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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO AGRICULTURE AND FORESTRY

Introduced By: Representatives Valencia, Kennedy, Walsh, Tanzi, and Nunes

Date Introduced: March 04, 2014

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 2-1 of the General Laws entitled "Agricultural Functions of
2 Department of Environmental Management" is hereby amended by adding thereto the following
3 section:

4 **2-1-1.1. Division of agriculture – (a) Powers and duties. - The powers and duties of the**
5 department of environmental management with regard to agriculture shall be vested in the
6 director and shall be put into effect through the division of agriculture, established in § 42-17.1-4
7 and in accordance with the provisions of this section. The division of agriculture shall be
8 considered the agricultural agency of the state, and the chief of the division shall report to the
9 director with regard to functions and duties pertaining to farms, farm operation, and agriculture as
10 set forth in this section or elsewhere established in the general laws unless expressly assigned by
11 law to another agency or entity.

12 (b) Findings and declaration of policy. - The general assembly finds and declares that:

13 (1) Agriculture is both a basic human activity and a dynamic, natural resource based
14 business sector that contributes significantly to Rhode Island's economy;

15 (2) Agricultural operations and the necessary business infrastructure to support
16 agriculture are found in communities of all population densities in the state and contribute to the
17 quality of life in the state;

18 (3) Agriculture has shaped and continues to inform the landscape of the state;

19 (4) Agriculture has been a significant state interest throughout Rhode Island's history;

1 (5) Agriculture has become a heavily regulated industry while the preservation of
2 agriculture has been a significant purpose and an area of on-going public investment;

3 (6) Agriculture, for its success, is dependent on the availability and quality of soil and
4 other growing media and water supply. the quality and duration of the growing season, the
5 expertise of farmers and other agriculturists, the access to capital, and availability of labor, and
6 the presence of capacities for processing, aggregation and distribution, and sales; and

7 (7) It is established and declared policy of the state to promote, protect and secure the
8 viability and appropriate expansion of agriculture in the state.

9 (c) Purposes. - The purposes of this section are to:

10 (1) Recognize the division as the agricultural agency of the state;

11 (2) Provide for the coordination of the state's interests in agriculture through the division;

12 (3) Establish a common basic meaning of the terms pertaining to agriculture, farms, and
13 farming to effectuate the specific agricultural purposes in the general laws in an effective,
14 integrated, coherent, and consistent manner;

15 (4) Facilitate appropriate preservation, expansion, and sound development of agriculture
16 in all communities of the state, including urban communities, as important to the economic
17 development of the state and the health and wellbeing of the people of the state;

18 (5) Make available to the people of the state and visitors the products and services of
19 Rhode Island agriculture, including through direct to consumer sales, restaurant and other
20 hospitality venues, retail outlets, and public and private institutions including but not limited to
21 schools and hospitals;

22 (6) Promote coordination and cooperation among state and local agencies, entities and
23 political subdivisions with responsibilities established by law for agriculture, with associations,
24 organizations, businesses and persons concerned with agriculture; and

25 (7) Provide for integrated planning, management, and regulatory activity as necessary for
26 the preservation, expansion, viability and sound development of agriculture in the state.

27 (d) Definitions. - As used in this chapter, the following words and terms shall have the
28 following meanings, unless the context indicates another or different meaning or intent:

29 (1) "Agriculture" means propagation, care, cultivation, raising, and harvesting of the
30 products of truck farming, horticulture, turf, viticulture, viniculture, floriculture, forestry/tree
31 farming, sugar bush, stabling of five (5) or more horses, dairy farming, or aquaculture, or the
32 raising of livestock, including for the production of fiber, fur bearing animals, poultry, or bees.
33 Unless the context or intent indicates another or different meaning, the term "farming" shall be
34 treated as a synonym for agriculture as herein defined.

- 1 (2) "Department" means the department of environmental management.
- 2 (3) "Director" means the director of the department of environmental management.
- 3 (4)"Division" means the division of agriculture as established in §42-17.1-4 with the
4 powers and duties set forth in this section.
- 5 (5)"Farm" means stock, dairy, poultry, fruit, furbearing animal, and truck farms,
6 plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for
7 the raising of agricultural or horticultural commodities, orchards, vineyards and woodlands, sugar
8 bush and all such other types of farming as are considered "agricultural operations" pursuant to §
9 2-23-4.
- 10 (6) "Farmland" means land, or other defined geographic area that is owned or leased and
11 is either devoted to agriculture or is being restored to use for agriculture, or land that was
12 previously devoted to agriculture and has not been developed for or converted to another use.
- 13 (7) "Farm operation" means activities for the purposes of:
- 14 (i) Improving or cultivating the soil or raising or harvesting any agricultural or
15 horticultural commodity (including the raising, shearing, feeding, caring for, training, and
16 management of animals) on a farm;
- 17 (ii) Handling, drying, packing, grading, or storing on a farm any agricultural or
18 horticultural commodity in its unmanufactured state, but only if the owner, tenant, or operator of
19 the farm regularly produces more than one-half (½) of the commodity so treated;
- 20 (iii) Processing, holding, storing on a farm any agricultural or horticultural commodity
21 but only if the owner, tenant, or operator of the farm regularly produces more than one-half (½) of
22 the commodity so treated;
- 23 (iv)(A) The planting, cultivating, caring for, or cutting of trees; or
24 (B) The preparation (other than milling) of trees for market; and
- 25 (v) Selling any agricultural or horticultural commodity or product but only if the owner,
26 tenant, or operator of the farm regularly produces more than one-half (½) of the commodity or
27 product so being sold.
- 28 (8) "Farmer" means a person who is the owner or tenant of a farm and is actively engaged
29 in farming and either files a 1040F U.S. Internal Revenue Service form, or otherwise reports
30 income from farming for income tax purposes with the Internal Revenue Service and has a state
31 tax number or is a nonprofit corporation that has as its purpose providing for agriculture.
- 32 (9) "Person" means an individual, partnership, trust or trustee, corporation, or association.
- 33 (e) Agricultural functions of the division.
- 34 (1) Providing for soil conservation and improvement to accomplish the purposes of farm

- 1 viability and accommodating the expansion of agriculture in the state;
- 2 (2) Preservation of farmland;
- 3 (3) Marketing of Rhode Island farm products and services and Rhode Island produced
4 food;
- 5 (4) Establishing and administering minimum standards as provided for by law for
6 agriculture and farm operations;
- 7 (5) Protecting, maintaining, and improving farm viability throughout the state and
8 farmland ecology;
- 9 (6) Protecting and, as necessary, regulating plant and animal health and quarantine;
- 10 (7) Regulating, as provided for by law, pesticides and soil amendments including lime,
11 feed, and seeds;
- 12 (8) Taking such actions, consistent with law, as may be necessary or appropriate to
13 provide for the viability of farms and the protection and expansion of agriculture in the state.
- 14 (f) Duties of the division:
- 15 (1) To perform the functions assigned to it by this section, by other provisions of law, and
16 as otherwise may be delegated or assigned to it by the director:
- 17 (2) To act as the advocate for the state's interests in agriculture and to be a resource to
18 state agencies, entities, instrumentalities, and political subdivisions of the state with regard to
19 agriculture and to effectuate the purposes of this section the functions and duties of the division;
- 20 (3) To represent the interests of the state with regard to agriculture in federal and regional
21 processes and with federal and regional agencies, organizations, and entities;
- 22 (4) To collaborate with other state agencies, entities, instrumentalities, and political
23 subdivision of the state with regard to agriculture and to effectuate the purposes of this section
24 and the functions and duties of the division;
- 25 (5) To be the primary point of contact for farmers and other persons concerned about
26 agriculture with regard to the agricultural interests, functions, and programs of the state;
- 27 (6) To prepare and maintain such plans as may be necessary or desirable to effectuate the
28 purposes of this section, to accomplish the functions and to perform the duties of the division;
- 29 (7) To foster, encourage, and support research and development and technical assistance
30 with regard to agriculture, farms, farm operation, farmland ecology, and soil conservation;
- 31 (8) To participate in and promote Rhode Island and regional efforts to strengthen food
32 systems;
- 33 (9) To develop and manage programs and to engage and participate in projects to as may
34 be necessary or desirable to effectuate the purposes of this section, to accomplish the functions

1 [and to perform the duties of the division;](#)

2 [\(10\) To define agricultural best management practices and effectuate the use of such](#)
3 [practices as authorized by law; and](#)

4 [\(11\) To undertake such other actions and engage in such projects as may be necessary or](#)
5 [appropriate to effectuate the purposes of this section.](#)

6 SECTION 2. Section 42-82-2 of the General Laws in Chapter 42-82 entitled "Farmland
7 Preservation Act" is hereby amended to read as follows:

8 **42-82-2. Definitions.** -- As used in this chapter, unless the context indicates a different
9 meaning or intent:

10 (1) "Agricultural land" means any land in the state of five (5) contiguous acres or larger
11 that is suitable for agriculture by reference to soil type, existing use for agricultural purposes and
12 other criteria to be developed by the commission, [or any land devoted to agricultural operation as](#)
13 [defined in this section.](#) and may include adjacent pastures, ponds, natural drainage areas and other
14 adjacent areas which the commission deems necessary for farm operations;

15 (2) "Agricultural lands preservation commission" or "commission" means the
16 commission established pursuant to section 42-82-3;

17 (3) "Agricultural operation" means any individual, partnership or corporation that
18 complies with ~~sections §§ 44-27-3 and 2-1-1.1 (d) (7) and (8) and 2-1-22(j) and produces and~~
19 ~~distributes a commercial food, feed, fiber or horticultural product.~~

20 (4) "Cost," when used with reference to acquisition of development rights, means as of
21 any particular date the cost subsequently incurred of purchasing the development rights, property
22 rights and all other necessary expenses incident to planning, financing, and implementing the
23 provisions of this chapter;

24 (5) "Development rights" means the rights of the fee simple owner to develop, construct
25 on, divide, sell, lease, or otherwise change the property in such a way as to render the land
26 unsuitable for agriculture; this includes the exercise of the owner's rights to sell or grant
27 easements or rights of way, or to sell the mineral or water rights or other rights if by that exercise
28 the use of the land as productive agricultural land is diminished; but does not include the rights of
29 the owner to sell, lease, or otherwise improve the agricultural land to preserve, maintain, operate,
30 or continue the land as agricultural land or all other customary rights and privileges of ownership,
31 including the right to privacy. Specific restrictions to farm-related development shall be
32 formulated by the commission for each parcel of land to which the development rights are
33 purchased and appended to the covenant at the time of its making.

34 SECTION 3. Section 44-27-2 of the General Laws in Chapter 44-27 entitled "Taxation of

1 Farm, Forest, and Open Space Land" is hereby amended to read as follows:

2 **44-27-2. Definitions.** -- When used in this chapter:

3 (1) "Farmland" means:

4 (i) Any tract or tracts of land, including woodland and wasteland constituting a farm unit
5 [or a "farm" of a "farmer" as these terms are defined in § 2-1-1.1\(d\)](#);

6 (ii) Land which is actively devoted to agricultural or horticultural use including, but not
7 limited to: forages and sod crops; grains and feed crops; fruits and vegetables; poultry, dairy, and
8 other livestock and their products; nursery, floral, and greenhouse products; other food or fiber
9 products useful to people;

10 (iii) When meeting the requirements and qualifications for payments pursuant to a soil
11 conservation program under an agreement with the federal government, the director of
12 environmental management is authorized to promulgate and adopt rules and regulations defining
13 particular categories and minimum acreages of land eligible for designation as farmland under
14 this chapter.

15 (2) "Forest land" means any tract or contiguous tracts of land, ten (10) acres or larger
16 bearing a dense growth of trees, including any underbrush, and having either the quality of self
17 perpetuation, or being dependent upon its development by the planting and replanting of trees in
18 stands of closely growing timber, actively managed under a forest management plan approved by
19 the director of environmental management.

20 (3) "Open space land" means any tract or contiguous tracts of undeveloped land, where
21 the undeveloped land serves to enhance agricultural values, or land in its natural state that
22 conserves forests, enhances wildlife habitat or protects ecosystem health, and that is:

23 (i) Ten (10) total acres or larger, exclusive of house site, where "house site" means the
24 zoned lot size or one acre, whichever is smaller, and land surrounding dwellings or devoted to
25 developed facilities, such as tennis courts, pool, etc., related to the use of the residence; or

26 (ii) Tracts of land of any size that are designated as open space land in the
27 comprehensive community plan; or

28 (iii) Tracts of land of any size that have conservation restrictions or easements in full
29 force and applied for as open space, which shall be taxed on an equitable basis.

30 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO AGRICULTURE AND FORESTRY

- 1 This act would establish the division of agriculture.
- 2 This act would take effect upon passage.

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