STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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:

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

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

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

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

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

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


designated agencies inform the siting board, in writing, that they are unable to form such an
advisory opinion on account of lack of cooperation or information from the applicant.
(e) At the request of the siting board, the director of environmental management and the
coastal resources management council shall give priority to the review of permits for energy
facilities.

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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