

2010 -- S 2790

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LC02287  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ADMINISTRATIVE  
ADJUDICATION FOR ENVIRONMENTAL MATTERS

Introduced By: Senators Sosnowski, and McCaffrey

Date Introduced: April 13, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-17.7-6 of the General Laws in Chapter 42-17.7 entitled  
2 "Administrative Adjudication for Environmental Matters" is hereby amended to read as follows:

3 **42-17.7-6. Hearings -- Orders -- Concurrent jurisdiction.** – (a) Subject to the  
4 provisions of section 42-17.7-2, every hearing for the adjudication of a violation or for a license  
5 shall be held before a hearing officer. The chief hearing officer shall assign a hearing officer to  
6 each matter. After due consideration of the evidence and arguments, the hearing officer shall  
7 make written proposed findings of fact and proposed conclusions of law which shall be made  
8 public. ~~when submitted to the director for review. The director may in his or her discretion adopt,~~  
9 ~~modify, or reject such findings of fact and/or conclusions of law provided; however, that any such~~  
10 ~~modification or rejection of the proposed findings of fact or conclusions of law shall be in writing~~  
11 ~~and shall state the rationale therefor.~~

12 (b) The department of environmental management and the coastal resources  
13 management council shall promulgate such rules and regulations, not inconsistent with law, as to  
14 assure uniformity of proceedings as applicable.

15 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 STATE AFFAIRS AND GOVERNMENT -- ADMINISTRATIVE  
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1           This act would remove the requirement that decisions by hearing officers on certain  
2 environmental matters be submitted to the director of the department of environmental  
3 management for review, modification or adoption.

4           This act would take effect upon passage.

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