

2013 -- H 5265 SUBSTITUTE A

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LC00851/SUB 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 -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Introduced By: Representatives Mattiello, Marcello, Ackerman, Lima, and Tomasso

Date Introduced: February 06, 2013

Referred To: House Environment and Natural Resources

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

1 recalculated as of ~~July 1, 2013~~ July 1, 2015 by adding thereto the number of days between the day
2 the permit or approval was issued and the day the permit or approval otherwise would have
3 expired.

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

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

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

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

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

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

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

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

34 (c) The tolling shall apply only to approvals or permits in effect on November 9, 2009

1 and those issued between November 9, 2009 and ~~June 30, 2013~~ June 30, 2015 and shall not
2 revive expired approvals.

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

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

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

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

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

24 (d) The expiration dates for all permits and approvals issued before the tolling period
25 began will be recalculated as of ~~July 1, 2013~~ July 1, 2015 by adding thereto the number of days
26 between November 9, 2009 and the day on which the permit or approval would otherwise have
27 expired. The expiration dates for all permits and approvals issued during the tolling period will be
28 recalculated as of ~~July 1, 2013~~ July 1, 2015 by adding thereto the number of days between the day
29 the permit or approval was issued and the day the permit or approval otherwise would have
30 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

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

- 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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