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LC001773

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT

Introduced By: Representatives Ruggiero, Handy, Fogarty, Carnevale, and O'Brien

Date Introduced: March 13, 2015

Referred To: House Environment and Natural Resources

(Administration)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-140.3 of the General Laws entitled "The Rhode Island  
2 Renewable Energy Coordinating Board" is hereby repealed in its entirety.

~~CHAPTER 42-140.3~~

~~The Rhode Island Renewable Energy Coordinating Board~~

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5 ~~**42-140.3-1. Short title.**--- This chapter shall be known and may be cited as "The Rhode  
6 Island Renewable Energy Coordinating Board Act."~~

7 ~~**42-140.3-2. Legislative findings.**--- The general assembly finds that:~~

8 ~~-(1) Energy is essential to the economy of Rhode Island and to the health, safety and  
9 welfare of the people of the state;~~

10 ~~-(2) The development of renewable energy will reduce the environmental impact of  
11 Rhode Island's energy consumption while creating new businesses, employment opportunities,  
12 and economic growth;~~

13 ~~-(3) The state has a responsibility to effectively implement renewable energy policies and  
14 ensure the efficient use of state resources;~~

15 ~~-(4) Rhode Island has lacked a comprehensive, long-term strategic renewable energy plan  
16 and an organizational structure responsible for coordinating the implementation of the state's  
17 renewable energy policies.~~

18 ~~**42-140.3-3. Definitions.**--- When used in this chapter, the following terms shall have the  
19 following meanings:~~

1 ~~(1) "Board" means the Rhode Island renewable energy coordinating board established~~  
2 ~~under § 42-140.3-4;~~

3 ~~(2) "Renewable energy" means energy produced from eligible renewable energy~~  
4 ~~resources as defined in § 39-26-5;~~

5 ~~(3) "Renewable energy policies" means Rhode Island renewable energy statutes as~~  
6 ~~defined in § 42-140.3-11;~~

7 ~~(4) "State agencies" means state entities responsible for the implementation of Rhode~~  
8 ~~Island's renewable energy policies, deemed to include, but not be limited to: (i) The office of~~  
9 ~~energy resources; (ii) The economic development corporation; (iii) The department of~~  
10 ~~administration's division of planning; (iv) The department of environmental management; (v) The~~  
11 ~~coastal resources management council; (vi) The energy facility siting board; (vii) The public~~  
12 ~~utilities commission; (viii) The division of public utilities; and (ix) The energy efficiency and~~  
13 ~~resources management council.~~

14 ~~(5) "Strategic plan" means the strategic renewable energy implementation plan~~  
15 ~~established under § 42-140.3-8.~~

16 ~~**42-140.3-4. Establishment of the board.** --- There is hereby authorized, created and~~  
17 ~~established a board to be known as "The Rhode Island renewable energy coordinating board"~~  
18 ~~with the powers and duties set forth in this chapter.~~

19 ~~**42-140.3-5. Composition of the board.** --- (a) The board shall have five (5) members:---~~  
20 ~~(1) The director of the department of administration, who shall serve as chairperson of the board;~~  
21 ~~(2) The commissioner of the office of energy resources; (3) The executive director of the~~  
22 ~~economic development corporation; (4) The director of the department of environmental~~  
23 ~~management; and (5) The director of the coastal resources management council. Any member of~~  
24 ~~the board may appoint a designee from his or her respective agency to represent him/her on the~~  
25 ~~board.~~

26 ~~(b) Three (3) members shall constitute a quorum. --- A majority vote of the board shall be~~  
27 ~~required for all recommendations, advice, and approvals of the board in accordance with this~~  
28 ~~chapter.~~

29 ~~**42-140.3-6. Duties of the board.** --- The board shall:~~

30 ~~(1) Develop and maintain the strategic plan in accordance with § 42-140.3-8.~~

31 ~~(2) Issue the strategic plan biannual report in accordance with subsection 42-140.3-8(e).~~

32 ~~(3) Issue recommendations as necessary to state agencies and cities and towns.~~

33 ~~(4) Advise the governor and general assembly with regard to renewable energy~~  
34 ~~development in Rhode Island.~~

1           ~~(5) Provide a forum for discussion of issues relating to renewable energy development in~~  
2 ~~Rhode Island and receive testimony from the public and interest groups.~~

3           ~~(6) Make available to the public all information about activities of the board.~~

4           ~~**42-140.3-7. Powers of the board.** To effectuate its duties, the board shall have the~~  
5 ~~power to:~~

6           ~~(1) Adopt and amend bylaws.~~

7           ~~(2) Receive staff and administrative support from the department of administration.~~

8           ~~(3) Hold public meetings at least quarterly and at the call of the chairperson or three (3)~~  
9 ~~board members, in order to: (i) Develop and maintain the strategic renewable energy plan; (ii)~~  
10 ~~Develop reports and issue recommendations; (iii) Receive testimony from the public and other~~  
11 ~~interested parties.~~

12           ~~(4) Hold public meetings at least twice each year with the Rhode Island energy~~  
13 ~~efficiency and resources management council.~~

14           ~~(5) Engage any consultants or expert witnesses that it deems necessary to implement its~~  
15 ~~statutory responsibilities; provided, however, that to the maximum extent possible, the board shall~~  
16 ~~utilize staff from state agencies.~~

17           ~~(6) Establish and maintain a website with information on all activities of the board.~~

18           ~~(7) Comment on legislation pending before the general assembly.~~

19           ~~**42-140.3-8. Strategic renewable energy implementation plan.** (a) The board shall~~  
20 ~~develop and recommend a strategic renewable energy implementation plan to promote the~~  
21 ~~development of renewable energy resources in Rhode Island.~~

22           ~~(b) The strategic plan shall: (1) Coordinate the short and long term implementation of~~  
23 ~~renewable energy policies by state agencies; (2) Assess and include recommendations to realize~~  
24 ~~the potential of renewable energy development to create new businesses, employment~~  
25 ~~opportunities, and industries in Rhode Island; and (3) Address any other issues deemed~~  
26 ~~appropriate by the board to advance renewable energy development in Rhode Island.~~

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

29           ~~(d) On or before November 15, 2011, the board shall adopt the strategic plan. The board~~  
30 ~~may amend the strategic plan as necessary.~~

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

- 1 ~~(1) Assess compliance with the strategic plan by state agencies and cities and towns;~~
- 2 ~~(2) Evaluate the effectiveness of state renewable energy policies;~~
- 3 ~~(3) Analyze the structure and sources of public funding for renewable energy~~
- 4 ~~development;~~
- 5 ~~(4) Evaluate the extent to which public funding for renewable energy development is~~
- 6 ~~allocated to energy efficient projects;~~
- 7 ~~(5) As necessary, make recommendations to state agencies and cities and towns; and~~
- 8 ~~(6) As necessary, make recommendations for legislative action relating to renewable~~
- 9 ~~energy development and financing.~~

10 ~~**42-140.3-9. Renewable energy facility siting guidelines.**— The board shall:~~

- 11 ~~(1) As a component of the strategic plan, adopt and amend as necessary the renewable~~
- 12 ~~energy facility siting standards and guidelines promulgated by the division of planning under §~~
- 13 ~~42-11-10.~~
- 14 ~~(2) Monitor the adoption of renewable energy siting ordinances by cities and towns.~~
- 15 ~~(3) Communicate with towns and cities to encourage and facilitate the adoption of~~
- 16 ~~recommended renewable energy siting ordinances.~~

17 ~~**42-140.3-10. Advisory council.**— (a) The Rhode Island renewable energy coordinating~~

18 ~~board advisory council is hereby established to advise the board on matters pertaining to the~~

19 ~~board's duties and powers.~~

20 ~~(b) The advisory council shall have (15) members. — Each board member shall select~~

21 ~~three (3) advisory council members, provided that the advisory council includes members with~~

22 ~~experience in the following areas: (1) Renewable energy development; (2) Energy regulation and~~

23 ~~law; (3) Environmental issues pertaining to renewable energy; (4) Business association or~~

24 ~~chamber of commerce; (5) Green trades; (6) Residential energy consumers; (7) Low income~~

25 ~~energy consumers; (8) Small business relating to renewable energy; and (9)~~

26 ~~Commercial/industrial energy consumers. If an advisory council member resigns from his or her~~

27 ~~position, the board member responsible for the selection of that advisory council member shall~~

28 ~~select his or her replacement in accordance with the experience requirements stipulated in this~~

29 ~~section.~~

30 ~~**42-140.3-11. Renewable energy policies.**— Rhode Island's renewable energy policies~~

31 ~~shall be deemed to include, but not be limited to, the following statutes:~~

- 32 ~~(1) 39-1 Public utilities commission;~~
- 33 ~~(2) 39-1-3 Commission and division established Functions of commission—~~
- 34 ~~Administrator; Commission and division established Functions of commission Administrator;~~

- 1       ~~(3) 42-140 Rhode Island energy resources act;~~
- 2       ~~(4) 42-140.1 The Rhode Island energy efficiency and resource management council;~~
- 3       ~~(5) 42-64-13.2 Renewable energy investment coordination;~~
- 4       ~~(6) 42-98 Energy facility siting act;~~
- 5       ~~(7) 39-26 Renewable energy standard;~~
- 6       ~~(8) 39-1-27.7 System reliability and least cost procurement;~~
- 7       ~~(9) 39-1-27.8 Supply procurement portfolio;~~
- 8       ~~(10) 39-2-1.2 Utility base rate Advertising, demand side management and renewables;~~
- 9       ~~(11) 39-26-4 Renewable energy standard;~~
- 10       ~~(12) 39-26-6 Duties of the commission;~~
- 11       ~~(13) 39-26.1 Long Term contracting standard for renewable energy;~~
- 12       ~~(14) 39-26.1-3 Long term contract standard;~~
- 13       ~~(15) 39-26-7 Renewable energy development fund;~~
- 14       ~~(16) 44-57 Residential renewable energy system tax credit;~~
- 15       ~~(17) 44-18-30 Sales and use taxes Liability and computation;~~
- 16       ~~(18) 44-3-21 Renewable energy systems Exemption;~~
- 17       ~~(19) 23-82 Implementation of regional greenhouse gas initiative act;~~
- 18       ~~(20) 42-11-10 Statewide planning program;~~
- 19       ~~(21) 37-7-9 Concessions, leases, and licenses Reports;~~
- 20       ~~(22) 46-23 Coastal resources management council;~~
- 21       ~~(23) 42-140.2 Distributed generation.~~

22       ~~**42-140.3-12. Applicability of other laws.** -- The board shall be subject to the provisions~~  
23 ~~of chapter 38-2, access to public records act, and chapter 42-46, open meetings act.~~

24       ~~**42-140.3-13. Severability.** -- If any provision of this chapter or the application of this~~  
25 ~~chapter to any person or circumstances is held invalid, the invalidity shall not affect other~~  
26 ~~provisions or applications of the chapter, which can be given effect without the invalid provision~~  
27 ~~or application, and to this end the provisions of this chapter are declared to be severable.~~

28       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

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- 1 This act would repeal the Rhode Island Renewable Energy Coordinating Board Act.
- 2 This act would take effect upon passage.

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