

2013 -- S 0323 SUBSTITUTE A

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT

Introduced By: Senator Michael J. McCaffrey

Date Introduced: February 13, 2013

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-17.1-2.5 of the General Laws in Chapter 42-17.1 entitled
2 "Department of Environmental Management" is hereby amended to read as follows:

3 **42-17.1-2.5. Tolling of expiration periods.** -- (a) Notwithstanding any other provision
4 set forth in this chapter, all periods pertaining to the expiration of any approval or permit issued
5 pursuant to any state statute or any regulation promulgated thereto pertaining to the development
6 of property shall be tolled until ~~June 30, 2013~~ June 30, 2015. For the purposes of this section,
7 "tolling" means the suspension or temporary stopping of the running of the applicable permit or
8 approval period.

9 (b) Said tolling need not be recorded in the land evidence records to be valid; however, a
10 notice of the tolling must be posted in the municipal planning department and near the land
11 evidence records.

12 (c) The tolling shall apply only to approvals or permits in effect on November 9, 2009
13 and those issued between November 9, 2009 and ~~June 30, 2013~~ June 30, 2015 and shall not
14 revive expired approvals or permits.

15 (d) The expiration dates for all permits and approvals issued before the tolling period
16 began will be recalculated as of ~~July 1, 2013~~ July 1, 2015 by adding thereto the number of days
17 between November 9, 2009 and the day on which the permit or approval would otherwise have
18 expired. The expiration dates for all permits and approvals issued during the tolling period will be
19 recalculated as of ~~July 1, 2013~~ July 1, 2015 by adding thereto the number of days between the day

1 the permit or approval was issued and the day the permit or approval otherwise would have
2 expired.

3 SECTION 2. Section 45-23-63.1 of the General Laws in Chapter 45-23 entitled
4 "Subdivision of Land" is hereby amended to read as follows:

5 **45-23-63.1. Procedure -- Tolling of expiration periods. --** (a) Notwithstanding any
6 other provision set forth in this chapter, all periods pertaining to the expiration of any approval
7 issued pursuant to the local regulations promulgated under this chapter shall be tolled until ~~June~~
8 ~~30, 2013~~ June 30, 2015. For the purposes of this section, "tolling" shall mean the suspension or
9 temporary stopping of the running of the applicable permit or approval period.

10 (b) Said tolling need not be recorded in the land evidence records to be valid; however, a
11 notice of the tolling must be posted in the municipal planning department and near the land
12 evidence records.

13 (c) The tolling shall apply only to approvals or permits in effect on November 9, 2009
14 and those issued between November 9, 2009 and ~~June 30, 2013~~ June 30, 2015, and shall not
15 revive expired approvals.

16 (d) The expiration dates for all permits and approvals issued before the tolling period
17 began will be recalculated as of ~~July 1, 2013~~ July 1, 2015 by adding thereto the number of days
18 between November 9, 2009 and the day on which the permit or approval would otherwise have
19 expired. The expiration dates for all permits and approvals issued during the tolling period will be
20 recalculated as of ~~July 1, 2013~~ July 1, 2015 by adding thereto the number of days between the day
21 the permit or approval was issued and the day the permit or approval otherwise would have
22 expired.

23 SECTION 3. Section 45-24-61.1 of the General Laws in Chapter 45-24 entitled "Zoning
24 Ordinances" is hereby amended to read as follows:

25 **45-24-61.1. Procedure -- Tolling of expiration periods. --** (a) Notwithstanding any
26 other provision set forth in this chapter, all periods pertaining to the expiration of any approval
27 issued pursuant to the local ordinances promulgated under this chapter shall be tolled until ~~June~~
28 ~~30, 2013~~ June 30, 2015. For the purposes of this section, "tolling" shall mean the suspension or
29 temporary stopping of the running of the applicable permit or approval period.

30 (b) Said tolling need not be recorded in the land evidence records to be valid, however, a
31 notice of the tolling must be posted in the municipal planning department, and near the land
32 evidence records.

33 (c) The tolling shall apply only to approvals or permits in effect on November 9, 2009
34 and those issued between November 9, 2009 and ~~June 30, 2013~~ June 30, 2015 and shall not

1 revive expired approvals.

2 (d) The expiration dates for all permits and approvals issued before the tolling period
3 began will be recalculated as of ~~July 1, 2013~~ July 1, 2015 by adding thereto the number of days
4 between November 9, 2009 and the day on which the permit or approval would otherwise have
5 expired. The expiration dates for all permits and approvals issued during the tolling period will be
6 recalculated as of ~~July 1, 2013~~ July 1, 2015 by adding thereto the number of days between the day
7 the permit or approval was issued and the day the permit or approval otherwise would have
8 expired.

9 SECTION 4. Section 46-23-6.3 of the General Laws in Chapter 46-23 entitled "Coastal
10 Resources Management Council" is hereby amended to read as follows:

11 **46-23-6.3. Tolling of expiration periods.** -- (a) Notwithstanding any other provision set
12 forth in this chapter, all periods pertaining to the expiration of any approval or permit issued
13 pursuant to any state statute or any regulation promulgated thereto pertaining to the development
14 of property shall be tolled until ~~June 30, 2013~~ June 30, 2015. For the purposes of this section,
15 "tolling" means the suspension or temporary stopping of the running of the applicable permit or
16 approval period.

17 (b) Said tolling need not be recorded in the land evidence records to be valid, however, a
18 notice of the tolling must be posted in the municipal planning department and near the land
19 evidence records.

20 (c) The tolling shall apply only to approvals or permits in effect on November 9, 2009
21 and those issued between November 9, 2009 and ~~June 30, 2013~~ June 30, 2015, and shall not
22 revive expired approvals or permits.

23 (d) The expiration dates for all permits and approvals issued before the tolling period
24 began will be recalculated as of ~~July 1, 2013~~ July 1, 2015 by adding thereto the number of days
25 between November 9, 2009 and the day on which the permit or approval would otherwise have
26 expired. The expiration dates for all permits and approvals issued during the tolling period will be
27 recalculated as of ~~July 1, 2013~~ July 1, 2015 by adding thereto the number of days between the day
28 the permit or approval was issued and the day the permit or approval otherwise would have
29 expired.

1 SECTION 5. This act shall take effect upon passage and shall apply to approvals and
2 permits in effect on November 9, 2009 and those issued between November 9, 2009 and June 30,
3 2015, but shall not revive any expired approval or permit.

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

- 1 This act would extend the expiration dates pertaining to approvals and permits.
- 2 This act would take effect upon passage and would apply to approvals and permits in
- 3 effect on November 9, 2009 and those issued between November 9, 2009 and June 30, 2015, but
- 4 would not revive any expired approval or permit.

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