

2022 -- H 8323

LC006072

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO WATERS AND NAVIGATION -- COASTAL RESOURCES MANAGEMENT
COUNCIL

Introduced By: Representatives Ruggiero, Handy, Fogarty, Abney, Carson, Cortvriend,
Donovan, Speakman, Cassar, and Kennedy

Date Introduced: June 03, 2022

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

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

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

4 (a) There is hereby created the coastal resources management council. The coastal
5 resources management council shall consist of ten (10) members. Nine (9) members shall be
6 appointed by the governor, with advice and consent of the senate, and one member shall serve ex
7 officio. All current appointments to the coastal resources management council made by the
8 governor with advice and consent of the senate are hereby validated and ratified and those
9 appointees shall serve for the remainder of their term.

10 (1) Six (6) of the members shall be appointed or elected officials of local government with
11 due consideration given to qualifications in planning or zoning: three (3) of whom shall be
12 appointed or elected officials in a municipality of fewer than twenty-five thousand (25,000) in
13 population, three (3) of whom shall be appointed or elected officials in a municipality of more than
14 twenty-five thousand (25,000) in population. The populations are to be determined by the latest
15 federal census. Elected or appointed municipal officials shall hold seats on the council only so long
16 as they 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 they held upon
18 appointment. At least five (5) out of the six (6) appointed or elected members must be appointed

1 or elected in a coastal municipality. When the governor submits his or her appointments to the
2 senate for advice and consent, the governor shall specify the appointed or elected office that each
3 municipal appointment holds; the population of the municipality represented; and the member
4 being replaced.

5 (2) Three (3) members shall be appointed by the governor from the public with due
6 consideration given to qualifications in ocean engineering, coastal planning, marine industry and
7 marine science, with the advice and consent of the senate, one of the public members and his or her
8 successors shall reside in a coastal municipality.

9 (3) All members shall serve until their successors are appointed and qualified; during the
10 month of January, the governor shall appoint, with the advice and consent of the senate, a member
11 to succeed the members whose term will then next expire for a term of three (3) years commencing
12 on the first day of February next following and until their successor is named and qualified. A
13 member shall be eligible for successive appointments. No more than ~~two (2) persons~~ one person
14 on the council shall be from the same municipality. A vacancy other than by expiration shall be
15 filled in the manner of the original appointment but only for the unexpired portion of the term.

16 (4) The director of the department of environmental management, or their designee, shall
17 serve ex officio. The ex-officio member shall not be counted as serving from any particular
18 municipality.

19 (b) In addition to the foregoing voting members, the council may include a varying number
20 of other members who may serve in an advisory capacity without the right to vote and who may be
21 invited to serve by either the governor or the voting members. These advisory members may
22 represent the federal agencies such as the navy, coast guard, corps of engineers, public health
23 service, and the Federal Water Pollution Control Administration, and such regional agencies as the
24 New England River Basins Commission and the New England Regional Commission and any other
25 group or interest not otherwise represented.

26 (c) There may be established a coastal resources advisory committee which committee,
27 appointed by the executive director of the coastal resources management council, may include, but
28 not be limited to, representation from the following groups: one of whom may be a representative
29 of the university of Rhode Island graduate school of oceanography and the college of resources
30 development, one of whom may be a representative of the Sea Grant National College Program,
31 one of whom may be a representative of the army corps of engineers, one of whom may be a
32 representative of the federal environmental protection agency's Narragansett Bay laboratory, one
33 of whom shall be a representative of the coastal resources management council, one of whom may
34 be the director of the department of environmental management; one of whom may be a member

1 of the Rhode Island Marine Trade Association and one of whom may be a representative of a
2 regional environmental group. The council shall have the authority to appoint these additional
3 members to the advisory committee as is deemed necessary or advisable by the advisory committee
4 or the council. It shall be the responsibility of the committee to advise the coastal resources
5 management council on environmental issues relating to dredging and permitting related thereto,
6 including, but not limited to, those issues defined in §§ 46-23-18.1 -- 46-23-18.3, inclusive.

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

9 **46-23-2.1. Members -- Term of office -- Vacancies.**

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

12 (b) The members are eligible for successive appointments. As of January 1, 2023, the
13 members are eligible for three (3) successive appointments and may be reappointed to the council
14 after three (3) years of not serving on the council.

15 (c) Any council member serving on the council as of the effective date of this section may
16 continue serving on the council under the following terms:

17 (1) As of January 1, 2023, any council member serving on the council as of the effective
18 date of this section may continue to serve on the council only if the council member has not served
19 a total of twenty (20) years on the council.

20 (2) As of January 1, 2024, any council member serving on the council as of the effective
21 date of this section may continue to serve on the council only if the council member has not served
22 a total of fifteen (15) years on the council.

23 (3) As of January 1, 2025, any council member serving on the council as of the effective
24 date of this section may continue to serve on the council only if the council member has not served
25 a total of nine (9) years on the council.

26 (4) Any council members serving on the council as of the effective date of this section may
27 be reappointed after three (3) years not serving on the council.

28 ~~(d)~~ Elected or appointed municipal officials shall hold seats on the council, only so long
29 as they remain in their elected or appointed office.

30 ~~(e)~~ A vacancy other than by expiration shall be filled in the manner of the original
31 appointment but only for the unexpired portion of the term. The governor shall have the power to
32 remove his or her appointee for just cause. The governor shall give due consideration to filling all
33 vacancies within six (6) months.

1 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 require that future appointment of members to the coastal resources
2 management council receive due consideration to those individuals possessing qualifications in
3 specified areas and limits the members to serving three (3) successive appointments. The act would
4 require the governor to give due consideration to filling all vacancies within six (6) months.

5 This act would take effect upon passage.

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