

2012 -- H 8144

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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 ENVIRONMENTAL MANAGEMENT - HEARING OFFICERS

Introduced By: Representative J. Russell Jackson

Date Introduced: May 09, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-17.7-3 of the General Laws in Chapter 42-17.7 entitled  
2 "Administrative Adjudication for Environmental Matters" is hereby amended to read as follows:

3 **42-17.7-3. Hearing officers -- Appointment -- Qualifications -- Compensation. --** (a)  
4 The governor, with the advice and consent of the senate, shall appoint up to four (4) hearing  
5 officers, who shall be attorneys-at-law who prior to their appointment shall have practiced law for  
6 a period of not less than five (5) years, for a term of five (5) years each; provided, however, that  
7 of such initial four (4) hearing officers, one shall be appointed for a term of two (2) years, one  
8 shall be appointed for a term of three (3) years, one shall be appointed for a term of four (4) years,  
9 and one shall be appointed for a term of five (5) years, and they shall be addressed as hearing  
10 officers.

11 (b) The governor, [with the advice and consent of the senate](#), shall designate one of these  
12 hearing officers as chief hearing officer. The hearing officers shall hear proceedings as provided  
13 by this chapter, and the director with the assistance of the chief hearing officer may promulgate  
14 such rules and regulations as shall be necessary or desirable to effect the purposes of this chapter.

15 (c) A hearing officer shall devote full-time to these administrative duties and shall not  
16 otherwise practice law while holding office nor be a partner nor an associate of any person in the  
17 practice of law.

18 (d) Compensation for hearing officers shall be determined by the department of  
19 administration.

1           (e) The chief hearing officer may in his or her discretion appoint outside hearing officers  
2 who shall have appropriate qualifications to so serve.

3           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would require the governor to obtain the advice and consent of the senate
- 2 regarding the appointment of the chief DEM hearing officer.
- 3           This act would take effect upon passage.

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