

2012 -- H 7700

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LC01840
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO WATERS AND NAVIGATION -- COASTAL RESOURCES MANAGEMENT
COUNCIL

Introduced By: Representatives Ruggiero, Walsh, Handy, Ajello, and Ferri

Date Introduced: February 16, 2012

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-23-7.1 of the General Laws in Chapter 46-23 entitled "Coastal
2 Resources Management Council" is hereby amended to read as follows:

3 **46-23-7.1. Administrative penalties.** -- Any person who violates, or refuses or fails to
4 obey, any notice or order issued pursuant to section 46-23-7(a); or any assent, order, or decision
5 of the council, may be assessed an administrative penalty by the chairperson or executive director
6 in accordance with the following:

7 (1) The chairperson or executive director is authorized to assess an administrative
8 penalty of not more than ~~two thousand five hundred dollars (\$2,500)~~ ten thousand dollars
9 (\$10,000) for each violation of this section, and is authorized to assess additional penalties of not
10 more than five hundred dollars (\$500) for each day during which this violation continues after
11 receipt of a cease and desist order from the council pursuant to section 46-23-7(a), but in no event
12 shall the penalties in an aggregate equal or exceed ~~ten thousand dollars (\$10,000)~~ twenty
13 thousand dollars (\$20,000). Prior to the assessment of a penalty under this subdivision, the
14 property owner or person committing the violation shall be notified by certified mail or personal
15 service that a penalty is being assessed. The notice shall include a reference to the section of the
16 law, rule, regulation, assent, order, or permit condition violated; a ~~concise~~ statement of the facts
17 alleged to constitute the violation; a statement of the amount of the administrative penalty
18 assessed; and a statement of the party's right to an administrative hearing.

1 (2) The party shall have twenty-one (21) days from receipt of the notice within which to
2 deliver to the council a written request for a hearing. This request shall specify in detail the
3 statements contested by the party. The ~~executive director~~ council shall designate a person to act as
4 hearing officer. If no hearing is requested, then after the expiration of the twenty-one (21) day
5 period, the council shall issue a final order assessing the penalty specified in the notice. The
6 penalty is due when the final order is issued. If the party shall request a hearing, any additional
7 daily penalty shall not commence to accrue until the council issues a final order.

8 (3) If a violation is found to have occurred, the council or hearing officer may issue a
9 final order assessing not more than the amount of the penalty specified in the notice. The penalty
10 is due when the final order is issued.

11 (4) The party may within thirty (30) days appeal the final order, of fine assessed by the
12 council or hearing officer to the superior court which shall hear the assessment of the fine de
13 novo.

14 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 -- COASTAL RESOURCES MANAGEMENT
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- 1 This act would amend the administrative penalty amounts for persons who violate orders
- 2 or notices issued pursuant to chapter 46-23, the coastal resources management council.
- 3 This act would take effect upon passage.

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