

**2004 Legislative Session  
Environmental Legislation and Resolutions**

<b>Number &amp; Sponsor</b>	<b>Topic</b>	<b>Description</b>
<p><b>FY05 Budget Article 5 Sub A aa</b></p>	<p><i>Funding for Open Space, Recreation, Bay and Watershed Protection</i></p>	<p>The General Assembly is expected to approve the Governor's proposal to put a <b>\$70 million</b> environmental bond on the ballot this fall (2004).</p> <ul style="list-style-type: none"> <li>• <b>\$43 million</b> for open space, farmland preservation, and recreational development, including: <ul style="list-style-type: none"> <li>• <b>\$25 million</b> for use by DEM to acquire and protect greenways and other open space, recreation lands, agriculture lands, forested lands, and state parks, of which: <ul style="list-style-type: none"> <li>• Up to <b>\$10 million</b> would be available as local matching grants to municipalities, local land trusts, conservation commissions, and other environmental nonprofit organizations for open space preservation, consistent with the state guide plan and local comprehensive plans.</li> </ul> </li> <li>• <b>\$18 million</b> for the design, development, expansion, and renovation of new or existing public recreation facilities and parks, of which: <ul style="list-style-type: none"> <li>• <b>\$8 million</b> would be available for the development or renovation of state public recreational facilities, with <b>\$3 million</b> specifically targeted for restoration of Fort Adams, and</li> <li>• <b>\$10 million</b> would be allocated as follows: <ul style="list-style-type: none"> <li>• <b>\$4 million</b> for Roger Williams Park and Zoo</li> <li>• <b>\$4 million</b> for matching grants to municipalities for other municipal parks, and</li> <li>• <b>\$2 million</b> for matching grants to municipalities for recreational development projects.</li> </ul> </li> </ul> </li> </ul> </li> <li>• <b>\$19 million</b> for anti-pollution projects and restoration activities benefiting Narragansett Bay and the State's watersheds, including: <ul style="list-style-type: none"> <li>• <b>\$10.5 million</b> for the RI Clean Water Finance Agency, which will be leveraged to provide loans to municipalities and governmental entities for the design, construction, repair, equipping, and upgrading of wastewater treatment facilities to implement nutrient reduction and other water quality projects impacting Narragansett Bay and the State's watersheds.</li> <li>• <b>\$8.5 million</b> for activities to restore and protect the water quality, and enhance the economic viability and environmental sustainability of, Narragansett Bay and the State's watersheds. Eligible activities shall include, but not be limited to: nonpoint source pollution abatement, including stormwater management; nutrient loading abatement; commercial, industrial, and agricultural pollution abatement; and riparian buffer and watershed ecosystem restoration.</li> </ul> </li> <li>• <b>\$8 million</b> for protection of groundwater and public drinking water supplies via land acquisition by the RI Water Resources Board.</li> </ul>

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<p><b>H-8359 Sub A aa</b> (Naughton et al.)</p> <p><b>S-3113</b> (McCaffrey et al.)</p>	<p><i>Management of the State's Bays, Rivers, and Watersheds</i></p>	<p>Establishes a seven-member watershed coordination team, led by a chair appointed by the Governor, and charged with coordinating the development and implementation of policies and plans for the management, preservation, restoration, and monitoring of the State's bays, rivers, and watersheds. Calls upon the coordination team to prepare a systems-level plan, by June 2006, that establishes overall goals and priorities for water quality protection/restoration and the sustainable economic development of water-related businesses. The legislation essentially provides a statutory foundation for the work initiated by the Governor's Bay Commission.</p>
<p><b>H-8642</b> (Naughton et al.)</p> <p><b>S-3026 Sub A</b> (Sosnowski et al.)</p>	<p><i>Watershed Management</i></p>	<p>Sets forth DEM authority for watershed-based management; transfers the Rivers Council from Statewide Planning to the Water Resources Board; updates the Rivers Council statute, and provides for notification of proposed actions to local watershed councils; and calls upon the Rivers Council to prepare a report on taxation of riparian and coastal buffers.</p>
<p><b>H-8641</b> (Naughton et al.)</p> <p><b>S-3027 Sub A</b> (Lenihan et al.)</p>	<p><i>Marine Monitoring Collaborative</i></p>	<p>Establishes a ten-member RI Watershed and Marine Monitoring Collaborative of agencies engaged in monitoring to develop and implement a statewide monitoring strategy. The Collaborative will serve as a committee under and within the Watershed Coordination Team set forth and described above. The Collaborative largely parallels and is generally consistent with the recommendation of the Governor's Bay Commission to form a monitoring council.</p>
<p><b>H-8640</b> (Ginaitt et al.)</p> <p><b>S-3028 Sub A</b> (Sosnowski et al.)</p>	<p><i>Coastal and Marine Resources Planning and Development</i></p>	<p>Clarifies and augments CRMC's planning authority within its areas of jurisdiction, and calls upon CRMC to develop, adopt and implement a new "marine resources development plan." Calls upon DEM to assist with plan development and to administer its authorities consistent with the plan. (Also reiterates DEM authority for watershed-based management, as set forth under S-3026A and H-8642.)</p>
<p><b>H-8638 aa</b> (Ginaitt et al.)</p> <p><b>S-3040 Sub A aa</b> (Roberts et al.)</p>	<p><i>Nutrient Management</i></p>	<p>Empowers DEM to regulate nutrients, calls upon DEM to meet a 50 percent nutrient reduction standard via point-source (WWTF) permit modifications, and requires DEM to prepare a nutrient management/eutrophication control plan by February 2005.</p>
<p><b>S-3039 Sub A</b> (Sosnowski et al.)</p>	<p><i>Marine Fisheries Council</i></p>	<p>Broadens the advisory powers of the RI Marine Fisheries Council to cover all marine fisheries issues and to provide input to other agencies in addition to DEM. Also calls upon the Council to submit an annual report to the Governor and General Assembly. Also codifies the process of interaction between the DEM Director and the Council by calling upon the Director to request and consider the advice of the Council regarding all marine fisheries issues, and to respond in writing to the Council's advice regarding licensing matters. And clarifies the legislative appointment to the Atlantic States Marine Fisheries Commission.</p>

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<p><b>FY05 Budget Article 44 A aa, RICAP, and Environmental Bond</b></p>	<p><i>Habitat Restoration</i></p>	<p><b>Budget Article 44</b></p> <p>As part of the FY05 budget, the RI General Assembly approved \$250,000 in annual funding for the Rhode Island Coastal and Estuary Habitat Restoration Trust Fund. This funding will be drawn from the Oil Spill Prevention, Administration and Response (OSPAR) Fund, which is supported by the assessment a 5¢ per barrel fee on all petroleum products received at marine terminals in Rhode Island.</p> <p><b>RICAP</b></p> <p>As part of the capital development portion of the FY05 budget, the General Assembly also approved the Governor’s proposal to allocate \$100,000 from the OSPAR Fund for the Town Pond restoration project. (The FY04 supplemental budget, as proposed by the Governor and approved by the General Assembly, also allocated \$968,000 from the OSPAR Fund to the South Coast Restoration Project.)</p> <p><b>Environmental Bond</b></p> <p>Additional funding for habitat restoration would be available under the Environmental Bond, described above, pending voter approval this fall.</p>
<p><b>H- 7052 Sub A</b> (Trillo et al.)</p> <p><b>S-3201</b> (Sosnowski)</p>	<p><i>Compliance With Boat Sewage Discharge Prohibition</i></p>	<p>Creates a new sticker certification program to be administered by DEM for ensuring compliance with the State’s no-discharge boat sewage law. Under the program, which takes effect in June of 2006, owners of all boats operating or mooring in RI waters for more than seven days -- except open boats without sleeping accommodations and commercial vessels -- will be required to obtain and display a “no discharge certificate decal” available from DEM for \$10. The decals will be obtainable from certification agents, e.g. marina operators, based upon an inspection to determine whether boats are in compliance with the no-discharge law.</p>
<p><b>S-2975</b> (Sosnowski)</p> <p><b>(DEM BILL)</b></p>	<p><i>Freshwater Wetlands Protection</i></p>	<p>Increases civil penalties for violations of the state’s Fresh Water Wetlands Act from the prior maximum of \$1,000 per violation to a new maximum of \$10,000 per violation. Penalties between \$5,000 and \$10,000 per violation can only be applied if the Department is able to prove that an individual knowingly or recklessly violated the statute, regulations, or permit conditions. The penalty increase is intended to help achieve better compliance with freshwater wetland protection laws and associated DEM permit conditions.</p>
<p><b>H-7512</b> (Gallison et al.)</p> <p><b>S-2113</b> (Walaska et al.)</p>	<p><i>Coastal Resources Protection</i></p>	<p>Increases administrative penalties for all violation orders or notices issued by the Coastal Resources Management Council (CRMC). Authorizes CRMC to assess penalties up to \$2,500 per violation (prior maximum was \$1,000) and an additional \$500 per day for a continuing violation (prior maximum was \$100). Also authorizes aggregate penalties up to \$10,000 per violation (prior maximum was \$5,000). The penalty increases are intended to help achieve better compliance with coastal resource protection laws and CRMC permit conditions.</p>

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<b>S-2097 Sub A</b> (Sosnowski et al.)	<i>Protection for Groundwater Resources</i>	Prohibits solid waste disposal facilities in ground water protection areas delineated by local zoning ordinances, in accordance with DEM's current groundwater protection policies and associated regulations.
<b>H-8129 Sub A</b> (Caprio et al.)  <b>S-2837 Sub A aa</b> (Sosnowski et al.)  <b>(DEM BILL)</b>	<i>Grace Period for Renewals of Commercial Fishing Licenses</i>	Provides for a sixty-day application "grace period" for those individuals who fail to meet the recently established February 28 <sup>th</sup> application renewal deadline. Such applicants would be assessed a fee of \$200 in addition to all other applicable fees. In addition, this bill incorporates technical changes into the commercial fishing licensing statute aimed at clarifying/streamlining administration of the licensing program.
<b>H-7375 Sub A aa</b> (Moura et al.)  <b>S-2082 Sub A</b> (Bates et al.)	<i>RI Clean Energy Act – Promoting the Use of Renewable Energy</i>	Requires utilities to purchase an increasing percentage of renewable energy every year, ultimately reaching 16 percent by 2020.
<b>H-7383</b> (Shanley et al.)  <b>S-2166</b> (Sosnowski et al.)	<i>Right to Farm</i>	Amends the Right to Farm Act by granting the Director of DEM the authority to make determinations with respect to what does and does not constitute an acceptable agricultural practice or activity. Recognizes that the mixed-use of farms and farmlands for other forms of enterprise is a valuable means of contributing to the preservation of RI's agricultural industry.
<b>H-7647 Sub B</b> (Fox et al.)	<i>Brownfields</i>	Calls upon DEM to consolidate the many facets of brownfields redevelopment projects that need to be permitted by DEM. Grants municipalities the right to conduct site investigations (e.g. soil and groundwater samples) for property in which the municipality has a legal interest arising from a real property tax lien, and on which the property owner has made no payments for a period of at least two years
<b>H-8312 Sub A</b> (Malik)  <b>S-2231 Sub A</b> (McCaffrey et al.)	<i>Boat Titles</i>	Authorizes DEM to accept a surety bond if an applicant cannot provide a valid certificate of title for a boat (similar to how vehicles less than 10 years old are handled by the RI Division of Motor Vehicles). Also permits an applicant to request a hearing before a judge in Superior Court to settle a title matter.
<b>H-7716 Sub A</b> (Shanley et al.)  <b>S-2341 Sub A aa</b> (Sosnowski)	<i>Livestock Dealers</i>	Clarifies and strengthens the authority of DEM to license and regulate dealers of livestock (e.g. cattle, horses, goats, sheep, llamas and pigs) operating in Rhode Island.
<b>H-7913</b> (Kennedy et al.)  <b>S-2330</b> (Breene et al.)	<i>Disabled Hunters – Use of Crossbows</i>	Allows disabled hunters to use crossbows (with a special crossbow permit) to hunt deer in Rhode Island.
<b>H-8197</b> (Flaherty et al.)	<i>Air Quality Monitoring at TF Green Airport</i>	Requires the RI Airport Corporation to install permanent air quality monitoring equipment by January 1, 2007.

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<b>H-8198 aa</b> (Flaherty et al.)	<i>Local Conservation Commissions</i>	Authorizes (but does not require) the mayor/town manager of each municipality to designate the local conservation commission as a local "environmental advocate."
<b>H-8558 aa</b> (Malik et al.)  <b>S-3146 aa</b> (Felag)	<i>Special Exemption Permits for Certain Shellfish Products</i>	Authorizes DEM to promulgate regulations allowing for the issuance of a "special exemption permit" that would exempt DOH-licensed food facilities from the existing one inch minimum size restriction governing bay quahogs. The special exemption permit would only apply to frozen, cultured, (bay) quahog products shipped into RI for redistribution outside of the state.
<b>S-2115 aa</b> (Walaska et al.)	<i>Sanitation Standards for Bathing Beaches</i>	Clarifies and strengthens the RI Department of Health's authority to adopt minimum sanitation standards for pathogens and/or pathogen indicators present in bathing waters.
<b>H-7161 aa</b> (Ginaitt et al.)	<i>Disposal of Dredge Material</i>	Requires the RI Resource Recovery Corporation to contact the Coastal Resources Management Council prior to purchasing any landfill cover material to determine whether or not there is a source of suitable dredged material available for use in lieu of traditional cover material.
<b>H-7319</b> (Lewiss et al.)	<i>House Resolution – Commission on Animal Euthanasia</i>	Extends the reporting date of the Special House Commission to Study Alternatives to Animal Euthanasia by Carbon Monoxide Poisoning. The Director of DEM, or a designee, shall serve on the commission. (Findings and recommendations to be completed on or before March 1, 2006.)
<b>H-8461</b> (Carter et al.)	<i>House Resolution – Animal Care Regulations</i>	Urges DEM to adopt animal care regulations that promote the "Healthy Cat Room" method of housing felines.
<b>H-8005</b> (Carter)	<i>House Resolution – Protecting the Queens River Aquifer</i>	Memorializes the US Department of Labor ( US DOL), Office of Job Corps, to protect the Queens River Aquifer (an underground reservoir that is part of the Wood-Pawcatuck Watershed). A US DOL Jobs Corps Training facility is scheduled to open later this year at the former Ladd Center (which sits a top the Queens River aquifer) in Exeter.
<b>H-8506</b> (Fox et al.)  <b>S-3112</b> (Perry et al.)	<i>House/Senate Resolutions – Toxic Chemicals Used in Lawn and Garden Landscaping</i>	Calls upon Governor Carcieri to institute programs aimed at reducing the allowable amount of toxic chemicals used in lawn and garden landscaping in Rhode Island and to educate the public on the potential dangers to our environment from the use of landscaping chemicals.
<b>H-7487</b> (Jacquard et al.)  <b>H-8398</b> (Naughton et al.)	<i>House Resolution – April 2004 as Earth Month</i>	Proclaims April 2004 as "Earth Month" in Rhode Island.

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<b>H-8639</b> (Ginaitt)  <b>S-3209</b> (Ruggerio)	<i>House/Senate Resolutions – Mercury in Auto Parts</i>	Urges the RI Mercury Reduction Oversight Commission (created pursuant to RIGL §23-24.9-2.1) to develop a plan to address the collection and recycling of mercury-added auto parts.
<b>H-7527 Sub A</b> (Handy et al.)	<i>House Resolution – Recycling of Electronic Waste</i>	Urges the RI Mercury Reduction Oversight Commission (created pursuant to RIGL §23-24.9-2.1) to: 1) develop a plan to address the collection and recycling of electronic waste; and 2) submit to the General Assembly no later than January 30, 2005 a recommended plan, including any legislation necessary to implement the plan, for the collection and recycling of electronic waste.
<b>H-8692</b> (Naughton et al.)	<i>House Resolution – Sustainable Fisheries</i>	Creates a 20-member House commission to study the status of the state's policy formulation for sustainable fisheries. The Director of DEM, or a designee, and the Chief of DEM's Division of Fish & Wildlife, or a designee, shall serve on the commission. (Findings and recommendations to be completed on or before March 11, 2005.)
<b>H-8703</b> (Naughton et al.)	<i>House Resolution – Aquaculture and Seafood Commerce</i>	Creates a 16-member House commission to develop, promote and stimulate a comprehensive system for aquaculture and seafood commerce. The aquaculture coordinator for DEM, or a designee, and the DEM Chief of Division of Agriculture, or a designee, shall serve on the commission. (Findings and recommendations to be completed on or before May 31, 2005.)
<b>S-2772 aa</b> (Ruggerio et al.)	<i>Senate Resolution - Health Effects of Toxic Mold</i>	Extends the reporting date of the Senate Commission to Study the Health Effects of Toxic Mold. The Director of DEM, or a designee, shall serve on the commission. (Findings and recommendations to be completed on or before February 28, 2005.)
<b>S-3227</b> (Blais et al.)	<i>Senate Resolution - RI Motor Vehicle Emission Inspection Program</i>	Creates a 7-member Senate commission to study the RI motor vehicle emissions inspection program. The Director of DEM, or a designee, shall serve on the commission. (Findings and recommendations to be completed on or before July 1, 2005.)
<b>S-3053</b> (Sosnowski)	<i>Senate Resolution - Wastewater Reclamation and Reuse</i>	Extends the reporting date of the Senate Commission to Study the Wastewater Reclamation and Reuse in Rhode Island. The Director of DEM, or a designee, shall serve on the commission. (Findings and recommendations to be completed on or before January 13, 2005.)
<b>H-8540</b> (Murphy et al.)	<i>Joint Resolution – Ocean Commission Report</i>	Endorses the recommendations of the preliminary report of the U.S. Ocean Commission on Ocean Policy (issued in April 2004). Acknowledges the work of the RI House and Senate bay study commissions to develop and implement policies and plans for the management, preservation, restoration, and monitoring of the State's bays, rivers, and watersheds.
<b>H-8109</b> (Handy et al.)	<i>Joint Resolution – School Environmental Health and Safety</i>	Creates a 24-member special joint commission to develop a comprehensive statewide plan that would coordinate information, initiatives, and identify resources and training pertaining to school environmental health and safety issues. The Director of DEM, or a designee, shall serve on the commission. (Findings and recommendations to be completed on or before January 25, 2005.)

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<b>H-8424</b> (Naughton et al.)  <b>S-3052</b> (Sosnowski et al.)	<i>Joint Resolution – Proclaiming May 7, 2004 as URI Commercial Fisheries Day</i>	Proclaims May 7, 2004 as “URI Commercial Fisheries Day” in the State of Rhode Island in celebration of over a century of cooperation between the University of Rhode Island and one of the state’s oldest industries, commercial fishing.
<b>H-7887 Sub A</b> (McNamara et al.)  <b>S-3008 Sub A</b> (Goodwin)	<i>Joint Resolution – Commission on Transit Service</i>	Creates a 10-member special legislative commission to study all aspects of transit service in the state of Rhode Island. One representative from the environmental community, to be appointed by the Senate President, shall serve on the Commission. (Findings and recommendations to be completed on or before February 25, 2005.)

**Copies of the bills, resolutions and budget articles listed above can be accessed through the RI General Assembly website at:**

<http://www.rilin.state.ri.us/>

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*(This summary will be updated, as needed, to reflect any additional action by the RI General Assembly in 2004.)*