



STATE OF RHODE ISLAND
OFFICE OF GOVERNOR DANIEL J. MCKEE

May 7, 2025

Honorable Evan P. Shanley
Chair, House Committee on State Government and Elections
Room 101 Rhode Island State House
Providence, Rhode Island 02903

Re: 2025 – H 6126 *An Act Relating to Waters and Navigation – Coastal Resources
Management Council*

Dear Chair Shanley:

The Administration writes in opposition to H 6126, An Act Relating to Waters and Navigation – Coastal Resources Management Council (Act). The Act reduces the membership on the Coastal Resources Management Council (CRMC) to six public members appointed by the Governor and adds the Attorney General as a statutory member.

The Act would infringe on the Governor's constitutional appointment power by creating a statutory appointment of the Attorney General. Article 9, section 5 of the Rhode Island Constitution vests the Governor with the power to appoint all members of any board, commission, or quasi-public entity of the State that exercises executive power. Because the CRMC exercises powers and functions that are "manifestly executive in nature," the Rhode Island Supreme Court has held that "the Governor has the right to appoint its members with the advice and consent of the Senate." *In re Request for Advisory Opinion from House of Representatives (Coastal Res. Mgmt. Council)*, 961 A.2d 930, 941-42 (R.I. 2008). By statutorily mandating the appointment of the Attorney General, the Act impedes the Governor's appointment powers, contradicts established legal precedent, and violates the Constitution.

Input from the Attorney General's Office could be achieved by authorizing the Attorney General to submit a list of three names for consideration for appointment to the Council.

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Sincerely,



Andrea M. Shea
Deputy Executive Counsel

cc: Honorable Members of the House Committee on State Government and Elections
Nicole McCarty, Esq.