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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND GLOBAL
WARMING SOLUTIONS ACT

Introduced By: Representatives Handy, Regunberg, McKiernan, Barros, and Williams

Date Introduced: February 28, 2018

Referred To: House Finance

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 6.3

4 RHODE ISLAND GLOBAL WARMING SOLUTIONS ACT

5 **42-6.3-1. Legislative findings.**

6 The general assembly hereby finds and declares that:

7 (1) Human caused climate change poses a serious threat to the people of Rhode Island,
8 the United States, and the world;

9 (2) Climate change is both caused and exacerbated by carbon emissions that result from
10 human activity;

11 (3) It is in the interest of the people, in order to protect the public health, preserve the
12 environment, and promote the general welfare, that the state reduce economy-wide carbon
13 emissions in order to address the problem of climate change.

14 **42-6.3-2. Purpose and title.**

15 (a) This act shall be known and may be cited as the "Rhode Island Global Warming
16 Solutions Act."

17 (b) The purpose of this chapter is to create a fair, workable, cost-effective, legally
18 enforceable, system by which Rhode Island will be able to reduce its economy-wide carbon

1 emissions by at least eighty percent (80%) below 1990 levels by 2050.

2 **42-6.3-3. Definitions.**

3 When used in this chapter:

4 (1) "1990 level" means twelve million four hundred eighty million (12,480,000) metric
5 tons of carbon dioxide equivalent emissions per annum, as set forth in the Rhode Island
6 greenhouse gas emission reduction plan published by the executive climate change coordinating
7 council's December 2016 report.

8 (2) "Alternative compliance mechanism" means an action undertaken by a greenhouse
9 gas emission source that achieves the carbon dioxide equivalent reduction of greenhouse gas
10 emissions over the same time period as a direct emissions reduction, that is approved in advance
11 by the director of the department of administration and that is real, permanent, quantifiable,
12 verifiable and enforceable.

13 (3) "Buildings" or "Building sector" means all buildings and structures, including,
14 without limitation, single-family residences, multi-family residences, small business and
15 commercial structures, large commercial and industrial structures, factories of all types,
16 transportation depots and stations, and office buildings.

17 (4) "Carbon dioxide equivalent" means the amount of carbon dioxide by weight that
18 would produce the same global warming impact as a given weight of another greenhouse gas,
19 based on the best available science, including from the intergovernmental panel on climate
20 change.

21 (5) "Delivered fuels" means oil and propane gas used for heating of buildings.

22 (6) "Direct electricity emissions" means emissions from electricity generating sources
23 geographically located in the state of Rhode Island.

24 (7) "Emission" means emission of a greenhouse gas into the air.

25 (8) "Emissions reduction measures" means programs, measures, standards, and
26 alternative compliance mechanisms authorized pursuant to this chapter, applicable to sources or
27 categories of sources that are designed to reduce emissions of greenhouse gases.

28 (9) "Enforceable" means subject to enforcement through a legal action brought pursuant
29 to § 42-6.3-10.

30 (10) "Entity" means a person that owns or operates, in whole or in part, a source of
31 greenhouse gas emissions from a generator of electricity or a commercial or industrial site
32 including, but not limited to, a transportation fleet.

33 (11) "Facility" means a building, structure or installation located on contiguous or
34 adjacent properties of an entity.

1 (12) "Greenhouse gas" means any chemical or physical substance that is emitted into the
2 air and that the director of the department of administration may reasonably anticipate will cause
3 or contribute to climate change including, but not limited to, carbon dioxide, methane, nitrous
4 oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

5 (13) "Greenhouse gas emissions source" means a source, or category of sources, of
6 greenhouse gas emissions with emissions that are at a level of significance, as determined by the
7 director of the department of administration, that its participation in the program established
8 under this chapter will enable the director of the department of administration to effectively
9 reduce greenhouse gas emissions and monitor compliance with the statewide greenhouse gas
10 emissions limit.

11 (14) "Indirect electricity emissions" means emissions associated with the consumption of
12 purchased electricity within the state of Rhode Island where such electricity is purchased from the
13 electricity grid operated by the Independent System Operator-New England, or any successor
14 approved by the Federal Energy Regulatory Commission.

15 (15) "Leakage" means the offset of a reduction in emissions of greenhouse gases within
16 Rhode Island by an increase in emissions of greenhouse gases outside Rhode Island.

17 (16) "Market-based compliance mechanism" means:

18 (i) A system of market-based declining annual aggregate emissions limitations for
19 sources or categories of sources that emit greenhouse gases; or

20 (ii) Greenhouse gas emissions exchanges, banking, credits and other transactions
21 governed by rules and protocols established by the director of the department of administration or
22 the regional greenhouse gas initiative, that result in the same greenhouse gas emissions reduction,
23 over the same time period, as direct compliance with a greenhouse gas emissions limit or
24 emission reduction measure; or

25 (iii) An economy-wide price on all carbon emitted in Rhode Island that is not lower than
26 twenty-five dollars (\$25.00) per metric ton in 2019 and increased on January 1 of each
27 succeeding year by no less than by five dollars (\$5.00) per metric ton; provided, however, that
28 such economy-wide price on carbon emissions is net revenue neutral to the government of Rhode
29 Island because all proceeds thereof are returned to the Rhode Island persons by such methods and
30 in such proportions as the general assembly may from time to time determine.

31 (17) "Person" means a natural person, an agency or political subdivision of Rhode Island,
32 a public or private corporation or authority, a limited liability company, partnership, or limited
33 liability partnership, or a trust firm, joint stock company, association or other entity or group
34 thereof or an officer, employee or agent thereof.

1 (18) "Statewide greenhouse gas emissions" means the total annual emissions of
2 greenhouse gases in Rhode Island from all sources, including direct electricity emissions, indirect
3 electricity emissions, greenhouse gas emissions from the transportation sector, and greenhouse
4 gas emissions from the building sector.

5 (19) "Statewide greenhouse gas emissions reduction mandate" means the maximum
6 allowable level of statewide greenhouse gas emissions in a given year, as set forth in § 42-6.3-5.

7 (20) "Transportation sector" means all modes of transportation including, without
8 limitation automobiles, light trucks, trucks, buses and trains.

9 **42-6.3-4. Department of administration – Coordination function.**

10 (a) The director of the department of administration shall ensure that the requirements of
11 this chapter shall be met in all respects.

12 (b) The director of the department of administration shall have authority to issue rules
13 and regulations pursuant to chapter 35 of title 42 in order to ensure that the requirements of this
14 chapter are met.

15 (c) The director of the department of administration shall exercise overall supervisory
16 functions to ensure that the statewide greenhouse gas emission reductions mandate established by
17 § 42-6.3-5 shall be satisfied in every year including, without limitation:

18 (1) Supervising and assisting the commissioner of the office of energy resources in
19 carrying out the functions described in § 42-6.3-6.

20 (2) Supervising and assisting the director of the department of transportation in carrying
21 out the functions described in § 42-6.3-7.

22 (3) Supervising and assisting the state building commissioner in carrying out the
23 functions described in § 42-6.3-8.

24 (4) Carrying out such additional functions and duties as may be reasonably necessary to
25 ensure that the statewide greenhouse gas emission reductions mandate established by § 42-6.3-5
26 are met.

27 **42-6.3-5. Statewide greenhouse gas emission reduction mandate.**

28 It is hereby established that it is the public policy of the state of Rhode Island to reduce
29 statewide greenhouse gas emissions to:

30 (1) Twenty percent (20%) below 1990 levels by 2025;

31 (2) Fifty percent (50%) below 1990 levels by 2035;

32 (3) Seventy percent (70%) below 1990 levels by 2045; and

33 (4) Eighty percent (80%) below 1990 levels by 2050.

34 **42-6.3-6. Carbon emission reduction mandate – Electricity sector.**

1 (a) No later than one year after the effective date of this act, the commissioner of the
2 office of energy resources shall promulgate, pursuant to chapter 35 of title 42, such mandatory
3 and enforceable regulations that the commissioner believes are reasonably necessary to achieve
4 the 2025 carbon emission reduction mandate created by this chapter as that mandate pertains to
5 both direct electricity emissions and indirect electricity emissions.

6 (b) In developing and promulgating the regulations required by subsection (a) of this
7 section, the commissioner of the office of energy resources shall:

8 (1) Evaluate the total potential costs and economic and noneconomic benefits of various
9 reduction measures to the economy, environment and public health, using the best available
10 models, emissions estimation techniques, and scientific methods;

11 (2) Take into account the relative contribution of each source or category of sources of
12 statewide greenhouse gas emissions from direct and indirect electricity emissions and shall
13 include in the regulations a de minimis threshold of greenhouse gas emissions below which
14 emissions reduction requirements shall not apply.

15 (3) Conduct public hearings on the proposed 2025 regulations required by subsection (a)
16 of this section. The commissioner shall conduct a portion of these workshops in communities that
17 have the most significant exposure to air pollutants, including, but not limited to, communities
18 with minority populations, communities with low-income populations, or both.

19 (4) Consider and address issues of leakage or potential leakage.

20 (c) In developing the regulations required by subsection (a) of this section, the
21 commissioner of the office of energy resources may:

22 (1) Utilize such market-based compliance mechanisms that the commissioner believes are
23 reasonably necessary, convenient, or desirable for achieving the 2025 carbon emission reduction
24 mandate pursuant to this chapter; provided, however, that in utilizing such market-based
25 compliance mechanisms, full credit shall be provided to monies paid on account of participation
26 in any multi-state or national market-based compliance mechanism including, without limitation,
27 the regional greenhouse gas initiative;

28 (2) Consult with other Rhode Island governmental agencies, departments, or quasi-
29 governmental agencies;

30 (3) Consult with the executive climate change coordinating council created by chapter 6.2
31 of title 42 and with the advisory board of the executive climate change coordinating council.

32 (4) Consult with the energy efficiency and resource management council created by
33 chapter 140.1 of title 42.

34 (d) The commissioner of the office of energy resources shall, at their discretion, but no

1 less frequently than once every two (2) years until 2024, review and update the regulations
2 required by subsection (a) of this section in order to ensure that the 2025 carbon emission
3 mandate set forth in § 42-6.3-5 is achieved as that mandate pertains to direct and indirect
4 electricity emissions. In performing this review and update, the commissioner shall in all respects
5 observe the requirements of subsections (b) and (c) of this section.

6 (e) No later than July 31, 2024, the commissioner of the office of energy resources shall
7 promulgate, pursuant to chapter 35 of title 42, such mandatory and enforceable regulations that
8 the commissioner believes are reasonably necessary to achieve the 2035 carbon emission
9 reduction mandate created by this chapter as that mandate pertains to both direct electricity
10 emissions and indirect electricity emissions. The commissioner shall in all respects observe the
11 requirements of subsections (b) and (c) of this section.

12 (f) The commissioner of the office of energy resources shall, at their discretion, but no
13 less frequently than once every two (2) years between 2026 and 2035, review and update the
14 regulations required by subsection (e) of this section in order to ensure that the 2035 carbon
15 emission mandate set forth in § 42-6.3-5 is achieved as that mandate pertains to direct and
16 indirect electricity emissions. In performing this review and update, the commissioner shall in all
17 respects observe the requirements of subsections (b) and (c) of this section.

18 (g) No later than July 31, 2033, the commissioner of the office of energy resources shall
19 promulgate, pursuant to chapter 35 of title 42, such mandatory and enforceable regulations that
20 the commissioner believes are reasonably necessary to achieve the 2050 carbon emission
21 reduction mandate created by this chapter as that mandate pertains to both direct electricity
22 emissions and indirect electricity emissions. The commissioner shall in all respects observe the
23 requirements of subsections (b) and (c) of this section.

24 (h) The commissioner of the office of energy resources shall, at their discretion, but no
25 less frequently than once every two (2) years between 2036 and 2050, review and update the
26 regulations required by subsection (g) of this section in order to ensure that the 2050 carbon
27 emission mandate set forth in § 42-6.3-5 is achieved as that mandate pertains to direct and
28 indirect electricity emissions. In performing this review and update, the commissioner shall in all
29 respects observe the requirements of subsections (b) and (c) of this section.

30 **42-6.3-7. Carbon emission reduction mandate – Transportation sector.**

31 (a) No later than one year after this chapter becomes effective, the director of the
32 department of transportation shall promulgate, pursuant to chapter 35 of title 42, such mandatory
33 and enforceable regulations that the director believes are reasonably necessary to achieve the
34 2025 carbon emission reduction mandate created by this chapter as that mandate pertains to

1 carbon emissions from the transportation sector.

2 (b) In developing and promulgating the regulations required by subsection (a) of this
3 section, the director of the department of transportation shall:

4 (1) Evaluate the total potential costs and economic and noneconomic benefits of various
5 reduction measures to the economy, environment and public health, using the best available
6 models, emissions estimation techniques, and scientific methods;

7 (2) Take into account the relative contribution of each source or category of sources of
8 statewide greenhouse gas emissions from the transportation sector and shall include in the
9 regulations a de minimis threshold of greenhouse gas emissions below which emissions reduction
10 requirements shall not apply.

11 (3) Conduct public hearings on the proposed 2025 regulations required by subsection (a)
12 of this section. The director shall conduct a portion of these workshops in communities that have
13 the most significant exposure to air pollutants, including, but not limited to, communities with
14 minority populations, communities with low-income populations, or both.

15 (4) Consider and address issues of leakage or potential leakage.

16 (c) In developing the regulations required by subsection (a) of this section, the director of
17 the department of transportation may:

18 (1) Utilize such market-based compliance mechanisms that the office of energy resources
19 believes are reasonably necessary, convenient, or desirable for achieving the 2025 carbon
20 emission reduction mandate created by this chapter; provided, however, that in utilizing such
21 market-based compliance mechanisms, full credit shall be provided to monies paid on account of
22 participation in any multi-state or national market-based compliance mechanism including,
23 without limitation, the regional greenhouse gas initiative;

24 (2) Consult with other Rhode Island governmental agencies, departments, or quasi-
25 governmental agencies;

26 (3) Consult with the executive climate change coordinating council created by chapter 6.2
27 of title 42 and with the advisory board of the executive climate change coordinating council.

28 (4) Consult with the energy efficiency and resource management council created by
29 chapter 140.1 of title 42.

30 (d) The director of the department of transportation shall, at their discretion, but no less
31 frequently than once every two (2) years until 2024, review and update the regulations required
32 by subsection (a) of this section in order to ensure that the 2025 carbon emission mandate set
33 forth in § 42-6.3-5 is achieved as that mandate pertains to direct and indirect electricity emissions.
34 In performing this review and update, the director shall in all respects observe the requirements of

1 subsections (b) and (c) of this section, except that the five percent (5%) requirement for all
2 electric vehicle sales by 2025 shall be adjusted upward to forty percent (40%) by 2035 in the
3 form of reasonably achievable annual incremental increases.

4 (e) No later than July 31, 2024, the director of the department of transportation shall
5 promulgate, pursuant to chapter 35 of title 42, such mandatory and enforceable regulations that
6 the director believes are reasonably necessary to achieve the 2035 carbon emission reduction
7 mandate created by this act as that mandate pertains to the transportation sector. The director shall
8 in all respects observe the requirements of subsections (b) and (c) of this section.

9 (f) The director of the department of transportation shall, at their discretion, but no less
10 frequently than once every two (2) years between 2026 and 2035, review and update the
11 regulations required by subsection (e) of this section in order to ensure that the 2035 carbon
12 emission mandate set forth in § 42-6.3-5 is achieved as that mandate pertains to the transportation
13 sector. In performing this review and update, the director shall in all respects observe the
14 requirements of subsections (b) and (c) of this section, except that the five percent (5%)
15 requirement for all electric vehicle sales by 2025 shall be adjusted upward to ninety-five percent
16 (95%) by 2050 in the form of reasonably achievable annual incremental increases.

17 (g) No later than July 31, 2033, the director of the department of transportation shall
18 promulgate, pursuant to chapter 35 of title 42, such mandatory and enforceable regulations that
19 the director believes are reasonably necessary to achieve the 2050 carbon emission reduction
20 mandate created by this act as that mandate pertains to the transportation sector. The director shall
21 in all respects observe the requirements of subsections (b) and (c) of this section.

22 (h) The director of the department of transportation shall, at their discretion, but no less
23 frequently than once every two (2) years between 2036 and 2050, review and update the
24 regulations required by subsection (g) of this section in order to ensure that the 2050 carbon
25 emission mandate set forth in § 42-6.3-5 is achieved as that mandate pertains to the transportation
26 sector. In performing this review and update, the director shall in all respects observe the
27 requirements of subsections (b) and (c) of this section.

28 **42-6.3-8. Carbon emission reduction mandate – Building sector.**

29 (a) No later than one year after this chapter becomes effective, the state building
30 commissioner shall promulgate, pursuant to chapter 35 of title 42, such mandatory and
31 enforceable regulations that the state building commissioner believes are reasonably necessary to
32 achieve the 2025 carbon emission reduction mandate created by this chapter as that mandate
33 pertains to the building sector.

34 (1) Insofar as the regulations required by subsection (a) of this section apply to new

1 building construction, the regulations shall become effective one year after promulgation.

2 (2) Insofar as the regulations required by subsection (a) of this section apply to
3 retrofitting existing building, the regulations shall be written so as to reasonably ensure that all
4 residential, commercial, and industrial buildings in the state are heated solely by electricity by
5 2050.

6 (3) In developing and promulgating the regulations required by subsection (a) of this
7 section, the state building commissioner shall:

8 (i) Make a part of the final regulations a requirement that at least ten percent (10%) of
9 buildings then heated by delivered fuels will have been converted to electric heat by 2025,
10 whether that mandate be achieved by incentives for electric heat, disincentives for delivered fuels,
11 market based compliance mechanisms, or a combination thereof.

12 (ii) Evaluate the total potential costs and economic and noneconomic benefits of various
13 reduction measures to the economy, environment and public health, using the best available
14 models, emissions estimation techniques, and scientific methods;

15 (iii) Take into account the relative contribution of each source or category of sources of
16 statewide greenhouse gas emissions from direct and indirect electricity emissions and shall
17 include in the regulations a de minimis threshold of greenhouse gas emissions below which
18 emissions reduction requirements shall not apply.

19 (iv) Conduct public hearings on the proposed 2025 regulations required by subsection (a)
20 of this section. The state building commissioner shall conduct a portion of these workshops in
21 communities that have the most significant exposure to air pollutants, including, but not limited
22 to, communities with minority populations, communities with low-income populations, or both.

23 (v) Consider and address issues of leakage or potential leakage.

24 (d) In developing the regulations required by subsection (a) of this section, the state
25 building commissioner may:

26 (1) Utilize such market-based compliance mechanisms that the state building
27 commissioner believes are reasonably necessary, convenient, or desirable for achieving the 2025
28 carbon emission reduction mandate created by this chapter; provided, however, that in utilizing
29 such market-based compliance mechanisms, full credit shall be provided to monies paid on
30 account of participation in any multi-state or national market-based compliance mechanism
31 including, without limitation, the regional greenhouse gas initiative;

32 (2) Consult with other Rhode Island governmental agencies, departments, or quasi-
33 governmental agencies;

34 (3) Consult with the executive climate change coordinating council created by chapter 6.2

1 of title 42 and with the advisory board of the executive climate change coordinating council.

2 (4) Consult with the energy efficiency and resource management council created by
3 chapter 140.1 of title 42.

4 (e) The state building commissioner, at their discretion, but no less frequently than once
5 every two (2) years until 2024, review and update the regulations required by subsection (a) of
6 this section in order to ensure that the 2025 carbon emission mandate set forth in § 42-6.3-5 is
7 achieved as that mandate pertains to the building sector. In performing this review and update, the
8 state building commissioner shall in all respects observe the requirements of subsections (b) and
9 (c) of this section.

10 (f)(1) No later than July 31, 2024, the commissioner of the Rhode Island state building
11 code commission shall promulgate, pursuant to chapter 35 of title 42, such mandatory and
12 enforceable regulations that the commissioner of the Rhode Island state building code believes
13 are reasonably necessary to achieve the 2035 carbon emission reduction mandate created by this
14 chapter as that mandate pertains to the building sector. The commissioner of the Rhode Island
15 state building code shall in all respects observe the requirements of subsections (b) and (c) of this
16 section.

17 (2) The regulations issued under this subsection shall include a requirement that no new
18 buildings, for which construction is commenced on or after January 1, 2035, may be heated in
19 whole or in part with delivered fuels.

20 (3) The regulations issued under this subsection shall include a requirement that at least
21 twenty-five percent (25%) of buildings then heated by delivered fuels will have been converted to
22 electric heat by 2035, whether that mandate be achieved by incentives for electric heat,
23 disincentives for delivered fuels, market based compliance mechanisms, or a combination thereof.

24 (g) The state building commissioner shall, at their discretion, but no less frequently than
25 once every two (2) years between 2026 and 2035, review and update the regulations required by
26 subsection (e) of this section in order to ensure that the 2035 carbon emission mandate set forth in
27 § 42-6.3-5 is achieved as that mandate pertains to the building sector. In performing this review
28 and update, the state building commissioner shall in all respects observe the requirements of
29 subsections (b) and (c) of this section.

30 (h)(1) No later than July 31, 2033, the state building commissioner shall promulgate,
31 pursuant to chapter 35 of title 42, such mandatory and enforceable regulations that the state
32 building commissioner believes are reasonably necessary to achieve the 2050 carbon emission
33 reduction mandate created by this chapter as that mandate pertains to the building sector. The
34 state building commissioner shall in all respects observe the requirements of subsections (b) and

1 (c) of this section.

2 (2) The regulations issued under this subsection shall include a requirement that one
3 hundred percent (100%) of buildings then heated by delivered fuels will have been converted to
4 electric heat by 2050 whether that mandate be achieved by incentives for electric heat,
5 disincentives for delivered fuels, market based compliance mechanisms, or a combination thereof.

6 (i) The state building commissioner shall, at their discretion, but no less frequently than
7 once every two (2) years between 2036 and 2050, review and update the regulations required by
8 subsection (g) of this section in order to ensure that the 2050 carbon emission mandate set forth in
9 § 42-6.3-5 is achieved as that mandate pertains to the building sector. In performing this review
10 and update, the state building commissioner shall in all respects observe the requirements of
11 subsections (b) and (c) of this section.

12 **42-6.3-9. Abrogation.**

13 (a) The provisions of this chapter shall be abrogated one year after the state enters into a
14 binding, legally enforceable multi-state compact with no fewer than five (5) other states or
15 Canadian Provinces that mandates economy-wide carbon emission reductions that are no less
16 strict than the ones contained in this chapter, and in which the enforcement mechanism is no less
17 rigorous than the one contained in this chapter.

18 (b) The provisions of this chapter shall be abrogated one year after the state is fully
19 covered by a binding, legally enforceable federal carbon emission reduction program in which the
20 carbon emission reduction mandates are economy-wide and are no less strict than the ones
21 contained in this chapter and in which the enforcement mechanism is no less rigorous than the
22 one contained in this chapter.

23 (c) Certification that the conditions of subsection (a) or (b) of this section have occurred
24 must be made in writing by the governor after a careful investigation to ensure the sufficiency of
25 the carbon emission reduction mandates in question. The certification by the governor shall be
26 effective unless it is contramanded within sixty (60) days by either house of the general assembly,
27 with the sixty (60) days being days that the general assembly is actually in session and sitting.

28 **42-6.3-10. Enforcement.**

29 (a) The provisions of this chapter may be enforced by means of an action in the superior
30 court seeking either injunctive relief or a writ of mandamus or both.

31 (b) Venue for such actions shall be proper in the Providence county superior court.

32 (c) All persons shall have standing to commence such enforcement actions.

33 (d) Reasonable attorneys' fees shall be recoverable by all substantially prevailing
34 plaintiffs who seek relief under this section.

1 SECTION 2. Section 23-27.3-108.2 of the General Laws in Chapter 23-27.3 entitled
2 "State Building Code" is hereby amended to read as follows:

3 **23-27.3-108.2. State building commissioner's duties.**

4 (a) This code shall be enforced by the state building commissioner as to any structures or
5 buildings or parts thereof that are owned or are temporarily or permanently under the jurisdiction
6 of the state or any of its departments, commissions, agencies, or authorities established by an act
7 of the general assembly, and as to any structures or buildings or parts thereof that are built upon
8 any land owned by or under the jurisdiction of the state.

9 (b) Permit fees for the projects shall be established by the committee. The fees shall be
10 deposited as general revenues.

11 (c) (1) The local cities and towns shall charge each permit applicant an additional .1
12 (.001) percent (levy) of the total construction cost for each permit issued. The levy shall be
13 limited to a maximum of fifty dollars (\$50.00) for each of the permits issued for one and two (2)
14 family dwellings. This additional levy shall be transmitted monthly to the building commission at
15 the department of administration, and shall be used to staff and support the purchase or lease and
16 operation of a web-accessible service and/or system to be utilized by the state and municipalities
17 for uniform, statewide electronic plan review, permit management and inspection system and
18 other programs described in this chapter. The fee levy shall be deposited as general revenues.

19 (2) On or before July 1, 2013, the building commissioner shall develop a standard
20 statewide process for electronic plan review, permit management and inspection.

21 (3) On or before December 1, 2013, the building commissioner, with the assistance of the
22 office of regulatory reform, shall implement the standard statewide process for electronic plan
23 review, permit management and inspection. In addition, the building commissioner shall develop
24 a technology and implementation plan for a standard web-accessible service and/or system to be
25 utilized by the state and municipalities for uniform, statewide electronic plan review, permit
26 management and inspection.

27 (d) The building commissioner shall, upon request by any state contractor described in §
28 37-2-38.1, review, and when all conditions for certification have been met, certify to the state
29 controller that the payment conditions contained in § 37-2-38.1 have been met.

30 (e) The building commissioner shall coordinate the development and implementation of
31 this section with the state fire marshal to assist with the implementation of § 23-28.2-6.

32 (f) The building commissioner shall submit, in coordination with the state fire marshal, a
33 report to the governor and general assembly on or before April 1, 2013 and each April 1st
34 thereafter, providing the status of the web-accessible service and/or system implementation and

1 any recommendations for process or system improvement.

2 [\(g\) The building commissioner shall promulgate and adopt rules and regulations pursuant](#)
3 [to chapter 35 of title 42 in order to ensure compliance with the provisions of § 42-6.3-8](#)

4 SECTION 3. Chapter 39-1 of the General Laws entitled "Public Utilities Commission" is
5 hereby amended by adding thereto the following section:

6 **39-1-27.13. Review of beneficial electrification plans.**

7 [When the public utilities commission receives the triennial plan for beneficial](#)
8 [electrification submitted by the energy efficiency and resource management council, the](#)
9 [commission shall open a docket to consider the plan. The commission shall only approve the plan](#)
10 [if the commission determines, after reasonable inquiry, that the plan is sufficiently comprehensive](#)
11 [to ensure, to the maximum extent possible, the attainment of the carbon emission reduction](#)
12 [mandates set forth in the Rhode Island global warming solutions chapter, chapter 6.3 of title 42.](#)
13 [The commission shall have the power to amend the plan submitted by the council as the](#)
14 [commission deems necessary in order to ensure, to the maximum extent possible, the attainment](#)
15 [of the carbon emission reduction mandates set forth in chapter 6.3 of title 42.](#)

16 SECTION 4. Section 42-11-2 of the General Laws in Chapter 42-11 entitled "Department
17 of Administration" is hereby amended to read as follows:

18 **42-11-2. Powers and duties of department.**

19 The department of administration shall have the following powers and duties:

20 (1) To prepare a budget for the several state departments and agencies, subject to the
21 direction and supervision of the governor;

22 (2) To administer the budget for all state departments and agencies, except as specifically
23 exempted by law;

24 (3) To devise, formulate, promulgate, supervise, and control accounting systems,
25 procedures, and methods for the state departments and agencies, conforming to such accounting
26 standards and methods as are prescribed by law;

27 (4) To purchase or to contract for the supplies, materials, articles, equipment, printing,
28 and services needed by state departments and agencies, except as specifically exempted by law;

29 (5) To prescribe standard specifications for those purchases and contracts and to enforce
30 compliance with specifications;

31 (6) To supervise and control the advertising for bids and awards for state purchases;

32 (7) To regulate the requisitioning and storage of purchased items, the disposal of surplus
33 and salvage, and the transfer to or between state departments and agencies of needed supplies,
34 equipment, and materials;

- 1 (8) To maintain, equip, and keep in repair the state house, state office building, and other
2 premises owned or rented by the state for the use of any department or agency, excepting those
3 buildings, the control of which is vested by law in some other agency;
- 4 (9) To provide for the periodic inspection, appraisal or inventory of all state buildings and
5 property, real and personal;
- 6 (10) To require reports from state agencies on the buildings and property in their custody;
- 7 (11) To issue regulations to govern the protection and custody of the property of the state;
- 8 (12) To assign office and storage space and to rent and lease land and buildings for the
9 use of the several state departments and agencies in the manner provided by law;
- 10 (13) To control and supervise the acquisition, operation, maintenance, repair, and
11 replacement of state-owned motor vehicles by state agencies;
- 12 (14) To maintain and operate central duplicating and mailing service for the several state
13 departments and agencies;
- 14 (15) To furnish the several departments and agencies of the state with other essential
15 office services;
- 16 (16) To survey and examine the administration and operation of the state departments and
17 agencies, submitting to the governor proposals to secure greater administrative efficiency and
18 economy, to minimize the duplication of activities, and to effect a better organization and
19 consolidation of functions among state agencies;
- 20 (17) To operate a merit system of personnel administration and personnel management as
21 defined in § 36-3-3 in connection with the conditions of employment in all state departments and
22 agencies within the classified service;
- 23 (18) To assign or reassign, with the approval of the governor, any functions, duties, or
24 powers established by this chapter to any agency within the department;
- 25 (19) To establish, maintain, and operate a data processing center or centers, approve the
26 acquisition and use of electronic data processing services by state agencies, furnish staff
27 assistance in methods, systems and programming work to other state agencies, and arrange for
28 and effect the centralization and consolidation of punch card and electronic data processing
29 equipment and services in order to obtain maximum utilization and efficiency;
- 30 (20) To devise, formulate, promulgate, supervise, and control a comprehensive and
31 coordinated statewide information system designed to improve the data base used in the
32 management of public resources, to consult and advise with other state departments and agencies
33 and municipalities to assure appropriate and full participation in this system, and to encourage the
34 participation of the various municipalities of this state in this system by providing technical or

1 other appropriate assistance toward establishing, within those municipalities, compatible
2 information systems in order to obtain the maximum effectiveness in the management of public
3 resources;

4 (i) The comprehensive and coordinated statewide information system may include a
5 Rhode Island geographic information system of land-related economic, physical, cultural and
6 natural resources.

7 (ii) In order to ensure the continuity of the maintenance and functions of the geographic
8 information system, the general assembly may annually appropriate such sum as it may deem
9 necessary to the department of administration for its support.

10 (21) To administer a statewide planning program including planning assistance to the
11 state departments and agencies;

12 (22) To administer a statewide program of photography and photographic services;

13 (23) To negotiate with public or private educational institutions in the state, in
14 cooperation with the department of health, for state support of medical education;

15 (24) To promote the expansion of markets for recovered material and to maximize their
16 return to productive economic use through the purchase of materials and supplies with recycled
17 content by the state of Rhode Island to the fullest extent practically feasible;

18 (25) To approve costs as provided in § 23-19-32; and

19 (26) To provide all necessary civil service tests for child protective investigators and
20 social workers at least twice each year and to maintain an adequate hiring list for these positions
21 at all times.

22 (27) (a) To prepare a report every three (3) months by all current property leases or
23 rentals by any state or quasi-state agency to include the following information:

24 (i) Name of lessor;

25 (ii) Description of the lease (purpose, physical characteristics, and location);

26 (iii) Cost of the lease;

27 (iv) Amount paid to date;

28 (v) Date initiated;

29 (vi) Date covered by the lease.

30 (b) To prepare a report by October 31, 2014 of all current property owned by the state or
31 leased by any state agency or quasi-state agency to include the following information:

32 (i) Total square feet for each building or leased space;

33 (ii) Total square feet for each building and space utilized as office space currently;

34 (iii) Location of each building or leased space;

- 1 (iv) Ratio and listing of buildings owned by the state versus leased;
- 2 (v) Total occupancy costs which shall include capital expenses, provided a proxy should
3 be provided to compare properties that are owned versus leased by showing capital expenses on
4 owned properties as a per square foot cost at industry depreciation rates;
- 5 (vi) Expiration dates of leases;
- 6 (vii) Number of workstations per building or leased space;
- 7 (viii) Total square feet divided by number of workstations;
- 8 (ix) Total number of vacant workstations;
- 9 (x) Percentage of vacant workstations versus total workstations available;
- 10 (xi) Date when an action is required by the state to renew or terminate a lease;
- 11 (xii) Strategic plan for leases commencing or expiring by June 30, 2016;
- 12 (xiii) Map of all state buildings which provides: cost per square foot to maintain, total
13 number of square feet, total operating cost, date each lease expires, number of persons per
14 building and total number of vacant seats per building; and
- 15 (xiv) Industry benchmark report which shall include total operating cost by full-time
16 equivalent employee, total operating cost by square foot and total square feet divided by full-time
17 equivalent employee.
- 18 (28) To provide by December 31, 1995 the availability of automatic direct deposit to any
19 recipient of a state benefit payment, provided that the agency responsible for making that
20 payment generates one thousand (1,000) or more such payments each month.
- 21 (29) To encourage municipalities, school districts, and quasi-public agencies to achieve
22 cost savings in health insurance, purchasing, or energy usage by participating in state contracts, or
23 by entering into collaborative agreements with other municipalities, districts, or agencies. To
24 assist in determining whether the benefit levels including employee cost sharing and unit costs of
25 such benefits and costs are excessive relative to other municipalities, districts, or quasi-public
26 agencies as compared with state benefit levels and costs.
- 27 (30) To administer a health benefit exchange in accordance with chapter 157 of title 42.
- 28 [\(31\) Promulgate and adopt regulations pursuant to chapter 35 of title 42 in order to ensure](#)
29 [compliance with the provisions of chapter 6.3 of title 42.](#)
- 30 [\(32\) Supervise and assist the commissioner of the office of energy resources in carrying](#)
31 [out the functions described in § 42-6.3-6.](#)
- 32 [\(33\) Supervise and assist the director of the department of transportation in carrying out](#)
33 [the functions described in § 42-6.3-7.](#)
- 34 [\(34\) Supervise and assist the state building commissioner in carrying out the functions](#)

1 [described in § 42-6.3-8.](#)

2 SECTION 5. Section 42-13-1 of the General Laws in Chapter 42-13 entitled "Department
3 of Transportation" is hereby amended to read as follows:

4 **42-13-1. Establishment -- Head of departments -- Powers.**

5 (a) There shall be a department of transportation. The head of the department shall be the
6 director of transportation, appointed by the governor with the advice and consent of the senate,
7 who shall carry out the provisions of this chapter and, except as otherwise provided by this title,
8 the provisions of chapters 2 and 4 of title 1; chapters 8 and 10 of title 24; chapter 13 of title 31;
9 chapter 12 of title 37; and of all other general laws heretofore carried out by the director of public
10 works and the department of public works, the Rhode Island turnpike and bridge authority, and
11 the council on highway safety. The director shall also be responsible for preparation of short-
12 range plans, project plans, and implementation programs for transportation; for port and
13 waterways facilities where the principal purpose is transportation and management of port
14 properties, warehouses, and state piers which function primarily as transportation facilities; and
15 for maintaining an adequate level of rail passenger and freight services, including the
16 administration of any financial or technical assistance which may be made available to operators
17 of railroad transportation facilities; provided, however, that all contracts for the construction,
18 reconstruction, maintenance, and repairs of all public roads and bridges, public buildings and all
19 other properties of the state government, and the purchase of all equipment, materials, and
20 supplies used in accordance therewith shall be negotiated by the purchasing agent in the
21 department of administration.

22 (b) The director shall adopt and promulgate state regulations which will set standards for
23 future state, city and town construction and maintenance of sidewalks and curbs, in a manner
24 which will make the use of the sidewalks more easily accessible to people who are disabled. Said
25 standards shall require the installation of curb cuts and/or ramps at both ends of any pedestrian
26 crosswalk.

27 The director shall adopt and promulgate a procedure to process all claims pursuant to §
28 24-8-35, for damages to motor vehicles caused by potholes on state highways and in all instances
29 have the final determination as to the merits of each claim.

30 (c) The director shall promulgate and adopt regulations which will prohibit any
31 contractors who have been convicted of fraud, bid-rigging, or a violation of any state or federal
32 antitrust law from bidding on any construction projects administered by the department for a
33 period of five (5) years from the date of any of the above convictions.

34 [\(d\) The director shall promulgate and adopt rules and regulations pursuant to chapter 35](#)

1 [of title 42 in order to ensure compliance with the provisions of § 42-6.3-7.](#)

2 SECTION 6. Section 42-140-4 of the General Laws in Chapter 42-140 entitled "Rhode
3 Island Energy Resources Act" is hereby amended to read as follows:

4 **42-140-4. Commissioner.**

5 (a) There shall be a commissioner of energy resources, who shall be appointed by the
6 governor with the advice and consent of the senate. The commissioner shall be the director of the
7 office of energy resources and shall have all such powers, consistent with law, as are necessary
8 and/or convenient to effectuate the purposes of the office and administer its functions. The
9 commissioner shall have authority to exercise all of the powers and duties heretofore exercised by
10 the head of the state energy office. In the performance of the duties set forth in this paragraph, the
11 commissioner shall consult with the energy efficiency and resources management council
12 established pursuant to chapter 42-140.1.

13 (b) The commissioner shall have authority to apply for, receive, and administer grants
14 and funds from the federal government and all other public and private entities to accomplish the
15 purposes of the office.

16 (c) All revenues collected by the office from public and private entities, including, but not
17 limited to, demand side management grants from public utilities, shall be deposited as restricted
18 receipts.

19 (d) The commissioner shall have authority to serve as executive secretary of the
20 governor's technical assistance committee, established by § 42-60-4, and shall provide such staff
21 and technical support to the technical assistance committee as the technical assistance committee
22 may require, and shall have authority to carry out any duties assigned to the office by the
23 governor in the event of a declaration of a state energy crisis as authorized under chapter 42-60
24 relating to energy crisis management.

25 [\(e\) The commissioner shall have the authority to promulgate and adopt rules and](#)
26 [regulations pursuant to chapter 35 of title 42 in order to ensure compliance with the provisions of](#)
27 [§ 42-6.3-6 of the Rhode Island global warming solutions act.](#)

28 SECTION 7. Sections 42-140.1-3 and 42-140.1-5 of the General Laws in Chapter 42-
29 140.1 entitled "The Rhode Island Energy Efficiency and Resource Management Council" are
30 hereby amended to read as follows:

31 **42-140.1-3. Establishment of council -- Purposes.**

32 (a) There is hereby authorized, created and established a council to be known as "The
33 Rhode Island Energy Efficiency and Resources Management Council" with the powers and duties
34 set forth in this chapter.

1 (b) The purposes of this council are to:

2 (1) Evaluate and make recommendations, including, but not limited to, plans and
3 programs, with regard to the optimization of energy efficiency, energy conservation, energy
4 resource development; and the development of a plan for least-cost procurement for Rhode
5 Island; and

6 (2) Provide consistent, comprehensive, informed and publicly accountable stake-holder
7 involvement in energy efficiency, energy conservation, and energy resource management; and

8 (3) Monitor and evaluate the effectiveness of programs to achieve energy efficiency,
9 energy conservation, and diversification of energy resources; ~~and~~

10 (4) Promote public understanding of energy issues and of ways in which energy
11 efficiency, energy conservation, and energy resource diversification and management can be
12 effectuated; and

13 (5) Promote, facilitate, and develop plans for the beneficial electrification of the
14 transportation sector and the building sector.

15 **42-140.1-5. Powers and duties.**

16 The council shall have the power to:

17 (a) Develop and recommend for implementation plans, programs and standards for
18 energy conservation, energy efficiency, and diversification of energy resources.

19 (b) Monitor and evaluate plans and programs for energy conservation, energy efficiency
20 and diversification of energy resources; in order to effectuate such evaluations the council may
21 request audits, including performance audits, of any program for energy conservation, energy
22 efficiency or diversification of energy resources, that is established pursuant to Rhode Island law
23 or is administered by a state agency, a request for an audit of any program operative pursuant to
24 an order or decision of the public utilities commission shall be made to the commission; the
25 council may make findings and recommendations with regard to changes, modification or
26 continuation of any programs which it has authority to monitor or evaluate.

27 (c) Submit to the joint committee on energy an annual report on/or before April 15 of
28 each year, commencing in 2008, regarding the activities of the council, its assessment of energy
29 issues, the status of system reliability, energy efficiency and conservation procurement and its
30 recommendations regarding any improvements which might be necessary or desirable.

31 (d) Participate in proceedings of the public utilities commission that pertain to the
32 purposes of the council, including but not limited to proceedings regarding least-cost procurement
33 as provided for in § 39-1-27.7.

34 (e) Advise electric distribution companies with regard to implementation of least cost

1 procurement.

2 (f) Advise the commission of energy resources, and recommend policies, standards,
3 strategies, plans, programs, and procedures with regard to functions of the office of energy
4 resources including but not limited to plans, strategies, and programs to:

5 (1) implement cost-effective energy conservation and energy efficiency programs;

6 (2) promote the development of eligible renewable energy resources for Rhode Island;

7 (3) foster distributed generation of electricity and demand response;

8 (4) assist low-income households in meeting energy needs;

9 (5) coordinate the use of funds, resources, and programs from diverse resources to
10 achieve the purposes of the office.

11 (g) Consider such other matters as it may deem appropriate to the fulfillment of its
12 purposes, and may advise the governor, the general assembly, other parties, and the public with
13 regard to matters pertaining to its purposes and duties, which advice may include findings and
14 recommendations.

15 (h) Develop and submit to the public utilities commission no less frequently than once
16 every three (3) years a plan for the beneficial electrification of the transportation sector and the
17 building sector. The first such triennial plan shall be filed with the public utilities commission no
18 later than eighteen (18) months after the enactment of this subsection.

19 (1) Each triennial plan for beneficial electrification shall be so designed as to ensure, to
20 the maximum extent possible, the attainment of the carbon emission reduction mandates set forth
21 in the Rhode Island global warming solutions act.

22 (2) The triennial plan may include, without limitation, changes and upgrades to the
23 distribution system of the electric distribution company and the purchase and installation of new
24 infrastructure.

25 SECTION 8. 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 -- RHODE ISLAND GLOBAL
WARMING SOLUTIONS ACT

- 1 This act would establish the Rhode Island global warming solutions act to reduce carbon
- 2 emissions across various sectors of the local economy.
- 3 This act would take effect upon passage.

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