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LC00022

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- DIVISIONS

Introduced By: Representatives Naughton, Cimini, and Walsh

Date Introduced: February 16, 2011

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-17.1-4 of the General Laws in Chapter 42-17.1 entitled  
2 "Department of Environmental Management" is hereby amended to read as follows:

3 **42-17.1-4. Divisions within department.** -- Within the department of environmental  
4 management there are established the following divisions:

5 (1) A division of parks and recreation which shall carry out those functions of the  
6 department relating to the operation and maintenance of parks and recreation areas and the  
7 establishment and maintenance of such additional recreation areas as may from time to time be  
8 acquired and such other functions and duties as may from time to time be assigned by the  
9 director;

10 (2) A division of fish and wildlife which shall carry out those functions of the  
11 department relating to the administration of hunting, fishing, and shell fisheries; the preservation  
12 of wetlands, marsh lands, and wildlife and such other functions and duties as may from time to  
13 time be assigned by the director;

14 (3) A division of agriculture which shall carry out those functions of the department  
15 relating to agriculture, ~~entomology and plant industry~~ and such other functions and duties as may  
16 from time to time be assigned by the director; including, but not limited to, plant industry, farm  
17 viability, marketing and promotion, farmland ecology and protection, plant and animal health and  
18 quarantine, pesticides, mosquito abatement, pest survey and response, food policy and security,

1 and, in collaboration with the department of health, public health as it relates to farm production  
2 and direct marketing of farm products, and those agreed upon through memorandum of  
3 agreement with the department of health or other state agencies. The department of health shall  
4 continue to act as the lead agency for all public health issues in the state pursuant to chapter 23-1.  
5 Nothing herein contained shall limit the department of health's statutory authority, nor shall any  
6 provision herein be construed as a limitation upon the statutory authority of the department of  
7 health granted to the department under title 23 of the general laws, nor shall any provision herein  
8 be construed to limit the authority of the department of environmental management to enter into  
9 memoranda of agreement with any governmental agency.

10 (4) A division of coastal resources which shall carry out those functions of the  
11 department relating to harbors and harbor lines, pilotage, flood control, shore development,  
12 construction of port facilities, and the registration of boats and such other functions and duties as  
13 may from time to time be assigned by the director, except that the division shall not be  
14 responsible for the functions of inspection of dams and reservoirs, approving plans for  
15 construction or improvement of dams, reservoirs and other structures in non-tidal waters, and the  
16 operation of stream-gauging stations in cooperation with the United States Geological Survey,  
17 and provided further that the division and its staff shall be responsible through the director of  
18 environmental management, to the coastal resources management council, and the chief and the  
19 staff of the division shall serve as staff to the council;

20 (5) A division of planning and development which shall carry out those functions of the  
21 department relating to planning, programming, acquisition of land, engineering studies and such  
22 other studies as the director may direct, and which shall work with the board of governors for  
23 higher education and the board of regents for elementary and secondary education, with  
24 educational institutions at all levels and with the public in the dissemination of information and  
25 education relating to natural resources and shall perform the publication and public relations  
26 functions of the department, the functions of inspection of dams and reservoirs, approving plans  
27 for construction or improvement of dams, reservoirs, and other structures in non-tidal waters, and  
28 the operation of stream-gauging stations in cooperation with the United States Geological Survey;

29 (6) A division of enforcement which shall enforce all of the laws and regulations of the  
30 department and the coastal resources management council, which shall cooperate with the other  
31 enforcement agencies of the state and its municipalities, and which shall administer all of the  
32 policing, enforcing, licensing, registration, and inspection functions of the department and such  
33 other functions and duties as may from time to time be assigned by the director;

34 (7) A division of forest environment which shall carry out those functions of the

1 department relating to the administration of forests and natural areas, including programs for  
2 utilization, conservation, forest fire protection, and improvements of these areas; assisting other  
3 agencies and local governments in urban programs relating to trees, forests, green belts, and  
4 environment and such other functions and duties as may from time to time be assigned by the  
5 director;

6 (8) (i) A division of boating safety which shall carry out those functions of the  
7 department relating to the development and administration of a coordinated safe boating program  
8 in accordance with the Model Safe Boating Act of 1971 as approved by the National Association  
9 of State Boating Law Administrators;

10 (ii) Administration of the division of boating safety shall be the responsibility of the state  
11 boating law administrator whose duties shall include:

12 (A) The enforcement of all laws relating to the act;

13 (B) The powers vested in the state boating law administrator and boating safety  
14 enforcement officer shall include the enforcement of laws, rules and regulations relating to  
15 "Regulation of Boats," title 46, chapter 22 and shall also include the power to:

16 (I) Execute all warrants and search warrants for the violation of laws, rules and  
17 regulations relating to the act.

18 (II) Serve subpoenas issued for the trial of all offenses hereunder.

19 (III) To carry firearms or other weapons, concealed or otherwise, in the course of and in  
20 performance of their duties under this chapter.

21 (IV) To arrest without warrant and on view any person found violating any law, rule, or  
22 regulation relating to the act, take that person before a court having jurisdiction for trial, detain  
23 that person in custody at the expense of the state until arraignment and to make and execute  
24 complaints within any district to the justice or clerk of the court against any person for any of the  
25 offenses enumerated under the act committed within the district.

26 (V) Boating safety enforcement officers shall not be required to give surety for costs  
27 upon any complaint made by him or her.

28 (iii) The development and administration of a coordinated safe boating program.

29 (iv) The establishment and enforcement of such rules and regulations as are deemed  
30 necessary to achieve the purposes of the Model Safe Boating Act as approved by the state boating  
31 law administrators.

32 (v) The state boating law administrator shall serve as the liaison to the United States  
33 Coast Guard.

1 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 STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT -- DIVISIONS

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1           This act would authorize the department of environmental management, agriculture  
2 division, to work in conjunction with the department of health and other state or governmental  
3 agencies pursuant to a memorandum of agreement on farm and farm facility issues.

4           This act would take effect upon passage.

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