

2017 -- S 0756

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LC002399
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - ENERGY FACILITY SITING
ACT

Introduced By: Senator P Fogarty

Date Introduced: April 12, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-98-10 of the General Laws in Chapter 42-98 entitled "Energy
2 Facility Siting Act" is hereby amended to read as follows:

3 **42-98-10. Agency procedures -- Advisory opinion.**

4 (a) Each agency of the state or political subdivision of the state designated under § 42-98-
5 9 shall proceed to consider the issue or issues consigned to it for review. Each agency shall
6 conclude its consideration and issue its advisory opinion not more than six (6) months following
7 its designation under § 42-98-9, or any lesser time that the board may require, or the right to
8 exercise the function shall be forfeited to the board.

9 (b) Advisory opinions issued by agencies designated under § 42-98-9 shall not be
10 considered as final decisions of the agencies making the opinions, and shall not be subject to
11 judicial review under § 42-35-15, or any other provision of the general laws.

12 (c) Advisory opinions issued by zoning boards of review, building inspectors, or any
13 other agency of a municipality designated under § 42-98-9 shall not be reviewable by the public
14 utilities commission under § 39-1-30.

15 (d) ~~Failure or refusal of the applicant to provide requested information may be considered~~
16 ~~as grounds for recommending denial.~~ Advisory opinions issued by the designated agencies, being
17 essential for the proper deliberations of the siting board, the siting board shall not proceed to a
18 final hearing, nor issue a final decision pursuant to §42-98-11, if any one or more of the

1 [designated agencies inform the siting board, in writing, that they are unable to form such an](#)
2 [advisory opinion on account of lack of cooperation or information from the applicant.](#)

3 (e) At the request of the siting board, the director of environmental management and the
4 coastal resources management council shall give priority to the review of permits for energy
5 facilities.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would prevent the energy facility siting board from proceeding to final hearing
2 or issuing a final decision if one or more of the designated agencies inform the siting board, in
3 writing, that they are unable to form such an advisory opinion due to lack of cooperation or
4 information from the applicant.

5 This act would take effect upon passage.

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