

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT- GOVERNOR'S CLEAN ENERGY
WORKFORCE TRANSITION COMMISSION

Introduced By: Senators DiPalma, Kallman, DiMario, Lombardo, Ciccone, Euer, and
McCaffrey

Date Introduced: March 10, 2022

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 162

4 GOVERNOR'S CLEAN ENERGY WORKFORCE TRANSITION COMMISSION

5 **42-162-1. Definitions.**

6 As used in this chapter:

7 (1) "Apprenticeable" means any nationally-recognized occupation that has a pre-existing
8 registered apprenticeship program approved pursuant to 29 C.F.R. Part 29 and Part 30.

9 (2) "Approved apprenticeship program" or "apprenticeship program" means an
10 apprenticeship program that has been approved by the U.S. Department of Labor, or by a
11 recognized state apprenticeship agency, pursuant to 29 C.F.R. Parts 29 and 30; however, such
12 programs shall not include those that have obtained only provisional approval status. The required
13 apprenticeship programs may either be programs that have specifically allocated funding and are
14 subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 et seq.
15 ("ERISA"), or non-ERISA programs financed by general funds of employers.

16 (3) "Environmental justice" means the fair treatment and meaningful involvement of all
17 people regardless of race, color, national origin, English language proficiency, or income with
18 respect to the development, implementation, and enforcement of environmental laws, regulations,

1 and policies.

2 (4) "Environmental justice focus area" means a neighborhood, community, census tract or
3 other geographically bounded region that meets one or more of the following criteria:

4 (i) Annual median household income is not more than sixty-five percent (65%) of the
5 statewide annual median household income;

6 (ii) Minority population is equal to or greater than forty percent (40%) of the population;

7 (iii) Twenty-five percent (25%) or more of the households lack English language
8 proficiency; or

9 (iv) Minorities comprise twenty-five percent (25%) or more of the population and the
10 annual median household income of the municipality in the proposed area does not exceed one
11 hundred fifty percent (150%) of the statewide annual median household income.

12 (5) "Fair treatment" means no group of people should bear a disproportionate share of the
13 negative environmental consequences resulting from industrial, governmental, or commercial
14 operations or policies.

15 (6) "Meaningful involvement" means:

16 (i) People have an opportunity to participate in decisions about activities that may affect
17 their environment and/or health;

18 (ii) The public's contribution can influence the regulator agency's decision;

19 (iii) Community concerns will be considered in the decision-making process; and

20 (iv) Decision makers will seek out and facilitate the involvement of those potentially
21 affected.

22 **42-162-2. Establishment of the clean energy workforce transition commission.**

23 There is established an independent clean energy workforce transition commission to be
24 known as "the governor's clean energy workforce transition commission," (the "commission,")
25 that shall have as its purposes the evaluation, planning, and coordination of efforts to increase
26 access to employment and training opportunities in clean energy industries and related fields. The
27 commission shall:

28 (1) Work with stakeholders in clean energy and related fields, including industry leaders,
29 labor organizations, and community-based organizations to ensure a properly trained workforce is
30 able and ready to deploy the projects and technologies needed to meet the benchmarks established
31 in chapter 6.2 of title 42;

32 (2) Ensure immediate access to training and employment opportunities in clean energy
33 industries and related fields for:

34 (i) Workers employed in the energy sector who are impacted by efforts of the state and the

1 private sector to decarbonize the economy; and

2 (ii) Residents of low-income communities and environmental justice focus areas; and

3 (3) Ensure the provisions of this chapter are accomplished by following environmental
4 justice principles.

5 **42-162-3. Composition of clean energy workforce commission.**

6 (a) The clean energy workforce transition commission shall be composed of nineteen (19)
7 members; one of whom shall be the director of the department of labor and training, or designee;
8 one of whom shall be the chairperson of the state apprenticeship council as established in § 28-45-
9 2; one of whom shall be the chairperson of the governor’s workforce board; one of whom shall be
10 the chairperson of the executive climate change coordinating council, or designee; one of whom
11 shall be the commissioner of the office of energy resources, or designee; one of whom shall be a
12 representative of an employer in the utility sector appointed by the governor; one of whom shall be
13 a representative of employers in the renewable electricity sector appointed by the governor; one of
14 whom shall be a representative of employers in the clean transportation sector appointed by the
15 governor; one of whom shall be a representative of employers in the clean heating sector appointed
16 by the governor; one of whom shall be a representative of employees in the gas utility sector
17 appointed by the president of the Rhode Island AFL-CIO; one of whom shall be a representative
18 of employees in the electric power generation sector appointed by the president of the Rhode Island
19 AFL-CIO; one of whom shall be a representative of employees in the electric utility sector
20 appointed by the president of the Rhode Island AFL-CIO; one of whom shall be a representative
21 of employees in the transportation sector appointed by the president of the Rhode Island AFL-CIO;
22 two (2) of whom shall be representatives of employees in the clean energy sector appointed by the
23 president of the Rhode Island AFL-CIO; one of whom shall be the president of the Rhode Island
24 Building and Construction Trades Council; one of whom shall be a member of the Narragansett
25 Indian Tribe appointed by the Narragansett Tribal Council; and two (2) of whom shall be residents
26 from environmental justice focus areas appointed by the director of the department of health.

27 (b) The executive director of the governor’s workforce board shall be an exofficio, non-
28 voting member of the commission to ensure alignment of commission duties and actions with state
29 workforce development activities.

30 **42-162-4. Terms of office and voting.**

31 (a) Of the four (4) public members appointed by the governor, with the advice and consent
32 of the senate, two (2) shall be appointed for a term of two (2) years and two (2) shall be appointed
33 for a term of three (3) years. Of the six (6) members appointed by the president of the Rhode Island
34 AFL-CIO, three (3) shall be appointed for a term of two (2) years and three (3) shall be appointed

1 for a term of three (3) years. Of the two (2) members appointed by the director of the department
2 of health, one shall be appointed for a term of two (2) years and one shall be appointed to a term of
3 three (3) years. After the initial appointments of those individuals serving two (2) year terms, they,
4 or their successors, shall be appointed to three (3) year terms. A vacancy in the office of a member,
5 other than by expiration of the member's term, shall be filled in the same manner as the original
6 appointment, but only for the remainder of the prevailing term. Members whose terms expire may
7 be reappointed.

8 (b) Only members shall have the right to vote.

9 (c) A simple majority of board members shall constitute a quorum.

10 **42-162-5. Officers.**

11 (a) The position of chairperson shall be unpaid and appointed by the governor, with the
12 advice and consent of the senate, from among the members serving on the clean energy workforce
13 transition commission. The individual who is appointed chairperson shall serve a three (3) year
14 term. The governor may reappoint the individual appointed chairperson to serve another three (3)
15 year term.

16 (b) The director of the department of labor and training shall be vice-chair and is authorized
17 to preside over meetings in the absence of the chairperson.

18 (c) Executive director. The commission, in consultation with the governor, shall appoint
19 an executive director who shall serve at the pleasure of the commission; provided that, the executive
20 director's initial engagement by the commission shall be for a period of not more than three (3)
21 years. The position of executive director shall be in the unclassified service of the state and he or
22 she shall serve as the chief executive officer of the commission.

23 **42-162-6. Compensation and expenses.**

24 The members of the clean energy workforce transition commission who serve the
25 commission in a capacity related to their professional occupation shall receive no compensation for
26 their services. Members serving the commission in a capacity unrelated to their professional
27 occupation shall be compensated for their time performing their official duties. All members may,
28 at the discretion of the executive director of the workforce board, be reimbursed for traveling and
29 other expenses actually incurred in the performance of their official duties. The compensation paid
30 the executive director, members, personnel, other support staff, and the administrative costs shall
31 be drawn from the governor's discretionary budget.

32 **42-162-7. Powers and duties.**

33 The clean energy workforce transition commission shall have the following duties:

34 (1) Identify federal and state funds to support any provisions of this chapter, including, but

1 not limited to, any relevant workforce training programs and the implementation of policies
2 identified or established by the commission and/or the governor's workforce board.

3 (i) Federal funding opportunities that the commission shall examine include, but are not
4 limited to, discretionary federal funding opportunities provided under 29 U.S. Code Ch. 32
5 (workforce innovation and opportunity) with the goal of providing climate adjustment assistance
6 benefits that are similar in type, amount, and duration to federal Trade Adjustment Assistance
7 Benefits available pursuant to 20 CFR Part 618;

8 (ii) The commission may pursue inquiries and applications for funds to support the
9 provisions of this chapter.

10 (2) Regularly assess, integrate, coordinate, and consult with relevant state agencies, boards,
11 councils, and commissions in its implementation of the provisions of this chapter.

12 (3) Prepare a workforce transition strategic plan. The commission shall coordinate with
13 the department of labor and training, labor market information division, and the governor's
14 workforce board in the preparation of the plan. The plan shall include objectives and benchmarks,
15 which shall be tracked, measured, and evaluated throughout the lifetime of the plan. The plan shall
16 be published no later than October 1, 2023 and updated every two (2) years. The plan shall:

17 (i) Include labor market survey data that enables the commission to:

18 (A) Identify and understand the universe of workers currently employed in the energy
19 sector by industry, trade, and job classification, along with corresponding relevant information,
20 including, but not limited to, current wage and benefit packages and current licensing, certification
21 and training requirements;

22 (B) Identify and understand the universe of industries projected to adjust operations,
23 downsize, and or close due to efforts by the state and the private sector to decarbonize;

24 (C) Identify and understand the universe of industries and technologies that are projected
25 to grow and evolve due to changes in design, construction, and operations strategies to decarbonize
26 the economy;

27 (D) Identify and understand the profile of residents living in low-income communities and
28 environmental justice focus areas who would benefit from accessing training and employment
29 opportunities in clean energy and related industries.

30 (ii) Identify apprenticeable occupations in the clean energy industries and related fields and
31 foster the development of new approved apprenticeship programs for these occupations.

32 (iii) Recommend procedures and protocols to support impacted employers in the creation
33 and submittal of workforce reduction plans to state and federal entities, in a manner consistent with
34 the federal worker adjustment and retraining notification act (WARN Act, 29 U.S. Code 2100 et.

1 seq.) and to 29 U.S. Code Ch. 23.

2 (iv) Include objectives and benchmarks including, but not be limited to:

3 (A) Collection of relevant findings and data that enable the commission to accomplish the
4 provisions of this chapter;

5 (B) A timeline for each recommendation outlined in the strategic plan, including, but not
6 limited to, the establishment of a just transition fund;

7 (C) Associated costs with each recommendation and potential funding streams; and

8 (D) Procedures and public metrics for periodic measurement necessary to accomplish
9 recommendations, objectives, and programs outlined in the plan.

10 (v) Recommend policies, actions, as well as education and training programs to enhance
11 re-employment opportunities within the energy sector, as well as services to support energy sector
12 workers impacted as a result of decarbonization efforts and advancements in clean energy
13 technology.

14 (vi) Recommend policies, actions, as well as education and training programs to increase
15 access and opportunities for residents of low-income communities and environmental justice focus
16 areas to work in clean energy industries.

17 (vii) Include an outline of the necessary mechanisms, structures, policies, and potential
18 state and federal funding streams to establish a workforce transition fund to support impacted
19 workers and the provisions of this chapter.

20 **42-162-8. Cohesion with other departments, boards, and commissions.**

21 The clean energy workforce transition commission shall coordinate and consult with the
22 department of labor and training, the governor's workforce board, and the state apprenticeship
23 council to establish policies and programs to:

24 (1) Educate impacted workers, in collaboration with employers of impacted workers and
25 relevant labor unions, on re-employment or training opportunities through approved apprenticeship
26 programs, and how to apply for climate adjustment assistance benefits;

27 (2) Provide training, cross-training, and re-training to workers impacted by gas
28 infrastructure loss in the state's local distribution companies and related businesses;

29 (3) Address the workforce development challenges of the fossil fuel energy sector's
30 shrinking workforce over the course of the state's thirty (30) year transition to a clean energy
31 economy;

32 (4) Incentivize the hiring of impacted energy sector workers with utilities, clean energy
33 industries, and related industries;

34 (5) Increase access to employment and training opportunities in clean energy industries

1 and related fields for residents of low-income communities and environmental justice focus areas;

2 (6) Identify apprenticeable occupations in the clean energy industries and related fields and
3 foster the development of new approved apprenticeship programs for these occupations;

4 (7) The executive office of commerce and the office of energy resources to ensure that
5 training and employment opportunities for impacted energy sector workers are included in their
6 initiatives, incentives, funding opportunities, and projects;

7 (8) The public utilities commission, the department of public utilities and carriers, and other
8 entities regulating the energy sector within the state to coordinate workforce transition initiatives,
9 complementing the other regulatory priorities of those agencies; and

10 (9) The executive climate change coordinating council, to support the provisions of this
11 chapter and to support the provisions of chapter 6.2 of title 42.

12 **42-162-9. Severability.**

13 If any provision of this chapter, or its application to any person or circumstance, is held
14 invalid, the remainder of the chapter and the application of the provision to other persons or
15 circumstances shall not be affected by the invalidity.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT- GOVERNOR'S CLEAN ENERGY
WORKFORCE TRANSITION COMMISSION

1 This act creates the Governor's Clean Energy Workforce Transition Commission with the
2 primary purpose of preparing a clean energy workforce transition strategic plan. The commission
3 would consist of nineteen (19) members. The commission in consultation with the governor would
4 appoint an executive director who would be in the unclassified service of the state.

5 This act would take effect upon passage.

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