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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO AGRICULTURE AND FORESTRY - THE AGRICULTURE BUREAU ACT

Introduced By: Senators Anderson, Acosta, Bell, Calkin, Mack, and Mendes

Date Introduced: March 04, 2021

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

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

3 CHAPTER 27

4 THE AGRICULTURE JOBS BUREAU ACT

5 **2-27-1. Short title.**

6 This act shall be known and may be cited as "The Agriculture Jobs Bureau Act".

7 **2-27-2. Definitions.**

8 As used in this chapter:

9 (1) "Bureau" means the agriculture jobs bureau, established in § 2-27-4.

10 (2) "Chief" means the chief of agriculture within the division of agriculture of the Rhode
11 Island department of environmental management.

12 (3) "Community Agriculture Program" means the community agriculture program
13 established in chapter 30 of title 2.

14 (4) "Department of administration" means the department of administration of the state of
15 Rhode Island.

16 (5) "Garden Agriculture Program" means the garden agriculture program established in
17 chapter 29 of title 2.

18 (6) "Local agricultural products" means agricultural products which were produced in
19 Rhode Island.

1 (7) "Regenerative Agriculture Program" means the regenerative agriculture program
2 established in chapter 28 of title 2.

3 **2-27-3. Creation of the Agriculture Jobs Bureau.**

4 (a) The Rhode Island department of environmental management shall create the agriculture
5 jobs bureau.

6 (b) The agriculture jobs bureau shall be part of the division of agriculture.

7 **2-27-4. Purposes of the Agriculture Jobs Bureau.**

8 (a) The purposes of the agriculture jobs bureau are to:

9 (1) Implement and enforce the provisions of the regenerative agriculture program, pursuant
10 to chapter 28 of title 2;

11 (2) Implement and enforce the provisions of the garden agriculture program, pursuant to
12 chapter 29 of title 2; and

13 (3) Implement and enforce the provisions of the community agriculture program, pursuant
14 to chapter 30 of title 2.

15 **2-27-5. Powers and duties.**

16 (a) All functions, services, and duties of the bureau shall be organized by the chief of
17 agriculture, including with regard to the operations, maintenance, and management of the
18 regenerative agriculture program, the garden agriculture program, and the community agriculture
19 program.

20 (b) The chief shall be the appointing authority for all employees of the bureau.

21 (c) The chief may enter into contracts, hire employees, hire contractors, promulgate rules
22 and regulations, levy fines, adjudicate administrative cases, or take any other lawful action in order
23 to achieve any purpose of the agriculture jobs bureau as enumerated in § 2-27-4.

24 (d) The chief of agriculture shall make all feasible, lawful, and appropriate efforts to ensure
25 diversity among the employees of the bureau, including with regard to race, color, national origin,
26 religion, sex, sexual orientation, gender identity or expression, marital status, military status as a
27 veteran with an honorable discharge or an honorable or general administrative discharge,
28 servicemember in the armed forces, country of ancestral origin, disability, age, housing status,
29 familial status, or immigration status.

30 (e) The chief may assign or delegate any power to subordinate officers and employees at
31 any time and for any reason.

32 **2-27-6. Offices of department.**

33 The department of administration shall furnish the bureau with offices in which to transact
34 its business and keep its records. The offices shall be open for business each day of the year, except

1 Sundays and legal holidays, during such hours as may be prescribed by the chief.

2 **2-27-7. Receipt and use of funds.**

3 The bureau shall have the authority to receive and expend monies from any sources, public
4 or private, including, but not limited to, legislative enactments, bond issues, gifts, devises, grants,
5 bequests, or donations. The bureau is authorized to enter into any contracts necessary to obtain and
6 expend those funds.

7 **2-27-8. Severability.**

8 (a) If any provision of this chapter is held invalid, the remainder of this chapter shall not
9 be affected thereby.

10 (b) If the application of any provision of this chapter to any person or circumstance is held
11 invalid, the application of such provision to other persons or circumstances shall not be affected
12 thereby.

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

15 CHAPTER 28

16 THE REGENERATIVE AGRICULTURE ACT

17 **2-28-1. Short title.**

18 This chapter shall be known and may be cited as "The Regenerative Agriculture Program
19 Act."

20 **2-28-2. Definitions.**

21 As used in this chapter:

22 (1) "Bureau" means the agriculture jobs bureau within the division of agriculture of the
23 state of Rhode Island.

24 (2) "Chemical fertilizer" means any chemical compound of synthetic origin applied to soil
25 or to a plant to supply the plant with nutrients.

26 (3) "Chemical herbicide" means any chemical compound of synthetic origin applied to
27 plants, crops, or soil which is designed, used, or intended to kill or inhibit the growth of unwanted
28 plants or fungi.

29 (4) "Chemical pesticide" means any chemical compound of synthetic origin applied to
30 plants, crops, or soil which is designed, used, or intended to kill pests that can damage crops or
31 interfere with agricultural production, including insects, birds, rodents, or any other type of animal.

32 (5) "Chosen bank account" means the bank account, identified by an applicant in a
33 regenerative agriculture grant application, into which the applicant chooses to have the regenerative
34 agriculture grant funds deposited, if the regenerative agriculture grant application is approved.

1 (6) "Cover crops" means crops that are not intended to be harvested for sale, but are instead
2 planted to improve soil health and increase biodiversity, and which are typically, but not
3 exclusively, grown during the period beginning on the sixteenth day of November and ending on
4 the last day of March in the subsequent calendar year.

5 (7) "Cumulative adjusted gross household income" means the cumulative adjusted gross
6 income of every person in a single household, as reflected on federal income tax returns of the most
7 recent year.

8 (8) "Division" means the Rhode Island division of agriculture.

9 (9) "Enrolled" means to be placed, by the bureau, in the regenerative agriculture program,
10 and to be subject to the regenerative agriculture standards and the regenerative agriculture program
11 labor standards.

12 (10) "Enrollee" means a Rhode Island resident who is enrolled in the regenerative
13 agriculture program.

14 (11) "Enrollment" means the period of time during which an enrollee remains enrolled in
15 the regenerative agriculture program.

16 (12) "Feasible and appropriate" means:

17 (i) Physically and biologically possible, as determined by the chief;

18 (ii) Economically viable, as determined by the chief; and

19 (iii) Ecologically advantageous or beneficial, as determined by the chief, including, but not
20 limited to, improving soil health, sequestering carbon, increasing biodiversity, protecting natural
21 habitats, protecting the health of pollinators, and any other aspect of ecological sustainability
22 deemed important by the chief.

23 (13) "Fiscal year" means the fiscal year of the state of Rhode Island.

24 (14) "Memorandum of understanding" means the memorandum of understanding, as
25 provided by § 2-28-10.

26 (15) "Polyculture" means a form of agricultural production in which multiple different
27 species of crops are simultaneously grown in close geographic proximity to one another.

28 (16) "Program food" means food produced by an enrollee as part of the regenerative
29 agriculture program.

30 (17) "Regenerative agriculture grant" means a regenerative agriculture grant, as provided
31 by § 2-28-6.

32 (18) "Regenerative agriculture grant application" means an application to receive a
33 regenerative agriculture grant, as provided in § 2-28-7.

34 (19) "Regenerative agriculture grant recipient" means a Rhode Island resident who has

1 received a regenerative agriculture grant.

2 (20) "Regenerative agriculture program" means the cumulative entirety of any and all rules,
3 regulations, contracts, plans, projects, expenditures, and activities completed by the bureau to
4 award regenerative agriculture grants to Rhode Island residents including, but not limited to,
5 designing the regenerative agriculture standards, designing the regenerative agriculture grant
6 application, reviewing regenerative agriculture grant applications that have been submitted by
7 regenerative agriculture grant applicants, enrolling regenerative agriculture grant recipients, hiring
8 technical assistance experts, and monitoring and enforcing compliance with the provisions of this
9 chapter.

10 (21) "Regenerative agriculture program labor standards" means the regenerative
11 agriculture program labor standards established pursuant to § 2-28-5.

12 (22) "Regenerative agriculture standards" means the regenerative agriculture standards
13 established pursuant to § 2-28-4.

14 (23) "Regenerative agricultural worker" means any natural person who performs work for
15 a regenerative agriculture grant recipient that is intended to facilitate the production or distribution
16 of program food.

17 (24) "Technical assistance experts" means the technical assistance experts hired by the
18 bureau, as provided in § 2-28-12.

19 (25) "Unenrolled" means to be removed, by the bureau, from the regenerative agriculture
20 program.

21 **2-28-3. Creation of the regenerative agriculture program.**

22 (a) The bureau shall create the regenerative agriculture program.

23 (b) The purposes of the regenerative agriculture program is to provide financial incentives
24 for Rhode Island farmers to adopt, or to continue employing, farming practices that are ecologically
25 sustainable; and fair labor standards.

26 **2-28-4. Creation of regenerative agriculture standards.**

27 (a) The bureau shall create and publish a public document which shall be entitled the
28 "Regenerative Agriculture Standards."

29 (b) The regenerative agriculture standards shall include a comprehensive list of agricultural
30 practices for Rhode Island farmers which:

31 (1) Minimize, to the greatest extent feasible and appropriate, the use of chemical fertilizers;

32 (2) Minimize, to the greatest extent feasible and appropriate, the use of chemical pesticides;

33 (3) Minimize, to the greatest extent feasible and appropriate, the use of chemical
34 herbicides;

1 (4) Minimize, to the greatest extent feasible and appropriate, the frequency with which soil
2 is tilled;

3 (5) Minimize, to the greatest extent feasible and appropriate, the number of inches that
4 tilling extends into the soil;

5 (6) Maximize, to the greatest extent feasible and appropriate, the use of polyculture; and

6 (7) Specify any other regulations which the chief deems appropriate for improving the
7 ecological health of Rhode Island.

8 (c) The bureau shall amend the regenerative agriculture standards when appropriate.

9 (d) All enrollees must comply with the entirety of the regenerative agriculture standards.

10 **2-28-5. Regenerative agriculture program labor standards.**

11 (a) Regenerative agricultural workers shall receive an hourly wage that is not less than the
12 quotient of one divided by one thousand nine hundred and twenty (1/1,920), multiplied by one
13 hundred and forty percent (140%) of the statewide per capita income, as calculated by the United
14 States Census Bureau.

15 (b) Regenerative agricultural workers shall receive health insurance. The bureau shall set
16 regulatory standards regarding the quality of health insurance that regenerative agricultural workers
17 receive.

18 (c) Regenerative agricultural workers shall receive dental insurance. The bureau shall set
19 regulatory standards regarding the quality of dental insurance that regenerative agricultural workers
20 receive.

21 (d) Regenerative agricultural workers shall receive at least one paid sick day off for every
22 twenty (20) days in which they work.

23 (e) Regenerative agricultural workers shall receive workers' compensation insurance,
24 which shall compensate them if they are injured at work or become sick due to their work, provided
25 that, when they became sick or injured, they were engaging in activities that were within the scope
26 of their employment. The bureau shall set regulatory standards regarding the quality of worker's
27 compensation insurance that regenerative agricultural workers receive.

28 (f) The bureau may promulgate additional regulatory requirements through rulemaking to
29 safeguard the labor rights of regenerative agricultural workers, as the chief deems appropriate.

30 (g) All enrollees must comply with the entirety of the regenerative agriculture program
31 labor standards.

32 **2-28-6. Regenerative agriculture grants.**

33 (a) A regenerative agriculture grant shall consist of a financial grant from the bureau to a
34 regenerative agriculture grant recipient.

1 (b) The chief shall determine the precise quantity of money that shall be included in each
2 regenerative agriculture grant; provided that, no regenerative agriculture grant shall exceed seven
3 hundred and fifty thousand dollars (\$750,000). Regenerative agriculture grants need not all consist
4 of an identical sum.

5 (c) Any regenerative agriculture grant shall be disbursed to the enrollee within thirty (30)
6 days of being enrolled in the regenerative agriculture program.

7 (d) A regenerative agriculture grant may only be awarded to a Rhode Island resident.

8 **2-28-7. Creation of regenerative agriculture grant application.**

9 (a) The bureau shall create a regenerative agriculture grant application with which Rhode
10 Island residents can apply for a regenerative agriculture grant.

11 (b) No regenerative agriculture grant application shall be considered complete unless the
12 applicant:

13 (1) Provides their name;

14 (2) Identifies the farm or farms in Rhode Island in which they have an ownership interest
15 or which they lease;

16 (3) States the size of the farm or farms in Rhode Island that they own or lease;

17 (4) Describes the kind of food that they have produced, in the last five (5) years, on any
18 farm or farms in Rhode Island;

19 (5) Describes the degree to which they have relied, in the past five (5) years, on chemical
20 fertilizers, chemical pesticides, chemical herbicides, monocultures, and cover crops on the farm or
21 farms that they own or lease in Rhode Island;

22 (6) Describes any and all experience that they have with regenerative agricultural practices,
23 including the use of non-chemical fertilizers, non-chemical pest control methods, non-chemical
24 herbicides, polyculture, crop rotation, and cover crops;

25 (7) Identifies the chosen bank account; and

26 (8) Provides their cumulative adjusted gross household income.

27 (c) The regenerative agriculture grant application shall state clearly and prominently that
28 regenerative agriculture grant recipients shall adhere to and comply with:

29 (1) The entirety of the regenerative agriculture standards; and

30 (2) The entirety of the regenerative agriculture program labor standards for no less than
31 two (2) consecutive years, beginning thirty (30) days after the regenerative agriculture grant money
32 is deposited into their chosen bank account.

33 (d) The regenerative agriculture grant application shall be easily accessible on the website
34 of the bureau. Applicants shall be given the option of submitting their regenerative agriculture grant

1 application electronically on the website of the bureau. Visitors to the website of the bureau shall
2 be able to download and print as many copies of the regenerative agriculture grant application as
3 they wish. The bureau shall also establish a program through which applicants can easily and
4 conveniently submit non-electronic, paper versions of the regenerative agriculture grant
5 application.

6 (e) The regenerative agriculture grant application shall be available in English and in any
7 other language which is spoken by at least ten percent (10%) of the population of Rhode Island, as
8 determined by the United State Census Bureau.

9 **2-28-8. Regenerative agriculture grant eligibility.**

10 (a) Rhode Island residents shall be eligible to apply for a regenerative agriculture grant if
11 they:

12 (1) Owned or leased a farm with at least two (2) acres in Rhode Island before the enactment
13 of this chapter;

14 (2) Agree to the terms of the regenerative agriculture grant application, including, but not
15 limited to, the requirement that regenerative agriculture grant recipients must adhere to and comply
16 with:

17 (i) The entirety of the regenerative agriculture standards; and

18 (ii) The regenerative agriculture program labor standards for two (2) consecutive years,
19 beginning thirty (30) days after the regenerative agriculture grant money is deposited into their
20 chosen bank account.

21 **2-28-9. Approving and denying regenerative agriculture grants.**

22 (a) The chief shall develop and publish criteria by which to determine which regenerative
23 agriculture grant applications are approved and which regenerative agriculture grant applications
24 are denied; provided that, those criteria prioritize lower income applicants over higher income
25 applicants to the greatest extent feasible and lawful.

26 (b) Within two (2) weeks of approving a regenerative agriculture grant application, the
27 bureau shall:

28 (1) Notify the applicant that their regenerative agriculture grant application has been
29 approved;

30 (2) Notify the applicant of the exact sum of money that shall be deposited into the chosen
31 bank account, as part of the regenerative agriculture grant if, and only if, the applicant signs the
32 memorandum of understanding; and

33 (3) Submits the applicant the memorandum of understanding.

34 **2-28-10. Memorandum of understanding.**

1 (a) The memorandum of understanding shall state clearly in plain, easily understandable
2 language that by accepting a regenerative agriculture grant, a regenerative agriculture grant
3 recipient is agreeing to:

4 (1) Adhere to and comply with the entirety of the regenerative agriculture standards for
5 two (2) consecutive years, beginning thirty (30) days after the regenerative agriculture grant money
6 is deposited into their chosen bank account;

7 (2) Adhere to and comply with the entirety of the regenerative agriculture program labor
8 standards for two (2) consecutive years, beginning thirty (30) days after the regenerative agriculture
9 grant money is deposited into their chosen bank account;

10 (3) Allow employees or agents of the bureau to conduct inspections of their farm and their
11 records to ensure compliance with the terms of the memorandum of understanding, as provided in
12 § 2-28-13; and

13 (4) Adhere to and comply with any other provisions, requirements, rules, regulations,
14 practices, or standards deemed appropriate by the chief.

15 (b) The memorandum of understanding shall also state clearly the penalties for
16 noncompliance with the terms of the memorandum of understanding, as provided in § 2-28-13.

17 (c) The bureau shall disburse a regenerative agriculture grant to the applicant within one
18 month of that applicant signing a memorandum of understanding.

19 **2-28-11. Enrollment in the regenerative agriculture program.**

20 (a) Only after signing the memorandum of understanding, and exactly thirty (30) days after
21 the regenerative agriculture grant money is deposited into their chosen bank account, a regenerative
22 agriculture grant recipient shall be deemed to be formally enrolled in the regenerative agriculture
23 program and shall be referred to as an enrollee in that the regenerative agriculture program.

24 (b) Enrollees shall be unenrolled exactly two (2) years after they were first enrolled, unless
25 they receive a subsequent regenerative agriculture grant, extending the period of their enrollment
26 by another two (2) years.

27 **2-28-12. Technical assistance experts.**

28 (a) The bureau shall hire no less than one technical assistance expert with direct experience
29 with agricultural production that does not rely on chemical fertilizers, chemical pesticides, or
30 chemical herbicides.

31 (b) Technical assistance experts shall be available to enrollees to offer guidance regarding
32 agricultural production.

33 (c) Technical assistance experts must be hired as full-time employees of the bureau.

34 **2-28-13. Monitoring compliance and penalties.**

1 (a) The bureau shall establish a system to ensure that enrollees comply with all of the terms
2 and provisions agreed to in the memorandum of understanding.

3 (b) The bureau shall develop a system to apply penalties to enrollees who fail to comply
4 with the provisions agreed to in the memorandum of understanding.

5 (c) The bureau shall be permitted to apply the following penalties, and no others, to
6 enrollees for noncompliance with the provisions of the memorandum of understanding:

7 (1) Reclaiming any and all remaining unspent money that the enrollee received through the
8 regenerative agriculture grant or any extension thereof;

9 (2) Reclaiming any and all items, equipment, machinery, or other goods that were
10 purchased, in whole or in any part, using money that the enrollee received through the regenerative
11 agriculture grant;

12 (3) Unenrolling the enrollee from enrollment in the regenerative agriculture program; and

13 (4) Requiring the enrollee to pay a monetary fine of a sum not to exceed the total sum of
14 money that the enrollee received through the regenerative agriculture grant; provided that, such a
15 fine shall only be applied if the enrollee, in the director's determination, knowingly and deliberately
16 refused to comply with the provisions of the memorandum of understanding.

17 (d) The proceeds of any fine levied on or money claimed from an enrollee under the
18 provisions of §§ 2-28-13(c)(1) or 2-28-13(c)(4) shall be transferred directly to the bureau and used
19 to fund the:

20 (1) The regenerative agriculture program;

21 (2) The garden agriculture program;

22 (3) The community agriculture program; or

23 (4) Some combination of the aforementioned three (3) programs, according to the
24 discretion of the chief.

25 (e) All items, equipment, machinery, or other goods reclaimed by the bureau under the
26 provisions of § 2-28-13(c)(2) shall become the property of the bureau, and the bureau may sell
27 them or may loan or gift them to enrollees. If the bureau sells items, equipment, machinery, or other
28 goods in such a manner, the proceeds of such sales shall be transferred into a restricted funds
29 account and used to fund the regenerative agriculture program, or the community agriculture
30 program, pursuant to chapter 30 of title 2.

31 **2-28-14. Severability.**

32 (a) If any provision of this chapter is held invalid, the remainder of this chapter shall not
33 be affected thereby.

34 (b) If the application of any provision of this chapter to any person or circumstance is held

1 invalid, the application of such provision to other persons or circumstances shall not be affected
2 thereby.

3 SECTION 3. Title 2 of the General Laws entitled "AGRICULTURE AND FORESTRY"
4 is hereby amended by adding thereto the following chapter:

5 CHAPTER 29

6 THE GARDEN AGRICULTURE ACT

7 **2-29-1. Short title.**

8 This chapter shall be known and may be cited as "The Garden Agriculture Act."

9 **2-29-2. Definitions.**

10 As used in this chapter:

11 (1) "Bureau" means the agriculture jobs bureau, as established in § 2-27-3.

12 (2) "Chief" means the chief of agriculture within the Rhode Island department of
13 environmental management.

14 (3) "Chemical fertilizer" means any chemical compound of synthetic origin applied to soil
15 or to a plant to supply the plant with nutrients.

16 (4) "Chemical herbicide" means any chemical compound of synthetic origin applied to
17 plants, crops, or soil which is designed, used, or intended to kill or inhibit the growth of unwanted
18 plants or fungi.

19 (5) "Chemical pesticide" means any chemical compound of synthetic origin applied to
20 plants, crops, or soil which is designed, used, or intended to kill pests that can damage crops or
21 interfere with agricultural production, including insects, birds, rodents, or any other type of animal.

22 (6) "Cumulative adjusted gross household income" means the cumulative adjusted gross
23 income of every person in a single household, as reflected on federal income tax returns of the most
24 recent year.

25 (7) "Division" means the Rhode Island division of agriculture.

26 (8) "Fiscal year" means the fiscal year of the state of Rhode Island.

27 (9) "Garden agriculture program" as established in § 2-29-3 means the cumulative entirety
28 of any and all rules, regulations, contracts, plans, projects, expenditures, and activities completed
29 by the bureau in order to award garden agriculture grants to recipients, including, but not limited
30 to, designing the garden agriculture grant application, reviewing garden agriculture grant
31 applications which have been submitted by garden agriculture grant applicants, awarding garden
32 agriculture grants, hiring technical assistance experts, and monitoring and enforcing compliance
33 with the provisions of this chapter.

34 (10) "Garden agriculture grant" means a delivery, from the bureau of agriculture to a garden

1 agriculture grant recipient, of items, tools, resources, seeds, instructional guides, and other goods
2 specified in § 2-29-6.

3 (11) "Garden agriculture grant applicant" means a natural person who has submitted a
4 garden agriculture grant application.

5 (12) "Garden agriculture grant application" means an application to receive a garden
6 agriculture grant.

7 (13) "Garden agriculture grant recipient" means a natural person who received a garden
8 agriculture grant.

9 **2-29-3. Creation of the garden agriculture program.**

10 (a) The bureau shall create the garden agriculture program.

11 (b) The purposes of the garden agriculture program are to:

12 (1) Enable Rhode Island residents to establish small-scale food gardens;

13 (2) Localize food production to reduce the carbon emissions created by buying food
14 produced out of state;

15 (3) Increase Rhode Island residents' access to locally-grown food with high nutritional
16 value.

17 **2-29-4. Garden agriculture grant application.**

18 (a) The bureau shall create an application called the garden agriculture grant application
19 with which Rhode Island residents can apply for a garden agriculture grant. The bureau and its
20 agents and employees shall refer to the garden agriculture grant application as the "garden
21 agriculture grant application" in all official, public communications.

22 (b) The garden agriculture grant application shall require applicants to:

23 (1) Provide their name;

24 (2) Provide their address;

25 (3) Provide their cumulative adjusted gross household income;

26 (4) Identify which of the following gardening items they would like to receive as part of
27 the grant:

28 (i) A trowel;

29 (ii) A spade;

30 (iii) A pair of pruners;

31 (iv) Soil;

32 (v) Mulch; and

33 (vi) Organic fertilizer;

34 (5) Identify which types of seeds they would like to receive as part of the grant, choosing

1 from a list of available seed types which shall be listed on the garden agriculture grant application;
2 (6) Indicate whether they would like to receive one raised garden bed or two (2) raised
3 garden beds as part of the grant;
4 (7) Identify the dimensions that they would like the raised garden bed or beds to have,
5 choosing from a list of available dimensions which shall be listed on the garden agriculture grant
6 application;
7 (8) Indicate whether they would like to receive any other tools, equipment, resources, or
8 items listed on the garden agriculture grant application, which the chief has deemed appropriate to
9 list on the garden agriculture grant application; provided that, it is reasonable to believe that
10 including those tools, equipment, resources, or items on the garden agriculture grant application
11 would improve the garden agriculture program;
12 (9) Provide any other information that the chief of agriculture deems appropriate for
13 determining whether to award the applicant a garden agriculture grant.
14 (c) The garden agriculture grant application shall include:
15 (1) A brief, plainly written, and easily comprehensible description of the purposes of the
16 garden agriculture grants;
17 (2) A description of the restrictions, legal duties, and obligations that accompany the receipt
18 of a garden agriculture grant, including, but not limited to, the requirements provided in § 2-28-9;
19 (3) A space for the applicant to sign and date the application; and
20 (4) A clearly worded statement advising potential applicants that by signing, dating, and
21 submitting a garden agriculture grant application, they are agreeing to abide by and comply with
22 the restrictions, legal duties, and legal obligations that accompany receipt of a garden agriculture
23 grant.
24 (d) The garden agriculture grant application shall be easily accessible on the website of the
25 bureau. Applicants shall be given the option of submitting their garden agriculture grant application
26 electronically on the website of the bureau. Visitors to the website of the bureau shall be able to
27 download and print as many copies of the garden agriculture grant application as they wish. The
28 bureau shall also establish a program through which applicants can easily and conveniently submit
29 non-electronic, paper versions of the garden agriculture grant application.
30 (e) The garden agriculture grant application shall be available in English and in any other
31 language spoken by at least ten percent (10%) of the Rhode Island population, as determined by
32 the United States Census Bureau.
33 (f) The bureau shall only approve a garden agriculture grant application if it intends to
34 provide the garden agriculture grant applicant with a garden agriculture grant.

1 **2-29-5. Grant recipient prioritization order.**

2 The bureau shall, at all times, prioritize garden agriculture grant applications submitted by
3 garden agriculture grant applicants with lower cumulative adjusted gross household income over
4 garden agriculture grant applicants with higher cumulative adjusted gross household income.

5 **2-29-6. Contents of a garden agriculture grant.**

6 (a) A garden agriculture grant shall consist of:

7 (1) All of the items requested by the applicant pursuant to § 2-29-4(b)(4);

8 (2) All of the seeds requested by the applicant pursuant § 2-29-4(b)(5) in a quantity equal
9 to no less than two hundred (200) seeds divided by the number of types of seeds the applicant
10 requested;

11 (3) Any raised garden bed or raised garden beds requested by the applicant, pursuant to §§
12 2-29-4(b)(6) and 2-29-4(b)(7); provided that, no applicant shall receive more than two (2) raised
13 garden beds;

14 (4) Any additional items requested by the applicant, pursuant to § 2-29-4(b)(8);

15 (5) Organic fertilizer, if requested by the applicant;

16 (6) Mulch and soil, if requested by the applicant;

17 (7) Assistance assembling and setting up any raised garden bed which was included in the
18 garden agriculture grant, if requested by the applicant;

19 (8) Assistance setting up any pest control cage included in the garden agriculture grant, if
20 requested by the applicant;

21 (9) An accessible instructional guide for how to plant, grow, and harvest the types of plants
22 associated with the seeds the applicant requested, pursuant to § 2-29-4(b)(5), in English and in any
23 other language spoken by at least ten percent (10%) of the Rhode Island population, as determined
24 by the United States Census Bureau; and

25 (10) Any other item or items which the chief of agriculture determines should be included
26 in all garden agriculture grants.

27 (b) Any raised garden bed delivered to any applicant as part of a garden agriculture grant
28 shall have a built-in pest control cage or shall arrive with a separately installable pest-control cage.

29 **2-29-7. Shipment and delivery.**

30 (a) No later than two (2) weeks after approving a garden agriculture application, the bureau
31 shall notify the applicant that their application was approved, either by mail, electronic mail, or by
32 telephone.

33 (b) After approving a garden agriculture application, the bureau shall deliver the garden
34 agriculture grant to the applicant within two (2) months after the application was approved.

1 **2-29-8. Duties and obligations of grant recipients.**

2 (a) Every garden agriculture grant recipient is prohibited from using chemical pesticides.

3 (b) Every garden agriculture grant recipient is prohibited from using chemical herbicides.

4 (c) Every garden agriculture grant recipient is prohibited from using chemical fertilizer.

5 (d) Every garden agriculture grant recipient is prohibited from selling, trading, or otherwise
6 alienating any of the items, seeds, tools, equipment, or raised garden beds that they received as part
7 of their garden agriculture grant.

8 **2-29-9. Technical assistance experts.**

9 (a) The bureau shall hire at least one technical assistance expert as a full-time employee to
10 receive and resolve questions from garden agriculture grant recipients, related to optimal, effective,
11 or proper agricultural practices.

12 (b) Technical assistance experts must have experience practicing agricultural gardening
13 without the use of chemical fertilizers, chemical pesticides, or chemical herbicides.

14 (c) Technical assistance experts must be qualified to answer questions that garden
15 agriculture grant recipients could reasonably be expected to have as they set up their gardens, plant
16 seeds, and grow and harvest plants.

17 **2-29-10. Enforcement.**

18 If a garden agriculture grant recipient violates any of the provisions of this chapter, the
19 bureau may repossess any of the items included in the garden agriculture grant. No other penalty
20 may be applied.

21 **2-29-11. Severability.**

22 (a) If any provision of this chapter is held invalid, the remainder of this chapter shall not
23 be affected thereby.

24 (b) If the application of any provision of this chapter to any person or circumstance is held
25 invalid, the application of such provision to other persons or circumstances shall not be affected
26 thereby.

27 SECTION 4. Title 2 of the General Laws entitled "AGRICULTURE AND FORESTRY"
28 is hereby amended by adding thereto the following chapter:

29 CHAPTER 29

30 THE COMMUNITY AGRICULTURE ACT

31 **2-30-1. Short title.**

32 This chapter shall be known and may be cited as "The Community Agriculture Act."

33 **2-30-2. Definitions.**

34 As used in this section:

- 1 (1) "Board of directors" means the board of directors of any community agriculture
2 cooperative.
- 3 (2) "Bureau" means the agriculture jobs bureau, as established in § 2-27-3.
- 4 (3) "Census tract" means a geographic region identified as and referred to as a "census
5 tract" by the United States census bureau.
- 6 (4) "Chief" means the chief of agriculture within the Rhode Island department of
7 environmental management.
- 8 (5) "Chemical fertilizer" means any chemical compound of synthetic origin applied to soil
9 or to a plant to supply the plant with nutrients.
- 10 (6) "Chemical herbicide" means any chemical compound of synthetic origin applied to
11 plants, crops, or soil which is designed, used, or intended to kill or inhibit the growth of unwanted
12 plants or fungi.
- 13 (7) "Chemical pesticide" means any chemical compound of synthetic origin applied to
14 plants, crops, or soil which is designed, used, or intended to kill pests that can damage crops or
15 interfere with agricultural production, including insects, birds, rodents, or any other type of animal.
- 16 (8) "Community agriculture cooperative" means the nonprofit corporation described in §
17 2-30-4.
- 18 (9) "Community agriculture grant" means the community agriculture grant, established in
19 § 2-30-9.
- 20 (10) "Community agriculture grant application" means an application to receive a
21 community agriculture grant.
- 22 (11) "Community agriculture program" means the cumulative entirety of any and all rules,
23 regulations, contracts, plans, projects, expenditures, and activities completed by the bureau to
24 award community agriculture grants to natural persons including, but not limited to, creating a
25 community agriculture grant application; reviewing community agriculture grant applications;
26 assisting community agriculture cooperatives with establishing a bank account; assisting
27 community agriculture cooperatives with incorporation; depositing funds into a community
28 agriculture cooperative bank account; assisting community agriculture cooperatives with holding
29 free and fair elections to select natural persons to serve on their first board of directors; developing
30 community agriculture standards; and monitoring and enforcing the provisions of this chapter.
- 31 (12) "Community agriculture standards" means the community agriculture standards
32 established by the bureau, as provided in § 2-30-15.
- 33 (13) "Community food" means food produced in a community garden.
- 34 (14) "Community garden" means a site of agricultural production owned and managed by

1 a community agriculture cooperative on behalf of its members. A community garden may include
2 real estate, farming equipment, greenhouses, buildings for indoor agriculture, and any other items,
3 structures, land, or property that are appropriate to facilitate agricultural production.

4 (15) "Director" means a natural person acting as a director on the board of directors of a
5 community agriculture cooperative.

6 (16) "Feasible and appropriate" means:

7 (1) Physically and biologically possible, as determined by the chief;

8 (2) Economically reasonable, as determined by the chief; and

9 (3) Ecologically advantageous, as determined by the chief, including, but not limited to,
10 improving soil health, sequestering carbon, increasing biodiversity, protecting natural habitats,
11 protecting the health of pollinators, and any other aspect of ecological sustainability deemed
12 important by the chief.

13 (17) "Geographically contiguous" means the characteristic of a geographic area which is
14 not divided into multiple segments which are geographically disconnected from one another.

15 (18) "Geographic membership area" means the geographic area described in the
16 community agriculture grant application.

17 (19) "Linked" means the formal legal relationship that is established between a community
18 agriculture grant application and a community agriculture cooperative under the following
19 circumstances: when a community agriculture grant application is approved, and a community
20 agriculture cooperative is created to receive the funds from the community agriculture grant, then
21 that community agriculture grant application and that community agriculture cooperative are
22 "linked."

23 (20) "Major violation" means any of the following violations, and no others:

24 (i) Any activity or pattern of behavior engaged in by any director or group of directors that
25 leads the chief to conclude, by clear and convincing evidence, that one or more directors of a
26 community agriculture cooperative is attempting to transfer money received from a community
27 agriculture grant to any recipient in a way that is not primarily intended to benefit the community
28 agriculture cooperative, as a whole;

29 (ii) Any activity or pattern of behavior engaged in by one or more directors that leads the
30 chief to conclude, by clear and convincing evidence, one or more directors is engaging in self-
31 dealing at the expense of the community agriculture cooperative;

32 (iii) Any activity or pattern of behavior engaged in by one or more directors that leads the
33 chief to conclude, by clear and convincing evidence, that the board of directors of a community
34 agriculture cooperative is not intending or making a good faith effort to grow community food;

1 (iv) Any activity or pattern of behavior engaged in by any director or group of directors
2 that leads the chief to conclude, by clear and convincing evidence, that a director or group of
3 directors are attempting to deliberately exclude some members of the community agriculture
4 cooperative from receiving any of the benefits of membership in the community agriculture
5 cooperative, including, but not limited to, the right to participate in elections to select members to
6 serve on the board of directors; or

7 (v) Any activity or pattern of behavior engaged in by any director or group of directors that
8 leads the chief to conclude, by clear and convincing evidence, that the board of directors is
9 encouraging or permitting community food to be grown in violation of the community agriculture
10 standards.

11 (21) "Members" means the members of a community agriculture cooperative, possessing
12 all the duties and privileges attached to membership in a nonprofit corporation, pursuant to chapter
13 6 of title 7.

14 (22) "Minor violation" means any violation of any provision of this chapter that is not a
15 major violation.

16 (23) "Nonprofit corporation" means a nonprofit corporation as defined in chapter 6 of title
17 7.

18 (24) "Permanent resident of a geographic membership area" means any natural person
19 whose primary domicile is in a geographic membership area. Any natural person who regularly
20 sleeps no less than one hundred (100) nights per year within the geographic membership area
21 automatically qualifies as a permanent resident of that geographic membership area, regardless of
22 whether they have a legal address within the geographic membership area.

23 (25) "Secret ballot" means a ballot in which the votes cast are secret, and every voter's
24 choice is anonymous.

25 (26) "Subsequent community agriculture grant" means a subsequent community
26 agriculture grant awarded to a community agriculture cooperative, pursuant to § 2-30-17.

27 (27) "Technical assistance experts" mean the technical assistance experts defined in § 2-
28 30-16.

29 (28) "Treasurer" means the treasurer of a community agriculture cooperative, chosen by
30 that corporation's board of directors.

31 **2-30-3. Creation of the community agriculture program.**

32 (a) The bureau shall create the community agriculture program.

33 (b) The purposes of the community agriculture program are to:

34 (1) Enable Rhode Island residents to establish community gardens;

1 (2) Increase Rhode Island residents' access to locally-grown food with high nutritional
2 value.

3 **2-30-4. Community agriculture cooperative.**

4 A community agriculture cooperative is a nonprofit corporation, incorporated in the state
5 of Rhode Island, established to acquire land, real property, and other property in fee simple, and to
6 use that land, real property, and other property for the purpose of agricultural production for the
7 benefit of the corporation's members.

8 **2-30-5. Community agriculture cooperative membership**

9 All permanent residents of a geographic membership area specified in the community
10 agriculture grant application, pursuant to § 2-30-10(c)(3), shall be members of the community
11 agriculture cooperative to which that community agriculture grant application is linked.

12 **2-30-6. Powers of community agriculture cooperatives.**

13 (a) A community agriculture cooperative is permitted to receive funds from a community
14 agriculture grant, private donations from any source, private grants from any source, appropriations
15 from the general assembly, appropriations from any municipal government or political subdivision
16 thereof, and appropriations from any agency or subdivision of the state of Rhode Island.

17 (b) A community agriculture cooperative may spend money in the following ways, but no
18 others:

19 (1) To purchase land or real property in fee simple, and any appurtenances to that land,
20 with which to establish a community garden to produce community food;

21 (2) To compensate a real estate agent, real estate broker, or any other individual to locate
22 land, real property, buildings, or other structures that may be appropriate for the community
23 agriculture cooperative to purchase;

24 (3) To compensate a real estate agent, real estate broker, lawyer, legal expert, or any other
25 individual to assist the community agriculture cooperative in purchasing land, real property,
26 appurtenances, buildings, or other structures in fee simple;

27 (4) To purchase, construct, or install buildings, greenhouses, raised garden beds, or any
28 other structures that will be used to facilitate the production of community food in a community
29 garden;

30 (5) To purchase items, tools or equipment that will be used to facilitate the production of
31 community food in a community garden, including, but not limited to, gardening tools, seeds, non-
32 chemical fertilizer, soil, mulch, irrigation systems, components of irrigation systems, and soil
33 nutrients;

34 (6) To purchase technical gardening assistance, guidance, or consulting services, provided

1 such services are used on behalf of the community agriculture cooperative;
2 (7) To purchase legal assistance, guidance, or consulting services, provided such services
3 are used exclusively on behalf of the community agriculture cooperative;
4 (8) To purchase financial accounting, financial bookkeeping, or financial consulting
5 services, provided such services are used exclusively on behalf of the community agriculture
6 cooperative;
7 (9) To compensate an individual or entity to perform research on agricultural practices;
8 (10) To compensate an individual or entity to develop plans for growing community food
9 in a community garden;
10 (11) To compensate an individual or entity to research or apply for financial grants,
11 including, but not limited to, a subsequent community agriculture grant;
12 (12) To compensate members of the community agriculture cooperative to grow
13 community food, maintain and improve the community garden, or train others to grow community
14 food or maintain and improve the community garden; provided that, no member is compensated
15 with an hourly income of less than the quotient of one divided by one thousand nine hundred and
16 twenty (1/1,920) multiplied by one hundred and forty percent (140%) of the statewide per capita
17 income, as calculated by the United States Census Bureau, or is compensated with an hourly income
18 of more than the quotient of one divided by one thousand nine hundred and twenty (1/1,920)
19 multiplied by one hundred and eighty percent (180%) of the statewide per capita income, as
20 calculated by the United States Census Bureau; and
21 (13) To purchase any additional items, goods, products, property, or services that the chief
22 deems appropriate.
23 (c) A Community agriculture cooperative may not rent land, real property, or buildings
24 from any individual, corporation, or entity.
25 (d) In order to sell or otherwise alienate any piece of land or real property, a community
26 agriculture cooperative must obtain the approval of the chief of agriculture. The bureau shall
27 develop an efficient and convenient system through which a community agriculture cooperative
28 may submit an application to sell or otherwise alienate any piece of land or real property. The chief
29 of agriculture shall approve an application to sell or otherwise alienate a piece of land or real
30 property unless there is, in the determination of the chief of agriculture, clear and convincing
31 evidence that the sale or alienation is part of a self-dealing transaction intended to benefit one or
32 more members of the board, at the expense of the other members of the community agriculture
33 cooperative.
34 (e) A community agriculture cooperative may not disburse funds to its members except as

1 compensation for:

2 (1) Labor performed to produce community food;

3 (2) Labor performed to distribute community food;

4 (3) Labor performed to maintain, clean, or improve land, items, buildings, structures, or
5 real property belonging to the community agriculture cooperative;

6 (4) Labor performed to research information for the benefit of the community agriculture
7 cooperative or its members;

8 (5) Attending to administrative business of the community agriculture cooperative,
9 including, but not limited to, attending meetings and bookkeeping; or

10 (6) In furtherance of any other purpose deemed appropriate by the chief.

11 **2-30-7. Duties of community agriculture cooperatives.**

12 (a) No later than ninety (90) days after being incorporated in the state of Rhode Island, a
13 community agriculture cooperative shall hold an election in which all of its members may vote to
14 elect five (5) directors to serve on that community agriculture cooperative's board of directors.

15 (b) All members of a community agriculture cooperative are eligible to be elected as a
16 director of that community agriculture cooperative.

17 (c) Only members of a community agriculture cooperative are eligible to be elected as a
18 director of that community agriculture cooperative.

19 (d) All members of a community agriculture cooperative shall be eligible to vote for its
20 board of directors.

21 (e) Only members of a community agriculture cooperative shall be eligible to vote for its
22 board of directors.

23 (f) Within ninety (90) days of a community agriculture cooperative electing its first board
24 of directors, the board of directors shall draft the community agriculture cooperative's bylaws.

25 (g) A community agriculture cooperative's bylaws shall specify:

26 (1) How often the community agriculture cooperative shall hold elections for its board of
27 directors; provided that, those elections shall take place at least once every two (2) years;

28 (2) The rules and procedures governing the community agriculture cooperative's elections
29 to select a new board of directors;

30 (3) That all permanent residents of the geographic membership area specified in the
31 community agriculture grant application to which the community agriculture cooperative is linked
32 are members of the community agriculture cooperative;

33 (4) Any other matters, procedures, rules, or regulations which the board of directors deems
34 appropriate to include in the bylaws, provided they are lawful and are consistent with the provisions

1 of this chapter.

2 (h) In order to be adopted, the bylaws of a community agriculture cooperative must be
3 approved by a majority of the board of directors.

4 (i) Amendments to the bylaws of a community agriculture cooperative must be approved
5 by a majority of the board of directors.

6 (j) Within ninety (90) days of a community agriculture cooperative electing its first board
7 of directors, the board of directors shall select one natural person to serve as that community
8 agriculture cooperative's treasurer.

9 (k) Any meeting of a board of directors shall be open to any member of the community
10 agriculture cooperative. The time and location of all official meetings of a board of directors shall
11 be publicly announced at least fourteen (14) days before the meeting takes place.

12 **2-30-8. Ensuring election integrity.**

13 (a) For the election in which a newly incorporated community agriculture cooperative
14 elects its first board of directors, the bureau shall make all appropriate and feasible efforts to notify
15 each member of the community agriculture cooperative:

16 (1) That they are a member of the newly incorporated community agriculture cooperative;

17 (2) That the community agriculture cooperative is receiving a financial grant to produce
18 food;

19 (3) That the board of directors will be empowered to make important decisions about the
20 type of food produced, the ways in which it is produced, and the ways in which it is distributed;

21 (4) That they may vote to elect the community agriculture cooperative's first board of
22 directors;

23 (5) The date, time, and location at which the election shall be held.

24 (b) For the first election in which a community agriculture cooperative elects its first board
25 of directors, the ballots must be cast and counted within the geographic membership area.

26 (c) For the first election in which a community agriculture cooperative elects its first board
27 of directors, the bureau alone shall have the duty and authority to:

28 (1) Schedule the election;

29 (2) Facilitate a fair way in which members may cast votes through a secret ballot;

30 (3) Count the votes; and

31 (4) Notify all members of the names of the natural persons who won the election to be on
32 the community agriculture cooperative's first board of directors.

33 **2-30-9. Community agriculture grant.**

34 (a) A community agriculture grant shall consist of a one-time financial grant, disbursed by

1 the bureau, directly to the bank account of a community agriculture cooperative.

2 (b) The chief shall determine the precise quantity of money that shall be included in a
3 community agriculture grant; provided that, no community agriculture grant shall exceed seven
4 hundred and fifty thousand dollars (\$750,000). Community agriculture grants need not all consist
5 of an identical sum.

6 (c) The bureau shall retain the legal right to claim the remaining, unspent money from a
7 community agriculture grant or claim ownership over any items, tools, land, real property, or
8 equipment that was purchased, in part, with money from a community agriculture grant if a major
9 violation has taken place. The bureau may exercise this right in any lawful manner, including, but
10 not limited to, through an action in the superior court.

11 (d) A community agriculture grant shall not be deposited in the bank account of a
12 community agriculture cooperative until each one of its directors signs a memorandum of
13 understanding affirming that they understand and consent to:

14 (1) Allow the bureau to claim the remaining, unspent money from a community agriculture
15 grant or to claim ownership over any items, tools, land, real property, or equipment that was
16 purchased, in part, with money from a community agriculture grant if a major violation has taken
17 place;

18 (2) Allow the bureau, its agents, and its employees to inspect the records, bank statements,
19 and premises of a community agriculture cooperative to ensure compliance with the regulations
20 established by this chapter;

21 (3) All of the duties and legal obligations established by this chapter; and

22 (4) Any other provision that is appropriate to include in a memorandum of understanding,
23 in the determination of the chief.

24 **2-30-10. Community agriculture grant application.**

25 (a) The bureau shall create a clear and simple application called the community agriculture
26 grant application with which Rhode Island residents can apply for a community agriculture grant.
27 The bureau and its agents and employees shall refer to the community agriculture grant application
28 as the "community agriculture grant application" in all official, public communications.

29 (b) Any party submitting a community agriculture grant application must:

30 (1) Be a Rhode Island resident, and

31 (2) Live in the geographic membership area identified in that community agriculture grant
32 application.

33 (c) The community agriculture grant application shall require the applicant to:

34 (1) Provide their name;

- 1 (2) Provide their address;
2 (3) Identify a geographic membership area, defined according to the street names that
3 compose the borders of the geographic membership area; and
4 (4) Provide any other information that the chief deems appropriate to include on every
5 community agriculture grant application.

6 **2-30-11. Community agriculture application approval.**

7 (a) The bureau shall develop regulations and guidelines regarding the process and criteria
8 for approval of a community agriculture application. The regulations and guidelines shall:

9 (1) Prioritize a community agriculture application with a geographic membership area that
10 overlaps with census tracts which, on average, have a lower median household income, over a
11 community agriculture application with a geographic membership area that overlaps with census
12 tracts which, on average, have a higher median household income, as calculated by the United
13 States Census Bureau; and

14 (2) Prioritize community agriculture applications which indicate, in the judgment of the
15 chief of agriculture, that the applicant has developed a strong and credible plan to grow community
16 food. When considering the strength and credibility of such a plan, the chief of agriculture shall
17 consider whether a community agriculture application includes:

18 (i) A specific proposal involving what kinds of food to grow and how to distribute or sell
19 it;

20 (ii) A specific proposal involving where to purchase land or other real property;

21 (iii) Evidence of community support for said proposals within the geographic membership
22 area;

23 (iv) Information that, in the judgment of the chief of agriculture, indicates that the plan
24 would be likely to succeed if it were adopted by the board of directors of a community agriculture
25 cooperative; and

26 (v) Any other information that the chief of agriculture lawfully and appropriately deems
27 relevant.

28 (b) When the bureau approves a community agriculture application, the bureau shall assist
29 the applicant in filing the necessary paperwork to incorporate a nonprofit corporation in the state
30 of Rhode Island that shall serve as the community agriculture cooperative.

31 (c) When the bureau approves a community agriculture application, the bureau shall assist
32 the applicant in creating a bank account for the community agriculture cooperative to use and into
33 which the community agriculture grant may be deposited.

34 **2-30-12. Geographic membership area requirements.**

1 (a) No part of a geographic membership area may overlap with any census tract for which
2 the median household income, as calculated by the United States Census Bureau, exceeds one
3 hundred percent (100%) of the statewide median household income, as calculated by the United
4 States Census Bureau.

5 (b) A geographic membership area must be geographically contiguous.

6 (c) A geographic membership area must include at least one hundred (100) permanent
7 residents of that geographic membership area.

8 (d) The geographic membership area identified in a community agriculture grant
9 application must be entirely in the state of Rhode Island.

10 **2-30-13. Agricultural site requirements.**

11 A community agriculture cooperative may not purchase land or real property on which to
12 grow community food if that land or real property is more than twenty (20) miles from the closest
13 point within the geographic membership area.

14 **2-30-14. Monitoring.**

15 (a) The bureau shall establish a clear and convenient system with which a community
16 agriculture cooperative, by and through its agents, can record all purchases it makes with funds, in
17 whole or in part, from a community agriculture grant.

18 (b) A community agriculture cooperative, by and through its agents, must record every
19 purchase it makes with funds, in whole or in part, from a community agriculture grant, within seven
20 (7) days of making the purchase.

21 (c) On the fifth business day of each calendar month, a community agriculture cooperative
22 shall notify the bureau of any purchases that it made in the previous calendar month with funds, in
23 whole or in part, from a community agriculture grant.

24 (d) The bureau shall not require a community agriculture cooperative to obtain consent
25 from the bureau to make purchases with funds from a community agriculture grant, before those
26 purchases have been made.

27 (e) At any time, the bureau, its agents, and its employees shall have the right to inspect the
28 records, bank statements, and premises of a community agriculture cooperative to ensure
29 compliance with the regulations established by this chapter.

30 (f) At any time, any member of a community agriculture cooperative shall have the right
31 to inspect the records, bank statements, and premises of that community agriculture cooperative.

32 (g) Minor violations may not be punished.

33 (h) Before determining that a major violation has taken place, the chief must provide the
34 enrollee or enrollees whose behavior is in question with notice and an opportunity to present

1 evidence in their defense.

2 (i) Major violations may be punished in either or both of the following two (2) ways, and
3 no others:

4 (1) The chief may punish major violations by claiming any portion of the remaining,
5 unspent money from a community agriculture grant or claiming ownership over any items, tools,
6 land, real property, or equipment that was purchased, in part, with money from a community
7 agriculture grant.

8 (2) The chief may punish major violations by requiring any natural person or group of
9 natural persons to resign from the board of directors and to schedule an election to fill the resultant
10 vacancies on the board of directors.

11 **2-30-15. Community agriculture standards.**

12 (a) The bureau shall create and publish a document which shall be entitled the "community
13 agriculture standards."

14 (b) The community agriculture standards shall include a comprehensive list of agricultural
15 practices for community agriculture cooperatives which:

16 (1) Minimize, to the greatest extent feasible and appropriate, the use of chemical fertilizers;

17 (2) Minimize, to the greatest extent feasible and appropriate, the use of chemical pesticides;

18 (3) Minimize, to the greatest extent feasible and appropriate, the use of chemical
19 herbicides;

20 (4) Minimize, to the greatest extent feasible and appropriate, the frequency with which soil
21 is tilled;

22 (5) Minimize, to the greatest extent feasible and appropriate, the number of inches that
23 tilling extends into the soil; and

24 (6) Maximize, to the greatest extent feasible and appropriate, the use of polyculture.

25 (c) The bureau shall amend the community agriculture standards when appropriate.

26 (d) The bureau shall develop regulations to ensure that community food is grown in soil
27 that does not contain dangerous levels of lead or any other toxin.

28 (e) If community food is grown directly in the ground, the ground soil must be tested first
29 to ensure that it does not contain dangerous levels of lead or any other toxin.

30 **2-30-16. Technical assistance experts.**

31 (a) The bureau shall hire no fewer than two (2) technical assistance experts with direct
32 experience with agricultural production that does not rely on chemical fertilizers, chemical
33 pesticides, or chemical herbicides. No less than one of the technical assistance experts will have
34 direct experience with indoor agricultural production.

1 (b) The technical assistance experts shall be available to help members of community
2 agriculture cooperatives, answer their questions, and offer guidance regarding agricultural
3 production.

4 (c) Technical assistance experts must be hired as full-time employees of the bureau.

5 **2-30-17. Subsequent community agriculture grant.**

6 (a) After receiving a community agriculture grant, the bureau may award a community
7 agriculture cooperative with a subsequent community agriculture grant.

8 (b) A subsequent community agriculture grant shall consist of a one-time financial grant,
9 disbursed by the bureau, directly to the bank account of a community agriculture cooperative.

10 (c) The chief shall determine the precise quantity of money that shall be included in a
11 subsequent community agriculture grant; provided that, no subsequent community agriculture grant
12 shall exceed seventy five thousand dollars (\$75,000). Subsequent community agriculture grants
13 need not all consist of an identical sum.

14 (d) The chief shall create an application with which a community agriculture cooperative
15 may apply for one or more subsequent community agriculture grants. Applications for a subsequent
16 community agriculture grant must include a detailed description of what the grant funds will be
17 used for.

18 (e) The chief shall publish regulations and guidelines specifying the criteria by which
19 applications for a subsequent community agriculture grant will be approved or denied.

20 **2-30-18. Severability.**

21 (a) If any provision of this chapter is held invalid, the remainder of this chapter shall not
22 be affected thereby.

23 (b) If the application of any provision of this chapter to any person or circumstance is held
24 invalid, the application of such provision to other persons or circumstances shall not be affected
25 thereby.

26 SECTION 5. Title 32 of the General Laws entitled "PARKS AND RECREATIONAL
27 AREAS" is hereby amended by adding thereto the following chapters:

28 CHAPTER 8

29 PARKS AND RECREATIONAL AREAS - ACQUISITION

30 **32-8-3. Acquisition of land – Riparian rights – Control of land use.**

31 To more effectually carry out the purposes of this chapter and chapter 2 of this title, the
32 department of environmental management may acquire by purchase, gift, devise, or condemnation,
33 lands, easements, rights, and interests in land for a park, recreation ground, or bathing beach in any
34 part of the state, whether that property is situated in the cities or towns in which its powers may be

1 exercised under the provisions of § 32-2-1, or is situated in any other city or town; provided, that
2 all property other than tide-flowed lands acquired by condemnation shall remain subject to all rights
3 of riparian proprietors on any waters bordering upon the property, that no riparian rights shall be
4 taken, destroyed, impaired, or affected by the condemnation, that all riparian proprietors shall have
5 the right to continue to maintain, repair, or reconstruct dams and their appurtenances now existing
6 on the waters bordering upon that property and for this purpose to enter upon that property,
7 restoring it after repair or reconstruction to its previous condition as nearly as may be, and shall
8 continue to enjoy the same rights of flowage with respect to that property that the riparian
9 proprietors have heretofore used and enjoyed. Subject to the foregoing provisions of this section,
10 the department may use, or permit the use of, property, acquired by it under the provisions of this
11 section and the waters bordering thereon, for bathing, boating, fishing, and skating, and shall have
12 the same authority, supervision, and control over that property as it has over other property acquired
13 by the department under other provisions of this chapter or any other law. Subject to the foregoing
14 provisions of this section, the department may use, or permit the use of, property acquired by it
15 under the provisions of this section for preservation or restoration under chapter 8 of this title.

16 CHAPTER 9

17 THE ECOSYSTEM RESTORATION ACT

18 **32-9-1. Short title.**

19 This chapter may be known and shall be cited as the "Ecosystem Restoration Act."

20 **32-9-2. Definitions.**

21 As used in this chapter:

22 (1) "Director" means the director of the department of environmental protection.

23 (2) "Division" means the division of parks and recreation.

24 (3) "Ecosystem restoration program" means the cumulative entirety of any and all rules,
25 regulations, contracts, plans, projects, expenditures, and activities completed by the division,
26 including, but not limited to acquiring land, protecting land, rulemaking, and complying with the
27 labor standards and transparency requirements established in this chapter.

28 (4) "Ecosystem restoration worker" means any worker who directly contributes to any
29 work performed under the ecosystem restoration program, including employees, contractors, and
30 subcontractors.

31 (5) "Fiscal year" means the fiscal year of the state of Rhode Island.

32 (6) "Geographically contiguous" means the characteristic of a geographic area which is not
33 divided into multiple segments which are geographically disconnected from one another.

34 (7) "Invasive species" means a species of plant, animal, or insect that is not native to the

1 environment in which it is introduced and is likely to have a negative impact on the environment.

2 (8) "Protected land category" means a category of land subject to the rules, regulations and
3 guidelines provided in § 32-9-6 and subject to the rules, regulations and guidelines that the director
4 may develop, pursuant to § 32-9-6.

5 (9) "Rehabilitate" means to attempt to restore an ecosystem to its natural condition prior to
6 being degraded, polluted, disturbed, or altered by human activity.

7 (10) "Self-sustaining ecosystem" means an ecosystem that can continue to exist, grow, and
8 develop without substantial human intervention.

9 **32-9-3. Creation of the ecosystem restoration program.**

10 (a) The director shall create the ecosystem restoration program within the division of parks
11 and recreation.

12 (b) The purposes of the ecosystem restoration program are to:

13 (1) Promote biodiversity within Rhode Island;

14 (2) Create self-sustaining ecosystems within Rhode Island;

15 (3) Sequester carbon dioxide; and

16 (4) Mitigate the impacts of climate change within Rhode Island.

17 **32-9-4. Acquisition of land.**

18 (a) The director shall purchase land in the state of Rhode Island; provided that, all of the
19 land purchased shall be placed into the protected land category.

20 (b) The director shall prioritize:

21 (1) Purchasing inexpensive land, when doing so will allow the director to maximize the
22 total area of land placed into the protected land category;

23 (2) Purchasing land in which self-sustaining ecosystems can be developed;

24 (3) Purchasing land that is geographically contiguous, when doing so will allow the director
25 to create large areas in which self-sustaining ecosystems can be developed;

26 (4) Purchasing land which is particularly well suited for carbon sequestration, including,
27 but not limited to, sequestering carbon within trees, plants, foliage, soil, and wetlands;

28 (5) Purchasing land which is particularly well suited for mitigating the impacts of climate
29 change, including, but not limited to, by reducing the likelihood of uncontrolled flooding within
30 the state caused by hurricanes, storm surges, and sea level rise; and

31 (6) Purchasing wetlands that are disturbed, damaged, or degraded.

32 **32-9-5. Use of land in the protected land category.**

33 (a) The director shall develop a program to:

34 (1) Remediate environmental pollution on land within the protected land category;

1 (2) Promote biodiversity on land within the protected land category, including, but not
2 limited to, by cultivating trees and plants, and by introducing animals and insects;

3 (3) Attempt to create self-sustaining ecosystems on land within the protected land category,
4 when and where the director deems doing so is feasible and ecologically advantageous;

5 (4) Sequester carbon on land within the protected land category, including, but not limited
6 to, by sequestering carbon within trees, plants, grasses, soil, and wetlands;

7 (5) Rehabilitate any land, including, but not limited to, wetlands that are in the protected
8 land category;

9 (6) Use land within the protected land category to mitigate the impacts of climate change
10 including, but not limited to, by reducing the likelihood of uncontrolled flooding within the state
11 caused by hurricanes, storm surges, and sea level rise;

12 (7) Open land within the protected land category for recreational or educational purposes;
13 provided that, opening the land for these purposes does not degrade or otherwise undermine the
14 ecological health and stability of the land or endanger human visitors to the land.

15 (b) The director shall take the utmost care to avoid introducing invasive species of plants,
16 animals, or insects into land within the protected land category.

17 (c) Land within the protected land category shall not at any time be commercially
18 developed.

19 (d) Land within the protected land category shall not at any time be sold, leased, alienated,
20 or otherwise conveyed or transferred from the division.

21 **32-9-6. Powers.**

22 The chief may enter contracts, hire employees, hire contractors, promulgate rules and
23 regulations, levy fines, adjudicate administrative cases, or take any other lawful action in order to
24 implement the ecosystem restoration program.

25 **32-9-7. Labor standards.**

26 (a) The director shall ensure that any ecosystem restoration worker shall receive disability
27 benefits, health insurance, and dental insurance until their work for the ecosystem restoration
28 program concludes. The director shall ensure that any ecosystem restoration worker shall receive
29 at least one paid sick day off of work for every twenty (20) days in which they work more than six
30 (6) hours on projects that directly contribute to the ecosystem restoration program. All of these
31 provisions apply equally to all ecosystem restoration workers, regardless of whether those workers
32 are employees of the agency, contractors, or subcontractors.

33 (b) The director shall ensure that any ecosystem restoration worker shall receive an hourly
34 wage that is not less than the quotient of one divided by one thousand nine hundred and twenty

1 (1/1,920), multiplied by one hundred and forty percent (140%) of the statewide per capita income,
2 as calculated by the United States Census Bureau. This provision shall apply equally to all
3 ecosystem restoration workers, regardless of whether those workers are employees of the agency,
4 contractors, or subcontractors.

5 **32-9-8. Transparency requirements.**

6 (a) Within twenty (20) days of purchasing any land under the ecosystem restoration
7 program, the director shall make the following information publicly available on the website of the
8 department of environmental management:

9 (1) The date of the transaction;

10 (2) The price of the land purchased;

11 (3) The acreage of the land purchased; and

12 (4) The name of the individual, firm, corporation, or government agency from whom the
13 land was purchased.

14 (b) On January 1 of every calendar year, the director shall publish a report, made publicly
15 available on the website of the department of environmental management, describing how the
16 funding appropriated from the general assembly was spent in the previous calendar year.

17 **32-9-9. Severability.**

18 (a) If any provision of this chapter is held invalid, the remainder of this chapter shall not
19 be affected thereby.

20 (b) If the application of any provision of this chapter to any person or circumstance is held
21 invalid, the application of such provision to other persons or circumstances shall not be affected
22 thereby.

23 SECTION 6. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO AGRICULTURE AND FORESTRY - THE AGRICULTURE BUREAU ACT

1 This act would establish an agriculture jobs bureau, a regenerative agriculture program, a
2 garden agriculture program, a community agriculture program and permit community cooperatives.
3 Each program or person participating would be entitled to apply for grants of up to seventy five
4 thousand dollars (\$75,000). These programs would be overseen by a bureau chief who would have
5 broad powers to enter into contracts, spend money, award the grants and recover grant money or
6 goods if a participant violates any rules of the programs. This act would also establish the ecosystem
7 restoration act which broaden the powers of the division of parks and recreation to seize lands for
8 purposes of promoting ecosystem restoration.

9 This act would take effect upon passage.

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LC001216
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