

2008 -- S 2628

LC02013

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO THE STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- DIVISIONS

Introduced By: Senators Sosnowski, Miller, Moura, Breene, and Revens

Date Introduced: February 26, 2008

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-17.1-4 of the General Laws in Chapter 42-17.1 entitled  
2 "Department of Environmental Management" is hereby amended to read as follows:

3 **42-17.1-4. Divisions within department.** -- Within the department of environmental  
4 management there are established the following divisions:

5 (1) A division of parks and recreation which shall carry out those functions of the  
6 department relating to the operation and maintenance of parks and recreation areas and the  
7 establishment and maintenance of such additional recreation areas as may from time to time be  
8 acquired and such other functions and duties as may from time to time be assigned by the  
9 director;

10 (2) A division of fish and wildlife which shall carry out those functions of the  
11 department relating to the administration of hunting, fishing, and shell fisheries; the preservation  
12 of wetlands, marsh lands, and wildlife and such other functions and duties as may from time to  
13 time be assigned by the director;

14 (3) A division of agriculture which shall carry out those functions of the department  
15 relating to agriculture, entomology and plant industry and such other functions and duties as may  
16 from time to time be assigned by the director; and shall, in consultation with the director of the  
17 department of health, have the authority to permit and license agricultural operations as defined in  
18 section 2-23-4, and farm facility designs, related to health issues. Such licensed health-related

1 [activities may include, but not be limited to, farm home kitchens, meat storage, dairy operations](#)  
2 [that manufacture cheeses and other dairy products, and poultry processing allowed under USDA](#)  
3 [exemptions;](#)

4 (4) A division of coastal resources which shall carry out those functions of the  
5 department relating to harbors and harbor lines, pilotage, flood control, shore development,  
6 construction of port facilities, and the registration of boats and such other functions and duties as  
7 may from time to time be assigned by the director, except that the division shall not be  
8 responsible for the functions of inspection of dams and reservoirs, approving plans for  
9 construction or improvement of dams, reservoirs and other structures in non-tidal waters, and the  
10 operation of stream-gauging stations in cooperation with the United States Geological Survey,  
11 and provided further that the division and its staff shall be responsible through the director of  
12 environmental management, to the coastal resources management council, and the chief and the  
13 staff of the division shall serve as staff to the council;

14 (5) A division of planning and development which shall carry out those functions of the  
15 department relating to planning, programming, acquisition of land, engineering studies and such  
16 other studies as the director may direct, and which shall work with the board of governors for  
17 higher education and the board of regents for elementary and secondary education, with  
18 educational institutions at all levels and with the public in the dissemination of information and  
19 education relating to natural resources and shall perform the publication and public relations  
20 functions of the department, the functions of inspection of dams and reservoirs, approving plans  
21 for construction or improvement of dams, reservoirs, and other structures in non-tidal waters, and  
22 the operation of stream-gauging stations in cooperation with the United States Geological Survey;

23 (6) A division of enforcement which shall enforce all of the laws and regulations of the  
24 department and the coastal resources management council, which shall cooperate with the other  
25 enforcement agencies of the state and its municipalities, and which shall administer all of the  
26 policing, enforcing, licensing, registration, and inspection functions of the department and such  
27 other functions and duties as may from time to time be assigned by the director;

28 (7) A division of forest environment which shall carry out those functions of the  
29 department relating to the administration of forests and natural areas, including programs for  
30 utilization, conservation, forest fire protection, and improvements of these areas; assisting other  
31 agencies and local governments in urban programs relating to trees, forests, green belts, and  
32 environment and such other functions and duties as may from time to time be assigned by the  
33 director;

34 (8) (i) A division of boating safety which shall carry out those functions of the

1 department relating to the development and administration of a coordinated safe boating program  
2 in accordance with the Model Safe Boating Act of 1971 as approved by the National Association  
3 of State Boating Law Administrators;

4 (ii) Administration of the division of boating safety shall be the responsibility of the state  
5 boating law administrator whose duties shall include:

6 (A) The enforcement of all laws relating to the act;

7 (B) The powers vested in the state boating law administrator and boating safety  
8 enforcement officer shall include the enforcement of laws, rules and regulations relating to  
9 "Regulation of Boats," title 46, chapter 22 and shall also include the power to:

10 (I) Execute all warrants and search warrants for the violation of laws, rules and  
11 regulations relating to the act.

12 (II) Serve subpoenas issued for the trial of all offenses hereunder.

13 (III) To carry firearms or other weapons, concealed or otherwise, in the course of and in  
14 performance of their duties under this chapter.

15 (IV) To arrest without warrant and on view any person found violating any law, rule, or  
16 regulation relating to the act, take that person before a court having jurisdiction for trial, detain  
17 that person in custody at the expense of the state until arraignment and to make and execute  
18 complaints within any district to the justice or clerk of the court against any person for any of the  
19 offenses enumerated under the act committed within the district.

20 (V) Boating safety enforcement officers shall not be required to give surety for costs  
21 upon any complaint made by him or her.

22 (iii) The development and administration of a coordinated safe boating program.

23 (iv) The establishment and enforcement of such rules and regulations as are deemed  
24 necessary to achieve the purposes of the Model Safe Boating Act as approved by the state boating  
25 law administrators.

26 (v) The state boating law administrator shall serve as the liaison to the United States  
27 Coast Guard.

28 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 THE STATE AFFAIRS AND GOVERNMENT – DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT -- DIVISIONS

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- 1           This act would allow the department of environmental management agriculture division
- 2 to work in conjunction with the department of health on farm and farm facility issues.
- 3           This act would take effect upon passage.

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