

2013 -- H 5733

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO WATERS AND NAVIGATION -- COASTAL RESOURCES MANAGEMENT  
COUNCIL

Introduced By: Representatives Naughton, Shekarchi, Kennedy, and Bennett

Date Introduced: February 28, 2013

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

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

3 **46-23-2. Coastal resources management council created -- Appointment of**  
4 **members.** -- (a) There is hereby created the coastal resources management council.

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

12 (2) In addition, ~~four (4)~~ six (6) of the members shall be appointed or elected officials of  
13 local government appointed by the governor, ~~one~~ three (3) of whom shall be from a municipality  
14 of less than twenty-five thousand (25,000) population, ~~appointed to serve until January 31, 1972,~~  
15 ~~one~~ three (3) of whom shall be from a coastal municipality of more than twenty-five thousand  
16 (25,000) population, ~~appointed to serve until January 31, 1973, and one of whom shall be from a~~  
17 ~~coastal municipality of less than twenty five thousand (25,000) population appointed to serve~~  
18 ~~until January 31, 1974, and one of whom shall be from a coastal community of more than twenty-~~

1 ~~five thousand (25,000) population appointed to serve until January 31, 1975, the~~ The populations  
2 are to be determined by the latest federal census. ~~;~~ ~~all members shall serve until their successors~~  
3 ~~are appointed and qualified; during the month of January, the governor shall appoint a member to~~  
4 ~~succeed the member whose term will then next expire for a term of four (4) years commencing on~~  
5 ~~the first day of February then next following and until his or her successor is named and~~  
6 ~~qualified; each~~ Each municipal appointment shall cease if the appointed or elected official shall  
7 no longer hold or change the office which he or she held upon appointment, and further, each  
8 appointee shall be eligible to succeed himself or herself. All municipal appointments must receive  
9 the advice and consent of the senate.

10 (3) ~~Three (3)~~ Five (5) members shall be appointed by the governor from the public, with  
11 the advice and consent of the senate. ~~;~~ ~~one of whom shall serve until January 1, 1972, one of~~  
12 ~~whom shall serve until January 1, 1973 and one of whom shall serve until January 1, 1974; the~~  
13 The members and their successors shall represent a coastal community.

14 (4) All members shall serve until their successors are appointed and qualified; during the  
15 month of January, the governor shall appoint, with the advice and consent of the senate, a  
16 member to succeed the members whose term will then next expire for a term of three (3) years  
17 commencing on the first day of February next following and until his or her successor is named  
18 and qualified. A member shall be eligible to succeed himself or herself. No more than two (2)  
19 persons on the council shall be from the same community.

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

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

31 (c) There shall be established a coastal resources advisory committee which committee,  
32 appointed by the executive director of the coastal resources management council, shall include,  
33 but not be limited to, representation from the following groups: one of whom shall be a  
34 representative of the University of Rhode Island Graduate School of Oceanography and the

1 College of Resources Development, one of whom shall be a representative of the Sea Grant  
2 National College Program, one of whom shall be a representative of the army corps of engineers,  
3 one of whom shall be a representative of the federal environmental protection agency's  
4 Narragansett Bay laboratory, one of whom shall be a representative of the coastal resources  
5 management council, one of whom shall be the director of the department of environmental  
6 management; one of whom shall be a member of the Rhode Island Marine Trade Association and  
7 one of whom shall be a representative of a regional environmental group. The council shall have  
8 the authority to appoint such additional members to said advisory committee as is deemed  
9 necessary or advisable by the advisory committee or the council. It shall be the responsibility of  
10 the committee to advise the coastal resources management council on environmental issues  
11 relating to dredging and permitting related thereto, including, but not limited to, those issues  
12 defined in sections 46-23-18.1 -- 46-23-18.3, inclusive.

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

15 SECTION 2. Section 46-23-4 of the General Laws in Chapter 46-23 entitled "Coastal  
16 Resources Management Council" is hereby amended to read as follows:

17 **46-23-4. Officers of the council -- Quorum and vote required for action. --** The  
18 governor, upon the appointment of the appointed members of the council, shall select from the  
19 appointed members a chairperson and vice chairperson. The council shall thereupon select a  
20 secretary from among its membership or staff. The council may engage such staff, including legal  
21 counsel, as it deems necessary. A quorum shall consist of ~~seven (7)~~ six (6) members of the  
22 council. A majority vote of those present shall be required for action.

23 SECTION 3. 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 -- COASTAL RESOURCES MANAGEMENT  
COUNCIL

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1           This act would reduce the membership of the coastal resources management council from  
2 sixteen (16) to eleven (11) members and would reduce the quorum requirement from seven (7) to  
3 six (6) members.

4           This act would take effect upon passage.

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