

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2006

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A N A C T

RELATING TO RENEWABLE ENERGY

Introduced By: Senators Sosnowski, Walaska, Sheehan, Paiva-Weed, and J Montalbano

Date Introduced: March 08, 2006

Referred To: Senate Financial, Technology, Regulatory

It is enacted by the General Assembly as follows:

1 SECTION 1. This act shall be known as and may be cited as the "Renewable Energy
2 Implementation Act of 2006." The general purposes of this act are: (1) to provide for clear and
3 reasonable guidelines and procedures for locating renewable energy facilities on commercial,
4 industrial, institutional, agricultural and state properties of appropriate size and character, and (2)
5 to provide for the integrated administration of programs to assist with the financing, taxation, and
6 procurement of power from renewable energy resources.

7 SECTION 2. Section 37-7-9 of the General Laws in Chapter 37-7 entitled "Management
8 and Disposal of Property" is hereby amended to read as follows:

9 **37-7-9. Concessions, leases, and licenses -- Reports.** -- (a) The acquiring authority, with
10 the approval of the state properties committee, is authorized and empowered when it shall serve
11 the public purpose to grant concessions in or to lease or license any land or building or structure,
12 a part or portion of any governmental facility, public work, or public improvement for industrial
13 or commercial purposes for a term or terms not exceeding in the aggregate in any one case twenty
14 (20) years; provided, however, that real property, buildings, and facilities owned by the state at
15 the Port of Galilee may be leased for a term of up to forty (40) years for commercial fishing
16 industry-related purposes, and provided further, however, that certain real properties, buildings,
17 and facilities owned by the state in the city of Providence known as the Union Station properties,
18 which properties have been conveyed from time to time to the state by the consolidated rail
19 corporation and others, may be leased for a term of up to forty (40) years for office, commercial,

1 service, transportation, or other related purposes; and provided further, however, that real
2 property, buildings, and facilities owned by the state may be leased for a term of up to forty (40)
3 years for the development of cogeneration projects which involve the simultaneous generation of
4 electricity and thermal energy (steam and hot water) [and for eligible renewable energy resources](#)
5 [as defined in subdivisions 39-26-5\(a\)\(i\) through \(v\)](#); and further provided, however, that in the
6 event of a mobile home lease agreement, or site lease agreement, wherein such mobile home is
7 contiguous to a resident owned mobile home park, the State Properties Committee may enter into
8 a lease or grant concessions to or license any land or building for a period not to exceed thirty
9 (30) years and provided further, however, that real property, buildings, and facilities owned by
10 the state may be leased for a term of up to ninety-nine (99) years for the development of railroad
11 layover facilities, contingent on the lease requiring the lessee to provide commuter rail service
12 within the state of Rhode Island, as set forth by the state. All agreements, contracts, and other
13 instruments granting concessions or leasing or licensing facilities shall contain such conditions,
14 rules, restrictions, and regulations as the state purchasing agent shall deem suitable or necessary,
15 and shall be approved as to substance by the director of administration and as to form by the
16 attorney general.

17 (b) Whenever property which is subject to the provisions of this chapter is leased by the
18 state, the lessee shall report on a semi-annual basis the amount of income revenue generated by
19 the leased property. The report shall be made to the state properties commission and copies shall
20 be provided to both the house and senate fiscal staffs and the governor. These requirements shall
21 be contained in the lease between the lessor and the lessee with approval of the state properties
22 committee.

23 SECTION 3. Section 39-2-1.2 of the General Laws in Chapter 39-2 entitled "Duties of
24 Utilities and Carriers" is hereby amended to read as follows:

25 **39-2-1.2. Utility base rate -- Advertising, demand side management and renewables.**

26 -- (a) In addition to costs prohibited in section 39-1-27.4(b), no public utility distributing or
27 providing heat, electricity, or water to or for the public shall include as part of its base rate any
28 expenses for advertising, either direct or indirect, which promotes the use of its product or
29 service, or is designed to promote the public image of the industry. No public utility may furnish
30 support of any kind, direct, or indirect, to any subsidiary, group, association, or individual for
31 advertising and include the expense as part of its base rate. Nothing contained in this section shall
32 be deemed as prohibiting the inclusion in the base rate of expenses incurred for advertising,
33 informational or educational in nature, which is designed to promote public safety conservation of
34 the public utility's product or service. The public utilities commission shall promulgate such rules

1 and regulations as are necessary to require public disclosure of all advertising expenses of any
2 kind, direct or indirect, and to otherwise effectuate the provisions of this section.

3 (b) Effective as of January 1, 2003, and for a period of ten (10) years thereafter, each
4 electric distribution company shall include charges of 2.0 mills per kilowatt-hour delivered to
5 fund demand side management programs and 0.3 mills per kilowatt-hour delivered to fund
6 renewable energy programs. Existing charges for these purposes and their method of
7 administration shall continue through December 31, 2002. Thereafter, the electric distribution
8 company shall establish and after July 1, 2007, maintain two (2) separate accounts, one for
9 demand side management programs, which shall be administered and implemented by the
10 distribution company, subject to the regulatory reviewing authority of the commission, and one
11 for renewable energy programs, which shall be administered by the ~~state energy office.~~ office of
12 energy resources through June 30, 2007, and effective July 1, 2007, shall be held and disbursed
13 by the distribution company as directed by the commissioner of the office of energy resources,
14 with the approval of the trustees of the renewable energy development fund, for the purposes of
15 promoting and supporting renewable energy programs.

16 During the ten (10) year period the commission may, in its discretion, after notice and
17 public hearing, increase the sums for demand side management and renewable resources;
18 thereafter, the commission shall, after notice and public hearing, determine the appropriate charge
19 for these programs. The ~~energy~~ office of energy resources and/or ~~and~~ the administrator of the
20 renewable energy programs shall seek to secure for the state an equitable and reasonable portion
21 of renewable energy credits or certificates created by projects funded through those programs,
22 and shall develop and execute by July 1, 2007, a plan to make the program self-sustaining as of
23 January 1, 2013. As used in this section, "renewable energy resources" shall mean: (1) power
24 generation technologies as defined in section 39-26-5, "eligible renewable energy resources";
25 including off-grid and on-grid generating technologies located in Rhode Island as a priority; (2)
26 research and development activities in Rhode Island pertaining to eligible renewable energy
27 resources and to other renewable energy technologies for electrical generation; or (3) projects and
28 activities directly related to implementing eligible renewable energy resources projects in Rhode
29 Island. Technologies for converting solar energy for space heating or generating domestic hot
30 water may also be funded through the renewable energy programs, so long as these technologies
31 are installed on housing projects that have been certified by the executive director of the Rhode
32 Island housing and mortgage finance corporation as serving low-income Rhode Island residents.
33 Fuel cells may be considered an energy efficiency technology to be included in demand sided
34 management programs. Special rates for low income customers in effect as of August 7, 1996

1 shall be continued, and the costs of all of these discounts shall be included in the distribution rates
2 charged to all other customers. Nothing in this section shall be construed as prohibiting an electric
3 distribution company from offering any special rates or programs for low income customers
4 which are not in effect as of August 7, 1996, subject to the approval by the commission.

5 (c) The ~~director of the state energy office~~ commissioner of the office of energy resources
6 is authorized and ~~shall~~ may enter into a contract with a contractor for the cost effective
7 administration of the renewable energy programs funded by this section. The director shall
8 initiate the competitive bid process by the issuance and advertisement of specifications and
9 request for proposals, on or before September 1, 2002. The contract resulting from the
10 competitive bid process shall be awarded to become effective for a three (3) year period
11 commencing no later than January 1, 2003. A competitive bid and contract award for
12 administration of the renewable energy programs ~~shall~~ may occur every three (3) years thereafter,
13 and shall include as a condition that after July 1, 2007 the account for the renewable energy
14 programs shall be maintained by the distribution company as provided for in subdivision (b)
15 above and, with the approval of the commissioner of the office of energy resources and the
16 trustees of the renewable energy fund, may be administered by the economic development
17 corporation.

18 SECTION 4. Section 39-26-7 and 39-26-8 of the General Laws in Chapter 39-26 entitled
19 "Renewable Energy Standard" are hereby amended to read as follows:

20 **39-26-7. Renewable energy development fund.** -- (a) There is hereby authorized and
21 created within the economic development corporation a renewable energy development fund for
22 the purpose of increasing the supply of NE-GIS certificates available for compliance in future
23 years by obligated entities with renewable energy standard requirements, as established in this
24 chapter. The fund shall be located at and administered by the Rhode Island Economic
25 Development Corporation and shall have a board of trustees of five (5) members as follows: the
26 executive director of the economic development corporation, who shall be chairman, the director
27 of the department of administration or a designee of the director, the administrator of the division
28 of public utilities, and two (2) public members appointed by the governor with advice and consent
29 of the senate, who shall serve terms of three (3) years, provided however that no public members
30 may serve more than two (2) consecutive (3) three year terms. One of the public members shall
31 be a representative of an organization that advocates for renewable energy development. Each
32 member shall hold office for the term appointed and until the member's successor shall have been
33 duly appointed and qualified, or until the member's earlier death, resignation or removal.
34 Members of the board of trustees of the fund shall receive no compensation for the performance

1 of their duties, but may be reimbursed for reasonable expenses incurred in carrying out those
2 duties. The board of trustees shall recommend to the economic development corporation:

- 3 (1) Plans and guidelines for the management and use of the fund, and
- 4 (2) Its evaluation of proposals and/or actions to obligate, use and/or sell, dispose, trade or
5 exchange assets held by the fund. The board of trustees shall have the power to adopt, with the
6 approval of the economic development corporation, such by-laws as may be necessary or
7 convenient for the conduct of its affairs.

8 (b) The economic development corporation shall enter into agreements with obligated
9 entities to accept alternative compliance payments, consistent with rules of the commission and
10 the purposes set forth in this section; and alternative compliance payments received pursuant to
11 this section shall be trust funds to be held and applied solely for the purposes set forth in this
12 section.

13 (c) The uses of the fund shall include but not be limited to:

- 14 (1) Stimulating investment in renewable energy development by entering into
15 agreements, including multi-year agreements, for renewable energy certificates;
- 16 (2) Issuing assurances and/or guarantees to support the acquisition of renewable energy
17 certificates and/or the development of new renewable energy sources for Rhode Island;
- 18 (3) Establishing escrows, reserves, and/or acquiring insurance for the obligations of the
19 fund;
- 20 (4) Paying administrative costs of the fund incurred by the economic development
21 corporation or the board of trustees, not to exceed ten percent (10%) of the income of the fund,
22 including but not limited to alternative compliance payments.

23 (d) NE-GIS certificates acquired through the fund may be conveyed to obligated entities
24 or may be credited against the renewable energy standard for the year of the certificate provided
25 that the commission assesses the cost of the certificates to the obligated entity, or entities,
26 benefiting from the credit against the renewable energy standard, which assessment shall be
27 reduced by previously made alternative compliance payments and shall be paid to the fund.

28 (e) The trustees, in cooperation and concurrence with the commissioner of the office of
29 energy resources, consistent with rules as may be adopted by the commission, develop an
30 integrated plan and strategy, by July 1, 2007, for stimulating the development of and financing
31 eligible renewable energy resources.

32 **39-26-8. Interaction with other policies.** -- (a) Rhode Island has established a system-
33 benefits charge (SBC), a portion of which is dedicated to supporting renewable energy,
34 administered ~~by the state energy office~~ in accordance with the provisions of subsections 39-2-

1 [1.2\(b\) and \(c\)](#); other states have similar policies. The state energy office is hereby directed to
2 collaborate with the ~~commissions and~~ [division of public utilities, the trustees of](#) the renewable
3 energy development fund, [the distribution company with other interests and parties, as](#)
4 [appropriate](#), in maximizing the combined impact and efficiency of the ~~SBC~~ [renewable energy](#)
5 [program established by subsections 39-2-1.2\(b\) and \(c\)](#) and the renewable energy standard.

6 (b) It is the intent of this chapter that generation attributes and NE-GIS certificates
7 applied towards Rhode Island renewable energy standard compliance may not be used towards
8 compliance with state renewable energy obligations relating to an obligated entity's load in other
9 states.

10 SECTION 5. Section 42-11-10 of the General Laws in Chapter 42-11 entitled
11 "Department of Administration" is hereby amended to read as follows:

12 **42-11-10. Statewide planning program.** -- (a) Findings. - The general assembly finds
13 that the people of this state have a fundamental interest in the orderly development of the state;
14 the state has a positive interest and demonstrated need for establishment of a comprehensive
15 strategic state planning process and the preparation, maintenance, and implementation of plans
16 for the physical, economic, and social development of the state; the continued growth and
17 development of the state presents problems that cannot be met by the cities and towns
18 individually and that require effective planning by the state; and state and local plans and
19 programs must be properly coordinated with the planning requirements and programs of the
20 federal government.

21 (b) Establishment of statewide planning program. - (1) A statewide planning program is
22 hereby established to prepare, adopt, and amend strategic plans for the physical, economic, and
23 social development of the state and to recommend these to the governor, the general assembly,
24 and all others concerned.

25 (2) All strategic planning, as defined in subsection (c) of this section, undertaken by the
26 executive branch for those departments and other agencies enumerated in subsection (g) of this
27 section, shall be conducted by or under the supervision of the statewide planning program. The
28 statewide planning program shall consist of a state planning council, and the office of strategic
29 planning and the office of systems planning of the division of planning, which shall be a division
30 within the department of administration.

31 (c) Strategic planning. - Strategic planning includes the following activities:

- 32 (1) Establishing or identifying general goals.
- 33 (2) Refining or detailing these goals and identifying relationships between them.
- 34 (3) Formulating, testing, and selecting policies and standards that will achieve desired

1 objectives.

2 (4) Preparing long-range or system plans or comprehensive programs that carry out the
3 policies and set time schedules, performance measures, and targets.

4 (5) Preparing functional short-range plans or programs that are consistent with
5 established or desired goals, objectives, and policies, and with long-range or system plans or
6 comprehensive programs where applicable, and that establish measurable intermediate steps
7 toward their accomplishment of the goals, objectives, policies, and/or long-range system plans.

8 (6) Monitoring the planning of specific projects and designing of specific programs of
9 short duration by the operating departments, other agencies of the executive branch, and political
10 subdivisions of the state to insure that these are consistent with and carry out the intent of
11 applicable strategic plans.

12 (7) Reviewing the execution of strategic plans and the results obtained and making
13 revisions necessary to achieve established goals.

14 (d) State guide plan. - Components of strategic plans prepared and adopted in accordance
15 with this section may be designated as elements of the state guide plan. The state guide plan shall
16 be comprised of functional elements or plans dealing with land use; physical development and
17 environmental concerns; economic development; housing production; energy supply, [including](#)
18 [the development of renewable energy resources in Rhode Island, and energy](#) access, use, and
19 conservation; human services; and other factors necessary to accomplish the objective of this
20 section. The state guide plan shall be a means for centralizing, integrating, and monitoring long-
21 range goals, policies, plans, and implementation activities related thereto. State agencies
22 concerned with specific subject areas, local governments, and the public shall participate in the
23 state guide planning process, which shall be closely coordinated with the budgeting process.

24 (e) Membership of state planning council. - The state planning council shall consist of:

25 (1) The director of the department of administration as chairperson;

26 (2) The director, policy office, in the office of the governor, as vice-chairperson;

27 (3) The governor, or his or her designee;

28 (4) The budget officer;

29 (5) The chairperson of the housing resources commission;

30 (6) The chief of statewide planning, as secretary;

31 (7) The president of the league of cities and towns or his or her designee and one official
32 of local government, who shall be appointed by the governor from a list of not less than three (3)
33 submitted by the Rhode Island league of cities and towns; and

34 (8) The executive director of the league of cities and towns;

1 (9) One representative of a nonprofit community development or housing organization;

2 (10) Four (4) public members, appointed by the governor;

3 (11) Two (2) representatives of a private, nonprofit environmental advocacy
4 organization, both to be appointed by the governor; and

5 (12) The director of planning and development for the city of Providence.

6 (f) Powers and duties of state planning council. - The state planning council shall have
7 the following powers and duties:

8 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,
9 and to modify and amend any of these, following the procedures for notification and public
10 hearing set forth in section 42-35-3, and to recommend and encourage implementation of these
11 goals to the general assembly, state and federal agencies, and other public and private bodies;
12 approval of strategic plans by the governor;

13 (2) To coordinate the planning and development activities of all state agencies, in
14 accordance with strategic plans prepared and adopted as provided for by this section;

15 (3) To review and comment on the proposed annual work program of the statewide
16 planning program;

17 (4) To adopt rules and standards and issue orders concerning any matters within its
18 jurisdiction as established by this section and amendments to it;

19 (5) To establish advisory committees and appoint members thereto representing diverse
20 interests and viewpoints as required in the state planning process and in the preparation or
21 implementation of strategic plans. The state planning council shall appoint a permanent
22 committee comprised of:

23 (i) Public members from different geographic areas of the state representing diverse
24 interests, and

25 (ii) Officials of state, local and federal government, which shall review all proposed
26 elements of the state guide plan, or amendment or repeal of any element of the plan, and shall
27 advise the state planning council thereon before the council acts on any such proposal. This
28 committee shall also advise the state planning council on any other matter referred to it by the
29 council; and

30 (6) To establish and appoint members to an executive committee consisting of major
31 participants of a Rhode Island geographic information system with oversight responsibility for its
32 activities.

33 (7) To adopt on or before July 1, 2007, and to amend and maintain as an element of the
34 state guide plan or as an amendment to an existing element of the state guide plan, standards and

1 [guidelines for the location of eligible renewable energy resources and renewable energy facilities](#)
2 [in Rhode Island with due consideration for the location of such resources and facilities in](#)
3 [commercial and industrial areas, agricultural areas, areas occupied by public and private](#)
4 [institutions, and property of the state and its agencies and corporations, provided such areas are of](#)
5 [sufficient size, and in other areas of the state as appropriate.](#)

6 (g) Division of planning. - (1) The division of planning shall be the principal staff
7 agency of the state planning council for preparing and/or coordinating strategic plans for the
8 comprehensive management of the state's human, economic, and physical resources. The division
9 of planning shall recommend to the state planning council specific guidelines, standards, and
10 programs to be adopted to implement strategic planning and the state guide plan and shall
11 undertake any other duties established by this section and amendments thereto.

12 (2) The division of planning shall maintain records (which shall consist of files of
13 complete copies) of all plans, recommendations, rules, and modifications or amendments thereto
14 adopted or issued by the state planning council under this section. The records shall be open to
15 the public.

16 (3) The division of planning shall manage and administer the Rhode Island geographic
17 information system of land-related resources, and shall coordinate these efforts with other state
18 departments and agencies, including the University of Rhode Island, which shall provide
19 technical support and assistance in the development and maintenance of the system and its
20 associated data base.

21 (4) The division of planning shall coordinate and oversee the provision of technical
22 assistance to political subdivisions of the state in preparing and implementing plans to accomplish
23 the purposes, goals, objectives, policies, and/or standards of applicable elements of the state guide
24 plan and shall make available to cities and towns data and guidelines that may be used in
25 preparing comprehensive plans and elements thereof and in evaluating comprehensive plans and
26 elements thereby.

27 (h) Transfer determinations. - (1) The director of administration, with the approval of the
28 governor, shall make the conclusive determination of the number of positions, personnel, physical
29 space, property, records, and appropriation balances, allocations and other funds of the
30 department of mental health, retardation, and hospitals, department of health, department of
31 human services, department of corrections, department of labor and training, department of
32 environmental management, department of business regulation, department of transportation,
33 department of state library services, Rhode Island Economic Development Corporation,
34 department of elderly affairs, department for children and their families, historical preservation

1 commission, water resources board, and the defense civil preparedness/emergency management
2 agency of the executive department to be transferred to the department of administration in
3 connection with the functions transferred there into by the provisions of this article.

4 (2) In order to ensure continuity of the strategic planning process of the department
5 specified heretofore, the actual transfer of functions or any part thereof to the department of
6 administration may be postponed after July 1, 1985 until such time as, by executive order of the
7 governor, the transfer herein provided can be put into force and effect but no later than December
8 31, 1985.

9 SECTION 6. Sections 42-64-3, 42-64-4 and 42-64-13.2 of the General Laws in Chapter
10 42-64 entitled "Rhode Island Economic Development Corporation" are hereby amended to read
11 as follows:

12 **42-64-3. Definitions.** -- As used in this chapter, the following words and terms shall have
13 the following meanings, unless the context indicates another or different meaning or intent:

14 (1) "Administrative penalty" means a monetary penalty not to exceed the civil penalty
15 specified in section 42-64-9.2 of this chapter.

16 (2) "Airport facility" means developments consisting of runways, hangars, control
17 towers, ramps, wharves, bulkheads, buildings, structures, parking areas, improvements, facilities,
18 or other real or personal property necessary, convenient, or desirable for the landing, taking off,
19 accommodation, and servicing of aircraft of all types, operated by carriers engaged in the
20 transportation of passengers or cargo, or for the loading, unloading, interchange, or transfer of the
21 passengers or their baggage, or the cargo, or otherwise for the accommodation, use or
22 convenience of the passengers or the carriers or their employees (including related facilities and
23 accommodations at sites removed from landing fields and other landing areas), or for the landing,
24 taking off, accommodation, and servicing of aircraft owned or operated by persons other than
25 carriers. It also means facilities providing access to an airport facility, consisting of rail, rapid
26 transit, or other forms of mass transportation which furnish a connection between the air terminal
27 and other points within the state, including appropriate mass transportation terminal facilities at
28 and within the air terminal itself and suitable offsite facilities for the accommodation of air
29 passengers, baggage, mail, express, freight, and other users of the connecting facility.

30 (3) "BOCA code" means the BOCA basic building code published by building officials
31 & code administrators international, inc., as the code may from time to time be promulgated by
32 the building officials & code administrators international, inc.

33 (4) "Bonds" and "notes" means the bonds, notes, securities, or other obligations or
34 evidences of indebtedness issued by the corporation pursuant to this chapter, all of which shall be

1 issued under the name of and known as obligations of the "economic development corporation."

2 (5) "Civic facility" means any real or personal property designed and intended for the
3 purpose of providing facilities for educational, cultural, community, or other civic purposes.

4 (6) "Compliance schedule" means a schedule of remedial measures including an
5 enforceable sequence of actions or operations leading to compliance with an effluent limitation or
6 any other limitation, prohibition or standard.

7 (7) "Corporation," "port authority", or "authority" means the governmental agency and
8 public instrumentality, formerly known as the "Rhode Island port authority and economic
9 development corporation" and renamed the "Rhode Island economic development corporation,"
10 authorized, created, and established pursuant to section 42-64-4, or any subsidiary corporation
11 thereof which is established pursuant to section 42-64-7.1.

12 (8) "Director" means the executive director of the corporation.

13 (9) "Federal land" means real property within the state, now acquired or hereafter
14 acquired by the corporation which was formerly owned by the United States government, or any
15 agency or instrumentality thereof, including without limiting the generality of the foregoing, any
16 and all real property now or formerly owned or used by the United States government in the
17 towns of North Kingstown, Portsmouth, Middletown, and Charlestown and the city of Newport
18 as military installations or for other purposes related to the national defense. Without limiting the
19 generality of the foregoing, federal land shall also mean and include certain land in the town of
20 North Kingstown, or any portion thereof, which has or shall revert to the state pursuant to the
21 provisions of Public Laws 1939, chapter 696 and is now or hereafter acquired by the corporation
22 from the state.

23 (10) "Industrial facility" means any real or personal property, the demolition, removal,
24 relocation, acquisition, expansion, modification, alteration, or improvement of existing buildings,
25 structures, or facilities, the construction of new buildings, structures, or facilities, the
26 replacement, acquisition, modification, or renovation of existing machinery and equipment, or the
27 acquisition of new machinery and equipment, or any combination of the United States, which
28 shall be suitable for manufacturing, research, production, processing, agriculture, and marine
29 commerce, or warehousing; or convention centers, trade centers, exhibition centers, or offices
30 (including offices for the government of the United States or any agency, department, board,
31 bureau, corporation, or other instrumentality of the United States, or for the state or any state
32 agency, or for any municipality); or facilities for other industrial, commercial or business
33 purposes of every type and description; and facilities appurtenant or incidental to the foregoing,
34 including headquarters or office facilities, whether or not at the location of the remainder of the

1 facility, warehouses, distribution centers, access roads, sidewalks, utilities, railway sidings,
2 trucking, and similar facilities, parking areas, waterways, dockage, wharfage, and other
3 improvements necessary or convenient for the construction, development, maintenance, and
4 operation of those facilities.

5 (11) "Local governing body" means any town or city council, commission, or other
6 elective governing body now or hereafter vested by state statute, charter, or other law, with
7 jurisdiction to initiate and adopt local ordinances, whether or not these local ordinances require
8 the approval of the elected or appointed chief executive officer or other official or body to
9 become effective.

10 (12) "Local redevelopment corporation" means any agency or corporation created and
11 existing pursuant to the provisions of chapter 31 of title 45.

12 (13) "Municipality" means any city or town within the state now existing or hereafter
13 created, or any state agency.

14 (14) "Parent corporation" means, when used in connection with a subsidiary corporation
15 established pursuant to section 42-64-7.1, the governmental agency and public instrumentality
16 created and established pursuant to section 42-64-4.

17 (15) "Personal property" means all tangible personal property, new or used, including,
18 without limiting the generality of the foregoing, all machinery, equipment, transportation
19 equipment, ships, aircraft, railroad rolling stock, locomotives, pipelines, and all other things and
20 rights usually included within that term. "Personal property" also means and includes any and all
21 interests in the property which are less than full title, such as leasehold interests, security
22 interests, and every other interest or right, legal or equitable.

23 (16) "Pollutant" means any material or effluent which may alter the chemical, physical,
24 biological or radiological characteristics or integrity of water, including but not limited to,
25 dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions,
26 chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded
27 equipment, cellar dirt, or industrial, municipal, agricultural or other waste petroleum or petroleum
28 products, including but not limited to oil.

29 (17) "Pollution" means the discharge of any gaseous, liquid, or solid substance or
30 combination thereof (including noise) into the air, water, or land which affects the physical,
31 chemical, or biological properties (including temperature) of the air, water, or land in a manner or
32 to an extent which renders or is likely to render the air, water, or land harmful or inimical to the
33 public health, safety, or welfare, or to animal, bird, or aquatic life, or to the use of the air or water
34 for domestic, industrial, or agricultural purposes or recreation including the man-made or man-

1 induced alteration of the chemical, physical, biological or radiological integrity of water.

2 (18) "Pollution control facility" means any land or interest in land, the demolition,
3 removal, relocation, acquisition, expansion, modification, alteration, or improvement of existing
4 buildings, structures, or facilities, the construction of new buildings, structures, or facilities, the
5 replacement, modification, or renovation of existing machinery and equipment, or the acquisition
6 of new machinery and equipment, or any combination thereof, having to do with or the purpose
7 of which is the abatement, control, or prevention of pollution, including industrial pollution, and
8 all real and personal property incidental to that facility.

9 (19) "Port facility" means harbors, ports, and all real and personal property used in
10 connection therewith, including, but not limited to, waterways, channels, wharves, docks, yards,
11 bulkheads, slips, basins, pipelines, ships, boats, railroads, trucks, and other motor vehicles,
12 aircraft, parking areas, shipyards, piers, quays, elevators, compressors, loading and unloading
13 facilities, storage facilities, and warehouses of every type, buildings and facilities used in the
14 manufacturing, processing, assembling, storing, or handling of any produce or products, other
15 structures and facilities necessary for the convenient use of the harbors and seaports, including
16 dredged approaches, railways, railroad terminals, side tracks, airports, roads, highways, tunnels,
17 viaducts, bridges, and other approaches, useful in connection therewith, and any other shipping or
18 transportation facility useful in the operation of a port or harbor.

19 (20) "Project" or "port project" means the acquisition, ownership, operation,
20 construction, reconstruction, rehabilitation, improvement, development, sale, lease, or other
21 disposition of, or the provision of financing for, any real or personal property (by whomever
22 owned) or any interests in real or personal property, including without limiting the generality of
23 the foregoing, any port facility, recreational facility, industrial facility, airport facility, pollution
24 control facility, utility facility, solid waste disposal facility, civic facility, residential facility,
25 water supply facility, [renewable energy facility](#), or any other facility, or any combination of two
26 (2) or more of the foregoing, or any other activity undertaken by the corporation.

27 (21) "Project cost" means the sum total of all costs incurred by the corporation in
28 carrying out all works and undertakings which the corporation deems reasonable and necessary
29 for the development of a project. These shall include, but are not necessarily limited to, the costs
30 of all necessary studies, surveys, plans, and specifications, architectural, engineering, or other
31 special services, acquisition of land and any buildings on the land, site preparation and
32 development, construction, reconstruction, rehabilitation, improvement, and the acquisition of
33 any machinery and equipment or other personal property as may be deemed necessary in
34 connection with the project (other than raw materials, work in process, or stock in trade); the

1 necessary expenses incurred in connection with the initial occupancy of the project; an allocable
2 portion of the administrative and operating expenses of the corporation; the cost of financing the
3 project, including interest on all bonds and notes issued by the corporation to finance the project
4 from the date thereof to one year from the date when the corporation shall deem the project
5 substantially occupied; and the cost of those other items, including any indemnity or surety bonds
6 and premiums on insurance, legal fees, real estate brokers and agent fees, fees and expenses of
7 trustees, depositories, and paying agent for bonds and notes issued by the corporation, including
8 reimbursement to any project user for any expenditures as may be allowed by the corporation (as
9 would be costs of the project under this section had they been made directly by the corporation),
10 and relocation costs, all as the corporation shall deem necessary.

11 (22) "Project user" means the person, company, corporation, partnership, or commercial
12 entity, municipality, state, or United States of America who shall be the user of, or beneficiary of,
13 a port project.

14 (23) "Real property" means lands, structures (new or used), franchises, and interests in
15 land, including lands under water, and riparian rights, space rights, and air rights, and all other
16 things and rights usually included within the term. Real property shall also mean and include any
17 and all interests in that property less than fee simple, such as easements, incorporeal
18 hereditaments, and every estate, interest or right, legal or equitable, including terms for years and
19 liens thereon by way of judgments, mortgages or otherwise, and also all claims for damages to
20 that real property.

21 (24) "Recreational facility" means any building, development, or improvement, provided
22 that building, facility, development, or improvement is designed in whole or in part to attract
23 tourists to the state or to provide essential overnight accommodations to transients visiting this
24 state, including, without limiting in any way the generality of the foregoing, marinas, beaches,
25 bathing facilities, ski facilities, convention facilities, hotels, motels, golf courses, camp grounds,
26 arenas, theatres, lodges, guest cottages, and all types of real or personal property related thereto as
27 may be determined from time to time by the corporation.

28 (25) "Revenues" means (1) with respect to any project, the rents, fees, tolls, charges,
29 installment payments, repayments, and other income or profit derived from a project or a
30 combination of projects pursuant to any lease, conditional sales contract, installment sales
31 contract, loan agreement, or other contract or agreement, or any combination thereof and (2) any
32 receipts, fees, payments, moneys, revenues or other payments received or to be received by the
33 corporation in the exercise of its corporate powers under this chapter, including, without
34 limitation, loan repayments, grants, aid, appropriations and other assistance for the state, the

1 United States or any corporation, department or instrumentality of either or of a political
2 subdivision thereof, bond proceeds, investment earnings, insurance proceeds, amounts in reserves
3 and other funds and accounts established by or pursuant to this chapter or in connection with the
4 issuance of bonds, and any other taxes, assessments, fees, charges, awards or other income or
5 amounts received or receivable by the corporation.

6 (26) "Rule or regulation" means any directive promulgated by the corporation not
7 inconsistent with the laws of the United States or the state, for the improvement of navigation and
8 commerce or other project purposes and shall include, but not be limited to, charges, tolls, rates,
9 rentals, and security provisions fixed or established by the corporation.

10 (27) "Sewage" shall be construed to mean the same as "pollutant" as defined in section
11 42-64-3(o) above.

12 (28) "Sewage treatment facility" means the sewage treatment plant, structure, combined
13 sewer overflows, equipment, interceptors, mains, pumping stations and other property, real,
14 personal or mixed, for the treatment, storage, collection, transporting or disposal of sewage, or
15 any property or system to be used in whole or in part for any of the aforesaid purposes located or
16 operated within the boundaries of the Quonset Point/Davisville Industrial Park, or utilized by the
17 corporation for the transport, collection, treatment, storage or disposal of waste.

18 (29) "Solid waste" means garbage, refuse, and other discarded materials, including, but
19 not limited to, solid waste materials resulting from industrial, recreational, utility, and commercial
20 enterprises, hotels, apartments, or any other public building or private building, or agricultural, or
21 residential activities.

22 (30) "Solid waste disposal facility" means any real or personal property, related to or
23 incidental to any project, which is designed or intended or designated for the purpose of treating,
24 compacting, composting, or disposing of solid waste materials, including treatment, compacting,
25 composting, or disposal plants, site and equipment furnishings thereof, and their appurtenances.

26 (31) "Source" means any building, structure, facility or installation from which there is
27 or may be the discharge of sewage.

28 (32) "State" means the state of Rhode Island and Providence Plantations.

29 (33) "State agency" means any office, department, board, commission, bureau, division,
30 authority, or public corporation, agency or instrumentality of the state.

31 (34) "State guide plan" means the plan adopted pursuant to section 42-11-10, which
32 establishes the statewide planning program.

33 (35) "Utility facility" means any real or personal property designed, intended or utilized
34 for generating, manufacturing, producing, storing, transmitting, distributing, delivering, or

1 furnishing natural or manufactured gas, steam, electrical, or nuclear energy, heat, light, or power
2 directly or indirectly to or for any project, project user, or for the public, the collection and
3 disposal of storm and sanitary sewage; any railroads necessary or desirable for the free flow of
4 commerce to and from projects; any roads, highways, bridges, tunnels, viaducts, or other
5 crossings necessary or desirable for the free flow of commerce to and from projects, and any
6 public transportation systems or facilities, including, but not limited to, bus, truck, ferry, and
7 railroad terminals, depots, tracked vehicles, and other rolling stock and ferries; and any
8 appurtenances, equipment, and machinery or other personal property necessary or desirable for
9 the utilization thereof.

10 (36) "Water supply facility" means any real or personal property, or any combination
11 thereof, related to or incidental to any project, designed, intended, or utilized for the furnishing of
12 water for domestic, industrial, irrigation, or other purposes and including artesian wells,
13 reservoirs, dams, related equipment, and pipelines, and other facilities.

14 (37) "Renewable energy facility" means any real or personal property, or any
15 combination thereof, related to, or incidental to, any project, designed, intended, or utilized for an
16 eligible renewable energy resource that meets the criteria set forth in subsections 39-26-5(a) and
17 39-26-5(c).

18 **42-64-4. Creation.** -- (a) There is authorized, created, and established a public
19 corporation of the state having a distinct legal existence from the state and not constituting a
20 department of state government, which is a governmental agency and public instrumentality of
21 the state, to be known as the "Rhode Island economic development corporation", and which may
22 be referred to as the "economic development corporation", with those powers that are set forth in
23 this chapter, for the purposes of acquiring and developing real and personal property, and
24 providing financing to others as set forth in this chapter, providing and promoting and
25 encouraging the preservation, expansion and sound development of new and existing industry,
26 business, commerce, agriculture, tourism, ~~and~~ recreational and renewable energy facilities,
27 promoting thereby the economic development of the state and the general welfare of its citizens.

28 (b) The exercise by the corporation of the powers conferred by this chapter shall be
29 deemed and held to be the performance of an essential governmental function of the state for
30 public purposes. It is the intent of the general assembly by the passage of this chapter to vest in
31 the corporation all powers, authority, rights, privileges, and titles which may be necessary to
32 enable it to accomplish the purposes herein set forth, and this chapter and the powers granted
33 hereby shall be liberally construed in conformity with those purposes.

34 (c) The corporation and its corporate existence shall continue until terminated by law or

1 until the corporation shall cease entirely and continuously to conduct or be involved in any
2 business whatsoever in furtherance of its purposes; provided, that no termination shall take effect,
3 so long as the corporation shall have bonds, notes, or other obligations outstanding, unless
4 adequate provision shall have been made for the payment thereof pursuant to the documents
5 securing the obligations or to the terminating law. Upon termination of the existence of the
6 corporation, all of its rights and properties shall pass to and be vested in the state. At no time shall
7 the assets or other property of the corporation inure to the benefit of any person or other
8 corporation or entity.

9 **42-64-13.2. Renewable energy development fund.** -- The corporation shall, in the
10 furtherance of its responsibilities to promote and encourage economic development, establish and
11 administer a renewable energy development fund as provided for in ~~chapter 26 of title 39~~ [section](#)
12 [39-26-7](#), and may exercise the powers set forth in this chapter, as necessary or convenient to
13 accomplish this purpose, and shall provide such administrative support as may be needed for the
14 coordinated administration of the renewable energy standard as provided for in chapter 39-26 and
15 the renewable energy program established by section 39-2-1.2. The corporation, upon the request
16 of any person undertaking a renewable energy facility project, may grant project status to the
17 project, and a renewable energy facility project which is given project status by the corporation
18 shall be deemed an energy project of the corporation.

19 SECTION 7. This act shall take effect upon passage.

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LC02698/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO RENEWABLE ENERGY

1 This act would create clear and reasonable guidelines and procedures for locating
2 renewable energy facilities in commercial, industrial, institutional, agricultural and state
3 properties. It would also provide for the integrated administration of programs to assist with
4 financing, taxation and procurement of power from renewable energy resources.

5 This act would take effect upon passage.

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LC02698/SUB A
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