

2018 -- H 8319

LC005874

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO WATERS AND NAVIGATION - COASTAL RESOURCES MANAGEMENT COUNCIL

Introduced By: Representative Kenneth A. Marshall

Date Introduced: June 14, 2018

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 46-23-2, 46-23-2.1 and 46-23-4 of the General Laws in Chapter
2 46-23 entitled "Coastal Resources Management Council" are hereby amended to read as follows:

3 **46-23-2. Coastal resources management council created -- Appointment of**
4 **members.**

5 (a) There is hereby created the coastal resources management council. The coastal
6 resources management council shall consist of ten (10) members. Nine (9) members shall be
7 appointed by the governor, with advice and consent of the senate, and one member shall serve ex
8 officio.

9 ~~(1) The coastal resources management council shall consist of sixteen (16) members, two~~
10 ~~(2) of whom shall be members of the house of representatives, at least one of the members shall~~
11 ~~represent a coastal municipality, appointed by the speaker, two (2) of whom shall be members of~~
12 ~~the senate, each of whom shall represent a coastal municipality, appointed by the president of the~~
13 ~~senate, two (2) of whom shall be from the general public appointed by the speaker of the house~~
14 ~~for a term of two (2) years, two (2) of whom shall be from a coastal municipality appointed by the~~
15 ~~speaker of the house for a term of three (3) years.~~

16 ~~(2)~~(1) In addition, ~~four (4)~~ Six (6) of the members shall be appointed or elected officials
17 of local government: ~~appointed by the governor, one~~ three (3) of whom shall be ~~from~~ appointed
18 or elected officials in a municipality of ~~less~~ fewer than twenty-five thousand (25,000) in

1 population, ~~appointed to serve until January 31, 1972;~~ one shall be appointed to serve until
2 January 31, 2020, one shall be appointed to serve until January 31, 2021, and one shall be
3 appointed to serve until January 31, 2022; ~~one~~ three (3) of whom shall be ~~from~~ appointed or
4 elected officials in a ~~coastal~~ municipality of more than twenty-five thousand (25,000) in
5 population ~~appointed to serve until January 31, 1973, and one of whom shall be from a coastal~~
6 ~~municipality of less than twenty five thousand (25,000) population appointed to serve until~~
7 ~~January 31, 1974, and one of whom shall be from a coastal community of more than twenty five~~
8 ~~thousand (25,000) population appointed to serve until January 31, 1975, the~~ , one shall be
9 appointed to serve until January 31, 2020, one shall be appointed to serve until January 31, 2021,
10 and one shall be appointed to serve until January 31, 2022. The populations are to be determined
11 by the latest federal census; ~~all members shall serve until their successors are appointed and~~
12 ~~qualified; during the month of January, the governor shall appoint a member to succeed the~~
13 ~~member whose term will then next expire for a term of four (4) years commencing on the first~~
14 ~~day of February then next following and until his or her successor is named and qualified; each~~
15 Elected or appointed municipal officials shall hold seats on the council only so long as they
16 remain in their elected or appointed office. Each municipal appointment shall cease if the
17 appointed or elected official shall no longer hold or change the office which ~~he or she~~ they held
18 upon appointment, ~~and further, each appointee shall be eligible to succeed himself or herself.~~ Five
19 (5) out of the six (6) appointed or elected members must be appointed or elected in a coastal
20 municipality. One out of six (6) appointed or elected members must be appointed or elected in a
21 non-coastal municipality. When the governor submits their appointments to the senate for advice
22 and consent, the governor shall specify the appointed or elected office that each municipal
23 appointment holds, the population of the municipality represented, and the member being
24 replaced.

25 ~~(3)~~(2) Three (3) members shall be appointed by the governor from the public, with the
26 advice and consent of the senate, one ~~of whom~~ shall be appointed to serve until ~~January 1, 1972~~
27 January 31, 2020, one ~~of whom~~ shall be appointed to serve until ~~January 1, 1973~~ January 31,
28 2021, and one ~~of whom~~ shall be appointed to serve until ~~January 1, 1974~~ January 31, 2022; the
29 public members and their successors shall ~~represent~~ reside in a coastal ~~community~~ municipality.

30 ~~(4)~~(3) All members shall serve until their successors are appointed and qualified; during
31 the month of January, the governor shall appoint, with the advice and consent of the senate, a
32 member to succeed the members whose term will then next expire for a term of three (3) years
33 commencing on the first day of February next following and until ~~his or her~~ their successor is
34 named and qualified. A member shall be eligible ~~to succeed himself or herself~~ for successive

1 appointments. No more than two (2) persons on the council shall be from the same ~~community~~
2 municipality. A vacancy other than by expiration shall be filled in the manner of the original
3 appointment but only for the unexpired portion of the term.

4 ~~(5)(4) Appointments shall first be made by the governor, then by the president of the~~
5 ~~senate, and then by the speaker. The commissioner of the environmental protection branch or his~~
6 ~~or her~~ The director of the department of environmental management or their designee ~~within the~~
7 ~~department of environmental management~~ shall serve ex officio. The ex-officio member shall not
8 be counted as serving from any particular ~~community~~ municipality.

9 (b) In addition to the foregoing voting members, the council ~~shall~~ may include a varying
10 number of other members who ~~shall~~ may serve in an advisory capacity without the right to vote
11 and who ~~shall~~ may be invited to serve by either the governor or the voting members. These
12 advisory members ~~shall~~ may represent the federal agencies such as the navy, coast guard, corps of
13 engineers, public health service, and the federal water pollution control administration, and such
14 regional agencies as the New England river basins commission and the New England regional
15 commission and any other group or interest not otherwise represented.

16 (c) There ~~shall~~ may be established a coastal resources advisory committee which
17 committee, appointed by the executive director of the coastal resources management council,
18 ~~shall~~ may include, but not be limited to, representation from the following groups: one of whom
19 ~~shall~~ may be a representative of the University of Rhode Island Graduate School of
20 Oceanography and the College of Resources Development, one of whom ~~shall~~ may be a
21 representative of the Sea Grant National College Program, one of whom ~~shall~~ may be a
22 representative of the army corps of engineers, one of whom ~~shall~~ may be a representative of the
23 federal environmental protection agency's Narragansett Bay laboratory, one of whom shall be a
24 representative of the coastal resources management council, one of whom ~~shall~~ may be the
25 director of the department of environmental management; one of whom ~~shall~~ may be a member
26 of the Rhode Island Marine Trade Association and one of whom ~~shall~~ may be a representative of
27 a regional environmental group. The council shall have the authority to appoint such additional
28 members to said advisory committee as is deemed necessary or advisable by the advisory
29 committee or the council. It shall be the responsibility of the committee to advise the coastal
30 resources management council on environmental issues relating to dredging and permitting
31 related thereto, including, but not limited to, those issues defined in §§ 46-23-18.1 -- 46-23-18.3,
32 inclusive.

33 (d) The council shall have the authority to form committees of other advisory groups as
34 needed from both its own members and others.

1 **46-23-2.1. Members -- Term of office -- Vacancies.**

2 (a) The term of office of the appointed members shall be three (3) years, only so long as
3 the members shall remain eligible to serve on the council under the appointment authority.

4 (b) The members are eligible ~~to succeed themselves~~ for successive appointments.

5 (c) Elected or appointed municipal officials shall hold seats on the council, only so long
6 as they remain in their elected or appointed office. ~~Members of the senate and house shall serve at~~
7 ~~the pleasure of the appointing authority and shall not be subject to the provisions of subsection~~
8 ~~(b).~~

9 (d) A vacancy other than by expiration shall be filled in the manner of the original
10 appointment but only for the unexpired portion of the term. The ~~appointing authority~~ governor
11 shall have the power to remove ~~its~~ their appointee for just cause.

12 **46-23-4. Officers of the council -- Quorum and vote required for action.**

13 The governor, ~~upon the appointment of the appointed members of the council,~~ shall select
14 from the appointed members a chairperson and vice chairperson. The council shall thereupon
15 select a secretary from among its membership or staff. The council may engage such staff,
16 including legal counsel, as it deems necessary. A quorum shall consist of ~~seven (7)~~ six (6)
17 members of the council. A majority vote of those present shall be required for action.

18 SECTION 2. This act shall take effect on January 1, 2019.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO WATERS AND NAVIGATION - COASTAL RESOURCES MANAGEMENT
COUNCIL

- 1 This act would amend the composition, size, and requirements of memberships on the
- 2 Coastal Resources Management Council.
- 3 This act would take effect on January 1, 2019.

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