

2019 -- H 6151

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE EXECUTIVE OFFICE OF ENVIRONMENTAL MANAGEMENT

Introduced By: Representatives Mendez, O'Brien, Shanley, and Fellela

Date Introduced: May 24, 2019

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 17.11

4 EXECUTIVE OFFICE OF ENVIRONMENTAL MANAGEMENT

5 **42-17.11-1. Short title.**

6 This chapter shall be known and may be cited as the "Executive Office of Environmental
7 Management Act."

8 **42-17.11-2. Statement of intent.**

9 This purpose of this chapter is to establish the executive office of environmental
10 management.

11 **42-17.11-3. Definitions.**

12 When used in this chapter, the following words are construed as follows:

13 (1) "Office" means the executive office of environmental management established
14 pursuant to § 42-17.11-4.

15 (2) "Secretary" means the secretary of environment administering the executive office of
16 environmental management.

17 **42-17.11-4. Executive office of environmental management.**

18 There is hereby established within the executive branch of state government an executive

1 office of environmental management to serve as the principal agency of the executive branch of
2 state government for managing the department of environmental management (DEM) and coastal
3 resources management council (CRMC).

4 **42-17.11-5. Secretary of environment.**

5 (a) The executive office of environmental management shall be administered by a
6 secretary of environment (the "secretary"). The position of secretary is hereby created in the
7 unclassified service. The secretary shall be appointed by the governor, and shall be subject to
8 advice and consent of the senate. The secretary shall hold office at the pleasure of the governor
9 and until a successor is appointed and qualified. Before entering upon the discharge of duties, the
10 secretary shall take an oath to faithfully execute the duties of the office.

11 (b) In the case of a vacancy in the office of secretary, or in the case of disability, as
12 determined by the governor, or in his or her absence, the governor may designate an acting
13 secretary until the vacancy is filled or the absence, or disability, as determined by the governor,
14 ceases. The acting secretary shall have all the powers and duties of the secretary.

15 **42-17.11-6. Powers and duties of secretary.**

16 (a) In order to enable the secretary to coordinate and improve the operations of all
17 departments, divisions and other administrative units within the office concerning environmental
18 matters, the secretary shall have the following powers and duties concerning any power or duty
19 assigned to any such department, division or other administrative unit:

20 (1) The power and duty to resolve administrative and jurisdictional conflicts between any
21 such agencies or officers;

22 (2) The power and duty to implement, upon request of any such agency or officer,
23 programs jointly agreed to by the secretary and such agency or officer;

24 (3) The power and duty to coordinate and improve program activities involving two (2)
25 or more such agencies or officers.

26 (b) The secretary shall direct the appropriate department or agency, consistent with state
27 law, to adopt, and from time to time amend rules, regulations, procedures, standards, guidelines,
28 and policies.

29 **42-17.11-7. Cooperation of other state executive branch agencies.**

30 As may be appropriate from time to time, the departments and other agencies of the state
31 of the executive branch that have not been assigned to the executive office of environmental
32 management under this chapter shall assist and cooperate with the executive office as may be
33 required by the governor or requested by the secretary.

34 **42-17.11-8. Applicability.**

1 Nothing in this chapter shall change, transfer or interfere with, or limit or otherwise
2 restrict the general assembly's sole authority to appropriate and re-appropriate fiscal resources to
3 the departments; the statutory or regulatory duties of the directors of the departments, or the
4 appointing authority for the employees of the departments vested in the directors under applicable
5 general and public laws.

6 **42-17.11-9. Rules and regulations.**

7 The secretary shall promulgate rules and regulations to implement, administer and
8 enforce this chapter and shall interpret this chapter and any regulations adopted hereunder
9 consistent with the secretary's power to enforce the laws. These rules and regulations shall
10 include provisions for the review of enforceable provisions of relevant statutes and regulations.

11 SECTION 2. Section 46-23-4.1 of the General Laws in Chapter 46-23 entitled "Coastal
12 Resources Management Council" is hereby amended to read as follows:

13 **46-23-4.1. The commissioner of coastal resources management.**

14 The ~~council~~ secretary of environment shall ~~engage~~ appoint a commissioner of coastal
15 resources management ~~who shall be an employee of the council and who shall not be a member~~
16 ~~of the council. The commissioner shall coordinate and liaison with the director of the department~~
17 ~~of environmental management, and his or her staff shall be at the same staff level as the other~~
18 ~~commissioners and shall work directly with the other commissioners.~~ The commissioner of
19 coastal resources management shall be in the unclassified service. The duties and powers of the
20 commissioner of coastal resources management shall be determined by the ~~council~~ secretary of
21 environment. ~~The council shall not engage a commissioner of coastal resources management for~~
22 ~~more than five (5) years; provided, however, that the council may renew its contract with the~~
23 ~~commissioner of coastal resources management.~~ The commissioner of coastal resources
24 management shall serve at the pleasure of the secretary of environment.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE EXECUTIVE OFFICE OF
ENVIRONMENTAL MANAGEMENT

1 This act would establish an executive office of environmental management and the
2 position of secretary of environment and would provide for the establishment of an ocean
3 management plan.

4 This act would take effect upon passage.

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