

ARTICLE 3

RELATING TO GOVERNMENT REFORM AND REORGANIZATION

SECTION 1. This section shall serve as a joint resolution required pursuant to R.I. Const.,

Art. XIV, Sec. I.

JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF
AMENDMENT TO THE CONSTITUTION OF THE STATE OF RHODE ISLAND

8 RESOLVED, that a majority of the members elected to each house of the General
9 Assembly voting therefor, the following amendment to the Constitution of the State of Rhode Island
10 be proposed to the qualified electors of the State for their approval in accordance with the provisions
11 of Article XIV of the Constitution, and that it take the place of Article IX, Section 14, which is
12 hereby amended to read as follows:

13 ARTICLE IX – OF THE EXECUTIVE POWER

14 Section 14. Veto power of governor -- Veto overrides by general assembly – Acts effective
15 without action by governor.

16 Every bill, resolution, or vote (except such as relate to adjournment, the organization or
17 conduct of either or both houses of the general assembly, and resolutions proposing amendment to
18 the Constitution) which shall have passed both houses of the general assembly shall be presented
19 to the governor. If the governor approve it the governor shall sign it, and thereupon it shall become
20 operative, but if the governor does not approve it the governor shall return it, accompanied by the
21 governor's objections in writing to the house in which it originated, which shall enter the governor's
22 objections in full upon its journal and proceed to reconsider it. If, after such reconsideration,
23 three-fifths of the members present and voting in (except for any bill addressing appropriation of
24 money, two-thirds of the members elected to) that house shall vote to pass the measure, it shall be
25 sent with the objections, to the other house, by which it shall likewise be reconsidered, and if
26 approved by three-fifths of the members present and voting in (except for any bill addressing
27 appropriation of money, two-thirds of the members elected to) that house, it shall become operative
28 in the same manner as if the governor had approved it, but in such cases the votes of both houses
29 shall be determined by ayes and nays and the names of the members voting for and against the
30 measure shall be entered upon the journal of each house, respectively. If the measure shall not be
31 returned by the governor within six days (Sundays excepted) after it shall have been presented to
32 the governor the same shall become operative unless the general assembly, by adjournment,
33 prevents its return, in which case it shall become operative unless transmitted by the governor to
34 the secretary of state, with the governor's disapproval in writing within ten days after such

1 adjournment.

2 If any bill presented to the governor shall address appropriation of money, the governor
3 may:

4 (a) Approve or disapprove the entire bill in like manner as the passage of other bills set
5 forth in this section; or

6 (b) Reduce or eliminate any sum or sums of money appropriated in the bill while approving
7 other portions of the bill, in which case the portions of the bill approved by the governor shall
8 become law, and each reduced or eliminated sum of money shall also become law unless the general
9 assembly reconsiders and separately and individually passes the original sum according to the rules
10 and limitations prescribed in this section for the passage of other bills over the governor's veto;
11 and/or

12 (c) Disapprove one or more items or parts of items of the bill (other than sum or sums of
13 money described in the immediately preceding paragraph (b) of this section), in which case the
14 portions of the bill approved by the governor shall become law, and each item or part of an item
15 disapproved by the governor shall not become law unless the general assembly reconsiders and
16 separately and individually passes the original version of the item or part of an item according to
17 the rules and limitations prescribed in this section for the passage of other bills over the governor's
18 veto, provided:

19 (1) That in approving the bill in part, the governor may not create:

20 (i) a new word by rejecting individual letters in the words; or
21 (ii) a new sentence by combining parts of two or more sentences; and

22 (2) Further, that to the extent an item or part of an item disapproved by the governor
23 constitutes a condition, including but not limited to directing or restricting the use, of an
24 appropriation, the sum corresponding to the specific item of appropriation to which the disapproved
25 condition applies shall not be reduced but shall remain as part of the appropriated funds.

26 RESOLVED, that this proposition of amendment shall be submitted to qualified electors
27 for their approval or rejection at the next statewide general election. The voting places in the several
28 cities and towns shall be kept open during the hours required by law for voting therein for general
29 officers of the state; and be it further

30 RESOLVED, that the secretary of state shall cause this proposition of amendment to be
31 published in the newspapers of the state prior to the date of the meetings of qualified electors; and
32 this proposition of amendment shall be inserted in notices to be issued prior to the meetings of
33 qualified electors for the purpose of warning the town, ward, or district meetings, and this
34 proposition of amendment shall be read by the town, ward, or district meetings to be held as

1 aforesaid; and be it further

2 RESOLVED, that the town, ward, and district meetings to be held as aforesaid shall be
3 warned, and the list of voters shall be canvassed and made up, and the town, ward, and district
4 meetings shall be conducted in the same manner as now provided by law for the town, ward, and
5 district meetings for the election of general officers of the state; and be it further

6 RESOLVED, that upon approval by the qualified electors, this proposition of amendment
7 shall take effect and amend Section 14 of Article IX of the Constitution of the state on January 1,
8 2027.

9 SECTION 2. Section 23-24.12-3 of the General Laws in Chapter 23-24.12 entitled "Proper
10 Management of Unused Paint" is hereby amended to read as follows:

11 **23-24.12-3. Establishment of paint stewardship program.**

12 (a) On or before March 1, 2014, each producer shall join the representative organization
13 and such representative organization shall submit a plan for the establishment of a paint stewardship
14 program to the department for approval. The program shall minimize the public sector involvement
15 in the management of post-consumer paint by reducing the generation of post-consumer paint,
16 negotiating agreements to collect, transport, reuse, recycle, and/or burn for energy recovery at an
17 appropriately licensed facility post-consumer paint using environmentally sound management
18 practices.

19 (b) The program shall also provide for convenient and available state-wide collection of
20 post-consumer paint that, at a minimum, provides for collection rates and convenience greater than
21 the collection programs available to consumers prior to such paint stewardship program; propose a
22 paint stewardship assessment; include a funding mechanism that requires each producer who
23 participates in the representative organization to remit to the representative organization payment
24 of the paint stewardship assessment for each container of architectural paint sold within the state;
25 include an education and outreach program to help ensure the success of the program; and, work
26 with the department and Rhode Island commerce corporation to identify ways in which the state
27 can motivate local infrastructure investment, business development and job creation related to the
28 collection, transportation and processing of post-consumer paint.

29 (c) The plan submitted to the department pursuant to this section shall:

30 (1) Identify each producer participating in the paint stewardship program and the brands of
31 architectural paint sold in this state covered by the program;

32 (2) Identify how the representative organization will provide convenient, statewide
33 accessibility to the program;

34 (3) Set forth the process by which an independent auditor will be selected and identify the

1 criteria used by the representative organization in selecting independent auditor;

2 (4) Identify, in detail, the educational and outreach program that will be implemented to

3 inform consumers and retailers of the program and how to participate;

4 (5) Identify the methods and procedures under which the paint stewardship program will

5 be coordinated with the Rhode Island resource recovery corporation;

6 (6) Identify, in detail, the operational plans for interacting with retailers on the proper

7 handling and management of post-consumer paint;

8 (7) Include the proposed, audited paint assessment as identified in this section;

9 (8) Include the targeted annual collection rate;

10 (9) Include a description of the intended treatment, storage, transportation and disposal

11 options and methods for the collected post-consumer paint; and

12 (10) Be accompanied by a fee in the amount of two thousand five hundred dollars (\$2,500)

13 to be deposited into the environmental response fund to cover the review of said plan by the

14 department.

15 (d) Not later than sixty (60) days after submission of a plan pursuant to this section, the

16 department shall make a determination whether to:

17 (1) Approve the plan as submitted;

18 (2) Approve the plan with conditions; or

19 (3) Deny the plan.

20 (e) Not later than three (3) months after the date the plan is approved, the representative

21 organization shall implement the paint stewardship program.

22 (f) On or before March 1, 2014, the representative organization shall propose a uniform

23 paint stewardship assessment for all architectural paint sold in this state. Such proposed paint

24 stewardship assessment shall be reviewed by an independent auditor to assure that such assessment

25 is consistent with the budget of the paint stewardship program described in this section and such

26 independent auditor shall recommend an amount for such paint stewardship assessment to the

27 department. The department shall be responsible for the approval of such paint stewardship

28 assessment based upon the independent auditor's recommendation. If the paint stewardship

29 assessment previously approved by the department pursuant to this section is proposed to be

30 changed, the representative organization shall submit the new, adjusted uniform paint stewardship

31 assessment to an independent auditor for review. After such review has been completed, the

32 representative organization shall submit the results of said auditor's review and a proposal to amend

33 the paint stewardship assessment to the department for review. The department shall review and

34 approve, in writing, the adjusted paint stewardship assessment before the new assessment can be

1 implemented. Any proposed changes to the paint stewardship assessment shall be submitted to the
2 department no later than sixty (60) days prior to the date the representative organization anticipates
3 the adjusted assessment to take effect.

4 (g) On and after the date of implementation of the paint stewardship program pursuant to
5 this section, the paint stewardship assessment shall be added to the cost of all architectural paint
6 sold to retailers and distributors in this state by each producer. On and after such implementation
7 date, each retailer or distributor, as applicable, shall add the amount of such paint stewardship
8 assessment to the purchase price of all architectural paint sold in this state.

9 (h) Any retailer may participate, on a voluntary basis, as a paint collection point pursuant
10 to such paint stewardship program and in accordance with any applicable provision of law or
11 regulation.

12 (i) Each producer and the representative organization shall be immune from liability for
13 any claim of a violation of antitrust law or unfair trade practice if such conduct is a violation of
14 antitrust law, to the extent such producer or representative organization is exercising authority
15 pursuant to the provisions of this section.

16 (j) Not later than the implementation date of the paint stewardship program, the department
17 shall list the names of participating producers the brands of architectural paint covered by such
18 paint stewardship program and the cost of the approved paint stewardship assessment on its
19 website.

20 (k)(1) On and after the implementation date of the paint stewardship program, no producer,
21 distributor or retailer shall sell or offer for sale architectural paint to any person in this state if the
22 producer of such architectural paint is not a member of the representative organization.

23 (2) No retailer or distributor shall be found to be in violation of the provisions of this
24 section if, on the date the architectural paint was ordered from the producer or its agent, the
25 producer or the subject brand of architectural paint was listed on the department's website in
26 accordance with the provisions of this section.

27 (l) Producers or the representative organization shall provide retailers with educational
28 materials regarding the paint stewardship assessment and paint stewardship program to be
29 distributed at the point of sale to the consumer. Such materials shall include, but not be limited to,
30 information regarding available end-of-life management options for architectural paint offered
31 through the paint stewardship program and information that notifies consumers that a charge for
32 the operation of such paint stewardship program is included in the purchase price of all architectural
33 paint sold in this state.

34 (m) On or before October 15, 2015, and annually thereafter, the representative organization

1 shall submit a report to the director of the department of environmental management that details
2 the paint stewardship program. Said report shall include a copy of the independent audit detailed
3 in subdivision (4) below. Such annual report shall include, but not be limited to:

4 (1) A detailed description of the methods used to collect, transport and process post-
5 consumer paint in this state;

6 (2) The overall volume of post-consumer paint collected in this state;

7 (3) The volume and type of post-consumer paint collected in this state by method of
8 disposition, including reuse, recycling and other methods of processing or disposal;

9 (4) The total cost of implementing the program, as determined by an independent financial
10 audit, as performed by an independent auditor;

11 (5) An evaluation of the adequacy of the program's funding mechanism;

12 (6) Samples of all educational materials provided to consumers of architectural paint and
13 participating retailers; and

14 (7) A detailed list of efforts undertaken and an evaluation of the methods used to
15 disseminate such materials including recommendations, if any, for how the educational component
16 of the program can be improved.

17 (n) The representative organization shall submit to the department an updated plan for
18 review and approval every five years, with the first such updated plan due no later than December
19 31, 2026. update the plan, as needed, when there are changes proposed to the current program. A
20 new plan or amendment will also be required to be submitted to the department for approval when:

21 (1) There is a change to the amount of the assessment; or

22 (2) There is an addition to the products covered under the program; or

23 (3) There is a revision of the product stewardship organization's goals.~~± or~~

24 ~~(4) Every four (4) years, if requested, in writing, by the department the representative~~
25 ~~organization shall notify the department annually, in writing, if there are no changes proposed to~~
26 ~~the program and the representative organization intends to continue implementation of the program~~
27 ~~as previously approved by the department.~~

28 SECTION 3. Effective July 1, 2026, sections 37-24-3 and 37-24-5 of the General Laws in
29 Chapter 37-24 entitled "The Green Buildings Act" are hereby amended to read as follows:

30 **37-24-3. Definitions.**

31 For purposes of this chapter, the following definitions shall apply:

32 (1) "Construction" means the process of building, altering, repairing, improving, or
33 demolishing forty percent (40%) or more of any public structures, public buildings, public real
34 property or other public improvements of any kind to any public structures, public buildings or

1 public real property.

2 (2) "Department" means the ~~department of administration~~ the office of the state building
3 code commissioner.

4 (3) “Equivalent standard” means a high-performance green building standard, other than
5 LEED, LEED for Neighborhood Development, and SITES, that provides an independent, third-
6 party verification and certification of a rating system or measurement tool, that, when used, leads
7 to outcomes equivalent to, LEED, LEED for Neighborhood Development, and SITES outcomes,
8 in terms of green building, green infrastructure, and green site performance; current accepted
9 equivalent standards include green globes, Northeast collaborative high-performance schools
10 protocol; or other equivalent high-performance green building, green infrastructure, and green site
11 standards accepted by the department.

12 (4) "LEED" also, "LEED for Neighborhood Development, and SITES certified standard"
13 means the current version of the U.S. Green Building Council Leadership in Energy and
14 Environmental Design (LEED) green building rating standard referred to as LEED, LEED for
15 Neighborhood Development, and SITES certified. SITES means the U.S. Green Building Council's
16 SITES — The Sustainable SITES Initiative.

17 (5) "Public agency" means every state or municipal office, board, commission, committee,
18 bureau, department, or public institution of education, or any political subdivision thereof.

19 (6) "Public facility" means any public institution, public facility, public equipment, or any
20 physical asset owned, including its public real-property site, leased or controlled in whole or in part
21 by this state, a public agency, a municipality or a political subdivision, that is for public or
22 government use.

23 (7) “Public major facility project” means:

24 (i) A public facility building construction project larger than ten thousand (10,000) gross
25 square feet of occupied or conditioned space, and its public real-property site; or

26 (ii) A public facility building renovation project larger than ten thousand (10,000) gross
27 square feet of occupied or conditioned space, and its public real-property site.

37-24-5. Administration and reports — Green buildings advisory committee.

29 (a) The department shall promulgate such regulations as are necessary to enforce this
30 section ~~by January 1, 2023~~. Effective July 1, 2026, the office of the state building code
31 commissioner will assume responsibility for promulgating the rules and regulations regarding the
32 green buildings advisory committee. The rules and regulations promulgated under title 220, chapter
33 70, subchapter 00, part 1 of the Rhode Island code of regulations will remain in full force and effect
34 and shall be enforced by the department of administration until such a time as the rules and

1 [regulations are properly transferred to and promulgated by the office of the state building code](#)
2 [commissioner title within the Rhode Island code of regulations.](#)

3 Those regulations shall include how the department will determine whether a project
4 qualifies for an exception from the LEED, LEED for Neighborhood Development, and SITES
5 certified or equivalent high-performance green building standard, and the green building standards
6 that may be imposed on projects that are granted exceptions.

7 (b) The department shall monitor and document ongoing operating savings that result from
8 major facility projects designed, constructed, and certified as meeting the LEED, LEED for
9 Neighborhood Development, and SITES certified standard annually publish a public report of
10 findings and recommended changes in policy. The report shall also include a description of projects
11 that were granted exceptions from the LEED, LEED for Neighborhood Development, and SITES
12 certified standard, the reasons for exception, and the lesser green building standards imposed.

13 (c) — (f) [Deleted by P.L. 2022, ch. 204, § 1 and P.L. 2022, ch. 205, § 1.]

14 (g) A green buildings advisory committee shall be created composed of nineteen (19)
15 members. The advisory committee shall have eleven (11) public members and eight (8) public
16 agency members. Five (5) of the public members shall be appointed by the governor; three (3) of
17 the public members shall be appointed by the president of the senate; and, three (3) of the public
18 members shall be appointed by the speaker of the house of representatives.

19 (1) The eleven (11) public members of the advisory committee shall be composed of nine
20 (9) representatives one from each of the following fields: architecture, engineering, landscape
21 architecture, energy, labor through the Rhode Island AFL-CIO, general construction contracting,
22 building product and building materials industries who are involved in, and have recognized
23 knowledge and accomplishment in their respective professions, of high-performance green
24 building standards, relating to the standards set forth in § 37-24-4; in addition to two (2) public
25 members, one representing an urban municipality from Providence, Cranston, Warwick,
26 Pawtucket, Woonsocket, or Newport, and one public member representing the other thirty-two (32)
27 municipalities in the state in order to ensure geographic diversity.

28 (2) The advisory committee shall have eight (8) public agency members representing
29 personnel from affected public agencies, and cities and towns, that oversee public works projects
30 and workforce development, who shall be appointed by the directors or chief executive officers of
31 the respective public agencies which shall include the department of administration; the department
32 of environmental management; the department of education; the department of transportation; the
33 department of labor and training; the office of the state building code commissioner; the Rhode
34 Island infrastructure bank, and the Rhode Island League of Cities and Towns.

(3) The chairperson of the green buildings advisory committee shall be a public member chosen by the green buildings advisory committee.

3 (4) Of the initial eleven (11) public members, six (6) shall serve three-year (3) terms and
4 five (5) shall have two-year (2) terms. Each appointing authority shall appoint two (2) public
5 members to three-year (3) terms with the remainder of the public member appointments serving
6 two-year terms. Thereafter, all public members shall be appointed to three-year (3) terms.

7 (h) The green buildings advisory committee shall:

11 (2) Identify the needs, actions, and funding required to implement the requirements set
12 forth in this chapter, in achieving high-performance green building projects for our public
13 buildings, public structures, and our public real properties;

18 (4) Identify ways to monitor and document ongoing operating savings and greenhouse gas
19 emission reductions that result from public major facility projects designed, constructed and
20 certified as meeting the LEED, LEED for Neighborhood Development, SITES certified standard,
21 Green Globes, Northeast Collaborative for High-Performance Schools Protocol, Version 1.1 or
22 above and annually publish a report to the general assembly and the executive climate change
23 coordinating council of findings and recommended changes in policy.

24 (i) All requests for proposals, requests for information, requests for bids, requests for
25 design/build, requests for construction managers, and any requests relating to obtaining the
26 professional services, pricing, and construction for major facility projects by a public agency for a
27 public facility, shall include the notice of the statutory requirements of this chapter (“the green
28 buildings act”).

29 (j) The green buildings advisory committee shall have no responsibility for, and shall not
30 develop requests for proposals, requests for information, requests for bids, requests for
31 design/build, requests for construction managers, and any requests relating to obtaining the
32 professional services, pricing, and construction for major facility projects by a public agency for a
33 public facility; and the green buildings advisory committee shall have no responsibility for, and
34 shall not select any vendors for any requests for proposals, requests for information, requests for

1 bids, requests for design/build, requests for construction managers, and any requests relating to
2 obtaining the professional services, pricing, and construction for major facility projects by a public
3 agency for a public facility. Nothing shall prohibit public members of the green buildings advisory
4 committee from responding to, and being involved with, any submittals of requests for proposals,
5 requests for information, requests for bids, requests for design/build, requests for construction
6 managers, and any requests relating to obtaining the professional services, pricing, and construction
7 for major facility projects by a public agency for a public facility.

8 (k) The department of administration shall commission a report to analyze the costs and/or
9 benefits of LEED certification compared to equivalent standards. This includes, but is not limited
10 to, the impact of obtaining formal LEED certification on project budget and timeline.

11 SECTION 4. Chapter 42-12 of the General Laws entitled "Department of Human Services"
12 is hereby amended by adding thereto the following section:

13 **42-12-1.6. Transfer of functions to the office of energy resources.**

14 (a) There is hereby transferred from the department of human services to the office of
15 energy resources the administration, management, all functions and resources associated with:
16 (1) The weatherization assistance program which offers weatherization grants and heating
17 system upgrades using funds from the federal department of energy and the federal low-income
18 home energy assistance program, and any state funded or privately funded weatherization
19 assistance program of a similar nature assigned to it;

20 (b) The department is authorized to offer advisory assistance to the office of energy
21 resources in order to maintain continuity to eligible households.

22 SECTION 5. Section 42-12-1.5 of the General Laws in Chapter 42-12 entitled "Department
23 of Human Services" is hereby amended to read as follows:

24 **42-12-1.5. Transfer of functions from the office of energy resources.**

25 (a) There is hereby transferred from the office of energy resources to the department of
26 human services the administration, management, all functions and resources associated with:
27 (1) The federal low-income home energy assistance program (LIHEAP), which provides
28 heating assistance to eligible low-income persons and any state funded or privately funded heating
29 assistance program of a similar nature assigned to it for administration;

30 (2) The weatherization assistance program, which offers home weatherization grants and
31 heating system upgrades to LIHEAP eligible households; and,

32 (3) (2) The emergency fuel program, which provides oil deliveries to families experiencing
33 a heating emergency.

34 (b) The department is authorized to request advisory assistance from the office of energy

1 resources in order to maintain continuity of assistance provided to LIHEAP eligible households
2 pursuant to § 39-2-1(d).

3 SECTION 6. Chapter 42-17.1 of the General Laws entitled “Department of Environmental
4 Management” is hereby amended by adding thereto the following section:

5 **42-17.1-47. Big River Reservoir — Administration.**

6 The Rhode Island department of environmental management, established pursuant to
7 chapter 17.1 of this title, shall administer those lands acquired for the Big River Reservoir as
8 established under section 23 of chapter 133 of the Public Laws of 1964. The director of the
9 department of environmental management and the director's authorized agents, employees, and
10 designees shall manage the land and natural resources of the Big River Reservoir. The lands of the
11 Big River Reservoir are subject to enforcement authority of the department of environmental
12 management, as provided for in chapter 17.1 of this title, and as provided for in title 20 of the
13 General Laws. Nothing contained herein shall be construed to affect any of the powers granted to
14 the water resources board (agency) with regard to fresh water resource management pursuant to
15 chapters 15 and 15.1 of title 46.

16 Effective July 1, 2026, the department of environmental management will assume
17 responsibility for all land use planning and for promulgating the rules and regulations regarding the
18 administration of the Big River Reservoir consistent with the requirements of R.I. Gen. Laws § 37-
19 20-1. The rules and regulations promulgated under 490-RICR-00-00-5 of the Rhode Island code of
20 regulations will remain in full force and effect until such a time as the rules and regulations are
21 properly transferred to and promulgated by the department of environmental management's title
22 within the Rhode Island code of regulations.

23 SECTION 7. Section 42-17.1-2 of the General Laws in Chapter 42-17.1 entitled
24 “Department of Environmental Management” is hereby amended to read as follows:

25 **42-17.1-2. Powers and duties.**

26 The director of environmental management shall have the following powers and duties:

27 (1) To supervise and control the protection, development, planning, and utilization of the
28 natural resources of the state, such resources, including, but not limited to: water, plants, trees, soil,
29 clay, sand, gravel, rocks and other minerals, air, mammals, birds, reptiles, amphibians, fish,
30 shellfish, and other forms of aquatic, insect, and animal life;

31 (2) To exercise all functions, powers, and duties heretofore vested in the department of
32 agriculture and conservation, and in each of the divisions of the department, such as the promotion
33 of agriculture and animal husbandry in their several branches, including the inspection and
34 suppression of contagious diseases among animals; the regulation of the marketing of farm

1 products; the inspection of orchards and nurseries; the protection of trees and shrubs from injurious
2 insects and diseases; protection from forest fires; the inspection of apiaries and the suppression of
3 contagious diseases among bees; the prevention of the sale of adulterated or misbranded
4 agricultural seeds; promotion and encouragement of the work of farm bureaus, in cooperation with
5 the University of Rhode Island, farmers' institutes, and the various organizations established for
6 the purpose of developing an interest in agriculture; together with such other agencies and activities
7 as the governor and the general assembly may, from time to time, place under the control of the
8 department; and as heretofore vested by such of the following chapters and sections of the general
9 laws as are presently applicable to the department of environmental management and that were
10 previously applicable to the department of natural resources and the department of agriculture and
11 conservation or to any of its divisions: chapters 1 through 22, inclusive, as amended, in title 2
12 entitled "Agriculture and Forestry"; chapters 1 through 17, inclusive, as amended, in title 4 entitled
13 "Animals and Animal Husbandry"; chapters 1 through 19, inclusive, as amended, in title 20 entitled
14 "Fish and Wildlife"; chapters 1 through 32, inclusive, as amended, in title 21 entitled "Food and
15 Drugs"; chapter 7 of title 23, as amended, entitled "Mosquito Abatement"; and by any other general
16 or public law relating to the department of agriculture and conservation or to any of its divisions or
17 bureaus;

18 (3) To exercise all the functions, powers, and duties heretofore vested in the division of
19 parks and recreation of the department of public works by chapters 1, 2, and 5 in title 32 entitled
20 "Parks and Recreational Areas"; by chapter 22.5 of title 23, as amended, entitled "Drowning
21 Prevention and Lifesaving"; and by any other general or public law relating to the division of parks
22 and recreation;

23 (4) To exercise all the functions, powers, and duties heretofore vested in the division of
24 harbors and rivers of the department of public works, or in the department itself by such as were
25 previously applicable to the division or the department, of chapters 1 through 22 and sections
26 thereof, as amended, in title 46 entitled "Waters and Navigation"; and by any other general or public
27 law relating to the division of harbors and rivers;

28 (5) To exercise all the functions, powers, and duties heretofore vested in the department of
29 health by chapters 25, 18.9, and 19.5 of title 23, as amended, entitled "Health and Safety"; and by
30 chapters 12 and 16 of title 46, as amended, entitled "Waters and Navigation"; by chapters 3, 4, 5,
31 6, 7, 9, 11, 13, 18, and 19 of title 4, as amended, entitled "Animals and Animal Husbandry"; and
32 those functions, powers, and duties specifically vested in the director of environmental
33 management by the provisions of § 21-2-22, as amended, entitled "Inspection of Animals and
34 Milk"; together with other powers and duties of the director of the department of health as are

1 incidental to, or necessary for, the performance of the functions transferred by this section;

2 (6) To cooperate with the Rhode Island commerce corporation in its planning and
3 promotional functions, particularly in regard to those resources relating to agriculture, fisheries,
4 and recreation;

5 (7) To cooperate with, advise, and guide conservation commissions of cities and towns
6 created under chapter 35 of title 45 entitled "Conservation Commissions", as enacted by chapter
7 203 of the Public Laws, 1960;

8 (8) To assign or reassign, with the approval of the governor, any functions, duties, or
9 powers established by this chapter to any agency within the department, except as hereinafter
10 limited;

11 (9) To cooperate with the water resources board and to provide to the board facilities,
12 administrative support, staff services, and other services as the board shall reasonably require for
13 its operation and, in cooperation with the board and the statewide planning program, to formulate
14 and maintain a long-range guide plan and implementing program for development of major water-
15 sources transmission systems needed to furnish water to regional and local distribution systems;

16 (10) To cooperate with the solid waste management corporation and to provide to the
17 corporation such facilities, administrative support, staff services, and other services within the
18 department as the corporation shall reasonably require for its operation;

19 (11) To provide for the maintenance of waterways and boating facilities, consistent with
20 chapter 6.1 of title 46, by: (i) Establishing minimum standards for upland beneficial use and
21 disposal of dredged material; (ii) Promulgating and enforcing rules for water quality, groundwater
22 protection, and fish and wildlife protection pursuant to § 42-17.1-24; (iii) Planning for the upland
23 beneficial use and/or disposal of dredged material in areas not under the jurisdiction of the council
24 pursuant to § 46-23-6(2); (iv) Cooperating with the coastal resources management council in the
25 development and implementation of comprehensive programs for dredging as provided for in §§
26 46-23-6(1)(ii)(H) and 46-23-18.3; and (v) Monitoring dredge material management and disposal
27 sites in accordance with the protocols established pursuant to § 46-6.1-5(a)(3) and the
28 comprehensive program provided for in § 46-23-6(1)(ii)(H); no powers or duties granted herein
29 shall be construed to abrogate the powers or duties granted to the coastal resources management
30 council under chapter 23 of title 46, as amended;

31 (12) To establish minimum standards, subject to the approval of the environmental
32 standards board, relating to the location, design, construction, and maintenance of all sewage
33 disposal systems;

34 (13) To enforce, by such means as provided by law, the standards for the quality of air, and

1 water, and the design, construction, and operation of all sewage disposal systems; any order or
2 notice issued by the director relating to the location, design, construction, or maintenance of a
3 sewage disposal system shall be eligible for recordation under chapter 13 of title 34. The director
4 shall forward the order or notice to the city or town wherein the subject property is located and the
5 order or notice shall be recorded in the general index by the appropriate municipal official in the
6 land evidence records in the city or town wherein the subject property is located. Any subsequent
7 transferee of that property shall be responsible for complying with the requirements of the order or
8 notice. Upon satisfactory completion of the requirements of the order or notice, the director shall
9 provide written notice of the same, which notice shall be similarly eligible for recordation. The
10 original written notice shall be forwarded to the city or town wherein the subject property is located
11 and the notice of satisfactory completion shall be recorded in the general index by the appropriate
12 municipal official in the land evidence records in the city or town wherein the subject property is
13 located. A copy of the written notice shall be forwarded to the owner of the subject property within
14 five (5) days of a request for it, and, in any event, shall be forwarded to the owner of the subject
15 property within thirty (30) days after correction;

16 (14) To establish minimum standards for the establishment and maintenance of salutary
17 environmental conditions, including standards and methods for the assessment and the
18 consideration of the cumulative effects on the environment of regulatory actions and decisions,
19 which standards for consideration of cumulative effects shall provide for: (i) Evaluation of potential
20 cumulative effects that could adversely affect public health and/or impair ecological functioning;
21 (ii) Analysis of other matters relative to cumulative effects as the department may deem appropriate
22 in fulfilling its duties, functions, and powers; which standards and methods shall only be applicable
23 to ISDS systems in the town of Jamestown in areas that are dependent for water supply on private
24 and public wells, unless broader use is approved by the general assembly. The department shall
25 report to the general assembly not later than March 15, 2008, with regard to the development and
26 application of the standards and methods in Jamestown;

27 (15) To establish and enforce minimum standards for permissible types of septage,
28 industrial-waste disposal sites, and waste-oil disposal sites;

29 (16) To establish minimum standards, subject to the approval of the environmental
30 standards board, for permissible types of refuse disposal facilities; the design, construction,
31 operation, and maintenance of disposal facilities; and the location of various types of facilities;

32 (17) To exercise all functions, powers, and duties necessary for the administration of
33 chapter 19.1 of title 23 entitled "Rhode Island Hazardous Waste Management Act";

34 (18) To designate, in writing, any person in any department of the state government or any

1 official of a district, county, city, town, or other governmental unit, with that official's consent, to
2 enforce any rule, regulation, or order promulgated and adopted by the director under any provision
3 of law; provided, however, that enforcement of powers of the coastal resources management
4 council shall be assigned only to employees of the department of environmental management,
5 except by mutual agreement or as otherwise provided in chapter 23 of title 46;

6 (19) To issue and enforce the rules, regulations, and orders as may be necessary to carry
7 out the duties assigned to the director and the department by any provision of law; and to conduct
8 investigations and hearings and to issue, suspend, and revoke licenses as may be necessary to
9 enforce those rules, regulations, and orders. Any license suspended under the rules, regulations,
10 and/or orders shall be terminated and revoked if the conditions that led to the suspension are not
11 corrected to the satisfaction of the director within two (2) years; provided that written notice is
12 given by certified mail, return receipt requested, no less than sixty (60) days prior to the date of
13 termination.

14 Notwithstanding the provisions of § 42-35-9 to the contrary, no informal disposition of a
15 contested licensing matter shall occur where resolution substantially deviates from the original
16 application unless all interested parties shall be notified of the proposed resolution and provided
17 with opportunity to comment upon the resolution pursuant to applicable law and any rules and
18 regulations established by the director;

19 (20) To enter, examine, or survey, at any reasonable time, places as the director deems
20 necessary to carry out the director's responsibilities under any provision of law subject to the
21 following provisions:

22 (i) For criminal investigations, the director shall, pursuant to chapter 5 of title 12, seek a
23 search warrant from an official of a court authorized to issue warrants, unless a search without a
24 warrant is otherwise allowed or provided by law;

25 (ii)(A) All administrative inspections shall be conducted pursuant to administrative
26 guidelines promulgated by the department in accordance with chapter 35 of this title;

27 (B) A warrant shall not be required for administrative inspections if conducted under the
28 following circumstances, in accordance with the applicable constitutional standards:

29 (I) For closely regulated industries;

30 (II) In situations involving open fields or conditions that are in plain view;

31 (III) In emergency situations;

32 (IV) In situations presenting an imminent threat to the environment or public health, safety,
33 or welfare;

34 (V) If the owner, operator, or agent in charge of the facility, property, site, or location

1 consents; or

2 (VI) In other situations in which a warrant is not constitutionally required.

3 (C) Whenever it shall be constitutionally or otherwise required by law, or whenever the
4 director in the director's discretion deems it advisable, an administrative search warrant, or its
5 functional equivalent, may be obtained by the director from a neutral magistrate for the purpose of
6 conducting an administrative inspection. The warrant shall be issued in accordance with the
7 applicable constitutional standards for the issuance of administrative search warrants. The
8 administrative standard of probable cause, not the criminal standard of probable cause, shall apply
9 to applications for administrative search warrants;

10 (I) The need for, or reliance upon, an administrative warrant shall not be construed as
11 requiring the department to forfeit the element of surprise in its inspection efforts;

12 (II) An administrative warrant issued pursuant to this subsection must be executed and
13 returned within ten (10) days of its issuance date unless, upon a showing of need for additional
14 time, the court orders otherwise;

15 (III) An administrative warrant may authorize the review and copying of documents that
16 are relevant to the purpose of the inspection. If documents must be seized for the purpose of
17 copying, and the warrant authorizes the seizure, the person executing the warrant shall prepare an
18 inventory of the documents taken. The time, place, and manner regarding the making of the
19 inventory shall be set forth in the terms of the warrant itself, as dictated by the court. A copy of the
20 inventory shall be delivered to the person from whose possession or facility the documents were
21 taken. The seized documents shall be copied as soon as feasible under circumstances preserving
22 their authenticity, then returned to the person from whose possession or facility the documents were
23 taken;

24 (IV) An administrative warrant may authorize the taking of samples of air, water, or soil
25 or of materials generated, stored, or treated at the facility, property, site, or location. Upon request,
26 the department shall make split samples available to the person whose facility, property, site, or
27 location is being inspected;

28 (V) Service of an administrative warrant may be required only to the extent provided for
29 in the terms of the warrant itself, by the issuing court.

30 (D) Penalties. Any willful and unjustified refusal of right of entry and inspection to
31 department personnel pursuant to an administrative warrant shall constitute a contempt of court and
32 shall subject the refusing party to sanctions, which in the court's discretion may result in up to six
33 (6) months' imprisonment and/or a monetary fine of up to ten thousand dollars (\$10,000) per
34 refusal;

6 (i) The notice shall provide for a time within which the alleged violation shall be remedied,
7 and shall inform the person to whom it is directed that a written request for a hearing on the alleged
8 violation may be filed with the director within twenty (20) days after service of the notice. The
9 notice will be deemed properly served upon a person if a copy thereof is served the person
10 personally; or sent by registered or certified mail to the person's last known address; or if the person
11 is served with notice by any other method of service now or hereafter authorized in a civil action
12 under the laws of this state. If no written request for a hearing is made to the director within twenty
13 (20) days of the service of notice, the notice shall automatically become a compliance order;

14 (ii)(A) Whenever the director determines that there exists a violation of any law, rule, or
15 regulation within the director's jurisdiction that requires immediate action to protect the
16 environment, the director may, without prior notice of violation or hearing, issue an immediate-
17 compliance order stating the existence of the violation and the action the director deems necessary.
18 The compliance order shall become effective immediately upon service or within such time as is
19 specified by the director in such order. No request for a hearing on an immediate-compliance order
20 may be made;

21 (B) Any immediate-compliance order issued under this section without notice and prior
22 hearing shall be effective for no longer than forty-five (45) days; provided, however, that for good
23 cause shown, the order may be extended one additional period not exceeding forty-five (45) days;

24 (iii) The director may, at the director's discretion and for the purposes of timely and
25 effective resolution and return to compliance, cite a person for alleged noncompliance through the
26 issuance of an expedited citation in accordance with § 42-17.6-3(c);

27 (iv) If a person upon whom a notice of violation has been served under the provisions of
28 this section or if a person aggrieved by any such notice of violation requests a hearing before the
29 director within twenty (20) days of the service of notice of violation, the director shall set a time
30 and place for the hearing, and shall give the person requesting that hearing at least five (5) days'
31 written notice thereof. After the hearing, the director may make findings of fact and shall sustain,
32 modify, or withdraw the notice of violation. If the director sustains or modifies the notice, that
33 decision shall be deemed a compliance order and shall be served upon the person responsible in
34 any manner provided for the service of the notice in this section;

4 (vi) Whenever a compliance order has become effective, whether automatically where no
5 hearing has been requested, where an immediate-compliance order has been issued, or upon
6 decision following a hearing, the director may institute injunction proceedings in the superior court
7 of the state for enforcement of the compliance order and for appropriate temporary relief, and in
8 that proceeding, the correctness of a compliance order shall be presumed and the person attacking
9 the order shall bear the burden of proving error in the compliance order, except that the director
10 shall bear the burden of proving in the proceeding the correctness of an immediate-compliance
11 order. The remedy provided for in this section shall be cumulative and not exclusive and shall be
12 in addition to remedies relating to the removal or abatement of nuisances or any other remedies
13 provided by law;

14 (vii) Any party aggrieved by a final judgment of the superior court may, within thirty (30)
15 days from the date of entry of such judgment, petition the supreme court for a writ of certiorari to
16 review any questions of law. The petition shall set forth the errors claimed. Upon the filing of the
17 petition with the clerk of the supreme court, the supreme court may, if it sees fit, issue its writ of
18 certiorari;

(22) To impose administrative penalties in accordance with the provisions of chapter 17.6 of this title and to direct that such penalties be paid into the account established by subsection (26);

(23) The following definitions shall apply in the interpretation of the provisions of this chapter:

23 (i) Director: The term "director" shall mean the director of environmental management of
24 the state of Rhode Island or the director's duly authorized agent;

25 (ii) Person: The term "person" shall include any individual, group of individuals, firm,
26 corporation, association, partnership, or private or public entity, including a district, county, city,
27 town, or other governmental unit or agent thereof, and in the case of a corporation, any individual
28 having active and general supervision of the properties of the corporation;

29 (iii) Service:

30 (A) Service upon a corporation under this section shall be deemed to include service upon
31 both the corporation and upon the person having active and general supervision of the properties
32 of the corporation;

33 (B) For purposes of calculating the time within which a claim for a hearing is made
34 pursuant to subsection (21)(i), service shall be deemed to be the date of receipt of such notice or

1 three (3) days from the date of mailing of the notice, whichever shall first occur;

2 (24)(i) To conduct surveys of the present private and public camping and other recreational
3 areas available and to determine the need for and location of other camping and recreational areas
4 as may be deemed necessary and in the public interest of the state of Rhode Island and to report
5 back its findings on an annual basis to the general assembly on or before March 1 of every year;

6 (ii) Additionally, the director of the department of environmental management shall take
7 additional steps, including, but not limited to, matters related to funding as may be necessary to
8 establish such other additional recreational facilities and areas as are deemed to be in the public
9 interest;

10 (25)(i) To apply for and accept grants and bequests of funds, with the approval of the
11 director of administration, from other states, interstate agencies, and independent authorities, and
12 private firms, individuals, and foundations, for the purpose of carrying out the director's lawful
13 responsibilities. The funds shall be deposited with the general treasurer in a restricted receipt
14 account created in the natural resources program for funds made available for that program's
15 purposes or in a restricted receipt account created in the environmental protection program for
16 funds made available for that program's purposes. All expenditures from the accounts shall be
17 subject to appropriation by the general assembly, and shall be expended in accordance with the
18 provisions of the grant or bequest. In the event that a donation or bequest is unspecified, or in the
19 event that the trust account balance shows a surplus after the project as provided for in the grant or
20 bequest has been completed, the director may utilize the appropriated unspecified or appropriated
21 surplus funds for enhanced management of the department's forest and outdoor public recreation
22 areas, or other projects or programs that promote the accessibility of recreational opportunities for
23 Rhode Island residents and visitors;

24 (ii) The director shall submit to the house fiscal advisor and the senate fiscal advisor, by
25 October 1 of each year, a detailed report on the amount of funds received and the uses made of such
26 funds;

27 (26) To establish fee schedules by regulation, with the approval of the governor, for the
28 processing of applications and the performing of related activities in connection with the
29 department's responsibilities pursuant to subsection (12); chapter 19.1 of title 23, as it relates to
30 inspections performed by the department to determine compliance with chapter 19.1 and rules and
31 regulations promulgated in accordance therewith; chapter 18.9 of title 23, as it relates to inspections
32 performed by the department to determine compliance with chapter 18.9 and the rules and
33 regulations promulgated in accordance therewith; chapters 19.5 and 23 of title 23; chapter 12 of
34 title 46, insofar as it relates to water-quality certifications and related reviews performed pursuant

1 to provisions of the federal Clean Water Act, 33 U.S.C. § 1251 et seq.; the regulation and
2 administration of underground storage tanks and all other programs administered under chapter 12
3 of title 46 and § 2-1-18 et seq., and chapter 13.1 of title 46 and chapter 13.2 of title 46, insofar as
4 they relate to any reviews and related activities performed under the provisions of the Groundwater
5 Protection Act; chapter 24.9 of title 23 as it relates to the regulation and administration of mercury-
6 added products; and chapter 17.7 of this title, insofar as it relates to administrative appeals of all
7 enforcement, permitting, and licensing matters to the administrative adjudication division for
8 environmental matters. Two (2) fee ranges shall be required: for “Appeal of enforcement actions,”
9 a range of fifty dollars (\$50) to one hundred dollars (\$100), and for “Appeal of application
10 decisions,” a range of five hundred dollars (\$500) to ten thousand dollars (\$10,000). The monies
11 from the administrative adjudication fees will be deposited as general revenues and the amounts
12 appropriated shall be used for the costs associated with operating the administrative adjudication
13 division.

14 There is hereby established an account within the general fund to be called the water and
15 air protection program. The account shall consist of sums appropriated for water and air pollution
16 control and waste-monitoring programs and the state controller is hereby authorized and directed
17 to draw his or her orders upon the general treasurer for the payment of the sums, or portions thereof,
18 as may be required, from time to time, upon receipt by him or her of properly authenticated
19 vouchers. All amounts collected under the authority of this subsection (26) for the sewage-disposal-
20 system program and freshwater wetlands program will be deposited as general revenues and the
21 amounts appropriated shall be used for the purposes of administering and operating the programs.
22 The director shall submit to the house fiscal advisor and the senate fiscal advisor by January 15 of
23 each year a detailed report on the amount of funds obtained from fines and fees and the uses made
24 of the funds;

25 (27) To establish and maintain a list or inventory of areas within the state worthy of special
26 designation as “scenic” to include, but not be limited to, certain state roads or highways, scenic
27 vistas, and scenic areas, and to make the list available to the public;

28 (28) To establish and maintain an inventory of all interests in land held by public and
29 private land trust and to exercise all powers vested herein to ensure the preservation of all identified
30 lands;

31 (i) The director may promulgate and enforce rules and regulations to provide for the orderly
32 and consistent protection, management, continuity of ownership and purpose, and centralized
33 records-keeping for lands, water, and open spaces owned in fee or controlled in full or in part
34 through other interests, rights, or devices such as conservation easements or restrictions, by private

1 and public land trusts in Rhode Island. The director may charge a reasonable fee for filing of each
2 document submitted by a land trust;

3 (ii) The term “public land trust” means any public instrumentality created by a Rhode
4 Island municipality for the purposes stated herein and financed by means of public funds collected
5 and appropriated by the municipality. The term “private land trust” means any group of five (5) or
6 more private citizens of Rhode Island who shall incorporate under the laws of Rhode Island as a
7 nonbusiness corporation for the purposes stated herein, or a national organization such as the nature
8 conservancy. The main purpose of either a public or a private land trust shall be the protection,
9 acquisition, or control of land, water, wildlife, wildlife habitat, plants, and/or other natural features,
10 areas, or open space for the purpose of managing or maintaining, or causing to be managed or
11 maintained by others, the land, water, and other natural amenities in any undeveloped and relatively
12 natural state in perpetuity. A private land trust must be granted exemption from federal income tax
13 under Internal Revenue Code 501(c)(3) [26 U.S.C. § 501(c)(3)] within two (2) years of its
14 incorporation in Rhode Island or it may not continue to function as a land trust in Rhode Island. A
15 private land trust may not be incorporated for the exclusive purpose of acquiring or accepting
16 property or rights in property from a single individual, family, corporation, business, partnership,
17 or other entity. Membership in any private land trust must be open to any individual subscribing to
18 the purposes of the land trust and agreeing to abide by its rules and regulations including payment
19 of reasonable dues;

20 (iii)(A) Private land trusts will, in their articles of association or their bylaws, as
21 appropriate, provide for the transfer to an organization, created for the same or similar purposes, of
22 the assets, lands and land rights, and interests held by the land trust in the event of termination or
23 dissolution of the land trust;

24 (B) All land trusts, public and private, will record in the public records, of the appropriate
25 towns and cities in Rhode Island, all deeds, conservation easements, or restrictions or other interests
26 and rights acquired in land and will also file copies of all such documents and current copies of
27 their articles of association, their bylaws, and their annual reports with the secretary of state and
28 with the director of the Rhode Island department of environmental management. The director is
29 hereby directed to establish and maintain permanently a system for keeping records of all private
30 and public land trust land holdings in Rhode Island;

31 (29) The director will contact in writing, not less often than once every two (2) years, each
32 public or private land trust to ascertain: that all lands held by the land trust are recorded with the
33 director; the current status and condition of each land holding; that any funds or other assets of the
34 land trust held as endowment for specific lands have been properly audited at least once within the

1 two-year (2) period; the name of the successor organization named in the public or private land
2 trust's bylaws or articles of association; and any other information the director deems essential to
3 the proper and continuous protection and management of land and interests or rights in land held
4 by the land trust. In the event that the director determines that a public or private land trust holding
5 land or interest in land appears to have become inactive, the director shall initiate proceedings to
6 effect the termination of the land trust and the transfer of its lands, assets, land rights, and land
7 interests to the successor organization named in the defaulting trust's bylaws or articles of
8 association or to another organization created for the same or similar purposes. Should such a
9 transfer not be possible, then the land trust, assets, and interest and rights in land will be held in
10 trust by the state of Rhode Island and managed by the director for the purposes stated at the time
11 of original acquisition by the trust. Any trust assets or interests other than land or rights in land
12 accruing to the state under such circumstances will be held and managed as a separate fund for the
13 benefit of the designated trust lands;

14 (30) Consistent with federal standards, issue and enforce such rules, regulations, and orders
15 as may be necessary to establish requirements for maintaining evidence of financial responsibility
16 for taking corrective action and compensating third parties for bodily injury and property damage
17 caused by sudden and non-sudden accidental releases arising from operating underground storage
18 tanks;

19 (31) To enforce, by such means as provided by law, the standards for the quality of air, and
20 water, and the location, design, construction, and operation of all underground storage facilities
21 used for storing petroleum products or hazardous materials; any order or notice issued by the
22 director relating to the location, design, construction, operation, or maintenance of an underground
23 storage facility used for storing petroleum products or hazardous materials shall be eligible for
24 recordation under chapter 13 of title 34. The director shall forward the order or notice to the city or
25 town wherein the subject facility is located, and the order or notice shall be recorded in the general
26 index by the appropriate municipal officer in the land evidence records in the city or town wherein
27 the subject facility is located. Any subsequent transferee of that facility shall be responsible for
28 complying with the requirements of the order or notice. Upon satisfactory completion of the
29 requirements of the order or notice, the director shall provide written notice of the same, which
30 notice shall be eligible for recordation. The original, written notice shall be forwarded to the city
31 or town wherein the subject facility is located, and the notice of satisfactory completion shall be
32 recorded in the general index by the appropriate municipal official in the land evidence records in
33 the city or town wherein the subject facility is located. A copy of the written notice shall be
34 forwarded to the owner of the subject facility within five (5) days of a request for it, and, in any

1 event, shall be forwarded to the owner of the subject facility within thirty (30) days after correction;

2 (32) To manage and disburse any and all funds collected pursuant to § 46-12.9-4, in
3 accordance with § 46-12.9-5, and other provisions of the Rhode Island Underground Storage Tank
4 Financial Responsibility Act, as amended;

5 (33) To support, facilitate, and assist the Rhode Island Natural History Survey, as
6 appropriate and/or as necessary, in order to accomplish the important public purposes of the survey
7 in gathering and maintaining data on Rhode Island natural history; making public presentations and
8 reports on natural history topics; ranking species and natural communities; monitoring rare species
9 and communities; consulting on open-space acquisitions and management plans; reviewing
10 proposed federal and state actions and regulations with regard to their potential impact on natural
11 communities; and seeking outside funding for wildlife management, land management, and
12 research;

13 (34) To promote the effective stewardship of lakes, ponds, rivers, and streams including,
14 but not limited to, collaboration with watershed organizations and associations of lakefront property
15 owners on planning and management actions that will prevent and mitigate water quality
16 degradation, reduce the loss of native habitat due to infestation of non-native species, abate
17 nuisance conditions that result from excessive growth of algal or non-native plant species as well
18 as promote healthy freshwater riverine ecosystems;

19 (35) In implementing the programs established pursuant to this chapter, to identify critical
20 areas for improving service to customers doing business with the department, and to develop and
21 implement strategies to improve performance and effectiveness in those areas. Key aspects of a
22 customer-service program shall include, but not necessarily be limited to, the following
23 components:

24 (i) Maintenance of an organizational unit within the department with the express purpose
25 of providing technical assistance to customers and helping customers comply with environmental
26 regulations and requirements;

27 (ii) Maintenance of an employee training program to promote customer service across the
28 department;

29 (iii) Implementation of a continuous business process evaluation and improvement effort,
30 including process reviews to encourage development of quality proposals; ensure timely and
31 predictable reviews; and result in effective decisions and consistent follow up and implementation
32 throughout the department; and publish an annual report on such efforts;

33 (iv) Creation of a centralized location for the acceptance of permit applications and other
34 submissions to the department;

(vi) Development of single permits under multiple authorities otherwise provided in state law to support comprehensive and coordinated reviews of proposed projects. The director may address and resolve conflicting or redundant process requirements in order to achieve an effective and efficient review process that meets environmental objectives; and

10 (vii) Exploration of the use of performance-based regulations coupled with adequate
11 inspection and oversight, as an alternative to requiring applications or submissions for approval
12 prior to initiation of projects;

(37) To temporarily waive any control or prohibition respecting the use of a fuel or fuel additive required or regulated by the department if the director finds that:

19 (i) Extreme or unusual fuel or fuel additive supply circumstances exist in the state or the
20 New England region that prevent the distribution of an adequate supply of the fuel or fuel additive
21 to consumers;

22 (ii) Extreme or unusual fuel or fuel additive supply circumstances are the result of a natural
23 disaster, an act of God, a pipeline or refinery equipment failure, or another event that could not
24 reasonably have been foreseen; and

25 (iii) It is in the public interest to grant the waiver.

26 Any temporary waiver shall be made in writing and shall be effective for twenty (20)
27 calendar days; provided, that the director may renew the temporary waiver, in writing, if it is
28 deemed necessary; and

29 (38)(i) To designate by rule certain waters of the state as shellfish or marine life project
30 management areas for the purpose of enhancing the cultivation and growth of marine species,
31 managing the harvest of marine species, facilitating the conduct by the department of experiments
32 in planting, cultivating, propagating, managing, and developing any and all kinds of marine life,
33 and any other related purpose.

34 (ii) Any such designation shall be by reference to fixed landmarks and include an explicit

1 description of the area to be designated.

8 (iv) The director, upon the designation of a management area, may place any stakes,
9 bounds, buoys, or markers with the words "Rhode Island department of environmental
10 management" plainly marked on them, as will approximate the management area. Failure to place
11 or maintain the stakes, bounds, buoys, or markers shall not be admissible in any judicial or
12 administrative proceeding.

13 (v) Nothing in this section shall prevent the director from implementing emergency rules
14 pursuant to § 42-35-2.10.

15 (39) To enter into agreements with such departments, divisions, agencies, or boards of the
16 state to regulate, manage, or perform related functions on any lands or waters acquired under the
17 provisions of the Big River — Wood River Reservoir Site Acquisition Act (P.L. of 1964, chapter
18 133).

19 SECTION 8. Sections 42-64.20-5 and 42-64.20-10 of the General Laws in Chapter 42-
20 64.20 entitled “Rebuild Rhode Island Tax Credit Act” are hereby amended to read as follows:

42-64.20-5. Tax credits.

22 (a) An applicant meeting the requirements of this chapter may be allowed a credit as set
23 forth hereinafter against taxes imposed upon such person under applicable provisions of title 44 of
24 the general laws for a qualified development project.

25 (b) To be eligible as a qualified development project entitled to tax credits, an applicant's
26 chief executive officer or equivalent officer shall demonstrate to the commerce corporation, at the
27 time of application, that:

28 (1) The applicant has committed a capital investment or owner equity of not less than
29 twenty percent (20%) of the total project cost;

30 (2) There is a project financing gap in which after taking into account all available private
31 and public funding sources, the project is not likely to be accomplished by private enterprise
32 without the tax credits described in this chapter; and

33 (3) The project fulfills the state's policy and planning objectives and priorities in that:

34 (i) The applicant will, at the discretion of the commerce corporation, obtain a tax

1 stabilization agreement from the municipality in which the real estate project is located on such
2 terms as the commerce corporation deems acceptable;

3 (ii) It (A) Is a commercial development consisting of at least 25,000 square feet occupied
4 by at least one business employing at least 25 full-time employees after construction or such
5 additional full-time employees as the commerce corporation may determine; (B) Is a multi-family
6 residential development in a new, adaptive reuse, certified historic structure, or recognized
7 historical structure consisting of at least 20,000 square feet and having at least 20 residential units
8 in a hope community; or (C) Is a mixed-use development in a new, adaptive reuse, certified historic
9 structure, or recognized historical structure consisting of at least 25,000 square feet occupied by at
10 least one business, subject to further definition through rules and regulations promulgated by the
11 commerce corporation; and

12 (iii) Involves a total project cost of not less than \$5,000,000, except for a qualified
13 development project located in a hope community or redevelopment area designated under § 45-
14 32-4 in which event the commerce corporation shall have the discretion to modify the minimum
15 project cost requirement.

16 (4) Until July 1, 2025, pursuant to P.L. 2022 ch. 271 and P.L. 2022 ch. 272, for construction
17 projects in excess of ten million dollars (\$10,000,000), all construction workers shall be paid in
18 accordance with the wages and benefits required pursuant to chapter 13 of title 37 with all
19 contractors and subcontractors required to file certified payrolls on a monthly basis for all work
20 completed in the preceding month on a uniform form prescribed by the director of labor and
21 training. Failure to follow the requirements pursuant to chapter 13 of title 37 shall constitute a
22 material violation and a material breach of the agreement with the state. The commerce corporation,
23 in consultation with the director of labor and training and the tax administrator, shall promulgate
24 such rules and regulations as are necessary to implement the enforcement of this subsection. The
25 provisions of this subsection shall expire and sunset on July 1, 2025.

26 (5) Notwithstanding any general or special law or rule or regulation to the contrary, for
27 construction projects that have executed a tax credit agreement on or after July 1, 2025, and
28 involving a budget of direct hard construction costs (as defined in § 44-33.6-2) in excess of twenty-
29 five million dollars (\$25,000,000), all construction workers shall be paid in accordance with the
30 wages and benefits required pursuant to chapter 13 of title 37 with all contractors and
31 subcontractors required to file certified payrolls on a monthly basis for all work completed in the
32 preceding month on a uniform form prescribed by the director of labor and training. Failure to
33 follow the requirements pursuant to chapter 13 of title 37 shall constitute a material violation and
34 a material breach of the agreement with the state. The commerce corporation, in consultation with

1 the director of labor and training and the tax administrator, shall promulgate such rules and
2 regulations as are necessary to implement the enforcement of this subsection.

3 (c) The commerce corporation shall develop separate, streamlined application processes
4 for the issuance of rebuild RI tax credits for each of the following:

- 5 (1) Qualified development projects that involve certified historic structures;
- 6 (2) Qualified development projects that involve recognized historical structures;
- 7 (3) Qualified development projects that involve at least one manufacturer; and
- 8 (4) Qualified development projects that include affordable housing or workforce housing.

9 (d) Applications made for a historic structure or recognized historic structure tax credit
10 under chapter 33.6 of title 44 shall be considered for tax credits under this chapter. The division of
11 taxation, at the expense of the commerce corporation, shall provide communications from the
12 commerce corporation to those who have applied for and are in the queue awaiting the offer of tax
13 credits pursuant to chapter 33.6 of title 44 regarding their potential eligibility for the rebuild RI tax
14 credit program.

15 (e) Applicants (1) Who have received the notice referenced in subsection (d) above and
16 who may be eligible for a tax credit pursuant to chapter 33.6 of title 44; (2) Whose application
17 involves a certified historic structure or recognized historical structure; or (3) Whose project is
18 occupied by at least one manufacturer shall be exempt from the requirements of subsections
19 (b)(3)(ii) and (b)(3)(iii). The following procedure shall apply to such applicants:

20 (i) The division of taxation shall remain responsible for determining the eligibility of an
21 applicant for tax credits awarded under chapter 33.6 of title 44;

22 (ii) The commerce corporation shall retain sole authority for determining the eligibility of
23 an applicant for tax credits awarded under this chapter;

24 (iii) The commerce corporation shall not award in excess of fifteen percent (15%) of the
25 annual amount authorized in any fiscal year to applicants seeking tax credits pursuant to this
26 subsection (e); and

27 (iv) No tax credits shall be awarded under this chapter unless the commerce corporation
28 receives confirmation from the department of labor and training that there has been compliance
29 with the prevailing wage requirements set forth in subsection (b) of this section.

30 (f) Maximum project credit.

31 (1) For qualified development projects, the maximum tax credit allowed under this chapter
32 shall be the lesser of (i) Thirty percent (30%) of the total project cost; or (ii) The amount needed to
33 close a project financing gap (after taking into account all other private and public funding sources
34 available to the project), as determined by the commerce corporation.

16 (3) The credit allowed pursuant to this chapter, inclusive of any sales and use tax
17 exemptions allowed pursuant to this chapter, shall not exceed twenty-five million dollars
18 (\$25,000,000) for the project for which the I-195 redevelopment district was authorized to enter
19 into a purchase and sale agreement for parcels 42 and P4 on December 19, 2018, provided that
20 project is approved for credits pursuant to this chapter by the commerce corporation.

21 (4) For qualified development projects involving the development of housing and mixed
22 use projects involving housing which are restricted to require at least twenty percent (20%) of the
23 housing units being affordable housing or workforce housing development for residents making no
24 more than between eighty percent (80%) and one hundred twenty percent (120%) of the area
25 median income (AMI) shall be allowed sales and use tax exemptions of up to thirty percent (30%)
26 of the maximum project credit in addition to the maximum project credit of fifteen million dollars
27 (\$15,000,000) pursuant to this chapter. Any sales and use tax exemptions allowed in addition to the
28 maximum project credit shall be for purchases made by June 30, 2028.

29 (g) Credits available under this chapter shall not exceed twenty percent (20%) of the project
30 cost, provided, however, that the applicant shall be eligible for additional tax credits of not more
31 than ten percent (10%) of the project cost, if the qualified development project meets any of the
32 following criteria or other additional criteria determined by the commerce corporation from time
33 to time in response to evolving economic or market conditions:

34 (1) The project includes adaptive reuse or development of a recognized historical structure;

5 (5) The project includes the adaptive reuse of property subject to the requirements of the
6 industrial property remediation and reuse act, § 23-19.14-1 et seq.; or

(6) The project includes commercial facilities constructed in accordance with the minimum environmental and sustainability standards, as certified by the commerce corporation pursuant to Leadership in Energy and Environmental Design or other equivalent standards.

10 (h) Maximum aggregate credits. The aggregate sum authorized pursuant to this chapter,;
11 inclusive of any sales and use tax exemptions allowed pursuant to this chapter, shall not exceed
12 ~~two hundred twenty five seventy million dollars (\$225,000,000)~~ two hundred fifty million dollars
13 (\$250,000,000) excluding any tax credits allowed pursuant to subsection (f)(3) of this section.

14 (i) Tax credits shall not be allowed under this chapter prior to the taxable year in which the
15 project is placed in service.

16 (j) The amount of a tax credit allowed under this chapter shall be allowable to the taxpayer
17 in up to five, annual increments; no more than thirty percent (30%) and no less than fifteen percent
18 (15%) of the total credits allowed to a taxpayer under this chapter may be allowable for any taxable
19 year.

29 (l) The commerce corporation, in consultation with the division of taxation, shall establish,
30 by regulation, the process for the assignment, transfer, or conveyance of tax credits.

31 (m) For purposes of this chapter, any assignment or sales proceeds received by the taxpayer
32 for its assignment or sale of the tax credits allowed pursuant to this section shall be exempt from
33 taxation under title 44. If a tax credit is subsequently revoked or adjusted, the seller's tax calculation
34 for the year of revocation or adjustment shall be increased by the total amount of the sales proceeds.

1 without proration, as a modification under chapter 30 of title 44. In the event that the seller is not a
2 natural person, the seller's tax calculation under chapter 11, 13, 14, or 17 of title 44, as applicable,
3 for the year of revocation, or adjustment, shall be increased by including the total amount of the
4 sales proceeds without proration.

5 (n) The tax credit allowed under this chapter may be used as a credit against corporate
6 income taxes imposed under chapter 11, 13, 14, or 17 of title 44, or may be used as a credit against
7 personal income taxes imposed under chapter 30 of title 44 for owners of pass-through entities such
8 as a partnership, a limited liability company taxed as a partnership, or multiple owners of property.

9 (o) In the case of a corporation, this credit is only allowed against the tax of a corporation
10 included in a consolidated return that qualifies for the credit and not against the tax of other
11 corporations that may join in the filing of a consolidated tax return.

12 (p) Upon request of a taxpayer and subject to annual appropriation, the state shall redeem
13 this credit, in whole or in part, for ninety percent (90%) of the value of the tax credit. The division
14 of taxation, in consultation with the commerce corporation, shall establish by regulation a
15 redemption process for tax credits.

16 (q) Projects eligible to receive a tax credit under this chapter may, at the discretion of the
17 commerce corporation, be exempt from sales and use taxes imposed on the purchase of the
18 following classes of personal property only to the extent utilized directly and exclusively in the
19 project: (1) Furniture, fixtures, and equipment, except automobiles, trucks, or other motor vehicles;
20 or (2) Other materials, including construction materials and supplies, that are depreciable and have
21 a useful life of one year or more and are essential to the project.

22 (r) The commerce corporation shall promulgate rules and regulations for the administration
23 and certification of additional tax credit under subsection (g), including criteria for the eligibility,
24 evaluation, prioritization, and approval of projects that qualify for such additional tax credit.

25 (s) The commerce corporation shall not have any obligation to make any award or grant
26 any benefits under this chapter.

27 **42-64.20-10. Sunset.**

28 No credits shall be authorized to be reserved pursuant to this chapter after ~~December 31,~~
29 2026December 31, 2027.

30 SECTION 9. Section 42-64.21-9 of the General Laws in Chapter 42-64.21 entitled "Rhode
31 Island Tax Increment Financing" is hereby amended to read as follows:

32 **42-64.21-9. Sunset.**

33 The commerce corporation shall enter into no agreement under this chapter after ~~December~~
34 31, 2026December 31, 2027.

1 SECTION 10. Section 42-64.22-15 of the General Laws in Chapter 42-64.22 entitled "Tax
2 Stabilization Incentive" is hereby amended to read as follows:

3 **42-64.22-15. Sunset.**

4 The commerce corporation shall enter into no agreement under this chapter after ~~December~~
5 ~~31, 2026~~December 31, 2027.

6 SECTION 11. Section 42-64.23-8 of the General Laws in Chapter 42-64.23 entitled "First
7 Wave Closing Fund Act" is hereby amended to read as follows:

8 **42-64.23-8. Sunset.**

9 No financing shall be authorized to be reserved pursuant to this chapter after ~~December 31,~~
10 ~~2026~~December 31, 2027.

11 SECTION 12. Section 42-64.24-8 of the General Laws in Chapter 42-64.24 entitled "I-195
12 Redevelopment Project Fund Act" is hereby amended as follows:

13 **42-64.24-8. Sunset.**

14 No funding, credits, or incentives shall be authorized or authorized to be reserved pursuant
15 to this chapter after ~~December 31, 2026~~December 31, 2027.

16 SECTION 13. Section 42-64.26-12 of the General Laws in Chapter 42-64.26 entitled "Stay
17 Invested in RI Wavemaker Fellowship" is hereby amended to read as follows:

18 **42-64.26-12. Sunset.**

19 No incentives or credits shall be authorized pursuant to this chapter after ~~December 31,~~
20 ~~2026~~December 31, 2027.

21 SECTION 14. Section 42-64.27-6 of the General Laws in Chapter 42-64.27 entitled "Main
22 Street Rhode Island Streetscape Improvement Fund" is hereby amended as follows:

23 **42-64.27-6. Sunset.**

24 No incentives shall be authorized pursuant to this chapter after ~~December 31,~~
25 ~~2026~~December 31, 2027.

26 SECTION 15. Section 42-64.28-10 of the General Laws in Chapter 42-64.28 entitled
27 "Innovation Initiative" is hereby amended as follows:

28 **42-64.28-10. Sunset.**

29 No vouchers, grants, or incentives shall be authorized pursuant to this chapter after
30 ~~December 31, 2026~~December 31, 2027.

31 SECTION 16. Chapter 42-140 of the General Laws entitled "Rhode Island Energy
32 Resources Act" is hereby amended by adding thereto the following section:

33 **42-140-13. Energy Benchmarking and Performance Standards Program**

34 **(a) Definitions. For the purposes of this section:**

1 (1) "Department" shall mean all state departments whose directors are enumerated in R.I.
2 Gen. Laws § 42-6-3 and shall additionally include the executive office of health and human
3 services, the executive office of commerce, and the executive office of housing.

4 (2) "Public buildings" for the purpose of this section shall mean all municipal and school
5 buildings owned by a municipality that are at least 25,000 gross square feet.

6 (3) “State-owned, state-occupied facilities” shall mean buildings owned by the state that
7 primarily contain offices or other administrative work space for state employees and are at least
8 25,000 gross square feet.

9 (b) State Facilities Energy Usage Reporting

10 (1) State departments, coordinated and supported by the office of energy resources, shall
11 be required to measure and report monthly energy usage by energy source for their respective state-
12 owned, state-occupied facilities, as well as the gross square footage for each building.

13 (2) Beginning March 31, 2029, and recurring annually thereafter, departments, coordinated
14 and supported by the office of energy resources, shall report to the office energy use data by source
15 for state-owned, state-occupied facilities for the preceding calendar year. No later than 180 days
16 from the March 31 reporting deadline each year, the office shall compile, publish and post on its
17 website each facility's energy use data by fuel and total emissions.

18 (c) State Facilities Benchmarking and Performance Standards Program

19 (1) Utilizing the data due March 31, 2029, in subsection (b)(2), the office of energy
20 resources shall, with consultation from departments, develop and publish performance standards
21 for state-owned, state-occupied facilities by March 31, 2030 and may update the performance
22 standards and any revision to the standards thereafter. The performance standards published must
23 include:

24 (i) An annualized emissions standard based on energy usage for each state-owned, state-
25 occupied facility as necessary, to achieve by specified dates;

(ii) A schedule for compliance terminating in 2050; and

27 (iii) The cost-benefit analysis used to determine which state-owned, state-occupied
28 facilities are assigned performance standards, as set forth in subsection (c)(2) below.

29 (2) The performance standards shall be determined by evaluating:

30 (i) The total amount of emissions reductions that could be achieved while maintaining state
31 operations;

1 with subsection (2)(i) of R.I. Gen. Laws § 42-6.2-2; and

2 (iii) The fiscal impacts of achieving the performance standards.

3 (3) The departments shall meet the performance standards set in accordance with
4 subsection (c)(2). No later than 90 days after each specified compliance date established in
5 accordance with subsection (c)(1), the office of energy resources shall publish a performance
6 standards compliance report demonstrating the status of each state-owned, state-occupied facility
7 subject to a performance standard and post on its website. In the event that a state-owned, state-
8 occupied facility fails to meet a performance standard, the office of energy resources shall provide
9 a corrective action plan with which the state-owned, state-occupied facility shall comply within 90
10 days of the compliance deadline.

11 (4) Subsections (c)(1), (c)(2), and (c)(3) shall not apply to state-owned, state-occupied
12 facilities which the office and department of administration determine are not suitable candidates
13 for achieving greenhouse gas emission reductions due to economic infeasibility or unique
14 operational or physical limitations. Any such determinations shall be published in addition to the
15 standards required in subsection (c)(2) and posted on the office's website.

16 (d) Voluntary Energy Benchmarking Program for Public Buildings

17 (i) The office of energy resources shall provide technical and financial assistance to
18 municipalities for a voluntary public buildings energy benchmarking program of public buildings
19 on municipal properties in which buildings are greater than twenty-five thousand (25,000) square
20 feet.

21 (ii) The office of energy resources shall maintain a website that tracks its implementation
22 of the voluntary public buildings energy benchmarking program. The office shall submit to the
23 Governor and General Assembly by May 1, 2028, and annually thereafter a progress report on the
24 voluntary public buildings energy benchmarking program.

25 SECTION 17. Section 42-140-3 of the General Laws in Chapter 42-140 entitled "Rhode
26 Island Energy Resources Act" is hereby amended to read as follows:

27 **42-140-3. Purposes.**

28 The purposes of the office shall be to:

29 (1) Develop and put into effect plans and programs to promote, encourage, and assist the
30 provision of energy resources for Rhode Island in a manner that enhances economic well-being,
31 social equity, and environmental quality;

32 (2) Monitor, forecast, and report on energy use, energy prices, and energy demand and
33 supply forecasts, and make findings and recommendations with regard to energy supply diversity,
34 reliability, and procurement, including least-cost procurement;

5 (4) Monitor and report technological developments that may result in new and/or improved
6 sources of energy supply, increased energy efficiency, and reduced environmental impacts from
7 energy supply, transmission, and distribution;

(5) Administer the programs, duties, and responsibilities heretofore exercised by the state energy office, except as these may be assigned by executive order or the general laws to other departments and agencies of state government;

16 (7) Cooperate with agencies, departments, corporations, and entities of the state and of
17 political subdivisions of the state in achieving its purposes;

18 (8) Cooperate with and assist the state planning council and the division of state planning
19 in developing, maintaining, and implementing state guide plan elements pertaining to energy and
20 renewable energy;

(9) Coordinate the energy efficiency, least-cost procurement, and systems reliability plans and programs with the energy efficiency and resources management council;

23 (10) Participate in, monitor implementation of, and provide technical assistance for the
24 low-income home energy assistance program enhancement plan established pursuant to § 39-1-
25 27.12;

26 (11) ~~Participate in and monitor the distributed generation standard contracts program~~
27 ~~pursuant to chapter 26.2 of title 39;~~

28 (12) (11) Coordinate opportunities with and enter into contracts and/or agreements with
29 the commerce corporation associated with the energy efficiency, least-cost procurement, system
30 reliability, and renewable energy fund programs;

31 ~~(13) (12)~~ Provide support and information to the division of planning and the state planning
32 council in the development of a ten-year (10) Rhode Island Energy Guide Plan, which shall be
33 reviewed and amended if necessary every five (5) years;

(13) Administer the federal Weatherization Assistance Program and any state or privately

1 funded weatherization program;

2 (14) Advise and provide technical assistance to state and federally funded energy programs

3 to support:

4 (i) The federal low-income home energy assistance program which provides heating

5 assistance to eligible low-income persons and any state funded or privately funded heating

6 assistance program of a similar nature assigned to it for administration;

7 (ii) The weatherization assistance program which offers home weatherization grants and

8 heating system upgrades to eligible persons of low-income;

9 (iii) The emergency fuel program which provides oil deliveries to families experiencing a

10 heating emergency;

11 (iv) The energy conservation program, which offers service and programs to all sectors;

12 (v) [Deleted by P.L. 2008, ch. 228, § 2, and P.L. 2008, ch. 422, § 2.]

13 (15) Advise the commerce corporation in the development of standards and rules for the

14 solicitation and award of renewable energy program investment funds in accordance with § 42-64-

15 13.2;

16 (16) Develop, recommend, and evaluate energy programs for state facilities and operations

17 in order to achieve and demonstrate the benefits of energy-efficiency, diversification of energy

18 supplies, energy conservation, and demand management; and

19 (17) Advise the governor and the general assembly with regard to energy resources and all

20 matters relevant to achieving the purposes of the office.

21 (18) Administer and implement all state energy bond referendums that are approved.

22 SECTION 18. Section 44-48.3-14 of the General Laws in Chapter 44-48.3 entitled “Rhode

23 Island Qualified Jobs Incentive Act of 2015” is hereby amended as follows:

24 **44-48.3-14. Sunset.**

25 No credits shall be authorized to be reserved pursuant to this chapter after ~~December 31,~~

26 **2026 December 31, 2027.**

27 SECTION 19. Chapter 46-15.1 of the General Laws entitled “Water Supply Facilities” is

28 hereby amended by adding thereto the following section:

29 **46-15.1-23. Transfer of powers and functions from the water resources board for big**

30 **river reservoir administration.**

31 **The administration of lands acquired for the Big River Reservoir, as established under**

32 **section 23 of chapter 133 of the Public Laws of 1964, are hereby transferred to the department of**

33 **environmental management. However, all other general authority granted to the water resource**

34 **board in chapters 15 and 15.1 of title 46 is hereby retained by the water resource board.**

1 SECTION 20. Section 46-15.1-5 of the General Laws in Chapter 46-15.1 entitled "Water
2 Supply Facilities" is hereby amended to read as follows:

3 **46-15.1-5. Powers.**

4 (a) The board shall carry out its functions and shall have the following powers:

5 (1) To adopt a seal and to alter the seal from time to time;

6 (2) To sue and be sued;

7 (3) To purchase, hold, and dispose of real and personal property, or interests therein, and
8 to lease the property as lessee or lessor;

9 (4) To make or cause to be made such surveys and borings as it may deem necessary;

10 (5) To engage engineering, legal, accounting, and other professional services;

11 (6) To make contracts;

12 (7) To employ personnel and fix their rates of compensation;

13 (8) To borrow money and issue its bonds and notes as hereinafter provided;

14 (9) To apply and contract for and to expend assistance from the United States or other
15 sources, whether in the form of a grant or loan or otherwise;

16 (10) To adopt and amend bylaws for the regulation of its affairs and the conduct of its
17 business;

18 (11) To invest or deposit funds in demand deposits, savings deposits, and time deposits in
19 any bank or trust company which is a member of the Federal Deposit Insurance Corporation or in
20 any obligations issued or guaranteed by the United States or any agency or instrumentality thereof,
21 or as provided in § 35-10-11;

22 (12) To establish, operate, and maintain or lease to others, or contract with others for the
23 use of, such water supply facilities as may be reasonably required for the fulfillment of its purposes;

24 (13) To purchase and sell water;

25 (14) To exercise such other powers as may be necessary or incidental to the exercise of the
26 foregoing powers or to the accomplishment of the purposes of the board;

27 (15) To acquire, within the limitation of funds therefor, the sites, appurtenant marginal
28 lands, dams, waters, water rights, rights of way, easements, and other property in interests in
29 property for reservoirs, groundwater wells, well sites, and for such pipe lines, aqueducts, pumping
30 stations, filtration plants, and auxiliary structures as may be necessary or desirable for the treatment
31 and distribution of water from those reservoirs, groundwater wells, and well sites. Lands acquired
32 under the provisions of this section shall be acquired with the approval of the governor by purchase,
33 gift, devise, or otherwise on such terms and conditions as the board shall determine, or by the
34 exercise of eminent domain, in accordance with the provisions of chapter 6 of title 37, as amended,

1 insofar as those provisions are consistent with the provisions hereof;

(16) To construct or purchase water reservoirs, wells and well sites, processing facilities, transmission or distribution systems, and other facilities, including existing facilities of municipal water agencies or departments, special water districts, or private water companies, necessary to accomplish the purposes of this chapter and to implement its plans and program;

(17) To acquire the assets, assume the liabilities, or to effect the merger into itself of any corporation or other organization, including public or private water supply systems incorporated or organized under the laws of this state, which corporation or organization has as its principal business the establishment of water supply facilities or provision of related services, all upon such terms and for such consideration as the board shall deem to be appropriate;

15 (19) To provide for cooperative development, conservation, and use of water resources by
16 the state, municipal agencies or departments, special water districts or privately owned water
17 systems, the board may:

18 (i) Authorize publicly or privately owned water supply agencies to build structures or
19 install equipment on land owned or leased by the board.

20 (ii) Enter into contracts with publicly or privately owned water supply agencies for
21 operation of any facilities owned or leased by the board or operate any such facility by itself.

(20) To enter into contracts to supply raw or processed water to publicly or privately owned water supply agencies, which shall be approved as to substance by the director of administration and as to form by the attorney general;

25 (21) To review all plans and proposals for construction or installation of facilities for water
26 supply in accordance with the applicable sections of chapter 15 of this title;

27 (22) To make loans to publicly owned water supply agencies for acquisition, construction,
28 and renovation of water supply facilities from funds which may be appropriated for this purpose
29 by the general assembly, from bonds issued for this purpose, or from other funds which may
30 become available to the board for this purpose;

(24) To enter into contracts and/or agreements with such departments, divisions, agencies, or boards of the state as are directed by the governor to regulate, manage, or perform related functions on any lands or waters acquired under the provisions of the Big River—Wood River Reservoir Site Acquisition Act (P.L. of 1964, chapter 133); and

(2524) To compensate the departments, divisions, agencies, or boards from the water development fund in an amount equal to the cost of providing the functions or services as are directed to be performed by the governor. The compensation shall be mandatory and shall be provided according to procedures established by the department of administration.

9 (b) The board as a body politic and corporate and public instrumentality created pursuant
10 to this chapter is subject to § 46-15.1-5(1) — (25). The board as the state agency pursuant to chapter
11 15 of this title is subject to § 46-15.1-5(15) — (25).

12 SECTION 21. Section 46-15.1-19.1 of the General Laws in Chapter 46-15.1 entitled
13 "Water Supply Facilities" is hereby repealed:

~~46-15.1-19.1. Big River Reservoir Administration.~~

15 The Rhode Island water resources board, established pursuant to this chapter and chapter
16 15 of this title, shall be the only designated agency which will administer those lands acquired for
17 the Big River Reservoir as established under section 23 of chapter 133 of the Public Laws of 1964.
18 The director of the department of environmental management and the director's authorized agents,
19 employees, and designees shall, together with the water resources board in accordance with the Big
20 River management area land use plan for the lands, protect the natural resources of the Big River
21 Reservoir lands. The lands of the Big River Reservoir are subject to enforcement authority of the
22 department of environmental management, as provided for in chapter 17.1 of title 42, and as
23 provided for in title 20 of the General Laws.

24 SECTION 22. Sections 46-31.1-1, 46-31.1-2 and 46-31.1-3 of the General Laws in Chapter
25 46-31.1 entitled “The Rhode Island Bays, Rivers and Watersheds Fund” are hereby amended to
26 read as follows:

46-31.1-1. Legislative findings.

28 The general assembly hereby finds and declares as follows:

29 (1) The bays, rivers, and associated watersheds of Rhode Island are unique and unparalleled
30 natural resources that provide significant cultural, ecological, and economic benefit to the state.

1 control and regulation of the use of the natural resources of the state; and for the preservation,
2 regeneration, and restoration of the natural environment of the state.

3 (3) It is in the best interest of the state and its citizens to preserve, protect, and restore our
4 bays, rivers, lakes, and associated watersheds.

5 (4) Sixty percent (60%) of the watershed of Narragansett Bay is within Massachusetts,
6 almost all of the watershed of Mount Hope Bay is within Massachusetts, and five percent (5%) of
7 the watershed of Little Narragansett Bay is within Connecticut; further, a cluster of water-related
8 economic interests spans the three (3) states.

9 (5) There is a need to foster effective management, preservation, restoration, and
10 monitoring of the bays, rivers, lakes, and watersheds; and the promotion of sustainable economic
11 development of businesses that rely directly or indirectly on the bays, rivers, and watersheds.

12 **46-31.1-2. Definitions.**

13 As used in this chapter, unless the context clearly indicates otherwise:

14 (1) “Bays” means the estuaries including Narragansett Bay, Mount Hope Bay, Greenwich
15 Bay, Little Narragansett Bay, the coastal ponds, the Sakonnet River, and Rhode Island territorial
16 waters that extend seaward three geographical miles from the shoreline including the area around
17 Block Island.

18 (2) “Coordination” means to harmonize in a common action or effort and/or to function in
19 a complementary manner.

20 (3) “Lake” or “pond” means a place, natural or manmade, located wholly or partly within
21 the State of Rhode Island, where open standing or slowly moving water is present for at least six
22 (6) months of the year. For the purposes of this chapter, “lake” or “pond” shall exclude commercial
23 or industrial waterbodies created for the purpose of providing cooling water, concrete or poly-lined
24 waterbodies, and construction dewatering basins.

25 (34) “River” means a flowing body of water or estuary or a section, portion, or tributary
26 thereof, including, but not limited to, streams, creeks, brooks, ponds, and small lakes.

27 (45) “Water cluster” means an economically interconnected grouping of businesses,
28 institutions, and people relying directly or indirectly on the bays, rivers, and watersheds including,
29 but not limited to, the following sectors:

30 (i) Recreation, tourism, and public events;
31 (ii) Fisheries and aquaculture;
32 (iii) Boat and ship building;
33 (iv) Boating-related businesses;
34 (v) Transportation;

- 1 (vi) Military;
- 2 (vii) Research; and
- 3 (viii) Technology development and education.

4 (§6) “Watershed” means a land area which because of its topography, soil type, and
5 drainage patterns acts as a collector of raw waters which regorge or replenish rivers and existing or
6 planned public water supplies.

46-31.1-3. Bays, Rivers and Watersheds Fund.

8 (a) There is hereby established a restricted receipt account within the Department of
9 Environmental Management to be called the Bays, Rivers and Watersheds Fund;

10 (b) The fund shall consist of any funds which the state may from time to time appropriate,
11 as well as money received as gifts, grants, bequests, donations or other funds from any public or
12 private sources, as well as all fees collected pursuant to § 46-23-1(f)(2) for the leasing of submerged
13 lands for transatlantic cables, and all fees collected pursuant to chapter 12.11 of this title for the
14 disposal of septage;

15 (c) All funds, monies, and fees collected pursuant to this section shall be deposited in the
16 Bays, Rivers and Watersheds Fund, and shall be utilized by the Department of Environmental
17 Management consistent with the purposes of § 46-23.2-1 entitled, “The Comprehensive Watershed
18 and Marine Monitoring Act of 2004,” ~~§ 46-12 chapter 12 of title 46 entitled, “Water Pollution,”~~
19 ~~chapter 33 of title 46 entitled, “Freshwater Lake Management Program,”~~ and chapter 6.2 of title 42
20 entitled “~~Resilient Rhode Island Act of 2014 Climate Change Coordination Council~~2021 Act on
21 Climate.” All expenditures from the fund shall be subject to appropriation by the general assembly.

22 SECTION 23. Sections 46-33-1 and 46-33-2 of the General Laws in Chapter 46-33 entitled
23 “Freshwater Lake Management Program” are hereby amended to read as follows:

46-33-1. Definitions.

25 As used in this chapter, unless the context indicates otherwise:

26 (1) "Aquatic invasive species" means those invasive or non-native species that inhabit
27 water resources including lakes, ponds, rivers and streams.

(2) "Coordination" means to harmonize in a common action or effort and/or to function in a complementary manner.

30 (3) "Department" means the Rhode Island department of environmental management.

31 (4) "Invasive species" means an alien species whose introduction does or is likely to cause
32 economic or environmental harm, or harm to human health.

33 (5) "Lake" or "pond" means a place, natural or manmade, located wholly or partly within
34 the State of Rhode Island, where open standing or slowly moving water shall be present for at least

1 six (6) months of the year.

2 (6) "Lake association" means an association, club or other organization, formed and
3 registered in Rhode Island, which has responsibility for stewardship and management of a
4 freshwater lake or pond.

5 (7) "Non-native species" means a species of plant, animal, or microbe that is:

6 (i) Introduced to a country or region where it is not native;
7 (ii) Is reproducing and spreading without human cultivation; and
8 (iii) Is causing harm to native species or the areas in which they live.

9 ~~(8) "Rhode Island lake management fund" means the fund established by § 46-33-3.~~

10 **46-33-2. Rhode Island lake management program – Established.**

11 (a) The department shall develop and implement a lake management program. The program
12 shall include the following elements:

13 (1) Field surveys and mapping to document the presence of aquatic invasive species in
14 freshwaters;

15 (2) Development and provision of guidance and technical assistance to lake associations,
16 watershed organizations and municipalities interested in undertaking lake management actions;

17 (3) Coordination of the implementation of lake management actions, where appropriate;

18 (4) Oversight of lake management policy and program development;

19 (5) Distribution of financial assistance for lake management, including control of aquatic
20 invasive plants, as resources allow, including such sums as appropriated by the general assembly
21 from the Bays, Rivers and Watersheds Fund established by § 46-31.1-3; and

22 (6) Other activities consistent with the powers and duties assigned to the department in §
23 42-17.1-2(34).

24 (b) Upon receipt of funding, the department shall establish procedures and rules for the
25 distribution of lake management grants consistent with the following provisions:

26 (1) Entities eligible to apply for assistance shall include lake associations, watershed
27 associations, municipal governments and other nonprofit, non-governmental
28 environmental and conservation organizations.

29 (2) Projects involving lakes and ponds located wholly within a privately owned property
30 and that lack public access to the waterbody are not eligible for assistance.

31 (3) Projects involving lakes and ponds that lack public access, excepting those excluded in
32 subsection (b)(2) of this section, may be eligible to apply for financial assistance provided the
33 department determines that active management is necessary to protect publicly accessible
34 freshwater resources.

6 (7) Funding is used to design and implement specific lake management actions.

7 SECTION 24. This article shall take effect upon passage, except section 1, which, upon
8 approval of the voters, shall be effective on January 1, 2027; and section 3, which shall take effect
9 on July 1, 2026.