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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Introduced By: Senators Raptakis, Rogers, E Morgan, Burke, and Valverde

Date Introduced: January 30, 2026

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 42-17.1 of the General Laws entitled "Department of Environmental  
2   Management" is hereby amended by adding thereto the following section:

3           **42-17.1-47. Big River Reservoir — Administration.**

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

14           (b) Effective July 1, 2026, the department of environmental management will assume  
15 responsibility for all land use planning and for promulgating the rules and regulations regarding the  
16 administration of the Big River Reservoir consistent with the requirements of § 37-20-1. The rules  
17 and regulations promulgated under 490-RICR-00-00-5 of the Rhode Island code of regulations will  
18 remain in full force and effect until such a time as the rules and regulations are properly transferred

1 [to and promulgated by the department of environmental management's title within the Rhode Island](#)  
2 [code of regulations.](#)

3 SECTION 2. Section 42-17.1-2 of the General Laws in Chapter 42-17.1 entitled  
4 "Department of Environmental Management" is hereby amended to read as follows:

5 **42-17.1-2. Powers and duties.**

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

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

11 (2) To exercise all functions, powers, and duties heretofore vested in the department of  
12 agriculture and conservation, and in each of the divisions of the department, such as the promotion  
13 of agriculture and animal husbandry in their several branches, including the inspection and  
14 suppression of contagious diseases among animals; the regulation of the marketing of farm  
15 products; the inspection of orchards and nurseries; the protection of trees and shrubs from injurious  
16 insects and diseases; protection from forest fires; the inspection of apiaries and the suppression of  
17 contagious diseases among bees; the prevention of the sale of adulterated or misbranded  
18 agricultural seeds; promotion and encouragement of the work of farm bureaus, in cooperation with  
19 the University of Rhode Island, farmers' institutes, and the various organizations established for  
20 the purpose of developing an interest in agriculture; together with such other agencies and activities  
21 as the governor and the general assembly may, from time to time, place under the control of the  
22 department; and as heretofore vested by such of the following chapters and sections of the general  
23 laws as are presently applicable to the department of environmental management and that were  
24 previously applicable to the department of natural resources and the department of agriculture and  
25 conservation or to any of its divisions: chapters 1 through 22, inclusive, as amended, in title 2  
26 entitled "Agriculture and Forestry"; chapters 1 through 17, inclusive, as amended, in title 4 entitled  
27 "Animals and Animal Husbandry"; chapters 1 through 19, inclusive, as amended, in title 20 entitled  
28 "Fish and Wildlife"; chapters 1 through 32, inclusive, as amended, in title 21 entitled "Food and  
29 Drugs"; chapter 7 of title 23, as amended, entitled "Mosquito Abatement"; and by any other general  
30 or public law relating to the department of agriculture and conservation or to any of its divisions or  
31 bureaus;

32 (3) To exercise all the functions, powers, and duties heretofore vested in the division of  
33 parks and recreation of the department of public works by chapters 1, 2, and 5 in title 32 entitled  
34 "Parks and Recreational Areas"; by chapter 22.5 of title 23, as amended, entitled "Drowning

1 Prevention and Lifesaving”; and by any other general or public law relating to the division of parks  
2 and recreation;

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

8 (5) To exercise all the functions, powers, and duties heretofore vested in the department of  
9 health by chapters 25, 18.9, and 19.5 of title 23, as amended, entitled “Health and Safety”; and by  
10 chapters 12 and 16 of title 46, as amended, entitled “Waters and Navigation”; by chapters 3, 4, 5,  
11 6, 7, 9, 11, 13, 18, and 19 of title 4, as amended, entitled “Animals and Animal Husbandry”; and  
12 those functions, powers, and duties specifically vested in the director of environmental  
13 management by the provisions of § 21-2-22, as amended, entitled “Inspection of Animals and  
14 Milk”; together with other powers and duties of the director of the department of health as are  
15 incidental to, or necessary for, the performance of the functions transferred by this section;

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

19 (7) To cooperate with, advise, and guide conservation commissions of cities and towns  
20 created under chapter 35 of title 45 entitled “Conservation Commissions”, as enacted by chapter  
21 203 of the Public Laws, 1960;

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

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

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

33 (11) To provide for the maintenance of waterways and boating facilities, consistent with  
34 chapter 6.1 of title 46, by: (i) Establishing minimum standards for upland beneficial use and

1 disposal of dredged material; (ii) Promulgating and enforcing rules for water quality, groundwater  
2 protection, and fish and wildlife protection pursuant to § 42-17.1-24; (iii) Planning for the upland  
3 beneficial use and/or disposal of dredged material in areas not under the jurisdiction of the council  
4 pursuant to § 46-23-6(2); (iv) Cooperating with the coastal resources management council in the  
5 development and implementation of comprehensive programs for dredging as provided for in §§  
6 46-23-6(1)(ii)(H) and 46-23-18.3; and (v) Monitoring dredge material management and disposal  
7 sites in accordance with the protocols established pursuant to § 46-6.1-5(a)(3) and the  
8 comprehensive program provided for in § 46-23-6(1)(ii)(H); no powers or duties granted herein  
9 shall be construed to abrogate the powers or duties granted to the coastal resources management  
10 council under chapter 23 of title 46, as amended;

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

14 (13) To enforce, by such means as provided by law, the standards for the quality of air, and  
15 water, and the design, construction, and operation of all sewage disposal systems; any order or  
16 notice issued by the director relating to the location, design, construction, or maintenance of a  
17 sewage disposal system shall be eligible for recordation under chapter 13 of title 34. The director  
18 shall forward the order or notice to the city or town wherein the subject property is located and the  
19 order or notice shall be recorded in the general index by the appropriate municipal official in the  
20 land evidence records in the city or town wherein the subject property is located. Any subsequent  
21 transferee of that property shall be responsible for complying with the requirements of the order or  
22 notice. Upon satisfactory completion of the requirements of the order or notice, the director shall  
23 provide written notice of the same, which notice shall be similarly eligible for recordation. The  
24 original written notice shall be forwarded to the city or town wherein the subject property is located  
25 and the notice of satisfactory completion shall be recorded in the general index by the appropriate  
26 municipal official in the land evidence records in the city or town wherein the subject property is  
27 located. A copy of the written notice shall be forwarded to the owner of the subject property within  
28 five (5) days of a request for it, and, in any event, shall be forwarded to the owner of the subject  
29 property within thirty (30) days after correction;

30 (14) To establish minimum standards for the establishment and maintenance of salutary  
31 environmental conditions, including standards and methods for the assessment and the  
32 consideration of the cumulative effects on the environment of regulatory actions and decisions,  
33 which standards for consideration of cumulative effects shall provide for: (i) Evaluation of potential  
34 cumulative effects that could adversely affect public health and/or impair ecological functioning;

1 (ii) Analysis of other matters relative to cumulative effects as the department may deem appropriate  
2 in fulfilling its duties, functions, and powers; which standards and methods shall only be applicable  
3 to ISDS systems in the town of Jamestown in areas that are dependent for water supply on private  
4 and public wells, unless broader use is approved by the general assembly. The department shall  
5 report to the general assembly not later than March 15, 2008, with regard to the development and  
6 application of the standards and methods in Jamestown;

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

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

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

14 (18) To designate, in writing, any person in any department of the state government or any  
15 official of a district, county, city, town, or other governmental unit, with that official's consent, to  
16 enforce any rule, regulation, or order promulgated and adopted by the director under any provision  
17 of law; provided, however, that enforcement of powers of the coastal resources management  
18 council shall be assigned only to employees of the department of environmental management,  
19 except by mutual agreement or as otherwise provided in chapter 23 of title 46;

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

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

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

1 following provisions:

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

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

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

9 (I) For closely regulated industries;

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

11 (III) In emergency situations;

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

14 (V) If the owner, operator, or agent in charge of the facility, property, site, or location  
15 consents; or

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

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

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

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

29 (III) An administrative warrant may authorize the review and copying of documents that  
30 are relevant to the purpose of the inspection. If documents must be seized for the purpose of  
31 copying, and the warrant authorizes the seizure, the person executing the warrant shall prepare an  
32 inventory of the documents taken. The time, place, and manner regarding the making of the  
33 inventory shall be set forth in the terms of the warrant itself, as dictated by the court. A copy of the  
34 inventory shall be delivered to the person from whose possession or facility the documents were

1 taken. The seized documents shall be copied as soon as feasible under circumstances preserving  
2 their authenticity, then returned to the person from whose possession or facility the documents were  
3 taken;

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

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

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

15 (21) To give notice of an alleged violation of law to the person responsible therefor  
16 whenever the director determines that there are reasonable grounds to believe that there is a  
17 violation of any provision of law within the director's jurisdiction or of any rule or regulation  
18 adopted pursuant to authority granted to the director. Nothing in this chapter shall limit the authority  
19 of the attorney general to prosecute offenders as required by law;

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

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

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

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

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

15           (v) The compliance order shall state a time within which the violation shall be remedied,  
16 and the original time specified in the notice of violation shall be extended to the time set in the  
17 order;

18           (vi) Whenever a compliance order has become effective, whether automatically where no  
19 hearing has been requested, where an immediate-compliance order has been issued, or upon  
20 decision following a hearing, the director may institute injunction proceedings in the superior court  
21 of the state for enforcement of the compliance order and for appropriate temporary relief, and in  
22 that proceeding, the correctness of a compliance order shall be presumed and the person attacking  
23 the order shall bear the burden of proving error in the compliance order, except that the director  
24 shall bear the burden of proving in the proceeding the correctness of an immediate-compliance  
25 order. The remedy provided for in this section shall be cumulative and not exclusive and shall be  
26 in addition to remedies relating to the removal or abatement of nuisances or any other remedies  
27 provided by law;

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

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



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

3 (i) **Director:** The term “director” shall mean the director of environmental management of  
4 the state of Rhode Island or the director’s duly authorized agent;

5 (ii) **Person:** The term “person” shall include any individual, group of individuals, firm,  
6 corporation, association, partnership, or private or public entity, including a district, county, city,  
7 town, or other governmental unit or agent thereof, and in the case of a corporation, any individual  
8 having active and general supervision of the properties of the corporation;

9 (iii) **Service:**

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

13 (B) For purposes of calculating the time within which a claim for a hearing is made  
14 pursuant to subsection (21)(i), service shall be deemed to be the date of receipt of such notice or  
15 three (3) days from the date of mailing of the notice, whichever shall first occur;

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

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

24 (25)(i) To apply for and accept grants and bequests of funds, with the approval of the  
25 director of administration, from other states, interstate agencies, and independent authorities, and  
26 private firms, individuals, and foundations, for the purpose of carrying out the director’s lawful  
27 responsibilities. The funds shall be deposited with the general treasurer in a restricted receipt  
28 account created in the natural resources program for funds made available for that program’s  
29 purposes or in a restricted receipt account created in the environmental protection program for  
30 funds made available for that program’s purposes. All expenditures from the accounts shall be  
31 subject to appropriation by the general assembly, and shall be expended in accordance with the  
32 provisions of the grant or bequest. In the event that a donation or bequest is unspecified, or in the  
33 event that the trust account balance shows a surplus after the project as provided for in the grant or  
34 bequest has been completed, the director may utilize the appropriated unspecified or appropriated

1 surplus funds for enhanced management of the department's forest and outdoor public recreation  
2 areas, or other projects or programs that promote the accessibility of recreational opportunities for  
3 Rhode Island residents and visitors;

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

7 (26) To establish fee schedules by regulation, with the approval of the governor, for the  
8 processing of applications and the performing of related activities in connection with the  
9 department's responsibilities pursuant to subsection (12); chapter 19.1 of title 23, as it relates to  
10 inspections performed by the department to determine compliance with chapter 19.1 and rules and  
11 regulations promulgated in accordance therewith; chapter 18.9 of title 23, as it relates to inspections  
12 performed by the department to determine compliance with chapter 18.9 and the rules and  
13 regulations promulgated in accordance therewith; chapters 19.5 and 23 of title 23; chapter 12 of  
14 title 46, insofar as it relates to water-quality certifications and related reviews performed pursuant  
15 to provisions of the federal Clean Water Act, 33 U.S.C. § 1251 et seq.; the regulation and  
16 administration of underground storage tanks and all other programs administered under chapter 12  
17 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  
18 they relate to any reviews and related activities performed under the provisions of the Groundwater  
19 Protection Act; chapter 24.9 of title 23 as it relates to the regulation and administration of mercury-  
20 added products; and chapter 17.7 of this title, insofar as it relates to administrative appeals of all  
21 enforcement, permitting, and licensing matters to the administrative adjudication division for  
22 environmental matters. Two (2) fee ranges shall be required: for "Appeal of enforcement actions,"  
23 a range of fifty dollars (\$50) to one hundred dollars (\$100), and for "Appeal of application  
24 decisions," a range of five hundred dollars (\$500) to ten thousand dollars (\$10,000). The monies  
25 from the administrative adjudication fees will be deposited as general revenues and the amounts  
26 appropriated shall be used for the costs associated with operating the administrative adjudication  
27 division.

28 There is hereby established an account within the general fund to be called the water and  
29 air protection program. The account shall consist of sums appropriated for water and air pollution  
30 control and waste-monitoring programs and the state controller is hereby authorized and directed  
31 to draw his or her orders upon the general treasurer for the payment of the sums, or portions thereof,  
32 as may be required, from time to time, upon receipt by him or her of properly authenticated  
33 vouchers. All amounts collected under the authority of this subsection (26) for the sewage-disposal-  
34 system program and freshwater wetlands program will be deposited as general revenues and the

1 amounts appropriated shall be used for the purposes of administering and operating the programs.  
2 The director shall submit to the house fiscal advisor and the senate fiscal advisor by January 15 of  
3 each year a detailed report on the amount of funds obtained from fines and fees and the uses made  
4 of the funds;

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

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

11 (i) The director may promulgate and enforce rules and regulations to provide for the orderly  
12 and consistent protection, management, continuity of ownership and purpose, and centralized  
13 records-keeping for lands, water, and open spaces owned in fee or controlled in full or in part  
14 through other interests, rights, or devices such as conservation easements or restrictions, by private  
15 and public land trusts in Rhode Island. The director may charge a reasonable fee for filing of each  
16 document submitted by a land trust;

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

34 (iii)(A) Private land trusts will, in their articles of association or their bylaws, as

1 appropriate, provide for the transfer to an organization, created for the same or similar purposes, of  
2 the assets, lands and land rights, and interests held by the land trust in the event of termination or  
3 dissolution of the land trust;

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

11 (29) The director will contact in writing, not less often than once every two (2) years, each  
12 public or private land trust to ascertain: that all lands held by the land trust are recorded with the  
13 director; the current status and condition of each land holding; that any funds or other assets of the  
14 land trust held as endowment for specific lands have been properly audited at least once within the  
15 two-year (2) period; the name of the successor organization named in the public or private land  
16 trust's bylaws or articles of association; and any other information the director deems essential to  
17 the proper and continuous protection and management of land and interests or rights in land held  
18 by the land trust. In the event that the director determines that a public or private land trust holding  
19 land or interest in land appears to have become inactive, the director shall initiate proceedings to  
20 effect the termination of the land trust and the transfer of its lands, assets, land rights, and land  
21 interests to the successor organization named in the defaulting trust's bylaws or articles of  
22 association or to another organization created for the same or similar purposes. Should such a  
23 transfer not be possible, then the land trust, assets, and interest and rights in land will be held in  
24 trust by the state of Rhode Island and managed by the director for the purposes stated at the time  
25 of original acquisition by the trust. Any trust assets or interests other than land or rights in land  
26 accruing to the state under such circumstances will be held and managed as a separate fund for the  
27 benefit of the designated trust lands;

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

33 (31) To enforce, by such means as provided by law, the standards for the quality of air, and  
34 water, and the location, design, construction, and operation of all underground storage facilities

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

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

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

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

33 (35) In implementing the programs established pursuant to this chapter, to identify critical  
34 areas for improving service to customers doing business with the department, and to develop and

1 implement strategies to improve performance and effectiveness in those areas. Key aspects of a  
2 customer-service program shall include, but not necessarily be limited to, the following  
3 components:

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

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

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

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

15 (v) Maintenance of a process to promote, organize, and facilitate meetings prior to the  
16 submission of applications or other proposals in order to inform the applicant on options and  
17 opportunities to minimize environmental impact; improve the potential for sustainable  
18 environmental compliance; and support an effective and efficient review and decision-making  
19 process on permit applications related to the proposed project;

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

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

27 (36) To formulate and promulgate regulations requiring any dock or pier longer than twenty  
28 feet (20') and located on a freshwater lake or pond to be equipped with reflective materials, on all  
29 sides facing the water, of an appropriate width and luminosity such that it can be seen by operators  
30 of watercraft;

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

33 (i) Extreme or unusual fuel or fuel additive supply circumstances exist in the state or the  
34 New England region that prevent the distribution of an adequate supply of the fuel or fuel additive

1 to consumers;

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

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

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

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

14 (ii) Any such designation shall be by reference to fixed landmarks and include an explicit  
15 description of the area to be designated.

16 (iii) Once so designated, the director may adopt rules and regulations addressing  
17 restrictions on the quantities, types, or sizes of marine species that may be taken in any individual  
18 management area, the times during which marine species may be taken, the manner or manners in  
19 that marine species may be taken, the closure of such area to the taking of marine species, or any  
20 other specific restrictions as may be deemed necessary. Such rules shall be exempt from the  
21 requirements of §§ 42-35-2.7, 42-35-2.8, and 42-35-2.9.

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

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

29 [\(39\) To enter into agreements with such departments, divisions, agencies, or boards of the](#)  
30 [state to regulate, manage, or perform related functions on any lands or waters acquired under the](#)  
31 [provisions of the Big River — Wood River Reservoir Site Acquisition Act \(P.L. 1964, ch. 133\) and](#)  
32 [the Big River Reservoir Moratorium, § 37-20-1.](#)

33 SECTION 3. Sections 42-64.20-5 and 42-64.20-10 of the General Laws in Chapter 42-  
34 64.20 entitled "Rebuild Rhode Island Tax Credit" are hereby amended to read as follows:

1           **42-64.20-5. Tax credits.**

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

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

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

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

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

14           (i) The applicant will, at the discretion of the commerce corporation, obtain a tax  
15 stabilization agreement from the municipality in which the real estate project is located on such  
16 terms as the commerce corporation deems acceptable;

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

26           (iii) Involves a total project cost of not less than \$5,000,000, except for a qualified  
27 development project located in a hope community or redevelopment area designated under § 45-  
28 32-4 in which event the commerce corporation shall have the discretion to modify the minimum  
29 project cost requirement.

30          (4) Until July 1, 2025, pursuant to P.L. 2022 ch. 271 and P.L. 2022 ch. 272, for construction  
31 projects in excess of ten million dollars (\$10,000,000), all construction workers shall be paid in  
32 accordance with the wages and benefits required pursuant to chapter 13 of title 37 with all  
33 contractors and subcontractors required to file certified payrolls on a monthly basis for all work  
34 completed in the preceding month on a uniform form prescribed by the director of labor and



1 training. Failure to follow the requirements pursuant to chapter 13 of title 37 shall constitute a  
2 material violation and a material breach of the agreement with the state. The commerce corporation,  
3 in consultation with the director of labor and training and the tax administrator, shall promulgate  
4 such rules and regulations as are necessary to implement the enforcement of this subsection. The  
5 provisions of this subsection shall expire and sunset on July 1, 2025.

6 (5) Notwithstanding any general or special law or rule or regulation to the contrary, for  
7 construction projects that have executed a tax credit agreement on or after July 1, 2025, and  
8 involving a budget of direct hard construction costs (as defined in § 44-33.6-2) in excess of twenty-  
9 five million dollars (\$25,000,000), all construction workers shall be paid in accordance with the  
10 wages and benefits required pursuant to chapter 13 of title 37 with all contractors and  
11 subcontractors required to file certified payrolls on a monthly basis for all work completed in the  
12 preceding month on a uniform form prescribed by the director of labor and training. Failure to  
13 follow the requirements pursuant to chapter 13 of title 37 shall constitute a material violation and  
14 a material breach of the agreement with the state. The commerce corporation, in consultation with  
15 the director of labor and training and the tax administrator, shall promulgate such rules and  
16 regulations as are necessary to implement the enforcement of this subsection.

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

- 19 (1) Qualified development projects that involve certified historic structures;
- 20 (2) Qualified development projects that involve recognized historical structures;
- 21 (3) Qualified development projects that involve at least one manufacturer; and
- 22 (4) Qualified development projects that include affordable housing or workforce housing.

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

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

- 34 (i) The division of taxation shall remain responsible for determining the eligibility of an

1 applicant for tax credits awarded under chapter 33.6 of title 44;

2 (ii) The commerce corporation shall retain sole authority for determining the eligibility of

3 an applicant for tax credits awarded under this chapter;

4 (iii) The commerce corporation shall not award in excess of fifteen percent (15%) of the

5 annual amount authorized in any fiscal year to applicants seeking tax credits pursuant to this

6 subsection (e); and

7 (iv) No tax credits shall be awarded under this chapter unless the commerce corporation

8 receives confirmation from the department of labor and training that there has been compliance

9 with the prevailing wage requirements set forth in subsection (b) of this section.

10 **(f) Maximum project credit.**

11 (1) For qualified development projects, the maximum tax credit allowed under this chapter

12 shall be the lesser of (i) Thirty percent (30%) of the total project cost; or (ii) The amount needed to

13 close a project financing gap (after taking into account all other private and public funding sources

14 available to the project), as determined by the commerce corporation.

15 (2) The credit allowed pursuant to this chapter, inclusive of any sales and use tax

16 exemptions allowed pursuant to this chapter, shall not exceed fifteen million dollars (\$15,000,000)

17 for any qualified development project under this chapter; except as provided in subsection (f)(3) of

18 this section; provided however, any qualified development project that exceeds the project cap upon

19 passage of this act shall be deemed not to exceed the cap, shall not be reduced, nor shall it be further

20 increased. No building or qualified development project to be completed in phases or in multiple

21 projects shall exceed the maximum project credit of fifteen million dollars (\$15,000,000) for all

22 phases or projects involved in the rehabilitation of the building. Provided, however, that for

23 purposes of this subsection and no more than once in a given fiscal year, the commerce corporation

24 may consider the development of land and buildings by a developer on the “I-195 land” as defined

25 in § 42-64.24-3(6) as a separate, qualified development project from a qualified development

26 project by a tenant or owner of a commercial condominium or similar legal interest including

27 leasehold improvement, fit out, and capital investment. Such qualified development project by a

28 tenant or owner of a commercial condominium or similar legal interest on the I-195 land may be

29 exempted from subsection (f)(1)(i) of this section.

30 (3) The credit allowed pursuant to this chapter, inclusive of any sales and use tax

31 exemptions allowed pursuant to this chapter, shall not exceed twenty-five million dollars

32 (\$25,000,000) for the project for which the I-195 redevelopment district was authorized to enter

33 into a purchase and sale agreement for parcels 42 and P4 on December 19, 2018, provided that

34 project is approved for credits pursuant to this chapter by the commerce corporation.

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

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

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

(2) The project is undertaken by or for a targeted industry;

(3) The project is located in a transit-oriented development area;

(4) The project includes residential development of which at least twenty percent (20%) of the residential units are designated as affordable housing or workforce housing;

(5) The project includes the adaptive reuse of property subject to the requirements of the 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.

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

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

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

(k) If the portion of the tax credit allowed under this chapter exceeds the taxpayer's total

1 tax liability for the year in which the relevant portion of the credit is allowed, the amount that  
2 exceeds the taxpayer's tax liability may be carried forward for credit against the taxes imposed for  
3 the succeeding four (4) years, or until the full credit is used, whichever occurs first. Credits allowed  
4 to a partnership, a limited liability company taxed as a partnership, or multiple owners of property  
5 shall be passed through to the persons designated as partners, members, or owners respectively pro  
6 rata or pursuant to an executed agreement among persons designated as partners, members, or  
7 owners documenting an alternate distribution method without regard to their sharing of other tax  
8 or economic attributes of such entity.

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

11 (m) For purposes of this chapter, any assignment or sales proceeds received by the taxpayer  
12 for its assignment or sale of the tax credits allowed pursuant to this section shall be exempt from  
13 taxation under title 44. If a tax credit is subsequently revoked or adjusted, the seller's tax calculation  
14 for the year of revocation or adjustment shall be increased by the total amount of the sales proceeds,  
15 without proration, as a modification under chapter 30 of title 44. In the event that the seller is not a  
16 natural person, the seller's tax calculation under chapter 11, 13, 14, or 17 of title 44, as applicable,  
17 for the year of revocation, or adjustment, shall be increased by including the total amount of the  
18 sales proceeds without proration.

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

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

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

30 (q) Projects eligible to receive a tax credit under this chapter may, at the discretion of the  
31 commerce corporation, be exempt from sales and use taxes imposed on the purchase of the  
32 following classes of personal property only to the extent utilized directly and exclusively in the  
33 project: (1) Furniture, fixtures, and equipment, except automobiles, trucks, or other motor vehicles;  
34 or (2) Other materials, including construction materials and supplies, that are depreciable and have

1 a useful life of one year or more and are essential to the project.

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

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

7 **42-64.20-10. Sunset.**

8 No credits shall be authorized to be reserved pursuant to this chapter after ~~December 31,~~  
9 ~~2026~~ [December 31, 2028](#).

10 SECTION 4. Section 42-64.21-9 of the General Laws in Chapter 42-64.21 entitled "Rhode  
11 Island Tax Increment Financing" is hereby amended to read as follows:

12 **42-64.21-9. Sunset.**

13 The commerce corporation shall enter into no agreement under this chapter after ~~December~~  
14 ~~31, 2026~~ [December 31, 2028](#).

15 SECTION 5. Section 42-64.22-15 of the General Laws in Chapter 42-64.22 entitled "Tax  
16 Stabilization Incentive" is hereby amended to read as follows:

17 **42-64.22-15. Sunset.**

18 The commerce corporation shall enter into no agreement under this chapter after ~~December~~  
19 ~~31, 2026~~ [December 31, 2028](#).

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

22 **42-64.23-8. Sunset.**

23 No financing shall be authorized to be reserved pursuant to this chapter after ~~December 31,~~  
24 ~~2026~~ [December 31, 2028](#).

25 SECTION 7. Section 42-64.24-8 of the General Laws in Chapter 42-64.24 entitled "I-195  
26 Redevelopment Project Fund" is hereby amended to read as follows:

27 **42-64.24-8. Sunset.**

28 No funding, credits, or incentives shall be authorized or authorized to be reserved pursuant  
29 to this chapter after ~~December 31, 2026~~ [December 31, 2028](#).

30 SECTION 8. Section 42-64.26-12 of the General Laws in Chapter 42-64.26 entitled "Stay  
31 Invested in RI Wavemaker Fellowships" is hereby amended to read as follows:

32 **42-64.26-12. Sunset.**

33 No incentives or credits shall be authorized pursuant to this chapter after ~~December 31,~~  
34 ~~2026~~ [December 31, 2028](#).

1           SECTION 9. Section 42-64.27-6 of the General Laws in Chapter 42-64.27 entitled "Main  
2 Street Rhode Island Streetscape Improvement Fund" is hereby amended to read as follows:

3           **42-64.27-6. Sunset.**

4           No incentives shall be authorized pursuant to this chapter after ~~December 31, 2026~~  
5 December 31, 2028.

6           SECTION 10. Section 42-64.28-10 of the General Laws in Chapter 42-64.28 entitled  
7 "Innovation Initiative" is hereby amended to read as follows:

8           **42-64.28-10. Sunset.**

9           No vouchers, grants, or incentives shall be authorized pursuant to this chapter after  
10 ~~December 31, 2026~~ December 31, 2028.

11          SECTION 11. Chapter 42-140 of the General Laws entitled "Rhode Island Energy  
12 Resources Act" is hereby amended by adding thereto the following section:

13          **42-140-13. Energy benchmarking and performance standards program.**

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

15          (1) "Departments" means all state departments whose directors are enumerated in § 42-6-  
16 3 and shall additionally include the executive office of health and human services, the executive  
17 office of commerce, and the executive office of housing.

18          (2) "Public buildings" means all municipal and school buildings owned by a municipality  
19 that are at least twenty-five thousand gross square feet (25,000 GSF).

20          (3) "State-owned, state-occupied facilities" means buildings owned by the state that  
21 primarily contain offices or other administrative work space for state employees and are at least  
22 twenty-five thousand gross square feet (25,000 GSF).

23          (b) State facilities energy usage reporting:

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

27          (2) Beginning March 31, 2030, and recurring annually thereafter, departments, coordinated  
28 and supported by the office of energy resources, shall report to the office energy use data by source  
29 for state-owned, state-occupied facilities for the preceding calendar year. No later than one hundred  
30 eighty (180) days from the March 31 reporting deadline each year, the office shall compile, publish  
31 and post on its website each facility's energy use data by fuel and total emissions.

32          (c) State facilities benchmarking and performance standards program:

33          (1) Utilizing the data due March 31, 2030, in subsection (b)(2) of this section, the office of  
34 energy resources shall, with consultation from departments, develop and publish performance

standards for state-owned, state-occupied facilities by March 31, 2031, and may update the performance standards and any revision to the standards thereafter. The performance standards published shall include:

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

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

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

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

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

(ii) The relative contribution of the emissions reductions to decadal targets established by § 42-6.2-2 compared to other strategies, programs, and actions established by the executive climate change coordinating council in its plan due December 31, 2025, in accordance with § 42-6.2-2(a)(2)(i); and

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

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

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

(d) Voluntary energy benchmarking program for public buildings:

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

1           (2) The office of energy resources shall maintain a website that tracks its implementation  
2           of the voluntary public buildings energy benchmarking program. The office shall submit to the  
3           governor and general assembly by May 1, 2029, and annually thereafter a progress report on the  
4           voluntary public buildings energy benchmarking program.

5           SECTION 12. Section 42-140-3 of the General Laws in Chapter 42-140 entitled "Rhode  
6           Island Energy Resources Act" is hereby amended to read as follows:

7           **42-140-3. Purposes.**

8           The purposes of the office shall be to:

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

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

15          (3) Develop and to put into effect plans and programs to promote, encourage, and assist  
16          the efficient and productive use of energy resources in Rhode Island, and to coordinate energy  
17          programs for natural gas, electricity, and heating oil to maximize the aggregate benefits of  
18          conservation and efficiency of investments;

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

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

25          (6) Develop, recommend, and, as appropriate, implement integrated and/or comprehensive  
26          strategies, including at regional and federal levels, to secure Rhode Island's interest in energy  
27          resources, their supply and efficient use, and as necessary to interact with persons, private sector,  
28          nonprofit, regional, federal entities and departments and agencies of other states to effectuate this  
29          purpose;

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

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



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

3 (10) Participate in, monitor implementation of, and provide technical assistance for the  
4 low-income home energy assistance program enhancement plan established pursuant to § 39-1-  
5 27.12;

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

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

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

14 (14) Administer the federal Weatherization Assistance Program and any state or privately  
15 funded weatherization program;

16 ~~(14)~~(15) Advise and provide technical assistance to state and federally funded energy  
17 programs to support:

18 (i) The federal low-income home energy assistance program which provides heating  
19 assistance to eligible low-income persons and any state funded or privately funded heating  
20 assistance program of a similar nature assigned to it for administration;

21 (ii) The weatherization assistance program which offers home weatherization grants and  
22 heating system upgrades to eligible persons of low-income;

23 (iii) The emergency fuel program which provides oil deliveries to families experiencing a  
24 heating emergency;

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

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

27 (15) Advise the commerce corporation in the development of standards and rules for the  
28 solicitation and award of renewable energy program investment funds in accordance with § 42-64-  
29 13.2;

30 (16) Develop, recommend, and evaluate energy programs for state facilities and operations  
31 in order to achieve and demonstrate the benefits of energy-efficiency, diversification of energy  
32 supplies, energy conservation, and demand management; ~~and~~

33 (17) Advise the governor and the general assembly with regard to energy resources and all  
34 matters relevant to achieving the purposes of the office; and

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

2           SECTION 13. Section 44-48.3-14 of the General Laws in Chapter 44-48.3 entitled "Rhode  
3 Island New Qualified Jobs Incentive Act 2015" is hereby amended to read as follows:

4           **44-48.3-14. Sunset.**

5           No credits shall be authorized to be reserved pursuant to this chapter after ~~December 31,~~  
6 ~~2026~~ December 31, 2028.

7           SECTION 14. Chapter 46-15.1 of the General Laws entitled "Water Supply Facilities" is  
8 hereby amended by adding thereto the following section:

9           **46-15.1-23. Transfer of powers and functions from the water resources board for Big**  
10 **River Reservoir administration.**

11           The administration of lands acquired for the Big River Reservoir, as established under  
12 section 23 of chapter 133 of the Public Laws of 1964, are hereby transferred to the department of  
13 environmental management; provided however, all other general authority granted to the water  
14 resource board in chapters 15 and 15.1 of title 46 is hereby retained by the water resource board.

15           SECTION 15. Section 46-15.1-5 of the General Laws in Chapter 46-15.1 entitled "Water  
16 Supply Facilities" is hereby amended to read as follows:

17           **46-15.1-5. Powers.**

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

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

20           (2) To sue and be sued;

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

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

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

25           (6) To make contracts;

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

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

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

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

32           (11) To invest or deposit funds in demand deposits, savings deposits, and time deposits in  
33 any bank or trust company which is a member of the Federal Deposit Insurance Corporation or in  
34 any obligations issued or guaranteed by the United States or any agency or instrumentality thereof,

1 or as provided in § 35-10-11;

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

4 (13) To purchase and sell water;

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

7 (15) To acquire, within the limitation of funds therefor, the sites, appurtenant marginal  
8 lands, dams, waters, water rights, rights of way, easements, and other property in interests in  
9 property for reservoirs, groundwater wells, well sites, and for such pipe lines, aqueducts, pumping  
10 stations, filtration plants, and auxiliary structures as may be necessary or desirable for the treatment  
11 and distribution of water from those reservoirs, groundwater wells, and well sites. Lands acquired  
12 under the provisions of this section shall be acquired with the approval of the governor by purchase,  
13 gift, devise, or otherwise on such terms and conditions as the board shall determine, or by the  
14 exercise of eminent domain, in accordance with the provisions of chapter 6 of title 37, as amended,  
15 insofar as those provisions are consistent with the provisions hereof;

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

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

25 (18) To lease, sell, or otherwise convey any reservoir sites or other water supply or  
26 distribution facilities acquired, constructed, or purchased by the board to any municipal water  
27 agency or department or special water district or private water company, upon such terms as the  
28 board shall deem appropriate;

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

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

34 (ii) Enter into contracts with publicly or privately owned water supply agencies for

1 operation of any facilities owned or leased by the board or operate any such facility by itself.

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

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

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

11 (23) To borrow money temporarily from the water development fund, for the purposes of  
12 this chapter, and to implement its plans and programs relating to reservoir development, exclusive  
13 of the acquisition of sites for the development of surface reservoirs, in anticipation of revenue or  
14 federal aid; [and](#)

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

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

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

26 SECTION 16. Section 46-15.1-19.1 of the General Laws in Chapter 46-15.1 entitled  
27 "Water Supply Facilities" is hereby repealed.

28 ~~**46-15.1-19.1. Big River Reservoir—Administration.**~~

29 ~~The Rhode Island water resources board, established pursuant to this chapter and chapter~~  
30 ~~15 of this title, shall be the only designated agency which will administer those lands acquired for~~  
31 ~~the Big River Reservoir as established under section 23 of chapter 133 of the Public Laws of 1964.~~  
32 ~~The director of the department of environmental management and the director's authorized agents,~~  
33 ~~employees, and designees shall, together with the water resources board in accordance with the Big~~  
34 ~~River management area land use plan for the lands, protect the natural resources of the Big River~~

~~Reservoir lands. The lands of the Big River Reservoir are subject to enforcement authority of the department of environmental management, as provided for in chapter 17.1 of title 42, and as provided for in title 20 of the General Laws.~~

SECTION 17. Sections 46-31.1-1, 46-31.1-2 and 46-31.1-3 of the General Laws in Chapter 46-31.1 entitled "The Rhode Island Bays, Rivers and Watersheds Fund" are hereby amended to read as follows:

**46-31.1-1. Legislative findings.**

The general assembly hereby finds and declares as follows:

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

(2) Pursuant to the provisions of R.I. Const., art. 1, § 17, it is the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral, and other natural resources of the state; and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state; and for the preservation, regeneration, and restoration of the natural environment of the state.

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

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

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

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

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

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

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

[\(3\) "Lake" or "pond" means a place, natural or manmade, located wholly or partly within](#)

the State of Rhode Island, where open standing or slowly moving water is present for at least six (6) months of the year. For the purposes of this chapter, “lake” or “pond” shall exclude commercial or industrial waterbodies created for the purpose of providing cooling water, concrete or poly-lined waterbodies, and construction dewatering basins.

~~(3)~~(4) “River” means a flowing body of water or estuary or a section, portion, or tributary thereof, including, but not limited to, streams, creeks, brooks, ponds, and small lakes.

~~(4)~~(5) “Water cluster” means an economically interconnected grouping of businesses, institutions, and people relying directly or indirectly on the bays, rivers, and watersheds including, but not limited to, the following sectors:

- (i) Recreation, tourism, and public events;
- (ii) Fisheries and aquaculture;
- (iii) Boat and ship building;
- (iv) Boating-related businesses;
- (v) Transportation;
- (vi) Military;
- (vii) Research; and
- (viii) Technology development and education.

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

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

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

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

(c) All funds, monies, and fees collected pursuant to this section shall be deposited in the Bays, Rivers and Watersheds Fund, and shall be utilized by the Department of Environmental Management consistent with the purposes of § 46-23.2-1 entitled, “The Comprehensive Watershed and Marine Monitoring Act of 2004,” ~~§ 46-12~~ chapter 12 of title 46 entitled, “Water Pollution”, chapter 33 of title 46 entitled, “Freshwater Lake Management Program.” and chapter 6.2 of title ~~4~~ 42 entitled “~~Resilient Rhode Island Act of 2014 Climate Change Coordination Council~~ 2021 Act”

1 [on Climate.](#)” All expenditures from the fund shall be subject to appropriation by the general  
2 assembly.

3 SECTION 18. Sections 46-33-1 and 46-33-2 of the General Laws in Chapter 46-33 entitled  
4 "Freshwater Lake Management Program" are hereby amended to read as follows:

5 **46-33-1. Definitions.**

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

7 (1) “Aquatic invasive species” means those invasive or non-native species that inhabit  
8 water resources including lakes, ponds, rivers, and streams.

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

11 (3) “Department” means the Rhode Island department of environmental management.

12 (4) “Invasive species” means an alien species whose introduction does or is likely to cause  
13 economic or environmental harm, or harm to human health.

14 (5) “Lake” or “pond” means a place, natural or manmade, located wholly or partly within  
15 the state of Rhode Island, where open standing or slowly moving water shall be present for at least  
16 six (6) months of the year.

17 (6) “Lake association” means an association, club, or other organization, formed and  
18 registered in Rhode Island, that has responsibility for stewardship and management of a freshwater  
19 lake or pond.

20 (7) “Non-native species” means a species of plant, animal, or microbe that is:

21 (i) Introduced to a country or region where it is not native;

22 (ii) Is reproducing and spreading without human cultivation; and

23 (iii) Is causing harm to native species or the areas in which they live.

24 ~~(8) “Rhode Island lake management fund” means the fund established by § 46-33-3.~~

25 **46-33-2. Rhode Island lake management program — Established.**

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

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

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

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

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

34 (5) Distribution of financial assistance for lake management, including control of aquatic

1   invasive plants, as resources allow, [including such sums as appropriated by the general assembly](#)  
2   [from the bays, rivers and watersheds fund established by § 46-31.1-3](#); and

3           (6) Other activities consistent with the powers and duties assigned to the department in §  
4   42-17.1-2(34).

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

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

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

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

16          (4) Projects shall be solicited through a publicly advertised process.

17          (5) Projects shall require a matching contribution of funds.

18          (6) Eligible projects are determined by the department to be technically sound and  
19   appropriate [control or](#) to mitigate an existing aquatic invasive species management, water quality,  
20   or aquatic habitat concern.

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

22          SECTION 19. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

\*\*\*

1           This act would direct the department of environmental management to administer and  
2   manage the land and natural resources of the Big River Reservoir. This act would also extend  
3   several tax credits and incentives that are set to expire on December 31, 2026, to December 31,  
4   2028. This act would also authorize the state energy benchmarking and performance standards  
5   program.

6           This act would take effect upon passage.

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