promote cooperative arrangements and coordinate action among members of the regional water council, including, but not limited to, providing purchasing, billing, accounting and customer services; [PL 2005, c. 209, §1 (NEW).]

C. Make recommendations for review and action to the members of the regional water council and other public agencies that perform functions within the region; and [PL 2005, c. 209, §1 (NEW).]

D. Exercise its powers and authority as a nonprofit corporation under Title 13-B as necessary or desirable for dealing with issues of local or regional significance to its members, except that it may not exercise any power or authority that would cause the regional water council to become a water-related entity within this State. [PL 2017, c. 58, §4 (AMD).]

[PL 2017, c. 58, §4 (AMD).]

**2. Status.** A regional water council is a nonprofit corporation and is not a governmental entity and is subject to all laws governing nonprofit corporations.

[PL 2005, c. 209, §1 (NEW).]

**3. Standing committee.** A regional water council, by appropriate action of the governing bodies of its members, may establish a standing committee to prepare and maintain a comprehensive regional water plan.

[PL 2005, c. 209, §1 (NEW).]

#### SECTION HISTORY

PL 2005, c. 209, §1 (NEW). PL 2017, c. 58, §4 (AMD).

#### §6805. Bylaws

A regional water council shall adopt bylaws designating the officers of the council and providing for the conduct of its business. [PL 2005, c. 209, §1 (NEW).]

#### SECTION HISTORY

PL 2005, c. 209, §1 (NEW).

#### §6806. Staff

A regional water council may employ staff and consult and retain experts that it considers necessary. [PL 2005, c. 209, §1 (NEW).]

#### SECTION HISTORY

PL 2005, c. 209, §1 (NEW).

#### §6807. Finances; annual report

**1. Expenses.** The members of a regional water council may contribute funds to meet the expenses of the council. Services of personnel, use of equipment and office space and other necessary services may be accepted from members as part of their financial support.

[PL 2017, c. 58, §5 (AMD).]

**2. Funds; limitation.** A regional water council may accept funds, grants, gifts and services from:

A. The Federal Government; [PL 2005, c. 209, §1 (NEW).]

B. The State or its departments, agencies or instrumentalities; [PL 2005, c. 209, §1 (NEW).]

C. Any governmental unit not specified in paragraph A or B, whether participating in the regional water council or not; and [PL 2005, c. 209, §1 (NEW).]

D. Private and public sources. [PL 2005, c. 209, §1 (NEW).]

A fund, grant, gift or service of the State or its departments, agencies or instrumentalities otherwise available to water-related entities may not be made conditional on a water-related entity's membership in a regional water council.

[PL 2017, c. 58, §5 (AMD).]

**3. Report.** A regional water council shall make an annual report including a statement of financial activities to the member water-related entities. The report must be filed with the Public Utilities Commission and the drinking water program of the Department of Health and Human Services.

[PL 2017, c. 58, §5 (AMD).]

## SECTION HISTORY

PL 2005, c. 209, §1 (NEW). PL 2017, c. 58, §5 (AMD).

### §6808. Coordinator

**1. Public Utilities Commission.** The commission may receive, obtain and distribute state, federal or other funds supporting regional water council tasks and may provide assistance to regional water councils as appropriate. This subsection does not require the commission to determine the appropriate disbursement of state, federal or other funds among members of a regional water council and does not prohibit a regional water council from obtaining, receiving or disbursing funds without commission involvement.

Nothing in this chapter limits the commission's jurisdiction or authority over water utilities that are members of regional water councils.

[PL 2005, c. 209, §1 (NEW).]

**2. Rulemaking.** The commission may adopt rules to establish procedures and audit requirements related to the requirements of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2005, c. 209, §1 (NEW).]

## SECTION HISTORY

PL 2005, c. 209, §1 (NEW).

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