

2023 -- H 5784 SUBSTITUTE A

LC001650/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO AGRICULTURE AND FORESTRY -- FORESTRY AND FOREST PRODUCT OPERATIONS

Introduced By: Representatives Cotter, Edwards, Potter, Baginski, Speakman, Casimiro, Kazarian, McNamara, Kennedy, and Shallcross Smith

Date Introduced: February 22, 2023

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 2 of the General Laws entitled "AGRICULTURE AND FORESTRY"
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 28

4 FORESTRY AND FOREST PRODUCT OPERATIONS

5 **2-28-1. Short title.**

6 This chapter shall be known and may be cited as the "Forestry Parity Act."

7 **2-28-2. Legislative findings.**

8 The general assembly finds and declares:

9 (1) That maintaining forests is vital to maintain both biodiversity, and ecosystem services,
10 including carbon sequestration in the state;

11 (2) That forests are more likely to be maintained if they provide economic value;

12 (3) That providing for the economic viability of the forest products industry is an interest
13 of the state;

14 (4) That forest conservation is given the same status as farm and open space conservation
15 under the chapter 27 of title 44 ("taxation of farm, forest, and open space land"), but that elsewhere
16 in the general laws forestry, and the production of forest products, are not given the same benefits,
17 and protections as agriculture; and

18 (5) That it is in the interest of the state, in order to protect economic viability of forests and

1 to provide for their conservation for the future benefit and enjoyment of the people of the state.

2 **2-28-3. Purpose.**

3 It is purpose of this chapter to provide parity of treatment, under the law, with farming and
4 agriculture operations to forestry and forest product operations.

5 **2-28-4. Definitions.**

6 When used in this chapter, the following words and phrases are construed as follows:

7 (1) "Forest-based business" shall have the same meaning as defined in § 2-27-2.

8 (2) "Forest land" shall have the same meaning as defined in § 2-27-2.

9 (3) "Forest management" shall have the same meaning as defined in § 2-27-2.

10 (4) "Forest product operations" means any and all trade occupations involving the
11 harvesting, production, maintaining, and sale of forest products originating in the state, including,
12 but not limited to:

13 (i) Arboriculture, logging, land clearing; and

14 (ii) Kiln drying, operations of firewood, saw milling, lumber, pallets, biochar, mulch,
15 compost, biomass, wood chips, saw dust, timbers, posts, beams, shingles, and artisan tree carvings,
16 seasonal greens and berries.

17 (5) "Forest property owner" means a person who owns "forest land" or leases "forest land"
18 for a period of five (5) years or more, which lease permits the conduct of some or all "forest product
19 operations" on the "forest land".

20 (6) "Person" shall have the same meaning as defined in § 43-3-6.

21 **2-28-5. Declaration of policies.**

22 The general assembly finds and declares that it is the policy of the state to promote an
23 environment in which forest operations and forest-based businesses are safeguarded against
24 nuisance actions arising out of conflicts between forestry operations and urban and suburban land
25 uses, in a manner consistent with the provisions of chapter 23 of title 2 ("right to farm act"), and to
26 protect forest landowners with forest management plans from state administrative actions and
27 regulations above and beyond the restrictions on farms and agricultural operations on the same
28 subject, provided, that nothing herein shall be construed to authorize forestry activity in freshwater
29 wetlands except in accordance with all regulatory requirements imposed by the department of
30 environmental management.

31 **2-28-6. Intentional and negligent actions.**

32 The provisions of § 2-28-5 do not apply to forestry operations conducted in a malicious or
33 negligent manner, or to forestry operations conducted in violation of federal or state law.

34 SECTION 2. Chapter 31-1 of the General Laws entitled "Definitions and General Code

1 Provisions" is hereby amended by adding thereto the following section:

2 **31-1-8.1. Forestry vehicle.**

3 "Forestry vehicle" means every vehicle which is designed for and used for forest product
4 operations purposes, as defined in § 2-28-4, and used by the owner of the vehicle or family
5 member(s) or employee(s) or designees of the owner, in the conduct of the owner's forestry product
6 operations, which use shall include the delivery of forest products produced by the forester but shall
7 not include commercial hire for non-forestry product operation uses, including, but not limited to,
8 hauling of sand and gravel, snow plowing, other than directly on the vehicle owner's forest land.
9 For an owner to qualify as having forestry purposes, the owner shall provide evidence that he or
10 she meets the requirements of § 44-18-30.

11 SECTION 3. Chapter 31-3 of the General Laws entitled "Registration of Vehicles" is
12 hereby amended by adding thereto the following section:

13 **31-3-31.4. Registration of forestry vehicles.**

14 (a) Forestry vehicles, as defined in § 31-1-8.1, equipped with rubber tires while being used
15 in forestry and operated on highways shall be registered on a form furnished by the administrator
16 of the division of motor vehicles and shall be assigned a special number plate with a suitable symbol
17 or letter indicating the usage of the forestry vehicle.

18 (b) The administrator of the division of motor vehicles shall promulgate rules and
19 regulations for the inspection of forestry vehicles.

20 (c) Forestry plates may be displayed on vehicles used in the delivery of forestry products
21 produced by the forester/forest product operator; however, forestry plates shall not be displayed on
22 vehicles used for delivery of products not produced from forest product operations.

23 (d) Any forestry vehicle, as defined in § 31-1-8.1, that is not required to be registered other
24 than pursuant to the provisions of § 31-1-8.1, and that is covered by a liability insurance policy
25 applicable to forest land and/or forest product operations, shall be deemed to satisfy the liability
26 insurance as required by § 31-3-3(c) if the liability policy provides liability coverage for operation
27 of the vehicle, in limits meeting or exceeding, the provisions of § 31-32-24. Documentation of such
28 insurance, including the name of the carrier, policy, number, and effective date, may be required
29 by the division of motor vehicles for the registration of said vehicle and for the renewal of such
30 registration.

31 SECTION 4. Section 42-64-5 of the General Laws in Chapter 42-64 entitled "Rhode Island
32 Commerce Corporation" is hereby amended to read as follows:

33 **42-64-5. Purposes.**

34 The Rhode Island commerce corporation is authorized, created, and established to be an

1 agency under the jurisdiction of the state's lead agency for economic development, the executive
2 office of commerce, and to be the operating agency of the state to carry out the policies and
3 procedure as established by the secretary, governor and the board of directors for the following
4 purposes:

5 (1) To promote and encourage the preservation, expansion, and sound development of new
6 and existing industry, business, commerce, agriculture, [forestry](#), tourism, and recreational facilities
7 in the state, which will promote the economic development of the state and the general welfare of
8 its citizens; and

9 (2) With respect to real property other than federal land or land related to federal land, to
10 undertake any project, except a residential facility; and

11 (3) With respect to federal land or land related to federal land, to undertake any project,
12 except as those responsibilities are assigned to the Quonset Development Corporation; and

13 (4) To create an organization that is responsive to the needs and interests of businesses of
14 all sizes within the state of Rhode Island and to be structured to be customer centric to enhance
15 commerce in the state utilizing all available resources.

16 SECTION 5. Section 44-5-12.1 of the General Laws in Chapter 44-5 entitled "Levy and
17 Assessment of Local Taxes" is hereby amended to read as follows:

18 **44-5-12.1. Assessment of tangible personal property.**

19 (a) All tangible personal property subject to taxation shall be assessed for taxation based
20 on the original purchase price (new or used) including all costs such as freight and installation.
21 Assets will be classified and depreciated as defined in this section.

22 (b) The following classification and depreciation table shall be used in determining the
23 assessed value of tangible personal property.

24 **State of Rhode Island Tangible Property Classification**

	Class I	Class II	Class III
Class of Assets	Short Life	Mid-Life	Long Life
Age	1-5 yrs	6-12 yrs	13+ yrs
28 1	95	95	95
29 2	80	90	90
30 3	60	80	85
31 4	30	70	80
32 5	20	60	75
33 6	20	50	70
34 7	20	40	65

1	8	20	30	60
2	9	20	30	55
3	10	20	30	50
4	11	20	30	45
5	12	20	30	40
6	13	20	30	35
7	14	20	30	30
8	15+	20	30	30

9 Assets Shall Not be Trended

10 (c) Assets shall be classified on an annual basis by the Rhode Island Association of
 11 Assessing Officers' Personal Property Committee based on the following table:

12	INDUSTRY GROUP IN YEARS	CLASS
13	Agriculture and forestry machinery and equipment	II
14	Aircraft and all helicopters	II
15	Amusement and theme parks	II
16	Apparel and fabricated textile manufacturing	II
17	Automobile repair shops	II
18	Bakeries and confectionery production	II
19	Barber and beauty shops	II
20	Billboards	III
21	Brewery equipment not used directly in manufacturing	II
22	Cable television, headend facilities:	II
23	Microwave systems	II
24	Program origination	II
25	Service and test	II
26	Subscriber connection and distribution	II
27	Canneries and frozen food production	II
28	Cement processing	III
29	Chemical and allied production	II
30	Clay products processing	III
31	Cold storage and ice-making equipment	III
32	Cold storage warehouse equipment	II
33	Computers, personal computers (PC), laptops, tablets, cellphones,	
34	mainframe/servers, peripherals, keyboard, mouse	I

1	Condiments, processing	II
2	Construction equipment, general construction, backhoes,	
3	forklifts, loaders, cranes, unregistered vehicles	II
4	Dairy products processing	II
5	Data handling equipment, except computers	II
6	printers, copiers, bridges, routers and gateways	II
7	Distilling	II
8	Electrical equipment not used in manufacturing	II
9	Electronic equipment	II
10	Fabricated metal products/special tools	II
11	Fishing equipment, excluding boats and barges, lines, nets	I
12	Food and beverage production	II
13	Fur processing	II
14	Gas distribution, total distribution equipment	III
15	Glass and glass products/special tools	II
16	Grain and grain mill products processing	III
17	Gypsum products	III
18	Hand tools	II
19	Hospital furnishings and equipment	II
20	Hotel and motel furnishings and equipment	II
21	Jewelry products and pens	II
22	Knitwear and knit products, ex, work uniforms	I
23	Laundry equipment	II
24	Leather and leather products	II
25	Logging, timber cutting	II
26	Marine construction	II
27	Meatpacking	II
28	Medical and dental supply production	II
29	Metalworking machinery processing	II
30	Mining and quarrying	II
31	Motion picture and television production	II
32	Motor vehicle and parts/special tools	II
33	Office furniture and equipment	II
34	Optical lenses and instrument processing	II

1	Paints and varnishes	I
2	Petroleum refining	III
3	pipeline transportation	III
4	Plastics manufacturing	I/II
5	Plastic products processing/special tools	II
6	Primary metals production, nonferrous and foundry products	III
7	special tools	III
8	Primary steel mill products	III
9	Printing and publishing	II
10	Professional and scientific instruments	II
11	Radio and television, broadcasting	II
12	Railroad transportation equipment	II
13	locomotive	II
14	Recreation and amusement	II
15	Retail trades, fixtures and equipment	II
16	Residential furniture	II
17	Restaurant and bar equipment	II
18	Restaurant equipment, fast foods	II
19	Rubber products processing/special tools	II
20	Sawmills, permanent/portable	II
21	Service establishments	II
22	Ship and boat building equipment/special tools	II
23	Soft drink processing and bottling	II
24	Stone products processing	III
25	Telecommunications, local and interstate	II
26	analog switching	II
27	circuit, digital, analog, optic	II
28	information/origination equipment	I/II
29	smart phones	I
30	metallic cable	III
31	fiber cable, poles, conduit	III
32	all other equipment	II
33	Telecommunications, cellular	
34	analog/digital switching	II

1	radio frequency channel and control	II
2	power equipment	II
3	antennae	II
4	towers	III
5	transmission equipment	II
6	cellular phones	I
7	Textile products, including finishing and dyeing	II
8	yarn, thread and woven fabrics	II
9	Theater equipment	II
10	Utilities/power production	III
11	generation, transmission, or distribution equipment	III
12	Waste reduction and resource recovery	II
13	Water transportation	III
14	vessels, barges and tugs	III
15	Water utilities	III
16	Wharves, docks and piers	III
17	Wholesale trade fixtures and equipment	II
18	Wood products and furniture manufacturing	II

19 (d) Any industry, group, or asset not enumerated in subsection (c) of this section, shall be
20 categorized as class II.

21 SECTION 6. Chapter 44-5 of the General Laws entitled "Levy and Assessment of Local
22 Taxes" is hereby amended by adding thereto the following section:

23 **44-5-42.2. Taxation of forestry product operations buildings.**
24 Cities and towns may tax forestry product operations buildings at a rate that reflects the
25 actual costs incurred by the city or town in providing services to those buildings.

26 SECTION 7. Section 44-27-1 of the General Laws in Chapter 44-27 entitled "Taxation of
27 Farm, Forest, and Open Space Land" is hereby amended to read as follows:

28 **44-27-1. Legislative declaration.**
29 It is declared:

30 (1) That it is in the public interest to encourage the preservation of farm, forest, and open
31 space land in order to maintain a readily available source of food, ~~and~~ farm and forest products
32 close to the metropolitan areas of the state, to conserve the state's natural resources, and to provide
33 for the welfare and happiness of the inhabitants of the state.

34 (2) That it is in the public interest to prevent the forced conversion of farm, forest, and open

1 space land to more intensive uses as the result of economic pressures caused by the assessment for
2 purposes of property taxation at values incompatible with their preservation as farm, forest, and
3 open space land.

4 (3) That the necessity in the public interest of the enactment of the provisions of this chapter
5 is a matter of legislative determination.

6 SECTION 8. Section 45-24-37 of the General Laws in Chapter 45-24 entitled "Zoning
7 Ordinances" is hereby amended to read as follows:

8 **45-24-37. General provisions — Permitted uses.**

9 (a) The zoning ordinance shall provide a listing of all land uses and/or performance
10 standards for uses that are permitted within the zoning use districts of the municipality. The
11 ordinance may provide for a procedure under which a proposed land use that is not specifically
12 listed may be presented by the property owner to the zoning board of review or to a local official
13 or agency charged with administration and enforcement of the ordinance for an evaluation and
14 determination of whether the proposed use is of a similar type, character, and intensity as a listed
15 permitted use. Upon such determination, the proposed use may be considered to be a permitted use.

16 (b) Notwithstanding any other provision of this chapter, the following uses are permitted
17 uses within all residential zoning use districts of a municipality and all industrial and commercial
18 zoning use districts except where residential use is prohibited for public health or safety reasons:

- 19 (1) Households;
- 20 (2) Community residences; and
- 21 (3) Family daycare homes.

22 (c) Any time a building or other structure used for residential purposes, or a portion of a
23 building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire
24 or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured home,
25 or homes, as the need may be, elsewhere upon the land, for use and occupancy of the former
26 occupants for a period of up to twelve (12) months, or until the building or structure is rehabilitated
27 and otherwise made fit for occupancy. The property owner, or a properly designated agent of the
28 owner, is only allowed to cause the mobile and manufactured home, or homes, to remain
29 temporarily upon the land by making timely application to the local building official for the
30 purposes of obtaining the necessary permits to repair or rebuild the structure.

31 (d) Notwithstanding any other provision of this chapter, appropriate access for people with
32 disabilities to residential structures is allowed as a reasonable accommodation for any person(s)
33 residing, or intending to reside, in the residential structure.

34 (e) Notwithstanding any other provision of this chapter, an accessory dwelling unit in an

1 owner-occupied residence that complies with §§ 45-24-31 and 45-24-73 shall be permitted as a
2 reasonable accommodation for family members with disabilities or who are sixty-two (62) years of
3 age or older, or to accommodate other family members.

4 (f) When used in this section the terms “people with disabilities” or “member, or members,
5 with disabilities” means a person(s) who has a physical or mental impairment that substantially
6 limits one or more major life activities, as defined in § 42-87-1(7).

7 (g) Notwithstanding any other provisions of this chapter, plant agriculture ~~is a permitted~~
8 ~~use~~ and forest product operations, as defined in § 2-28-4 are permitted uses within all zoning
9 districts of a municipality, including all industrial and commercial zoning districts, except where
10 prohibited for public health or safety reasons or the protection of wildlife habitat.

11 SECTION 9. Construction. This act, being necessary for the welfare of the state and its
12 inhabitants, shall be construed liberally so as to effectuate its purposes.

13 SECTION 10. Severability. If any clause, sentence, paragraph, section, or part of this act
14 shall be adjudged by any court of competent jurisdiction to be invalid, that judgment shall not
15 affect, impair, or invalidate the remainder of this act but shall be confined in its operation to the
16 clause, sentence, paragraph, section, or part directly involved in the controversy in which that
17 judgment shall have been rendered.

18 SECTION 11. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO AGRICULTURE AND FORESTRY -- FORESTRY AND FOREST PRODUCT
OPERATIONS

- 1 This act would create a new motor vehicle registration for "forestry vehicles" and would
2 provide that forest product operations are permitted uses within all zoning districts of a municipality
3 except where prohibited for public health or safety reasons or the protection of wildlife habitat.
4 This act would take effect upon passage.

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