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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 -- FOOD SECURITY AND
AGRICULTURE JOBS

Introduced By: Representatives Felix, Henries, Potter, Alzate, McGaw, Batista, Kazarian,
Barros, Ranglin-Vassell, and Giraldo

Date Introduced: February 26, 2021

Referred To: House Finance

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 chapter shall be known and may be cited as "The Agriculture Jobs Bureau Act".

7 **2-27-2. Legislative findings.**

8 The general assembly finds and declares as follows:

9 (1) The number and size of local Rhode Island farms has dropped precipitously in the last
10 seventy (70) years, and local farming has become increasingly financially precarious.

11 (2) Most of the food that is available to Rhode Islanders is produced by giant, industrialized
12 agriculture corporations.

13 (3) Large industrialized agriculture corporations inflict severe damage on the ecological
14 stability of the planet, including through the widespread use of monocultures, overplowing,
15 chemical fertilizers, chemical pesticides, and chemical herbicides.

16 (4) Large industrialized agriculture corporations routinely underpay and exploit
17 agricultural workers.

18 (5) Most of the food that is available to Rhode Islanders is grown far away, and must be

1 transported to the state through long, carbon-intensive supply chains.

2 (6) Many Rhode Islanders struggle with chronic food insecurity.

3 (7) Many Rhode Islanders eat primarily mass-produced food that has low nutritional value.

4 (8) In order to reduce the state's dependence on food that is mass produced by giant
5 industrial agriculture corporations that exploit their laborers, degrade the environment, and produce
6 food with low-quality nutritional value that must be shipped to Rhode Island through carbon-
7 intensive supply chains, the state must facilitate the development of local agricultural production
8 that relies on regenerative agricultural practices and fair labor standards.

9 (9) In order to facilitate the development of local agricultural production that relies on
10 regenerative agricultural practices and fair labor standards, Rhode Island requires a new state
11 agency to help establish and manage a new network of local agricultural producers in a fair,
12 efficient, and equitable manner.

13 **2-27-3. Definitions.**

14 As used in this chapter:

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

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

18 (3) "Community agriculture program" means the community agriculture program
19 established in chapter 30 of title 2.

20 (4) "Department of administration" means the department of administration of the state of
21 Rhode Island.

22 (5) "Garden agriculture program" means the garden agriculture program established in
23 chapter 29 of title 2.

24 (6) "Local agricultural products" means agricultural products which were produced in
25 Rhode Island.

26 (7) "Regenerative agriculture program" means the regenerative agriculture program
27 established in chapter 28 of title 2.

28 **2-27-4. Creation of the agriculture jobs bureau.**

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

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

32 **2-27-5. Purposes of the agriculture jobs bureau.**

33 The purposes of the agriculture jobs bureau are to:

34 (1) Implement and enforce the provisions of the regenerative agriculture program, pursuant

1 to chapter 28 of title 2;

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

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

6 **2-27-6. Powers and duties.**

7 (a) All functions, services, and duties of the bureau shall be organized by the chief of
8 agriculture, including with regard to the operations, maintenance, and management of the
9 regenerative agriculture program, the garden agriculture program, and the community agriculture
10 program.

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

12 (c) The chief may enter contracts, hire employees, hire contractors, hire subcontractors,
13 promulgate rules and regulations, levy fines, adjudicate administrative cases, or take any other
14 lawful action in order to achieve any purpose of the agriculture jobs bureau as enumerated in § 2-
15 27-5.

16 (d) The chief of agriculture shall make all feasible, legal, and appropriate efforts to ensure
17 diversity among the employees of the bureau, including with regard to race, color, national origin,
18 religion, sex, sexual orientation, gender identity or expression, marital status, military status as a
19 veteran with an honorable discharge or an honorable or general administrative discharge, service
20 member in the armed forces, country of ancestral origin, disability, age, housing status, familial
21 status, or immigration status.

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

24 **2-27-7. Offices of department.**

25 The department of administration shall furnish the bureau with offices in which to transact
26 its business and keep its records. The offices shall be open for business each day of the year, except
27 Sundays and legal holidays, during such hours as may be prescribed by the chief.

28 **2-27-8. Receipt and use of funds.**

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

33 **2-27-9. Severability.**

34 (a) If any provision of this chapter is held invalid, the remainder of this chapter shall not

1 be affected thereby.

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

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

7 CHAPTER 28

8 THE REGENERATIVE AGRICULTURE ACT

9 **2-28-1. Short title.**

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

12 **2-28-2. Legislative findings.**

13 The general assembly finds and declares as follows:

14 (1) The number and size of local Rhode Island farms has dropped precipitously in the last
15 seventy (70) years, and local farming has become increasingly financially precarious.

16 (2) Most of the food which is available to Rhode Islanders is produced by giant,
17 industrialized agriculture corporations.

18 (3) Large industrialized agriculture corporations inflict severe damage on the ecological
19 stability of the planet, particularly through the widespread use of monocultures, overplowing,
20 chemical fertilizers, and chemical pesticides.

21 (4) Large industrialized agriculture corporations routinely underpay and exploit
22 agricultural workers.

23 (5) Most of the food that is available to Rhode Islanders is grown far away, and must be
24 transported to the state through long, carbon-intensive supply chains.

25 (6) Many Rhode Islanders struggle with chronic food insecurity.

26 (7) Many Rhode Islanders eat primarily mass-produced food that has low nutritional value.

27 (8) In order to reduce the state's dependence on food that is mass produced by giant
28 industrial agriculture corporations that exploit their laborers, degrade the environment, and produce
29 food with low-quality nutritional value that must be shipped to Rhode Island through carbon-
30 intensive supply chains, the state must facilitate the development local agricultural production that
31 relies on regenerative agricultural practices and fair labor standards.

32 **2-28-3. Definitions.**

33 As used in this chapter:

34 (1) "Bureau" means the agriculture jobs bureau within the division of agriculture of the

1 state of Rhode Island.

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

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

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

10 (5) "Chosen bank account" means the bank account, identified by an applicant in a
11 regenerative agriculture grant application, into which the applicant would like to have the
12 regenerative agriculture grant funds deposited, if the regenerative agriculture grant application is
13 approved.

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

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

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

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

25 (10) "Enrollee" means a natural person who is enrolled in the regenerative agriculture
26 program.

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

29 (12) "Feasible and appropriate" means:

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

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

32 (iii) Ecologically advantageous or beneficial, as determined by the chief, including, but not
33 limited to, improving soil health, sequestering carbon, increasing biodiversity, protecting natural
34 habitats, protecting the health of pollinators, and any other aspect of ecological sustainability

1 deemed important by the chief.

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

3 (14) "Memorandum of understanding" means the memorandum of understanding, as
4 provided by § 2-28-11.

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

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

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

12 (18) "Regenerative agriculture grant" means a regenerative agriculture grant, as provided
13 by § 2-28-7.

14 (19) "Regenerative agriculture grant application" means an application to receive a
15 regenerative agriculture grant, as provided by § 2-28-8.

16 (20) "Regenerative agriculture grant recipient" means a natural person who has received a
17 regenerative agriculture grant.

18 (21) "Regenerative agriculture program" means the cumulative entirety of any and all rules,
19 regulations, contracts, plans, projects, expenditures, and activities completed by the bureau to
20 award regenerative agriculture grants to natural persons including, but not limited to, designing the
21 regenerative agriculture standards, designing the regenerative agriculture grant application,
22 reviewing regenerative agriculture grant applications that have been submitted by regenerative
23 agriculture grant applicants, enrolling regenerative agriculture grant recipients, hiring technical
24 assistance experts, and monitoring and enforcing compliance with the provisions of this chapter.

25 (22) "Regenerative agriculture program labor standards" means the regenerative
26 agriculture program labor standards established pursuant to § 2-28-6.

27 (23) "Regenerative agriculture standards" means the regenerative agriculture standards
28 established pursuant to § 2-28-5.

29 (24) "Technical assistance experts" means the technical assistance experts hired by the
30 bureau, as provided in § 2-28-13.

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

33 **2-28-4. Creation of the regenerative agriculture program.**

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

1 (b) The purpose of the regenerative agriculture program is to provide financial incentives
2 for Rhode Island farmers to adopt, or to continue employing, farming practices that are ecologically
3 sustainable.

4 **2-28-5. Creation of regenerative agriculture standards.**

5 (a) The bureau shall create and publish a public document which shall be titled the
6 "regenerative agriculture standards."

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

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

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

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

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

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

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

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

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

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

22 **2-28-6. Regenerative agriculture program labor standards.**

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

27 (b) Regenerative agricultural workers shall receive health insurance. The bureau shall set
28 regulatory standards regarding the quality of health insurance that regenerative agricultural workers
29 shall receive.

30 (c) Regenerative agricultural workers shall receive dental insurance. The bureau shall set
31 regulatory standards regarding the quality of dental insurance that regenerative agricultural workers
32 shall receive.

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

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

6 (f) The bureau may promulgate additional regulatory requirements through rulemaking to
7 safeguard the labor rights of regenerative agricultural workers.

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

10 **2-28-7. Regenerative agriculture grants.**

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

13 (b) An enrollee who regularly grows food on less than five (5) acres may receive a
14 regenerative agriculture grant no greater than five hundred thousand dollars (\$500,000), with the
15 exact quantity of money left to the discretion of the chief.

16 (c) An enrollee who regularly grows food on between five (5) acres and ten (10) acres may
17 receive a regenerative agriculture grant no greater than seven hundred thousand dollars (\$700,000),
18 with the exact quantity of money left to the discretion of the chief.

19 (d) An enrollee who regularly grows food on more than ten (10) acres may receive a
20 regenerative agriculture grant no greater than one million dollars (\$1,000,000), with the exact
21 quantity of money left to the discretion of the chief.

22 (e) Any regenerative agriculture grant shall be disbursed to the enrollee within one month
23 of being enrolled in the regenerative agriculture program.

24 **2-28-8. Creation of regenerative agriculture grant application.**

25 (a) The bureau shall create a regenerative agriculture grant application with which natural
26 persons can apply for a regenerative agriculture grant.

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

29 (1) Provides their name;

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

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

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

34 (5) Describes the degree to which they have relied, in the past five (5) years, on chemical

1 fertilizers, chemical pesticides, chemical herbicides, monocultures, and cover crops on the farm or
2 farms that they own in Rhode Island;

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

6 (7) Identifies the chosen bank account; and

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

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

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

11 (2) The entirety of the regenerative agriculture program labor standards for no less than
12 two (2) consecutive years, beginning sixty (60) days after the regenerative agriculture grant money
13 is deposited into their chosen bank account.

14 (d) The regenerative agriculture grant application shall be easily accessible on the website
15 of the bureau. Applicants shall be given the option of submitting their regenerative agriculture grant
16 application electronically on the website of the bureau. Visitors to the website of the bureau shall
17 be able to download and print as many copies of the regenerative agriculture grant application as
18 they wish. The bureau shall also establish a program through which applicants can easily and
19 conveniently submit non-electronic, paper versions of the regenerative agriculture grant
20 application.

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

24 **2-28-9. Regenerative agriculture grant eligibility.**

25 Natural persons shall be eligible to apply for a regenerative agriculture grant if they:

26 (1) Owned a farm with at least two (2) acres in Rhode Island before the enactment of this
27 chapter;

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

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

32 (ii) The entirety of the regenerative agriculture program labor standards for two (2)
33 consecutive years, beginning sixty (60) days after the regenerative agriculture grant money is
34 deposited into their chosen bank account.

1 **2-28-10. Approving and denying regenerative agriculture grants.**

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

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

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

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

13 (3) Send the applicant the memorandum of understanding.

14 **2-28-11. Memorandum of understanding.**

15 (a) The memorandum of understanding shall state clearly in plain, easily accessible
16 language that by accepting a regenerative agriculture grant, a regenerative agriculture grant
17 recipient is agreeing to:

18 (1) Adhere to and comply with the entirety of the regenerative agriculture standards for
19 two (2) consecutive years, beginning sixty (60) days after the regenerative agriculture grant money
20 is deposited into their chosen bank account;

21 (2) Adhere to and comply with the entirety of the regenerative agriculture program labor
22 standards for two (2) consecutive years, beginning sixty (60) days after the regenerative agriculture
23 grant money is deposited into their chosen bank account;

24 (3) Allow employees or agents of the bureau to conduct inspections of their farm and their
25 records to ensure compliance with the terms of the memorandum of understanding, as provided in
26 § 2-28-14; and

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

29 (b) The memorandum of understanding shall also state clearly the penalties for
30 noncompliance with the terms of the memorandum of understanding, as provided in § 2-28-14.

31 (c) The bureau shall disburse a regenerative agriculture grant to the applicant within three
32 (3) months of that applicant signing a memorandum of understanding.

33 **2-28-12. Enrollment in the regenerative agriculture program.**

34 (a) Only after signing the memorandum of understanding, and exactly sixty (60) days after

1 the regenerative agriculture grant money is deposited into their chosen bank account, a regenerative
2 agriculture grant recipient shall be deemed to be formally enrolled in the regenerative agriculture
3 program and shall be referred to as an enrollee in that the regenerative agriculture program.

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

7 **2-28-13. Technical assistance experts.**

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

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

13 (c) No less than one technical assistance expert must speak English and at least one other
14 language spoken by at least ten percent (10%) of the population of Rhode Island, as determined by
15 the United State Census Bureau.

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

17 (e) Technical assistance experts must receive an annual salary that is not less than one
18 hundred forty percent (140%) of the statewide per capita income, as calculated by the United States
19 Census Bureau.

20 (f) Technical assistance experts must receive health insurance, dental insurance, at least
21 two (2) weeks of paid vacation time, and at least one paid sick day off of work for every twenty
22 (20) days in which they work more than six (6) hours.

23 **2-28-14. Monitoring compliance and penalties.**

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

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

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

30 (1) Reclaiming any and all remaining unspent money that the enrollee received through a
31 regenerative agriculture grant;

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

1 (3) Unenrolling the enrollee from enrollment in the regenerative agriculture program; and
2 (4) Requiring the enrollee to pay a monetary fine of a sum not to exceed the total sum of
3 money that the enrollee received through the regenerative agriculture grant; provided that, such a
4 fine shall only be applied if the enrollee, in the director's discretion, knowingly and deliberately
5 refused to comply with the provisions of the memorandum of understanding.

6 (d) The proceeds of any fine levied on or money claimed from an enrollee under the
7 provisions of §§ 2-28-14(c)(1) or 2-28-14(c)(4) shall be transferred directly to the bureau and used
8 to fund either:

9 (1) The regenerative agriculture program;

10 (2) The garden agriculture program;

11 (3) The community agriculture program; or

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

14 (e) All items, equipment, machinery, or other goods reclaimed by the bureau under the
15 provisions of § 2-28-14(c)(2) shall become the property of the bureau, and the bureau may sell
16 them or may loan or gift them to enrollees. If the bureau sells items, equipment, machinery, or other
17 goods in such a manner, the proceeds of such sales shall be transferred into a restricted funds
18 account and used to fund the regenerative agriculture program, or the community agriculture
19 program, pursuant to chapter 27 of title 2.

20 **2-28-15. 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 3. Title 2 of the General Laws entitled "AGRICULTURE AND FORESTRY"
27 is hereby amended by adding thereto the following chapter:

28 CHAPTER 29

29 THE GARDEN AGRICULTURE ACT

30 **2-29-1. Short title.**

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

32 **2-29-2. Legislative findings.**

33 The general assembly finds and declares as follows:

34 (1) The number and size of local Rhode Island farms has dropped precipitously in the last

1 seventy (70) years.

2 (2) Most of the food that is available to Rhode Islanders is produced by giant industrialized
3 agriculture corporations.

4 (3) Large industrialized agriculture corporations inflict severe damage on the ecological
5 stability of the planet, particularly through the widespread use of monocultures, over plowing,
6 chemical fertilizers, and chemical pesticides.

7 (4) Large industrialized agriculture corporations routinely underpay and exploit local
8 agricultural workers.

9 (5) Most of the food that is available to Rhode Islanders is grown far away, and must be
10 transported to the state through long, carbon-intensive supply chains.

11 (6) Many Rhode Islanders struggle with chronic food insecurity.

12 (7) Many Rhode Islanders eat primarily mass-produced food that has low nutritional value.

13 (8) In order to reduce the state's dependence on food that is mass produced by giant
14 industrial agriculture corporations that exploit their laborers, degrade the environment, and produce
15 food with low-quality nutritional value that must be shipped to Rhode Island through carbon-
16 intensive supply chains, the state must facilitate the development of local agricultural production,
17 including in gardens.

18 **2-29-3. Definitions.**

19 As used in this chapter:

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

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

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

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

29 (5) "Chief" means the chief of agriculture within the Rhode Island department of
30 environmental management.

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

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

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

2 (9) "Garden agriculture grant" means a delivery, from the bureau of agriculture to a garden
3 agriculture grant recipient, of items, tools, resources, seeds, instructional guides, and other goods
4 specified in § 2-29-7.

5 (10) "Garden agriculture grant applicant" means a natural person who has submitted a
6 garden agriculture grant application.

7 (11) "Garden agriculture grant application" means an application to receive a garden
8 agriculture grant.

9 (12) "Garden agriculture program" means the cumulative entirety of any and all rules,
10 regulations, contracts, plans, projects, expenditures, and activities completed by the bureau in order
11 to award garden agriculture grants to recipients, including, but not limited to, designing the garden
12 agriculture grant application, reviewing garden agriculture grant applications which have been
13 submitted by garden agriculture grant applicants, awarding garden agriculture grants, hiring
14 technical assistance experts, and monitoring and enforcing compliance with the provisions of this
15 chapter.

16 (13) "Garden agriculture program" means the garden agriculture program, as established
17 by § 2-29-4.

18 (14) "Garden agriculture grant recipient" means a natural person who received a garden
19 agriculture grant.

20 **2-29-4. Creation of the garden agriculture program.**

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

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

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

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

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

28 **2-29-5. Garden agriculture grant application.**

29 (a) The bureau shall create an application called the garden agriculture grant application
30 with which natural persons can apply for a garden agriculture grant. The bureau and its agents and
31 employees shall refer to the garden agriculture grant application as the "garden agriculture grant
32 application" in all official, public communications.

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

34 (1) Provide their name;

- 1 (2) Provide their address;
- 2 (3) Provide their cumulative adjusted gross household income;
- 3 (4) Identify which of the following gardening items they would like to receive as part of
4 the grant;
- 5 (i) A trowel;
- 6 (ii) A spade;
- 7 (iii) A pair of pruners;
- 8 (iv) Soil;
- 9 (v) Mulch; and
- 10 (vi) Organic fertilizer;
- 11 (5) Identify which types of seeds they would like to receive as part of the grant, choosing
12 from a list of available seed types which shall be listed on the garden agriculture grant application;
- 13 (6) Indicate whether they would like to receive one raised garden bed or two (2) raised
14 garden beds as part of the grant;
- 15 (7) Identify the dimensions that they would like the raised garden bed or beds to have,
16 choosing from a list of available dimensions which shall be listed on the garden agriculture grant
17 application;
- 18 (8) Indicate whether they would like to receive any other tools, equipment, resources, or
19 items listed on the garden agriculture grant application, which the chief has deemed appropriate to
20 list on the garden agriculture grant application; provided that, it is reasonable to believe that
21 including those tools, equipment, resources, or items on the garden agriculture grant application
22 would improve the garden agriculture program;
- 23 (9) Provide any other information that the chief of agriculture deems appropriate for
24 determining whether to award the applicant a garden agriculture grant.
- 25 (c) The garden agriculture grant application shall include:
- 26 (1) A brief, plainly written, and easily comprehensible description of the purposes of the
27 garden agriculture grants;
- 28 (2) A description of the restrictions, legal duties, and obligations that accompany the receipt
29 of a garden agriculture grant, including, but not limited to, the requirements provided in § 2-28-9;
- 30 (3) A space for the applicant to sign and date the application; and
- 31 (4) A clearly worded statement advising potential applicants that by signing, dating, and
32 submitting a garden agriculture grant application, they are agreeing to abide by and comply with
33 the restrictions, legal duties, and legal obligations that accompany receipt of a garden agriculture
34 grant.

1 (d) The garden agriculture grant application shall be easily accessible on the website of the
2 bureau. Applicants shall be given the option of submitting their garden agriculture grant application
3 electronically on the website of the bureau. Visitors to the website of the bureau shall be able to
4 download and print as many copies of the garden agriculture grant application as they wish. The
5 bureau shall also establish a program through which applicants can easily and conveniently submit
6 non-electronic, paper versions of the garden agriculture grant application.

7 (e) The garden agriculture grant application shall be available in English and in any other
8 language spoken by at least ten percent (10%) of the Rhode Island population.

9 (f) The bureau shall only approve a garden agriculture grant application if it intends to
10 provide the garden agriculture grant applicant with a garden agriculture grant.

11 **2-29-6. Grant recipient prioritization order.**

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

15 **2-29-7. Contents of a garden agriculture grant.**

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

17 (1) All of the items requested by the applicant pursuant to § 2-29-5(b)(4);

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

21 (3) Any raised garden bed or raised garden beds requested by the applicant, pursuant to §§
22 2-29-5(b)(6) and 2-29-5(b)(7); provided that, no applicant shall receive more than two (2) raised
23 garden beds;

24 (4) Any additional items requested by the applicant, pursuant to § 2-29-5(b)(8);

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

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

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

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

31 (9) An accessible instructional guide for how to plant, grow, and harvest the types of plants
32 associated with the seeds the applicant requested, pursuant to § 2-29-5(b)(5), in English and in any
33 other language spoken by at least ten percent (10%) of the Rhode Island population; and

34 (10) Any other item or items which the chief of agriculture determines should be included

1 in all garden agriculture grants.

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

4 **2-29-8. Shipment and delivery.**

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

8 (b) After approving a garden agriculture application, the bureau shall deliver the garden
9 agriculture grant to the applicant, to arrive no later than two (2) months after the application was
10 approved.

11 **2-29-9. Duties and obligations of grant recipients.**

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

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

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

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

18 **2-29-10. Technical assistance experts.**

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

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

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

27 (d) Technical assistance experts must receive an annual salary that is not less than one
28 hundred forty percent (140%) of the statewide per capita income, as calculated by the United States
29 Census Bureau.

30 (e) Technical assistance experts must receive health insurance, dental insurance, at least
31 two (2) weeks of paid vacation time, and at least one paid sick day off of work for every twenty
32 (20) days in which they work more than six (6) hours.

33 **2-29-11. Severability.**

34 (a) If any provision of this chapter is held invalid, the remainder of this chapter shall not

1 be affected thereby.

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

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

7 CHAPTER 30

8 THE COMMUNITY AGRICULTURE ACT

9 **2-30-1. Short title.**

10 This act shall be known and may be cited as "The Community Agriculture Act".

11 **2-30-2. Legislative findings.**

12 The general assembly finds and declares as follows:

13 (1) The number and size of local Rhode Island farms has dropped precipitously in the last
14 seventy (70) years.

15 (2) Most of the food that is available to Rhode Islanders is produced by giant industrialized
16 agriculture corporations.

17 (3) Large industrialized agriculture corporations inflict severe damage on the ecological
18 stability of the planet, particularly through the widespread use of monocultures, over plowing,
19 chemical fertilizers, and chemical pesticides.

20 (4) Large industrialized agriculture corporations routinely underpay and exploit local
21 agricultural workers.

22 (5) Most of the food that is available to Rhode Islanders is grown far away, and must be
23 transported to the state through long, carbon-intensive supply chains.

24 (6) Many Rhode Islanders struggle with chronic food insecurity.

25 (7) Many Rhode Islanders eat primarily mass-produced food that has low nutritional value.

26 (8) In order to reduce the state's dependence on food that is mass produced by giant
27 industrial agriculture corporations that exploit their laborers, degrade the environment, and produce
28 food with low-quality nutritional value that must be shipped to Rhode Island through carbon-
29 intensive supply chains, the state must facilitate the development of local agricultural production.

30 (9) Many low-income Rhode Islanders, particularly in urban areas, lack space for their own
31 personal gardens.

32 **2-30-3. Definitions.**

33 As used in this chapter:

34 (1) "Board of directors" means the board of directors of any community agriculture

1 cooperative.

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

3 (3) "Census tract" means a geographic region identified as and referred to as a "census
4 tract" by the United States Census Bureau.

5 (4) "Chemical fertilizer" means any chemical compound of synthetic origin applied to soil
6 or to a plant to supply the plant with nutrients.

7 (5) "Chemical herbicide" means any chemical compound of synthetic origin applied to
8 plants, crops, or soil which is designed, used, or intended to kill or inhibit the growth of unwanted
9 plants or fungi.

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

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

15 (8) "Community agriculture cooperative" means the nonprofit corporation described in §
16 2-30-5.

17 (9) "Community agriculture program" means the cumulative entirety of any and all rules,
18 regulations, contracts, plans, projects, expenditures, and activities completed by the bureau to
19 award community agriculture grants to natural persons including, but not limited to, creating a
20 community agriculture grant application; reviewing community agriculture grant applications;
21 assisting community agriculture cooperatives with establishing a bank account; assisting
22 community agriculture cooperatives with incorporation; depositing funds into a community
23 agriculture cooperative bank account; assisting community agriculture cooperatives with holding
24 free and fair elections to select natural persons to serve on their first board of directors; developing
25 community agriculture standards; and monitoring and enforcing the provisions of this chapter.

26 (10) "Community agriculture standards" means the community agriculture standards
27 established by the bureau, as provided in § 2-30-16.

28 (11) "Community agriculture grant" means the community agriculture grant, established in
29 § 2-30-10.

30 (12) "Community agriculture grant application" means an application to receive a
31 community agriculture grant.

32 (13) "Community food" means food produced in a community garden.

33 (14) "Community garden" means a site of agricultural production owned and managed by
34 a community agriculture cooperative on behalf of its members. A community garden may include

1 real estate, farming equipment, greenhouses, buildings for indoor agriculture, and any other items,
2 structures, land, or property that are appropriate to facilitate agricultural production.

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

5 (16) "Feasible and appropriate" means:

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

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

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

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

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

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

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

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

29 (ii) Any activity or pattern of behavior engaged in by any director or group of directors that
30 leads the chief to conclude, by clear and convincing evidence, that the board of directors of a
31 community agriculture cooperative is not intending or attempting to grow community food;

32 (iii) Any activity or pattern of behavior engaged in by any director or group of directors
33 that leads the chief to conclude, by clear and convincing evidence, that a director or group of
34 directors are attempting to deliberately exclude some members of the community agriculture

1 cooperative from receiving any of the benefits of membership in the community agriculture
2 cooperative, including, but not limited to, the right to participate in elections to select natural
3 persons to serve on the board of directors; and

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

8 (21) "Members" means the members of a community agriculture cooperative, possessing
9 all the duties and privileges attached to membership in a nonprofit corporation, pursuant to this
10 chapter.

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

13 (23) "Permanent resident of a geographic membership area" means any natural person
14 whose primary domicile is in a geographic membership area. Any natural person who regularly
15 sleeps no less than one hundred (100) nights per year within the geographic membership area
16 automatically qualifies as a permanent resident of that geographic membership area, regardless of
17 whether they have a legal address within the geographic membership area.

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

20 (25) "Technical assistance experts" means the technical assistance experts described in §
21 2-30-17.

22 (26) "Treasurer" means the treasurer of a community agriculture cooperative, chosen by
23 that corporation's board of directors.

24 **2-30-4. Creation of the community agriculture program.**

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

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

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

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

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

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

1 **2-30-6. Community agriculture cooperative membership.**

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

5 **2-30-7. Powers of community agriculture cooperatives.**

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

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

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

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

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

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

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

27 (6) To purchase technical gardening assistance, guidance, or consulting services, provided
28 such services are used on behalf of the community agriculture cooperative;

29 (7) To purchase legal assistance, guidance, or consulting services, provided such services
30 are used exclusively on behalf of the community agriculture cooperative;

31 (8) To purchase financial accounting, financial bookkeeping, or financial consulting
32 services, provided such services are used exclusively on behalf of the community agriculture
33 cooperative;

34 (9) To compensate members of the community agriculture cooperative to grow community

1 food, maintain and improve the community garden, or train others to grow community food or
2 maintain and improve the community garden; provided that, no member is compensated with an
3 hourly income of less than the quotient of one divided by one thousand nine hundred and twenty
4 (1/1,920) multiplied by one hundred forty percent (140%) of the statewide per capita income, as
5 calculated by the United States Census Bureau, or is compensated with an hourly income of more
6 than the quotient of one divided by one thousand nine hundred and twenty (1/1,920) multiplied by
7 one hundred eighty percent (180%) of the statewide per capita income, as calculated by the United
8 States Census Bureau; and

9 (10) To purchase any additional items, goods, products, property, or services that the chief
10 deems appropriate.

11 (c) A community agriculture cooperative may not rent land, real property, appurtenances,
12 or buildings from any individual, corporation, or entity.

13 (d) In order to sell or otherwise alienate any piece of land or real property, a community
14 agriculture cooperative must obtain the approval of the chief of agriculture, the bureau shall develop
15 an efficient and convenient system through which a community agriculture cooperative may submit
16 an application to sell or otherwise alienate any piece of land or real property.

17 (e) A community agriculture cooperative may not disburse funds to its members except as
18 compensation for:

19 (1) Labor performed to produce community food;

20 (2) Labor performed to distribute community food;

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

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

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

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

28 **2-30-8. Duties of community agriculture cooperatives.**

29 (a) As soon as is feasible, and no later than ninety (90) days after being incorporated in the
30 state of Rhode Island, a community agriculture cooperative shall hold an election in which all of
31 its members may vote to elect between six (6) and twelve (12) directors to serve on that community
32 agriculture cooperative's board of directors.

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

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

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

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

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

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

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

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

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

17 (4) Any other matters, procedures, rules, or regulations which the board of directors deems
18 appropriate to include in the bylaws; provided they are consistent with the provisions of this
19 chapter.

20 (h) In order to be adopted, the bylaws of a community agriculture cooperative must be
21 approved by at least sixty percent (60%) of the board of directors.

22 (i) In order to be amended, the bylaws of a community agriculture cooperative must be
23 approved by at least sixty percent (60%) of the board of directors.

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

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

30 **2-30-9. Ensuring election integrity.**

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

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

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

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

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

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

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

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

12 (1) Schedule the election;

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

14 (3) Count the votes;

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

17 **2-30-10. Community agriculture grant.**

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

20 (1) A community agriculture grant for a community agriculture cooperative that has fewer
21 than five hundred (500) permanent residents of its geographic membership area, as determined by
22 the chief, shall consist of five hundred thousand dollars (\$500,000).

23 (2) A community agriculture grant for a community agriculture cooperative that has
24 between five hundred (500) and seven hundred fifty (750) permanent residents of its geographic
25 membership area, as determined by the chief, shall consist of seven hundred thousand dollars
26 (\$700,000).

27 (3) A community agriculture grant for a community agriculture cooperative that has
28 between seven hundred and fifty (750) and one thousand (1,000) permanent residents of its
29 geographic membership area, as determined by the chief, shall consist of one million dollars
30 (\$1,000,000).

31 (b) The bureau retains the legal right to claim the remaining, unspent money from a
32 community agriculture grant or claim ownership over any items, tools, land, real property, or
33 equipment that was purchased with money from a community agriculture grant if a major violation
34 has taken place. The bureau may exercise this right in any lawful manner, including, but not limited

1 to, through an action in the superior court.

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

5 (1) Allow the bureau to claim the remaining, unspent money from a community agriculture
6 grant or to claim ownership over any items, tools, land, real property, or equipment that was
7 purchased entirely with money from a community agriculture grant if a major violation has taken
8 place;

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

12 (3) All of the duties and legal obligations established by this chapter.

13 **2-30-11. Community agriculture grant application.**

14 (a) The bureau shall create a clear and simple application called the community agriculture
15 grant application with which natural persons can apply for a community agriculture grant. The
16 bureau and its agents and employees shall refer to the community agriculture grant application as
17 the "community agriculture grant application" in all official, public communications.

18 (b) Any party submitting a community agriculture grant application must live in the
19 geographic membership area identified in that community agriculture grant application.

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

21 (1) Provide their name;

22 (2) Provide their address;

23 (3) Identify a geographic membership area, defined according to the street names that
24 compose the borders of the geographic membership area; and

25 (4) Provide any other information that the chief deems appropriate to include on every
26 community agriculture grant application.

27 **2-30-12. Community agriculture application approval.**

28 (a) The bureau shall always seek to prioritize community agriculture applications for which
29 the median household income of all of the census tracts which overlap with the geographic
30 membership area, as calculated by the US Census Bureau, are below sixty percent (60%) of the
31 statewide median income, as calculated by the US Census Bureau.

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

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

4 **2-30-13. Geographic membership area requirements.**

5 (a) No part of a geographic membership area may overlap with any census tract for which
6 the median household income, as calculated by the US Census Bureau, exceeds ninety percent
7 (90%) of the statewide median household income, as calculated by the US Census Bureau.

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

9 (c) A geographic membership area must include at least four hundred (400) permanent
10 residents of that geographic membership area.

11 **2-30-14. Agricultural site requirements.**

12 A community agriculture cooperative may not purchase land or real property on which to
13 grow community food if that land or real property is more than one mile from the closest point
14 within the geographic membership area.

15 **2-30-15. Monitoring.**

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

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

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

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

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

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

33 (g) Minor violations may not be punished.

34 (h) Before determining that a major violation has taken place, the chief must provide the

1 enrollee or enrollees whose behavior is in question with notice and an opportunity to present
2 evidence in their defense.

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

5 (1) The chief may punish major violations by claiming the remaining, unspent money from
6 a community agriculture grant or claiming ownership over any items, tools, land, real property, or
7 equipment that was purchased entirely with money from a community 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 **2-30-16. Community agriculture standards.**

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

14 (b) The community agriculture standards shall include a comprehensive list of agricultural
15 practices for members of 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 **2-30-17. 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 (d) Technical assistance experts must receive an annual salary that is not less than one
6 hundred forty percent (140%) of the statewide per capita income, as calculated by the United States
7 Census Bureau.

8 (e) Technical assistance experts must receive health insurance, dental insurance, at least
9 two (2) weeks of paid vacation time, and at least one paid sick day off of work for every twenty
10 (20) days in which they work more than six (6) hours.

11 **2-30-18. Severability.**

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

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

17 SECTION 5. This act shall take effect upon passage.

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LC001362
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO AGRICULTURE AND FORESTRY -- FOOD SECURITY AND
AGRICULTURE JOBS

1 This act would create agricultural jobs and opportunities with the goal of creating food
2 security. The act would employ several mechanisms to do so, including the creation of the
3 agriculture jobs bureau, to be located within the division of agriculture.

4 This act would take effect upon passage.

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LC001362
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