

2017 -- H 5610

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LC001859
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO WATERS AND NAVIGATION - WATER SUPPLY FACILITIES

Introduced By: Representative Kenneth A. Marshall

Date Introduced: March 01, 2017

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-15.1-2 of the General Laws in Chapter 46-15.1 entitled "Water
2 Supply Facilities" is hereby amended to read as follows:

3 **46-15.1-2. Board created -- Appointment of members.**

4 (a) There is hereby authorized, created and established a water resources board consisting
5 of ~~fifteen (15)~~ twenty-three (23) members as follows:

6 (1) ~~Eleven (11)~~ Twelve (12) members shall represent the public and shall be appointed by
7 the governor with the advice and consent of the senate as herein provided;

8 (i) One of whom shall be a person who is actively engaged in the agricultural business,
9 preferably an owner and/or operator of an agricultural business, with respect to which
10 appointment the governor shall give due consideration to the recommendation of the Rhode
11 Island Agricultural Council established pursuant to the provisions of chapter 3 of title 2;

12 (ii) One of whom shall be a representative of a conservation organization, with respect to
13 which appointment the governor shall give due consideration to the recommendation of the
14 Environment Council of Rhode Island;

15 (iii) One of whom shall be a professional with expertise in geology and/or hydrology;

16 (iv) One of whom shall be a professional with expertise in engineering with relevance to
17 water supply;

18 (v) One of whom shall be a professional with expertise in financial planning and/or
19 investment;

1 (vi) One of whom shall be a professional with expertise in land and/or watershed
2 management;

3 (vii) One of whom shall be ~~a representative~~ experienced in the operations of a public
4 water system that withdraws more than one hundred thousand (100,000) gallons per day,
5 primarily from a surface water supply;

6 (viii) One of whom shall be ~~a representative~~ experienced in the operations of a public
7 water system that withdraws more than one hundred thousand (100,000) gallons per day,
8 primarily from a ground water supply;

9 (ix) One of whom shall be ~~a representative~~ experienced in the operations of a water user
10 that withdraws more than one hundred thousand (100,000) gallons per day; and

11 (x) ~~Two (2)~~ Three (3) of whom shall be members of the general public.

12 (2) No person shall be eligible for appointment to the board unless he or she is a resident
13 of this state. The remaining ~~four (4)~~ eleven (11) members are the director of environmental
14 management, the director of the Rhode Island commerce corporation, the associate director of the
15 division of planning within the department of administration, and the director of the department
16 of health, the chair of the public utility commission, the chair of the coastal resources
17 management council, the commissioner of the office of energy resources, the director of the
18 department of transportation, the director of the emergency management agency, the chair of the
19 Rhode Island infrastructure bank, and the chair of the Narragansett bay commission or their
20 designees.

21 (3) Members shall serve until their successors are appointed and qualified and shall be
22 eligible to succeed themselves. In the month of February in each year, the governor, with the
23 advice and consent of the senate, shall appoint successors to the public members of the board
24 whose terms shall expire in such year, to hold office commencing on the day they are qualified
25 and until the first day of March in the third year after their respective appointments and until their
26 respective successors are appointed and qualified.

27 (b) Those members of the board as of the effective date of this act shall continue to serve
28 until their term expires or they resign, whether or not they meet the criteria set out in subsection
29 (a);

30 (c) Any vacancy which may occur in the board for a public member shall be filled by the
31 governor, with the advice and consent of the senate, for the remainder of the unexpired term in
32 the manner as prescribed in (a) of this subsection. Each ex officio member of the board may
33 designate a subordinate within his or her department to represent him or her at all meetings of the
34 board.

1 (d) Members of the board shall be removable by the governor pursuant to § 36-1-7 of the
2 general laws and for cause only, and removal solely for partisan or personal reasons unrelated to
3 capacity or fitness for the office shall be unlawful.

4 (e) The water resources board is designated to carry out the provisions of this chapter. In
5 exercising its powers under this chapter, the board constitutes a body politic and corporate and a
6 public instrumentality of the state having a distinct legal existence from the state and not
7 constituting a department of the state government. The board may take action under this chapter
8 at any meeting of the board. A member of the board who is affiliated with a public water system
9 in Rhode Island, as provided in § 46-15-2, shall not thereby be disqualified from acting as a
10 member of the board on a transaction under this chapter with a public water system. Upon the
11 enactment of this chapter, and annually in the month of March thereafter, the board shall choose a
12 treasurer to act as such under this chapter. The treasurer need not be a member of the board or of
13 its staff and shall serve until his or her successor is chosen and takes office, unless sooner
14 removed by the board with or without cause. In the event of a vacancy in the office of treasurer,
15 the board shall fill the vacancy for the unexpired term.

16 (f) Nothing contained herein shall be construed as terminating or discontinuing the
17 existence of the water resources board as it exists prior to July 1, 1993 for purposes of chapters
18 15.1, 15.2, and 15.3 of this title, and the water resources board created hereby shall be and shall
19 be deemed to be a continuation of the water resources board as it existed prior to July 1, 1993 for
20 the purposes enumerated in chapters 15.1, 15.2, and 15.3 of this title. Nothing contained herein
21 shall affect the bonding or financing authority of the water resources board as it exists prior to
22 July 1, 1993 nor shall anything contained herein be construed as terminating, altering,
23 discontinuing, or in any way impairing the bonding or financing power of the water resources
24 board as it exists under chapters 15.1, 15.2, and 15.3 of this title prior to July 1, 1993.

25 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 WATERS AND NAVIGATION - WATER SUPPLY FACILITIES

1 This act would increase the membership of the water resources board WRB from fifteen
2 (15) to twenty-three (23) members consisting of twelve (12) public representatives and eleven
3 (11) members associated with various public agencies.

4 This act would take effect upon passage.

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