

H. Philip West Jr.

April 30, 2026

Support 26-H 7996

The Honorable Evan P. Shanley, Chair

HOUSE COMMITTEE ON STATE GOVERNMENT AND ELECTIONS

Thank you, Chair Shanley and members of the House Committee on State Government and Elections for this hearing. Thanks also to Representatives Edwards, Cortvriend, Carson, Bennett, Cotter, Kennedy, Azzinaro, Donovan, Spears, and Tanzi, for sponsoring 26-H 7996.

My name is H. Philip West Jr., and I urge you to recommend passage of Representative Edwards's legislation that will finally fold the Coastal Resources Management Council (CRMC) into the Department of Environmental Management (DEM), where it belongs.

During the years I served as executive director for Common Cause Rhode Island (1988 – 2006), I often witnessed the confusion, conflicts-of-interest, and interminable court battles that made the CRMC a poster child for separation of powers.

On November 2, 2004, a record 78.3% of Rhode Island voters established constitutional separation of powers by approving amendments to four articles of the Rhode Island Constitution (attached). Among those provisions, were (1) a ban on dual office-holding by state legislators and members of boards or commissions that exercise executive powers, and (2) a requirement that the governor appoint members of those boards or commissions.

During the 2005 and 2006 legislative sessions, committees in the House and Senate spent hundreds of hours reconfiguring 65 other boards and commissions to comply with the 2004 Separation of Powers Amendments (list attached), but there was intense resistance to reconfiguring the CRMC, and it remained in the General Laws.

Finally, in 2008, a unanimous opinion from the Rhode Island Supreme Court settled the question of legislative appointments on the CRMC,¹ but RIGL 46-23-2(1) still required the governor to appoint six local officials from large and small municipalities to seats on the council.

This structure diffused political accountability and contributed to CRMC's longstanding difficulty in resolving crucial disputes over problematic shoreline expansion projects. Among the recent controversies were: (1) Champlin's Marina on Block Island, (2) the Jamestown Boat Yard, (3) an illegal seawall in North Kingstown, and (4) an aquaculture operation in South Kingstown. These controversies prompted litigation and adverse court rulings.

News stories about these disputes sparked public concern that the CRMC was incompetent or corrupt. In practice, the CRMC often ignores its own rules and drags out permit applications for years. Without clear political accountability the CRMC seems unable to deal with real threats to Rhode Island's coastal communities.

Representative Edwards's legislation will finally consolidate accountability for coastal decisions by folding the CRMC into DEM, where it belongs. I urge passage.

Respectfully submitted,



H. Philip West Jr.

¹ *In re Request for Advisory Opinion from the Governor* (612 A.2d 1) 961 A.2d 930 (R.I. 2008)

CONSTITUTIONAL AMENDMENT ESTABLISHING SEPARATION OF POWERS
Question 1 approved by 78.3% of Rhode Island voters on November 2, 2004

Words deleted are marked with ~~strikethrough~~. Words added are underlined.

ARTICLE III — OF QUALIFICATION FOR OFFICE

Section 6. Holding of offices under other governments. -- **Senators and representatives not to hold other appointed offices under state government.** -- No person holding any office under the government of the United States, or of any other state or country, shall act as a general officer or as a member of the general assembly, unless at the time of taking such engagement that person shall have resigned the office under such government; and if any general officer, senator, representative, or judge shall, after election and engagement, accept any appointment under any other government, the office under this shall be immediately vacated; but this restriction shall not apply to any person appointed to take deposition or acknowledgment of deeds, or other legal instruments, by the authority of any other state or country.

No senator or representative shall, during the time for which he or she was elected, be appointed to any state office, board, commission or other state or quasi-public entity exercising executive power under the laws of this state, and no person holding any executive office or serving as a member of any board, commission or other state or quasi-public entity exercising executive power under the laws of this state shall be a member of the senate or the house of representatives during his or her continuance in such office.

ARTICLE V — OF THE DISTRIBUTION OF POWERS

The powers of the government shall be distributed into three (3) separate and distinct departments: the legislative, the executive and the judicial.

ARTICLE VI — OF THE LEGISLATIVE POWER

~~**Section 10. Continuation of previous powers.** -- The general assembly shall continue to exercise the powers it has heretofore exercised, unless prohibited in this Constitution.~~

ARTICLE IX — OF THE EXECUTIVE POWER

~~**Section 5. Authority to fill vacancies.** -- The governor may fill vacancies in office not otherwise provided for by this Constitution or by law, until the same shall be filled by the general assembly, or by the people.~~

Section 5. Powers of appointment. -- The governor shall, by and with the advice and consent of the senate, appoint all officers of the state whose appointment is not herein otherwise provided for and all members of any board, commission or other state or quasi-public entity which exercises executive power under the laws of this state; but the general assembly may by law vest the appointment of such inferior officers, as they deem proper, in the governor, or within their respective departments in the other general officers, the judiciary or in the heads of departments.

**BOARDS AND COMMISSIONS RECONFIGURED IN 2005-06
TO COMPLY WITH THE 2004 SEPARATION OF POWERS AMENDMENTS**

1. Administrative Committee of the State Register
2. Agricultural Lands Preservation Commission
3. Board of Bank Incorporation
4. Board of Curators
5. Board of Examiners of Interpreters for the Deaf
6. Board of Governors for Higher Education
7. Board of Regents for Elementary and Secondary Education
8. Budget and Review Commission
9. Building Code Standards Committee
10. Capital Center Commission
11. Child Advocate Appointing Committee
12. Commission on Judicial Tenure and Discipline
13. Committee to Establish and Administer a Comprehensive Automated Civil Information System
14. Committee to Establish and Administer a Comprehensive Criminal/Juvenile Justice Information System
15. East Bay Economic Initiative Steering Committee
16. Fire Education and Training Coordinating Board
17. Fort Adams Foundation
18. Health Professional Loan Repayment Board
19. Historic District Commission (Providence)
20. Housing Appeals Board
21. Library Board of Rhode Island
22. Mosquito Abatement Board
23. Motor Vehicle Inspection Commission
24. Narragansett Bay Commission
25. Narragansett Indian Land Management Board
26. New Shoreham Tourism Council Bureau Inc
27. Newport County Convention and Visitors' Bureau
28. Permanent Committee on Medal of Honor Recipients
29. Persian Gulf War Information Relief Commission
30. Prepurchase Firearm Safety Training Review Board
31. Public Finance Management Board
32. Rabies Control Board
33. RI Clean Water Protection Finance Agency
34. RI Economic Development Corporation
35. RI Farm, Forest, and Open Land Value Subcommittee
36. RI Higher Education Assistance Authority
37. RI Historical Preservation and Heritage Commission
38. RI Housing and Conservation Board
39. RI Human Resource Investment Council
40. RI Lottery Commission
41. RI Public Telecommunications Authority
42. RI Public Transit Authority
43. RI Refunding Bond Authority
44. RI Resource Recovery Corporation
45. RI Rivers Council
46. RI Student Loan Authority
47. RI Underground Storage Tank Financial
48. Responsibility Fund Review Board
49. RI Vehicle Value Commission
50. RI Water Resources Board Corporate
51. RI Water Resources Board
52. Scenic Roadways Board
53. Sinking Fund Commission
54. Standards Committee
55. State Building Code
56. State Building Code Standards Committee
57. State Comprehensive Plan Appeals Board
58. State Conservation Committee
59. State Crime Laboratory Commission
60. State Investment Commission
61. State Medical Examiners' Commission
62. State Properties Committee
63. State Retirement Board
64. State Traffic Commission
65. Unclassified Pay Plan Board