AN ACT

RELATING TO HEALTH AND SAFETY - CLIMATE CHANGE ADAPTATION AND MITIGATION - RESILIENT RHODE ISLAND ACT OF 2014

Introduced By: Representatives Handy, Ruggiero, Walsh, Keable, and Naughton

Date Introduced: March 11, 2014

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby amended by adding thereto the following chapter:

CHAPTER 84.1

RESILIENT RHODE ISLAND ACT OF 2014

23-84.1-1. Short title. -- This act shall be known and may be cited as the "Resilient Rhode Island Act of 2014."

23-84.1-2. Legislative findings. -- The general assembly finds and declares that:

(1) Article 1, section 17 of the Rhode Island Constitution secures to the people of the state "their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values;" and requires adoption of "all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state";

(2) Climate change will have an impact on the use and enjoyment of the natural resources of the state and will require new types and levels of effort to secure their preservation, regeneration and restoration;

(3) The science of climate change is dynamic and evolving. The application of that science to the challenges faced by Rhode Island requires continual updating and adjustment to
obtain optimal practical outcomes, and that this updating and adjustment is best achieved through
the practice of "adaptive management":

(4) Carbon dioxide has been recognized by the Supreme Court as a pollutant, and that
reducing Rhode Island's contribution to that pollution and addressing the effects of that pollution
on the natural resources of the state falls within the jurisdiction of the department of
environmental management:

(5) The effects of climate change are real and measurable in Rhode Island and have been
publicly recognized, these include rising sea level measured 10.6 inches since 1930 at the
Newport Tide Gauge; Thirty percent (30%) more intense storms driving worsening floods;
measurably longer and hotter summers and heat waves; and increasingly damaging coastal
storms:

(6) These impacts are driving current and prospective challenges and damages to Rhode
Island's economy, citizens' livelihoods and quality of life;

(7) There is scientific consensus that conditions of climate change will continue for the
next century and beyond, and that these changes will impose increased vulnerability in Rhode
Island and substantial costs to Rhode Island, which costs will be broadly borne across the
ecosystem and society:

(8) Rhode Island is a global leader in coastal management and adaptation to climate
change, and as the center of a regional belt of ocean institutions from Boston to New London has
the potential to develop that expertise and associated industries into a major engine of economic
growth:

(9) Rhode Island is engaged in local, national and international efforts to respond to
climate change including governor Lincoln Chafee's executive order creating the executive
climate change council, the Eastern Canadian premiers climate change action plan, and the
regional greenhouse gas initiative:

(10) The Rhode Island Foundation and the Rhode Island commerce corporation, through
an open, private sector-generated process, have recognized that making Rhode Island more
resilient can be a means of "creating new industries that will create new jobs":

(11) The adjoining states of Massachusetts, Connecticut, and through shared marine
boundaries New York have taken substantial measures, including planning, reducing greenhouse
gas emissions (mitigation) and adapting to climate change, and that it is reasonable and prudent
for the health, safety and welfare of the people of Rhode Island that Rhode Island should be
consistent with this regional attention to this grave challenge:

(12) Rhode Island has shown leadership in developing energy programs, such as least
cost procurement (2006), long-term contracting standards (2009), and distributed generation
standard contracts (2011) that are fundamental to reducing emissions of greenhouse gases
(mitigation), but has not yet counted these programs as contributing importantly to that purpose;

(13) As a densely populated state with relatively low levels of energy consumption per
capita, Rhode Island has the opportunity to build a unique and highly efficient economic model
that instead of buying energy from out-of-state sources keeps Rhode Island spending in the local
economy;

(14) Improving energy efficiency provides multiple benefits for the state and its citizens,
assisting both in reducing greenhouse gas emissions, but also allowing us to adapt to increasingly
severe heat waves and other impacts of climate change; sharp gains in efficiency also creates the
resources and context for making truly renewable energy sources viable;

(15) Low income and minority communities, neighborhoods, households, and individuals
may have disproportionate exposure to climate change risks, including, but not limited to, heat
islands, disease, food and energy cost and availability, and infrastructure decline, and this
disproportionate risk is a significant public health, community development and social equity
concern;

(16) Many of Rhode Island's premier cultural, historic, economic, recreational and natural
resources, including habitats and ecosystems, lie in harms' way with regard to the potential effects
of sea level rise and climate change; and

(17) The further necessary progress on climate change adaptation and climate change
mitigation within Rhode Island will require a broad based intentional community effort, that
networks existing capacities in state agencies, and as necessary establishes new capacities,
purposes, goals, indicators, and reporting requirements for climate change mitigation and
adaptation in public agencies, and expects public agencies to act collaboratively in an open,
accountable and iterative manner to make Rhode Island a resilient state in the face of these
extraordinary challenges and daunting levels of change.

23-84.1-3. Purpose. – The purpose of this chapter is to:

(1) Protect public health, safety, and welfare of the people of Rhode Island in the face of
probable, but not precisely predictable, effects of climate change by pursuing strategies of
mitigation in order to contribute to the reduction of the risk of catastrophic change and by
pursuing strategies of adaptation in order to achieve the benefits of resiliency;

(2) Utilize the powers of existing institutions of Rhode Island government, including
without limitation, its state departments, agencies, offices, instrumentalities, and its political
subdivisions to accomplish purpose number one, above, in a comprehensive, integrated, dynamic
manner through adaptive management, which is publicly responsive and publicly informative and inclusive;

(3) Create a climate change science advisory council of experts for the state, to annually review and consider the current science regarding climate change, and assess the adequacy of Rhode Island's programs of emissions reductions and adaptation;

(4) Designate the department of environmental management as the coordinating agency for addressing issues of mitigation, given its established authority over air quality and the effects of air pollution, and designate the department of administration, division of state planning, as the coordinating agency for adaptation given its established authority for land use planning, community development, and the development, maintenance and use of the state guide plan and its elements;

(5) Recognize that strategies for mitigation and adaptation are frequently interrelated and complementary and benefit from broad interagency, intergovernmental and public-private coordination;

(6) Make available to decision makers, planners, administrators, in the public, private, and nonprofit sectors and to the general public current generally accepted scientific information about climate change and its potential effects on Rhode Island;

(7) Develop opportunities for public, private, and nonprofit sectors to develop economic and social opportunities that will contribute and advance the cause of community and urban revitalization and environmental justice, improve environmental quality across the state, create jobs accessible to low and moderate income people and their families, reduce energy costs in all households by achieving high levels of energy efficiency, and promote public health;

(8) Facilitate public, community, and private action in addressing matters pertaining to or arising from, climate change and its effects, and provide robust and on-going opportunities for public involvement in accomplishing the purposes of this act; and

(9) Intensify and sustain efforts to ensure preparedness planning, to integrate climate change adaptation planning into existing plans, to update standards to accommodate anticipated change expected during design life (i.e., build for conditions of the future, to plan for flexibility and monitor change and to protect natural areas and landscape features that buffer changing climatic conditions.

23-84.1-4. Definitions. – As used in this chapter, words and terms shall have given to them the meanings set forth in § 23-84.2-3, unless the context indicates another or different meaning or intent.

23-84.1-5. Public participation and community involvement. – In the implementation
the requirements of this act pertaining to adaptation and mitigation, in addition to requirements
for public notice and hearing required by the administrative procedures act, chapter 35 of title 42
and the open meetings act, chapter 46 of title 42, there shall be the following obligations of state
agencies and instrumentalities and political subdivisions for public inclusion and public review
and comment in preparing, adopting, implementing, and revising plans and programs to address
climate change:
(1) Public scoping of plans, programs, or major action to address climate change, to
receive and consider public comment on the nature and purpose of the plan, program, or action,
the content and methods of study and processes for reaching decisions, and consideration of
alternatives;
(2) Public availability of studies, analyses, and proposed findings and actions;
(3) Community review meetings and/or workshops for purposes of discussion between
the agency, instrumentality, or political subdivision proposing the plan, program, or action and
the public; which community review process shall consider processes and criteria, including
metrics if appropriate for evaluating the effectiveness of the plan, program, or action; and
(4) Public reporting concerning the effectiveness of the plan, program, or major action in
achieving the intended results.

SECTION 2. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
amended by adding thereto the following chapter:

CHAPTER 84.2

CLIMATE CHANGE MITIGATION AND ADAPTATION

23-84.2-1. Short title. -- This act shall be known as and may be cited as the "Climate
Change Mitigation and Adaptation Act of 2014."

23-84.2-2. Purpose. -- The purpose of this chapter is:
(1) To clarify the role of the department of environmental management as the
coordinating agency for climate change mitigation in the state, and to designate the division of
planning in the department of administration as the coordinating agency for climate change
adaptation;
(2) To provide for networked multi-agency collaboration as the optimum means to
accomplish climate change adaptation in Rhode Island;
(3) To establish adaptive management as a basic principle for the management of the
natural resources of the state for the benefit of the current and future generation of residents;
(4) To authorize the use of green infrastructure and low impact development and the
strengthening of ecosystem system services, when practicable, as the preferred means of
achieving resilience;

(5) To provide a common set of definitions of words and terms used in considering matters pertaining to climate change; and

(6) To accomplish the foregoing purposes in a manner provides opportunities for developing informed and engaged public collaboration, especially at the local and community levels.

23-84.2-3. Definitions. -- As used in this chapter, the following words and terms shall have the following meanings, unless the context indicates another or different meaning or intent:

(1) "Adaptation" means in human systems, the process of adjustment to the actual or expected climate and its effects, in order to reduce adverse impacts, moderate potential damages, take advantage of beneficial opportunities, and cope with the consequences of climate change. In natural systems, human intervention may facilitate adjustment to expected climate.

(2) "Adaptation assessment" means the practice of identifying options to adapt to climate change and evaluating them in terms of criteria such as availability, benefits, costs, effectiveness, efficiency, and feasibility.

(3) "Adaptation benefits" means the avoided damages (measured in monetary terms or otherwise) or the accrued benefits following the adoption and implementation of adaptation measures.

(4) "Adaptation costs" means the costs of planning, preparing for, facilitating, and implementing adaptation measures, including transition costs and unavoidable negative side effects.

(5) "Adaptive capacity" means the combination of the strengths, attributes, and resources available to an individual, community, society, organization, or natural system that allow it to respond to climate change (including climate variability and extremes), reduce adverse impacts, moderate potential damages, take advantage of beneficial opportunities, and cope with the consequences.

(6) "Adaptive management" means a framework and flexible decision-making process for ongoing knowledge acquisition, monitoring, and evaluation leading to continuous improvements in management planning and implementation of a project to achieve a specified objective. Adaptive management is a structured process that allows for taking action under uncertain conditions based on existing interdisciplinary experience and the best available scientific information, closely monitoring and evaluating outcomes, and re-evaluating and adjusting implementation decisions as more information is learned in order to identify key knowledge gaps and link science to dynamic policy.
(7) "Created wetland" means previously dry land converted to a wetland by raising the water table in inland wetlands or removing obstructions to hydrologic flow and/or raising or lowering the soil elevation to appropriate tidal elevation in coastal wetlands.

(8) "Deforestation" means human-induced conversion of forested land to non-forested land by direct or indirect agents or causes.

(9) "Ecosystem services" means the benefits people obtain from ecosystems, including basic provisioning services such as the delivery of food, fresh water, wood and fiber, and medicine; services that are less tangible and harder to measure but equally critical, including regulating services like carbon sequestration, erosion control, and pollination; cultural services like recreation, ecotourism, and educational, cultural, and spiritual values; and supporting services like nutrient cycling, soil formation, and primary productivity.

(10) "Fresh water wetlands" means a fresh water wetland as defined in § 2-1-20 and shall include, but not be limited to, marshes, swamps, bogs, ponds, rivers, river and stream flood plains and banks, areas subject to flooding or storm flowage, emergent and submergent plant communities in any body of fresh water including rivers and streams and that area of land within fifty feet (50') of the edge of any bog, marsh, swamp, or pond.

(11) "Greenhouse gas" means any chemical or physical substance that is emitted into the air and that the department of environmental management determines by rule may reasonably be anticipated to cause or contribute to climate change, including, but not limited to, carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), sulfur hexafluoride (SF61), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and other fluorinated greenhouse gases as defined in this section.

(12) "Green infrastructure" means the use of vegetation, soils, and natural processes to manage water and create healthier urban environments. At the scale of a city or county, green infrastructure refers to the patchwork of natural areas that provides habitat, flood protection, cleaner air, natural cooling, and cleaner water. At the scale of a neighborhood or site, green infrastructure refers to stormwater management systems that mimic nature by soaking up and storing water, and climate adaptive benefits by cooling neighborhoods, compared to pavement, buildings, and other impervious surfaces.

(13) "Low Impact Development" (LID) means land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product.
(14) “Mitigation” means a human intervention to reduce the sources or improve the uptake (sinks) of greenhouse gas emissions.

(15) “Renewable energy” means “renewable energy” as defined in § 39-26-5.

(16) “Resilience” means the ability of a social or ecological system and its component parts to anticipate, absorb, accommodate, or recover from some disturbance, change of conditions, or hazardous event in a timely and efficient manner and, if necessary, transform and improve itself in order to continue to be able to function and provide essential services and amenities that it has evolved or been designed to provide. It is important to note that resilience, as the term applies to ecosystems is used as a way to measure a system's ability to recover from stress or disturbance without undergoing a fundamental change in process or structure with the recognition that climate change will likely not allow for the return to a pre-existing equilibrium as the definition of resilience implies.

(17) “Sequestration” means the process of storing carbon in a carbon pool, for example forest bio-mass, wood products, soils.

(18) “Storm surge” means the temporary increase, at a particular locality, in the height of the sea due to extreme meteorological conditions (low atmospheric pressure and/or strong winds). The storm surge is defined as being the excess above the level expected from the tidal variation alone at that time and place.

(19) “Tidal wetland or coastal wetland” means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens and are defined by the coastal resources management council pursuant to § 46-23-6(2) as "coastal wetland or tidal wetland”.

(20) “Transit oriented development” means a form of community development that includes a mixture of housing, office, retail and/or other amenities integrated into a walkable neighborhood and located within a half-mile of quality public transportation.

(21) “Urban heat island effect” means the relative warmth of a city or urban neighborhood compared with surrounding rural areas, associated with changes in stormwater runoff, the "concrete jungle" effects on heat retention, changes in surface albedo, changes in pollution and aerosols, lack of trees, and so on.

(22) “Vulnerability” means sensitivity which measures the weakness of the system and the physical predisposition of populations, infrastructures, or an ecosystem to being adversely affected by a threat. Vulnerability to climate change is a function of the character, magnitude, and rate of climate variation to which a system is exposed, as well as of non-climatic characteristics.
of the system, including its sensitivity and its coping and adaptive capacity to anticipate, absorb, accommodate, and recover from the effects of a disturbance in an efficient manner.

(23) "Vulnerability assessment" means a practice that identifies who and what is exposed and sensitive to change, and how able a given system is to cope with extremes and change, considering the factors that expose and make people or the environment susceptible to harm, and accesses to natural and financial resources available to cope and adapt, including the ability to self-protect, external coping mechanisms, support networks, and so on.

(24) "Working landscape" means an area where people live and work in a way that allows the ecosystem to be sustained. Working landscapes combine the provision of ecosystem services and economic activity in a manner that is sustainable.

(25) "Working waterfront" means a parcel of land, or a portion thereof, abutting water to the head of tide, land located in the intertidal zone or submerged land that is used primarily or predominantly to provide access to or support the conduct of a working waterfront activity. Activity includes commercial fishing activities, commercial boat building and repair, commercial hauling, launching, storage and berthing of boats, marine construction, marine freight and passenger transportation, and other similar commercial activities that are dependent on the waterfront.

23-84-2-4. Climate change science advisory council. -- There is hereby authorized and established within the department of environmental management a climate change science advisory council consisting of nine (9) members; four (4) of whom shall be from institutions of higher education in the state; two (2) of whom shall be from research laboratories located in the state; and three (3) of whom shall be from state agencies with expertise in and responsibility for addressing issues pertaining to climate change. The members of the advisory council shall be appointed for terms of three (3) years; provided, however, that with regard to the initial appointments, three (3) members shall be appointed for terms of one year; three (3) members shall be appointed for a term of two (2) years; and three (3) members shall be appointed for a term of three (3) years; members may serve not more than three (3) successive terms, and their appointments shall continue until their successors are appointed. The chairperson of the advisory council shall be appointed by the director of the department of environmental management; a vice-chair person and a secretary shall be elected by the council for a term of two (2) years; all officers of the advisory council shall serve until their successors are duly appointed or elected. The advisory council shall meet not less frequently than semi-annually. The advisory council shall review and consider current science regarding climate change and shall review Rhode Island's programs of mitigation and adaptation and shall make findings with regard to the
adequacy of these programs in light of current science; the advisory council shall annually issue a
public report of its findings to the director, the governor, the speaker of the house, and the senate
president by November 30 commencing in the year 2014.

23-84.2-5. Adaptive management. -- All state departments, offices, commissions, councils, agencies, and instrumentalities, which are authorized by this chapter to exercise powers for the purposes mitigation, adaptation, or resilience, may utilize the process of adaptive management for such purposes unless expressly prohibited by law.

23-84.2-6. Mitigation. -- The director of the department of environmental management shall, within the authority conferred by law, establish and implement goals, plans, and strategies for mitigation of greenhouse gas emissions from Rhode Island sources.

(1) Preliminary Inventory. Within ninety (90) days after the effective date of the Resilient Rhode Island Act of 2014, the director of the department of environmental management shall issue a proposed preliminary inventory of greenhouse gas emissions by sector and major source, based on the best currently available information for energy use and energy production in Rhode Island and using a standardized tool for estimating emissions, and shall hold at least one community review meeting with thirty (30) days notice for purposes of public discussion of and public comment on the proposed preliminary inventory; on or before December 31, 2014, the director shall issue a preliminary inventory as a working document for greenhouse gas mitigation planning in Rhode Island.

(2) Greenhouse Gas Mitigation Plan. On or before September 30, 2015, the director shall issue a notice for public hearing in accordance with requirements of chapter 35 of title 42, a greenhouse gas mitigation plan, which plan shall include:

(i) An inventory of greenhouse gas emissions by sector and major source;

(ii) Strategies and implementation measures to achieve targets for greenhouse gas emissions as set forth in subdivision (3) of this section; and

(iii) Procedures and methods for evaluating the effectiveness of the plan in accomplishing its purposes.

(3) Targets for greenhouse gas emissions. The targets for greenhouse gas shall be as a minimum as set forth below, greater reduction targets may be established in accordance with the provisions of chapter 35 of title 42, as necessary to accomplish the purposes of the Resilient Rhode Island Act of 2014:

(i) Twenty-five percent (25%) below 1990 levels by 2025;

(ii) Fifty percent (50%) below 1990 levels by 2035; and

(iii) Eighty-five percent (85%) below 1990 levels by 2050.
Within these overall targets, targets for specific sectors may be set at a higher or lower level as necessary or practical to achieve the overall target.

(4) Strategies to accomplish emission reductions. The plan, which shall be developed in collaboration with the office of energy resources, shall include strategies, programs, and compliance mechanisms with measurable goals and targets for each sector which strategies, programs, and compliance mechanisms may include, but are not limited to, the following: offering market-based mechanisms; expanding financing and investment tools; modernizing the electric grid, regulation and rates; improving incentives for combined heat and power systems; expanding the renewable energy standard and procurement; extending least-cost procurement (including to unregulated fuels); improving state energy efficiency codes and standards; providing legal mechanisms to expedite response to requests by tenants to landlords; addressing natural gas leaks; promoting alternative fuel and electric vehicles; increase use and availability of efficient public transport; and changing land-use patterns, consistent with the state guide plan, to support transit-oriented development and mixed-use commercial and residential areas.

23-84.2-7. Adaptation.-- (a) Committee. (1) Creation. There is hereby created a climate change adaptation planning and implementation coordination committee of twenty-four (24) members, which shall include the following thirteen (13) state agencies: the department of administration, the division of state planning, the office of management and budget, the governor's policy office, the department of health, the department of environmental management, the department of transportation, the executive office of commerce, the RI commerce corporation, the coastal resources management council, the Rhode Island historical preservation and heritage commission, and the Rhode Island emergency management agency, the office of energy resources, and the bays, rivers and watersheds coordination team, five (5) representatives of cities and towns, including the RI League of Cities and Towns, and six (6) public members, including two (2) representatives from institutions of higher education who have expertise in climate change issues, two (2) representatives of conservation/environmental organizations, one representative of tourism, and one representative of Rhode Island marine trades; members of the committee from entities that are members of the state planning council shall be either the member of the state planning council, or a representative of that entity, appointed that entity's chief officer; members of the committee who are not from an entity represented on the council shall be appointed by the chair of the council with the approval of the council. All members of the committee shall serve until their successor is duly appointed. All departments, agencies and instrumentalities of the state shall furnish such advice and information, documentary, and otherwise, to the committee and its agents as is deemed necessary or desirable by the committee.
to facilitate the performance of its functions pursuant to the purposes of this chapter. The
department of administration is hereby authorized and directed to provide suitable quarters and
administrative support for the commission; for purposes of administration the committee shall be
assigned to the department of administration. The division of state planning shall be the
coordinating agency for the duties set forth below.

(b) Duties. The committee shall:

(1) Aggregate and integrate vulnerability assessments required by subsection (d) below of
this section by population and geographic area;

(2) By January 1, 2017, set goals, to substantially reduce the impacts of climate change
on Rhode Island’s population by collecting data, which shall be publicly reported, and by setting
standards for measurable progress around indicators of the impacts of climate change and
indicators of preparedness for the impacts of climate change, which indicators shall be established
and promulgated as guidance by July 1, 2015 with substantial input from affected communities,
recognizing that vulnerability depends on social and economic conditions, collection of data
around these indicators should be disaggregated by race, age, income, and geography (urban v.
rural);

(3) Evaluate the elements of the state guide plan as those may have a bearing on matters
affected by climate change and recommend such revisions as may be appropriate to advance the
purposes of climate change mitigation, adaptation and to increase adaptive capacity;

(4) Provide for coordination among state agencies and instrumentalities of planning for
increasing adaptive capacity;

(5) Maximize to the extent reasonably feasible strengthening ecosystem of services,
extending "low impact development", securing sequestration, and employing "green
infrastructure" solutions as means to achieve long-term resilience, adaptation, and mitigation; and

(6) Report its findings and recommendations publicly to the governor, the speaker of the
house, the president of the senate, and to the state planning council, annually.

(c) Vulnerability assessments. As set forth below, the following state agencies shall
conduct vulnerability assessments on the subject areas indicated by January 2016:

(1) Public water supply - lead agency: The department of health, in conjunction with the
Rhode Island water resources board and the department of environmental management.

(2) Waste water treatment - lead agency: Department of environmental management in
conjunction with the Narragansett bay commission.

(3) Transportation infrastructure - lead agency: Department of transportation in
conjunction with statewide planning program and the RI public transit authority.
(4) Parks and recreation and natural areas - lead agency: Department of environmental management.

(5) Historical and cultural resources - lead agency: RI historical preservation and heritage commission.

(6) Tourism resources - lead agency: RI commerce corporation in conjunction with regional tourism councils and the department of environmental management.

(7) Public health - lead agency: Department of health in conjunction with the department of elderly affairs and the executive office health and human services.

(8) Emergency management and hazard mitigation - lead agency: RI emergency management agency.

(9) Coastal resources and shoreline - lead agency: RI coastal resources management council.

(10) Gas and electric infrastructure - lead agency: The office of energy resources in conjunction with the division of public utilities and RI emergency management agency.

(d) Any assessment of risk or hazard mitigation, which is substantially equivalent to a vulnerability assessment as herein required, that was commenced, being undertaken or was completed on or after July 1, 2013, shall be considered satisfactory for the purposes of this section provided notification is given to the committee of such assessment, which notice shall include a statement of the scope and nature of the assessment. The methods used to conduct the assessment, and the findings of the assessment, if completed, or the subject areas of findings if the assessment has not been completed as of the date of notification.

(e) Vulnerability assessments herein required shall include at least one public scoping session prior to the commencement of the assessment and least one community review meeting prior to the adoption or acceptance of the assessment by the lead agency; provided, however, that no scoping session shall be required for any assessment that was commenced prior to the effective date of this act; and no community review meeting shall be required for any assessment that was substantially complete as of the effective date of this act and is either adopted or accepted by the lead agency within sixty (60) days after the effective date of this act.

23-84.2-8. State planning council. -- The state planning council is hereby authorized and directed to adopt amend and maintain as an element of the state guide plan and/or as provisions of elements of the state guide plan, or as appropriate formal guidance, such provisions as may be necessary or appropriate to effectuate the purposes of §§ 23-84.2-5, 23-84.2-6, and 23-84.2-7.

23-84.2-9. Exercise of existing authority. -- The following state departments, agencies, offices, commissions, councils and instrumentalities, and political subdivisions shall be deemed
to have and to exercise among their purposes in the exercise of their existing authority, the
purposes set forth in this chapter pertaining to climate change mitigation, adaptation, and
resilience in so far as climate change affects the mission, duties, responsibilities, projects, or
programs of the entity:

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<td>Conservation Commissions</td>
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</table>
Storm Water Management Districts

Dam Management Districts

Clean Water Finance Agency

RI Water Resources Board

RI Coastal Resources Management Council

Narragansett Bay Commission

RI Rivers Council

Local Watershed Councils

RI Bays, Rivers, and Watersheds Coordination Team

23-84.2-10. Coordination with the executive office of commerce and the RI commerce corporation. -- The departments of environmental management and administration shall coordinate their duties with regard to the administration of climate change mitigation and adaptation with the executive office of commerce and the RI commerce corporation to realize the benefits of industry creation and expansion and job growth that may be realized by Rhode Island becoming resilient. The executive office of commerce and the RI commerce corporation shall in consultation with the RI emergency management agency establish and maintain an assessment of the benefits and costs of an affirmative strategy for resilience, adaptation, and risk reduction and management including, in comparison with other states, especially Massachusetts and Connecticut, and shall pursue opportunities for industry creation and growth and job that may be realized by Rhode Island becoming resilient.

23-84.2-11. Use of green infrastructure. -- (a) The director of the department of environmental management shall, in the exercise of his or her authority, to supervise and control the protection, development, planning, and utilization of the natural resources of the state:

(1) Increase the sustainable level of ecosystem services that contribute to climate change adaptation and mitigation and resilience in all areas of the state including specifically areas which are or have the potential to be urban heat islands; and

(2) Preserve, expand, and create working landscapes throughout the state.

(b) The director shall, to the maximum extent allowed by law and practically feasible, in the exercise of the regulatory authority provide for the use of "green infrastructure", "low impact development" measures, and pervious surfaces to achieve the purposes of climate change adaptation and resilience.

(c) The director shall plan for, support, assist, and as necessary, provide the preservation, expansion, and creation of urban and metropolitan parks and greenways as a means to temper the effects of high temperatures and heat waves.
(d) The director of the department of transportation shall adopt and promulgate state regulations which will implement and recognize the benefits of green infrastructure such as, but not limited to, permeable road structures, constructed wetlands, and bioswales in order to increase the resiliency of the structures, as well as to manage stormwater.

SECTION 3. Section 20-18-1 of the General Laws in Chapter 20-18 entitled "Wildlife Management Areas" is hereby amended to read as follows:

20-18-1. Acquisition or control of land for protecting wildlife. -- The director may in the name and for the use of the state, and subject to the approval of the state properties committee, acquire by gift, lease, purchase, or easement, land within the state for the purpose of protecting, conserving, cultivating, or propagating any species of wildlife, plant or animal, or protecting or enhancing the environmental services thereof. The director may, with the consent of the owner of the land, control any land suitable with character and situation for those purposes. Any land so acquired or controlled by the department of environmental management shall be posted conspicuously and designated as a state park or management area.

SECTION 4. Chapter 23-27.3 of the General Laws entitled "State Building Code" is hereby amended by adding thereto the following section:

23-27.3-100.1.5.6. Climate change risk mitigation and adaption. — (a) The state building code standards committee has the authority in consultation with the building code commissioner, to adopt, maintain, amend, and repeal code provisions, which shall be reasonably consistent with recognized and accepted standards and codes, including for existing buildings, to mitigate climate change by reducing energy consumption and to adapt to the effects of climate change by producing levels of structural integrity to build resilience to withstand severe weather events, which may become more frequent in the lifetime of the structures. Such code provisions shall, to the extent reasonable and feasible, take into account climatic changes and potential climatic changes and sea level rise and storm surge calculations by the coastal resources management council.

(b) The code requirements shall be based on achieving the following goals in reducing total energy consumption per square foot per year: reduce consumption per square foot by one percent (1%) per year through 2020, two percent (2%) per year through 2030, three percent (3%) per year through 2050, with the result that building energy consumption is:

(1) Five percent (5%) below current levels by 2020;
(2) Twenty-five percent (25%) below current levels by 2030; and
(3) Sixty percent (60%) below current levels by 2050.

(c) The state building code standards committee in consultation with the building code
commissioner shall implement the provisions of this section in collaboration with the office of
energy resources and the energy efficiency and resources management council.

SECTION 5. Chapter 23-84 of the General Laws entitled "The Rhode Island Climate
Risk Reduction Act of 2010" is hereby amended by adding thereto the following section:

23-84-4. Sunset -- The provisions of this chapter shall sunset as of the effective date of
the Resilient Rhode Island Act of 2014, and all state authority vested in the commission shall
dissolve and state authority granted to the commission in § 23-84-3 shall revert to the appropriate
state authority.

SECTION 6. Section 34-37.1-3 of the General Laws in Chapter 34-37.1 entitled
"Homeless Bill of Rights" is hereby amended to read as follows:

34-37.1-3. Bill of Rights. -- No person's rights, privileges, or access to public services
may be denied or abridged solely because he or she is homeless. Such a person shall be granted
the same rights and privileges as any other resident of this state. A person experiencing
homelessness:

(1) Has the right to use and move freely in public spaces, including, but not limited to,
public sidewalks, public parks, public transportation and public buildings, in the same manner as
any other person, and without discrimination on the basis of his or her housing status;

(2) Has the right to equal treatment by all state and municipal agencies, without
discrimination on the basis of housing status;

(3) Has the right not to face discrimination while seeking or maintaining employment
due to his or her lack of permanent mailing address, or his or her mailing address being that of a
shelter or social service provider;

(4) Has the right to emergency medical care free from discrimination based on his or her
housing status;

(5) Has the right to vote, register to vote, and receive documentation necessary to prove
identity for voting without discrimination due to his or her housing status;

(6) Has the right to protection from disclosure of his or her records and information
provided to homeless shelters and service providers to state, municipal and private entities
without appropriate legal authority; and the right to confidentiality of personal records and
information in accordance with all limitations on disclosure established by the Federal Homeless
Management Information Systems, the Federal Health Insurance Portability and Accountability
Act, and the Federal Violence Against Women Act; and

(7) Has the right to a reasonable expectation of privacy in his or her personal property to
the same extent as personal property in a permanent residence.
(8) Has the right to be protected as any other person from any harmful effects of climate change, including, but not limited to, weather-related disaster events and heat waves.

SECTION 7. Sections 39-26-3 and 39-26-4 of the General Laws in Chapter 39-26 entitled "Renewable Energy Standard" are hereby amended to read as follows:

39-26-3. Purposes. -- The purposes of this chapter are to define renewable energy resources and to facilitate the development of new renewable energy resources to supply electricity to customers in Rhode Island with goals of stabilizing long-term energy prices, enhancing environmental quality, reducing greenhouse gas emissions, and creating jobs in Rhode Island in the renewable energy sector.

39-26-4. Renewable energy standard. -- (a) Starting in compliance year 2007, all obligated entities shall obtain at least three percent (3%) of the electricity they sell at retail to Rhode Island end-use customers, adjusted for electric line losses, from eligible renewable energy resources, escalating, according to the following schedule:

(1) At least three percent (3%) of retail electricity sales in compliance year 2007;
(2) An additional one half of one percent (0.5%) of retail electricity sales in each of the following compliance years 2008, 2009, 2010;
(3) An additional one percent (1%) of retail electricity sales in each of the following compliance years 2011, 2012, 2013, 2014, provided that the commission has determined the adequacy, or potential adequacy, of renewable energy supplies to meet these percentage requirements;
(4) An additional one and one half percent (1.5%) of retail electricity sales in each of the following compliance years 2015, 2016, 2017, 2018, and 2019, 2020, 2021, 2022, 2023, 2024, and 2025, provided that the commission has determined the adequacy, or potential adequacy of renewable energy supplies to meet these percentage requirements;
(5) In 2020 and each year thereafter, the minimum renewable energy standard established in 2019 shall be maintained unless the commission shall determine that such maintenance is no longer necessary for either amortization of investments in new renewable energy resources or for maintaining targets and objectives for renewable energy including the reduction of greenhouse gas emissions.
(b) For each obligated entity and in each compliance year, the amount of retail electricity sales used to meet obligations under this statute that is derived from existing renewable energy resources shall not exceed two percent (2%) of total retail electricity sales.
(c) The minimum renewable energy percentages set forth in subsection (a) above shall be met for each electrical energy product offered to end-use customers, in a manner that ensures that...
the amount of renewable energy of end-use customers voluntarily purchasing renewable energy is not counted toward meeting such percentages.

(d) To the extent consistent with the requirements of this chapter, compliance with the renewable energy standard may be demonstrated through procurement of NE-GIS certificates relating to generating units certified by the commission as using eligible renewable energy sources, as evidenced by reports issued by the NE-GIS administrator. Procurement of NE-GIS certificates from off-grid and customer-sited generation facilities, if located in Rhode Island and verified by the commission as eligible renewable energy resources, may also be used to demonstrate compliance. With the exception of contracts for generation supply entered into prior to 2002, initial title to NE-GIS certificates from off-grid and customer-sited generation facilities and from all other eligible renewable energy resources shall accrue to the owner of such a generation facility, unless such title has been explicitly deemed transferred pursuant to contract or regulatory order.

(e) In lieu of providing NE-GIS certificates pursuant to subsection (d) of this section, an obligated entity may also discharge all or any portion of its compliance obligations by making an alternative compliance payment to the Renewable Energy Development Fund established pursuant to section 39-26-7.

SECTION 8. Section 39-26.1-1 of the General Laws in Chapter 39-26.1 entitled "Long-Term Contracting Standard for Renewable Energy" is hereby amended to read as follows:

39-26.1-1. Purpose. -- The purpose of this chapter is to encourage and facilitate the creation of commercially reasonable long-term contracts between electric distribution companies and developers or sponsors of newly developed renewable energy resources with the goals of stabilizing long-term energy prices, enhancing environmental quality, reducing greenhouse gas emissions, creating jobs in Rhode Island in the renewable energy sector, and facilitating the financing of renewable energy generation within the jurisdictional boundaries of the state or adjacent state or federal waters or providing direct economic benefit to the state.

SECTION 9. Section 42-10.1-2 of the General Laws in Chapter 42-10.1 entitled "Public Finance Management Board" is hereby amended to read as follows:

42-10.1-2. Purpose. -- It shall be the purpose and responsibility of the board:

(1) To advise and assist all state departments, authorities, agencies, boards, commissions, and public and quasi-public corporations having authority to issue revenue or general obligation bonds or notes with respect to issuance of and financial planning related to all those bonds and notes;

(2) Upon request, to advise and/or assist any city or town and any municipal or regional
agency, authority, board, commission, or public or quasi-public corporation having authority to
issue revenue or general obligation bonds or notes with respect to the issuance and financial
planning related to those bonds and notes;

(3) To collect, maintain, and provide information on state, municipal and public or quasi-
public corporation debt authorization, sold and outstanding, and serve as a statistical center for all
state and municipal debt issues;

(4) To maintain contact with state municipal and public or quasi-public corporation bond
issuers, underwriters, credit rating agencies, investors, and others to improve the market for state
and local government debt issues;

(5) To undertake or commission studies on methods to reduce the costs and improve
credit ratings of state and local debt issues;

(6) To recommend changes in state laws and local practices to improve the sale and
servicing of state and local debts.

(7) To develop, in consultation with the auditor general and the director of the office of
management and budget, advisory guidelines, for the use by state departments, authorities,
agencies, boards, commissions, and public and quasi-public corporations, and by municipal or
regional agencies, authorities, boards, commissions, or public or quasi-public corporations having
the authority to issue general obligation or revenue bonds, for considering the effects of climate
change on the performance or likely useful life of any asset being acquired, substantially
rehabilitated, or financed through the issuance of such bonds. The advisory guidelines shall be
maintained and provided to the state budget officer as the capital development officer, the
chairperson of the house finance committee and of the house committee on municipal
government, the chairperson of the senate finance committee and of the senate committee on
housing and municipal government, the house fiscal advisor, the senate fiscal advisor, the
president of each city and town council, the chief administrative official of each city and town,
and to city and town finance directors, and to all departments, authorities, agencies, boards,
commissions, public and quasi-public corporations and political subdivisions with authority to
issue general obligation or revenue bonds. Until such time that the guidance herein required is
promulgated by the board, the director of administration shall develop and issue interim advisory
guidance for the purposes described in this subsection through the state budget office for use by
state agencies and instrumentalities and for use by cities and towns and other political
subdivisions through the office of municipal affairs; the interim advisory guidance shall be issued
within sixty (60) days after the effective date of this act so that it will be available for developing
budgets and capital expenditure plans for fiscal year 2016.
SECTION 10. Chapter 42-66 of the General Laws entitled "Elderly Affairs Department" is hereby amended by adding thereto the following section:

42-66-4.3. Duties with regard to heat emergencies. -- The department shall exercise the duties set forth in § 42-66-4 above in order to assure the availability of appropriate services to elderly persons during periods of high temperatures.

SECTION 11. Chapter 42-140 of the General Laws entitled "Rhode Island Energy Resources Act" is hereby amended by adding thereto the following sections:

42-140-3.1. Duties with regard to climate change adaptation and mitigation. -- The office shall exercise the duties set forth in § 42-140-3 in a manner that serves to facilitate adaptation to the conditions of and mitigate the state's contribution to climate change.

42-140-3.2. Duties with regard to climate change and low income household impacts.

-- The office shall, by June 30, 2015, in conjunction with the department of human services, department of health, the department of environmental management pursuant to § 23-82.2-5, the Rhode Island housing resources commission, Rhode Island housing, and the RI energy efficiency and resources management council, develop a plan for weatherization of all dwelling units occupied by LIHEAP eligible households in neighborhoods subject to an urban heat island effect, which plan shall include an implementation program to accomplish such weatherizations by June 30, 2025, for the purposes of reducing summertime peak energy demand, air conditioning costs, air pollution and greenhouse gas emissions, heat-related illness and mortality. The implementation program may be supported from funding, including, but not limited to, federal funds for housing, low income household energy assistance program resources, least-cost procurement pursuant to § 39-1-27.7. PACE programs and such assistance as may be available through Rhode Island housing.

SECTION 12. Section 42-140.3-8 of the General Laws in Chapter 42-140.3 entitled "The Rhode Island Renewable Energy Coordinating Board" is hereby amended to read as follows:

42-140.3-8. Strategic renewable energy implementation plan. -- (a) The board shall develop and recommend a strategic renewable energy implementation plan to promote the development of renewable energy resources in Rhode Island.

(b) The strategic plan shall:

(1) Coordinate the short and long-term implementation of renewable energy policies by state agencies;

(2) Assess and include recommendations to realize the potential of renewable energy development to create new businesses, employment opportunities, and industries in Rhode Island; and
(3) Address any other issues deemed appropriate by the board to advance renewable energy development in Rhode Island; and

(4) Address the need to mitigate climate change by reduction of greenhouse gas emissions.

c) The board may incorporate into the strategic plan the reports and findings of state agencies including, but not limited to, the results of any special area management plans.

d) On or before November 15, 2011, the board shall adopt the strategic plan. The board may amend the strategic plan as necessary. The board shall, on or before November 15, 2016, amend the strategic plan as necessary to address the need to mitigate climate change by reduction of greenhouse gas emissions in order to meet goals set forth such mitigation that may be promulgated or accepted by the department of environmental management.

e) On March 15 and September 15 of each year, commencing in 2012, the board shall issue the strategic plan biannual report, which shall be made available to the public and transmitted to the governor; the senate president; the speaker of the house; and state agencies. The strategic plan biannual report shall:

(1) Assess compliance with the strategic plan by state agencies and cities and towns;

(2) Evaluate the effectiveness of state renewable energy policies;

(3) Analyze the structure and sources of public funding for renewable energy development;

(4) Evaluate the extent to which public funding for renewable energy development is allocated to energy efficient projects;

(5) As necessary, make recommendations to state agencies and cities and towns; and

(6) As necessary, make recommendations for legislative action relating to renewable energy development and financing.

SECTION 13. Chapter 42-140.3 of the General Laws entitled “The Rhode Island Renewable Energy Coordinating Board” is hereby amended by adding thereto the following section:

42-140.3-14. Liberal construction of chapter required. -- This chapter shall be construed liberally in aid of its purposes.

SECTION 14. This act shall take effect upon passage.
This act would create the “Resilient Rhode Island Act of 2014” and the “Climate Change Mitigation and Adaption Act” to provide a comprehensive and coordinated state response to climate change. This act would designate specific roles for certain state agencies in mitigating and adapting to climate change for the benefit of future residents of the state.

This act would take effect upon passage.