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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

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

Introduced By: Senators Euer, McCaffrey, Sosnowski, Goodwin, and Conley

Date Introduced: March 21, 2019

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings. The general assembly hereby finds and declares that:

2 (1) Global warming presents a substantial threat to the preservation of the natural
3 resources of the state and to the use and enjoyment of those resources by the people of the state;

4 (2) There is broad scientific consensus that human activity, including especially human
5 activity which results in greenhouse gas emissions, is a major cause of global warming;

6 (3) The Executive Climate Change Coordinating Council has found, in its December
7 2016 Greenhouse Gas Emissions Reduction Plan, that beyond 2020 "business as usual" in Rhode
8 Island will not enable Rhode Island to meet regionally accepted targets for necessary greenhouse
9 emission reductions for 2035 and 2050;

10 (4) The Rhode Island Infrastructure Bank, in its July 2018 in Resilient Rhody Actionable
11 Vision, has shown the substantial risks that global warming and climate change pose to public
12 health, safety and general welfare in Rhode Island;

13 (5) Major reports in autumn 2018, the United Nations Intergovernmental Panel on
14 Climate Change and the United States Fourth National Climate Assessment, show that the need
15 for effective action has intensified and that more needs to be done sooner to reduce greenhouse
16 emissions if the likelihood of dire outcomes is going to be mitigated;

17 (6) Massachusetts and Connecticut have adopted global warming solutions acts with
18 enforceable goals for greenhouse gas emissions reductions, and the Massachusetts Act is

1 especially germane for Rhode Island due to the ecological connection of the two states in the
2 Narragansett Bay watershed and the economic connection of the two states in the Boston
3 metropolitan combined statistical area, and

4 (7) Specific neighborhoods and communities in Rhode Island have worse environmental
5 quality and higher incidences of environmentally related preventable disease than other areas in
6 the state, and global warming can worsen such inequitable health outcomes in Rhode Island.

7 SECTION 2. Title 42 of the General Laws entitled "STATE AFFAIRS AND
8 GOVERNMENT" is hereby amended by adding thereto the following chapter:

9 CHAPTER 6.3

10 RHODE ISLAND GLOBAL WARMING SOLUTIONS ACT

11 **42-6.3-1. Short title.**

12 This chapter shall be known and may be cited as the "Rhode Island Global Warming
13 Solutions Act."

14 **42-6.3-2. Legislative purpose.**

15 It is the purpose of this chapter:

16 (1) To require Rhode Island to meet the obligations established in Section 17 Article I of
17 the Rhode Island Constitution in the face of global warming;

18 (2) To provide a means for Rhode Island to meet its greenhouse gas emissions reduction
19 goals set forth in regional, national, and international agreements to which it has pledged support,
20 including as a minimum, the targets set forth in the resilient Rhode Island act of 2014 and has
21 made mandatory by this chapter;

22 (3) To address issues of environmental justice, as defined, in this chapter;

23 (4) To facilitate the development of the economy of the state in a manner that secures its
24 on-going viability and resilience as the use of greenhouse gas emitting energy resources declines;
25 and

26 (5) To provide a defined, transparent administrative structure, which to the extent feasible
27 utilizes established departments and administrative processes, to accomplish the foregoing
28 purposes through 2050.

29 **42-6.3-3. Definitions.**

30 As used in this chapter, the following words and terms shall have the following meanings
31 unless the context shall clearly indicate another or different meaning or intent:

32 (1) "1990 level" means 12.48 million metric tons of carbon dioxide equivalent emissions
33 per annum, as set forth in the Rhode Island greenhouse gas emission reduction plan published by
34 the executive climate change coordinating council's December 2016 report.

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

5 (3) "Buildings" or "building sector" means all buildings and structures, including, without
6 limitation, single-family residences, multi-family residences, small business and commercial
7 structures, large commercial and industrial structures, factories of all types, transportation depots
8 and stations, and office buildings.

9 (4) "Carbon dioxide equivalent" means the amount of carbon dioxide by weight that
10 would produce the same global warming impact as a given weight of another greenhouse gas,
11 based on the best available science, including from the Intergovernmental Panel on Climate
12 Change.

13 (5) "Delivered fuels" means natural gas, oil, propane gas, and coal used for heating of
14 buildings.

15 (6) "Direct emissions" means emissions from generating sources geographically located
16 in the state.

17 (7) "Director" means the director of the department of environmental management acting
18 in his or her capacity as head of the office of implementation of the global warming solutions act.

19 (8) "Electricity sector" means the commercial generation, transmission, and distribution
20 of electricity and programs affecting electrical, efficiency, and types of generation.

21 (9) "Emission" means emission of a greenhouse gas into the air.

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

25 (11) "Emissions reduction plan" means a plan, promulgated pursuant to § 42-6.3-5 (d)(i),
26 for achieving emissions reductions that need to be achieved within a specified period of time in
27 order have reasonable assurance that the emissions targets established as mandatory by this
28 chapter are met.

29 (12) "Enforceable" means subject to enforcement through a legal action brought pursuant
30 to § 42-6.3-7.

31 (13) "Entity" 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 (14) "Environmental justice" means the fair treatment and meaningful involvement of all
2 people regardless of race, color, national origin, English language proficiency, or income with
3 respect to the development, implementation and enforcement of the provisions of this chapter and
4 regulations, plans and programs pursuant thereto.

5 (15) "Facility" means a building, structure or installation located on contiguous or
6 adjacent properties of an entity.

7 (16) "Greenhouse gas" means any chemical or physical substance that is emitted into the
8 air and that the director may reasonably anticipate will cause or contribute to climate change
9 including, but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons,
10 perfluorocarbons and sulfur hexafluoride.

11 (17) "Greenhouse gas emissions source" means a source, or category of sources, of
12 greenhouse gas emissions with emissions that are at a level of significance, as determined by the
13 director, that its participation in the program established under this chapter will enable the
14 director to effectively reduce greenhouse gas emissions and monitor compliance with the
15 statewide greenhouse gas emissions limit.

16 (18) "Implementing plan" means a plan for achieving emissions reduction measures
17 within a specific sector pursuant to § 42-6.3-5(d)(2).

18 (19) "Indirect electricity emissions" means emissions associated with the consumption of
19 purchased electricity within the state where such electricity is purchased from the electricity grid
20 operated by the Independent System Operator-New England, or any successor approved by the
21 Federal Energy Regulatory Commission.

22 (20) "Leakage" means the offset of a reduction in emissions of greenhouse gases within
23 Rhode Island by a direct, casually linked increase in emissions of greenhouse gases outside
24 Rhode Island.

25 (21) "Market-based compliance mechanism" means a system of market-based declining
26 annual aggregate emissions limitations for sources or categories of sources that emit greenhouse
27 gases; or greenhouse gas emissions exchanges, banking, credits and other transactions governed
28 by rules and protocols established by the director or the regional greenhouse gas initiative, that
29 result in the same greenhouse gas emissions reduction, over the same time period, as direct
30 compliance with a greenhouse gas emissions limit or emission reduction measure adopted by the
31 executive office pursuant to this chapter; or an economy wide price on all carbon emitted in
32 Rhode Island; or any combination of the foregoing.

33 (22) "Office" means the global warming solutions implementation office (GloWS
34 implementation) in the department of environmental management.

1 (23) "Person" means a person that owns or operates, in whole or in part, a source of
2 greenhouse gas emissions from a generator of electricity or a commercial or industrial site
3 including, but not limited to, a transportation fleet.

4 (24) "Science and technical advisory board (STAB)" means the science and technical
5 advisory board established by § 42-6.2-5.

6 (25) "Statewide greenhouse gas emissions" means the total annual emissions of
7 greenhouse gases in Rhode Island from all sources, including direct electricity emissions, indirect
8 electricity emissions, greenhouse gas emissions from the transportation sector, and greenhouse
9 gas emissions from the building sector.

10 (26) "Statewide greenhouse gas emissions reduction mandate" means the maximum
11 allowable level of statewide greenhouse gas emissions in a given year, as set forth in § 42-6.3-4.

12 (27) "Transportation sector" means all modes of transportation that facilitate the
13 movement of people and goods in all areas of the state and recognized as components of the
14 transportation system for purposes of the state's long-range transportation plan.

15 **42-6.3-4. Statewide greenhouse gas emission reduction mandate.**

16 (a) Mandatory targets for emission reduction. It is hereby established that it is the public
17 policy of the state that the statewide greenhouse gas emissions shall be the targets set forth in §
18 42-6.2-2(a)(2), as those targets may be from time to time revised and that these targets shall be
19 mandatory under the provisions of this chapter. The targets at the time of the enactment of this
20 chapter are that greenhouse gas emissions shall be ten percent (10%) below 1990 levels by 2020,
21 shall be forty-five percent (45%) below 1990 levels by 2035, and shall be eighty percent (80%)
22 below 1990 levels by 2050.

23 (b) Intermediate statewide greenhouse gas emission reduction mandates for planning and
24 implementing purposes shall be established and enforceable through an emissions reduction plan
25 for 2035 and an emissions reduction plan for 2050 promulgated pursuant to § 42-6.3-5(d)(1).

26 (c) Revised statewide greenhouse gas emission reduction mandate. The statewide
27 greenhouse gas emission reduction mandate may be revised and updated by rule, by the director
28 as follows:

29 (1) That the director finds:

30 (i) In consultation with the science and technical advisory board, that there is scientific
31 consensus that the targets set forth in in § 42-6.2-2(a)(2) are not sufficient to meet the purposes of
32 this chapter; and

33 (ii) An adjoining state has raised its mandatory emission reduction goals to a level higher
34 than set forth in § 42-6.2-2(a)(2); or

1 (iii) There is either a regional agreement in which Rhode Island participates or federal
2 standards with emissions reduction goals at a level higher than set forth in in § 42-6.2-2(a)(2);
3 and

4 (2) Provided, further that the finding specified in subsection (c)(1) of this section has
5 been included in an annual report required by § 42-6.3-6 and is not restricted or limited by law, in
6 which case the restriction or limitation shall govern the level of revision or update to the
7 statewide greenhouse gas emission reduction mandate.

8 (3) The effective date of the rule promulgated for the revised statewide greenhouse gas
9 emission reduction mandate shall not be earlier than January 1 of the year next following the year
10 of the submission of the annual report containing the findings herein required.

11 **42-6.3-5. Rhode Island office of global warming solutions implementation**
12 **established.**

13 (a) Within the department of environmental management there shall be a Rhode Island
14 office of global warming solutions implementation (GloWS Implementation). For purposes of
15 this chapter, the following agencies shall be participating agencies in the office: the department of
16 environmental management, the office of energy resources, the energy efficiency and resources
17 management council, the department of transportation, the department of administration-
18 statewide planning program, including, but not limited to, its duties as the metropolitan planning
19 organization, the department of health, the Rhode Island public transit authority (RIPTA), the
20 building code standards committee, the state building commissioner, the Rhode Island
21 infrastructure bank, and such other agencies as may be assigned to it by the governor.

22 (b) Powers and duties the director.

23 (1) The director of the department of environmental management shall be the director of
24 the office and shall ensure that the requirements of the Rhode Island global warming solutions act
25 shall be met in all respects.

26 (2) The director shall have authority to issue rules and regulations pursuant to chapter 35
27 of title 42 in order to ensure that the requirements and the purposes of the Rhode Island global
28 warming solutions act are met.

29 (3) The director shall exercise overall supervisory functions, to ensure that the statewide
30 greenhouse gas emission reduction mandate established by subsection (4) of this section shall be
31 satisfied in every year including, without limitation: assisting and overseeing the commissioner of
32 the office of energy resources, the director of the department of transportation, and the state
33 building commissioner in carrying out the functions described in subsection (d)(2) of this section.

34 (4) The director shall have such additional powers and duties as may be reasonably

1 necessary to ensure that the statewide greenhouse gas emission reduction mandate established by
2 § 42-6.3-4 are met.

3 (5) The director shall appoint a rules coordinator as required by § 42-35-2.1. The rules
4 coordinator shall be responsible for the coordination of all rule making required by this chapter
5 and, in order to enable an integrated understanding and application of the rules, and to promote
6 public transparency and convenience, shall establish and provide, to the extent feasible, a
7 common schedule for meetings, and hearings by sector lead agencies as needed to meet their rule
8 making obligations under this chapter.

9 (6) Reporting. The director shall prepare and submit annual reports as required by § 42-
10 6.3-6.

11 (c) Major sector lead agencies.

12 (1) Designation of lead agencies. The lead agency for the transportation sector shall be
13 the director of the department of transportation. The lead agency for the building sector shall be
14 the building code standards committee. The lead agency for the electricity sector shall be the
15 office of energy resources.

16 (2) Powers and duties of lead agencies. Acting through their chief administrative officer,
17 the major sector lead agencies shall have the power and the duty to develop, promulgate, and
18 implement implementing plans as provided for in subsection (d)(2) of this section.

19 (d) Planning functions.

20 (1) Emissions reduction plans. Not later than May 31, 2020, the director shall promulgate
21 by rule an emissions reduction plan for 2035 that provides, consistent with the purposes of this
22 chapter, measurable incremental, enforceable goals for statewide greenhouse gas emission
23 reductions on not greater than a five (5) year basis that enable meeting the statewide greenhouse
24 gas emissions reduction mandate for 2035, and not later than May 31, 2036, the director shall
25 promulgate by rule an emissions reduction plan for 2050 that provides measurable incremental,
26 enforceable goals for statewide greenhouse gas emission reductions on not greater than a five (5)
27 year basis that enable meeting the statewide greenhouse gas emissions reduction mandate for
28 2050. Statewide planning shall consult with the director in the preparation of the emission
29 reduction plans, which shall be in a form and format suitable for adoption as elements of the state
30 guide plan. Broad interagency involvement in the preparation of these plans will be managed by
31 the executive climate change coordinating council, which shall conduct at least one community
32 review public scoping session for the preparation emissions reduction plan for 2035 not later than
33 September 15, 2019, and one community review meeting of on a draft emissions reduction plan
34 not later than December 31, 2019. The director shall by rule revise a duly adopted emission

1 reduction to take into account any revisions to the statewide greenhouse gas emission reduction
2 mandate adopted pursuant to § 42-6.3-4(c).

3 (2) Implementing plans. Consultation and specific goals. In developing and implementing
4 plans and rules:

5 (i)(A) The office of energy resources shall, in consultation with the energy efficiency and
6 resources management council and the division of public utilities, develop an implementing plan
7 for the electrical sector;

8 (B) The department of transportation shall, in consultation with the Rhode Island public
9 transit authority (RIPTA) and with the statewide planning program in its capacity as the
10 metropolitan planning organization for transportation planning, develop an implementing plan for
11 the transportation sector; and

12 (C) The building commissioner shall, in consultation with the building code standards
13 committee, utilizing to the maximum extent the authority provided in § 23-27.3-100.1.3, with the
14 Rhode Island housing resources commission and with the Rhode Island housing and mortgage
15 finance corporation, develop an implementing plan for the building sector.

16 (ii) No later than December 1, 2020, the chief administrative officer of each sector lead
17 agency shall promulgate, through an implementing plan, such mandatory and enforceable
18 regulations that the chief administrative officer believes are reasonably necessary to achieve, for
19 the period ending December 31, 2035, the statewide greenhouse gas emission reduction mandate
20 established pursuant to this chapter as that mandate pertains to both direct emissions and, as
21 appropriate, indirect electrical emissions; and no later than December 31, 2035, the chief
22 administrative officer of the sector lead agency shall promulgate through an implementing plan,
23 such mandatory and enforceable regulations that the chief administrative officer believes are
24 reasonably necessary to achieve, for the period ending December 31, 2050, the statewide
25 greenhouse gas emission reduction mandate established pursuant to this chapter as that mandate
26 pertains to both direct emissions and, as appropriate, indirect electrical emissions.

27 (iii) In developing and promulgating the implementing plans, which shall be consistent
28 with the purpose of this chapter, and regulations required by this subsection, the chief
29 administrative officer shall:

30 (A) Evaluate the total potential costs and economic and noneconomic benefits of various
31 reduction measures to the economy, environment and public health, using the best available
32 models, emissions estimation techniques, and scientific methods;

33 (B) Take into account the relative contribution of each source or category of sources of
34 statewide greenhouse gas emissions from direct and indirect emissions and shall include in the

1 regulations a de minimis threshold of greenhouse gas emissions below which emissions reduction
2 requirements shall not apply;

3 (C) Conduct public meetings on the proposed regulations required by § 42-6.3-5(d)(2)(i).
4 The chief administrative officer shall conduct a portion of these workshops in communities that
5 have the most significant exposure to air pollutants, including, but not limited to, communities
6 with minority populations, communities with low-income populations, or both;

7 (D) Consider and address issues of leakage or potential leakage;

8 (E) Consult with the science and technical advisory board (STAB) of the executive
9 climate change coordinating council, created by § 42-6.3-5, to assure that the implementing plan
10 is based on "the best available science and technical information" in the opinion of the STAB;
11 and

12 (F) Take into account benefits to Rhode Island of participation in regional, multi-state
13 and national programs for greenhouse gas emissions reductions;

14 (iv) In developing the implementing plans and regulations required by this section, the
15 chief administrative officer may:

16 (A) Recommend use of such market-based compliance mechanisms as the chief
17 administrative officer finds are reasonably necessary, convenient, or desirable for achieving the
18 applicable statewide greenhouse gas emissions reduction mandate;

19 (B) Consult with other Rhode Island governmental agencies, departments, or quasi-
20 governmental agencies; and

21 (C) Collaborate the executive climate change coordinating council created by chapter 6.2
22 of title 42 regarding interagency and public input;

23 (v) Updates to implementation plans. No later than December 1, 2025, December 1,
24 2030, December 1, 2040, and December 1, 2045, the chief administrative officer of each sector
25 lead agency shall issue an update to the implementing plan which shall take into account any
26 revision to the statewide greenhouse gas emission reduction mandated as adopted pursuant to §
27 42-6.3-4(c). The update to the implementing plan shall include an assessment of progress in
28 meeting the applicable statewide greenhouse gas emission reduction mandate and shall
29 promulgate any regulatory changes deemed necessary to achieve statewide greenhouse gas
30 emission reduction mandate for 2035 and 2050 as appropriate.

31 (3) Beneficial electrification plans. The energy efficiency and resources management
32 council shall, pursuant to § 42-140.1-5(h) submit to the public utilities commission by December
33 1, 2021, and each December 1 every five (5) years thereafter through December 1, 2046, a
34 beneficial electrification plan as necessary to comply with the requirements meeting for statewide

1 greenhouse emission reduction mandates as promulgated in transportation and building sector
2 implementing plans, including as up-dated.

3 (e) Consistency with administrative procedures act.

4 (1) Plans and regulations required by the chapter shall be adopted in a manner consistent
5 with chapter 35 of title 42 (administrative procedures act), and any conflict between provisions of
6 the administrative procedures act and this chapter, the administrative procedures act shall prevail.
7 The special requirements set forth in this chapter regarding the preparation and adoption of plans
8 shall be deemed in addition to, and not a substitute for, the requirements of the administrative
9 procedures act.

10 (2) Office of regulatory reform (ORR). The office of regulatory reform shall deem rules
11 proposed consistent with this chapter a public necessity vital to the public health and wellbeing of
12 the people of Rhode Island and shall consider such proposed rules as definitive unless the ORR
13 finds that there are alternatives that meet greenhouse gas reduction mandates equally well, which
14 finding shall be effective upon its approval by the director of administration, who shall transmit a
15 determination regarding the finding to the governor, the secretary of commerce, and the director.

16 (f) Project financing functions--Rhode Island infrastructure bank (RIIB). Projects
17 requiring financing as result from initiatives to meet greenhouse gas emission reduction mandates
18 as established pursuant to this chapter, may be advised and, as appropriated, financed through the
19 Rhode Island infrastructure Bank. The resiliency officer at the RIIB shall be advisory to the office
20 on resiliency matters.

21 (g) Relations with executive climate change coordinating council (EC4). The office shall
22 consider the EC4 its primary means of:

23 (1) Achieving coordination with state agencies that are not participating in the office;

24 (2) Providing public reporting on its activities; and

25 (3) Achieving public transparency and engagement, including for accomplishing
26 environmental justice purposes. The website of the EC4 shall be the website of the office.
27 Through the director, the office and its included agencies may seek the advice of the advisory
28 board and the science and technical advisory board to the EC4.

29 **42-6.3-6. Reporting.**

30 Commencing on March 31, 2020, and on March 31 of each year thereafter through March
31 31, 2051, the director shall submit an annual public report to the governor, the speaker of the
32 house, and the president of the senate on the activities of the office during the prior calendar year,
33 which report shall summarize actions taken by the office and its participating agencies during the
34 year to accomplish the purposes of the chapter and progress on achieving statewide greenhouse

1 gas emission reduction mandate during the year and any impediments encountered in achieving
2 the emission reduction mandate and the recommendations of the director regarding actions that
3 need to be taken going forward in order to accomplish the purposes of the chapter, including
4 findings and recommendations regarding the best available scientific and technical information as
5 it pertains to the adequacy of the statewide greenhouse gas emission reduction mandate as set
6 forth in § 42-6.3-4 in achieving the purposes of this chapter.

7 **42-6.3-7. Enforcement.**

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

10 (b) Venue for such actions shall be proper in the superior court of and for Providence
11 county.

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

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

15 **42-6.3-8. Liberal construction.**

16 This chapter, being necessary for the welfare of the state and its inhabitants, shall be
17 liberally construed so as to effectuate its purposes.

18 **42-6.3-9. Severability.**

19 If any clause, sentence, paragraph, section, or part of this chapter shall be adjudged by
20 any court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or
21 invalidate the remainder of the chapter but shall be confined in its operation to the clause,
22 sentence, paragraph, section, or part directly involved in the controversy in which that judgment
23 shall have been rendered.

24 SECTION 3. Sections 23-27.3-100.1.3, 23-27.3-100.1.5 and 23-27.3-108.2 of the
25 General Laws in Chapter 23-27.3 entitled "State Building Code" are hereby amended to read as
26 follows:

27 **23-27.3-100.1.3. Creation of the state building code standards committee.**

28 (a) There is created as an agency of state government a state building code standards
29 committee that shall adopt, promulgate, and administer a state building code for the purpose of
30 regulating the design, construction, and use of buildings or structures previously erected, in
31 accordance with a rehabilitation building and fire code for existing buildings and structures
32 developed pursuant to chapter 29.1 of this title, and to make any amendments to them as
33 necessary to comply with the requirements of law or as they, from time to time, deem necessary
34 or desirable, the building code to include any code, rule, or regulation incorporated in the code by

1 reference.

2 (b) A standing subcommittee is made part of the state building code standards committee
3 to promulgate and administer a state housing and property maintenance code for the purpose of
4 establishing minimum requirements and standards and to regulate the occupancy and use of
5 existing premises, structures, buildings, equipment, and facilities, [consistent with achieving the](#)
6 [purposes of chapter 6.3 of title 42](#), and to make amendments to them as deemed necessary.

7 (c) A joint committee, with membership as set forth in § 23-29.1-2(a) from the state
8 building code standards committee, shall develop and recommend for adoption and promulgation,
9 a rehabilitation building and fire code for existing buildings and structures, which code shall
10 include building code elements to be administered by the state building code standards committee
11 as the authority having jurisdiction over the elements.

12 (d) The state building code standards committee shall be housed within the office of the
13 state building commissioner.

14 **23-27.3-100.1.5. Building code -- Adoption and promulgation by committee.**

15 The state building standards committee has the authority to adopt, promulgate, and
16 administer a state building code, which shall include: (a) provisions and amendments as necessary
17 to resolve conflicts between fire safety codes and building codes, as provided for in § 23-28.01-6;
18 and (b) a rehabilitation building and fire code for existing buildings and structures. The building
19 code may be promulgated in several sections, with a section applicable to one and two (2) family
20 dwellings, to multiple dwellings and hotels and motels, to general building construction, to
21 plumbing, and to electrical. The building code shall incorporate minimum standards for the
22 location, design, construction and installation of wells which are appurtenances to a building in
23 applicable sections. For purposes of this chapter, "appurtenance" includes the installation,
24 alteration or repair of wells connected to a structure consistent with chapter 46-13.2. The building
25 code and the sections thereof shall be reasonably consistent with recognized and accepted
26 standards adopted by national model code organizations and recognized authorities. To the extent
27 that any state or local building codes, statutes, or ordinances are inconsistent with the Americans
28 with Disabilities Act, Title III, Public Accommodations and Services Operated by Private
29 Entities, 42 U.S.C. § 12181 et seq., and its regulations and standards, they are hereby repealed.
30 The state building code standards committee is hereby directed to adopt rules and regulations
31 consistent with the Americans with Disabilities Act, Title II and III (28 CFR 35 and 28 CFR 36,
32 as amended), as soon as possible, but no later than February 15, 2012, to take effect on or before
33 March 15, 2012. The state building code standards committee is hereby authorized and directed to
34 update those rules and regulations consistent with the future revisions of the Americans with

1 Disabilities Act Accessibility Standards [and with the requirements of the global warming](#)
2 [solutions act, chapter 6.3 of title 42, and rules and regulations adopted pursuant thereto.](#)

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 (.001)
12 percent levy of the total construction cost for each permit issued. The levy shall be limited to a
13 maximum of fifty dollars (\$50.00) for each of the permits issued for one and two (2) family
14 dwellings. This additional levy shall be transmitted monthly to the building commission at the
15 department of business regulation, 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 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 be:

3 (1) Advisory to the executive climate change coordinating council, established in chapter
4 6.2 of title 42, on the use of building codes to improve energy efficiency in buildings and
5 structures and to reduce greenhouse gas emissions; and

6 (2) A participating member of the Rhode Island office of global warming solutions
7 implementation, in which capacity the building commissioner shall have administrative oversight
8 of responsibilities pertaining to the building sector in chapter 6.3 of title 42.

9 SECTION 4. Sections 42-6.2-2 and 42-6.2-5 of the General Laws in Chapter 42-6.2
10 entitled "Resilient Rhode Island Act of 2014 - Climate Change Coordinating Council" are hereby
11 amended to read as follows:

12 **42-6.2-2. Purpose of the council.**

13 (a) The council shall have the following duties:

14 (1) Assess, integrate, and coordinate climate change efforts throughout state agencies to
15 reduce emissions, strengthen the resilience of communities, and prepare for the effects of climate
16 change, including, but not limited to, coordinating vulnerability assessments throughout state
17 government;

18 (2)(i) No later than December 31, 2017, submit to the governor and general assembly a
19 plan that includes strategies, programs, and actions to meet targets for greenhouse gas emissions
20 reductions as follows:

21 (A) Ten percent (10%) below 1990 levels by 2020;

22 (B) Forty-five percent (45%) below 1990 levels by 2035;

23 (C) Eighty percent (80%) below 1990 levels by 2050;

24 (D) The plan shall also include procedures and metrics for periodic measurement, not less
25 frequently than once every five (5) years after December 31, 2016, of progress necessary to meet
26 these targets and for evaluating the possibility of meeting higher targets through cost-effective
27 measures.

28 (ii) The plan shall specifically study the effectiveness of the state and/or multi-state
29 carbon pricing program to incentivize institutions and industry to reduce carbon emissions. The
30 study shall include the effectiveness of allocating revenues generated from such carbon pricing
31 program to fund enhanced incentives to institutions and industry for targeted efficiency measures;
32 projected emissions reductions; economic impact to businesses; any economic benefits to Rhode
33 Island; and impacts to the state's economic competitiveness if the program were implemented.

34 (3) Advance the state's understanding of the effects of climate change including, but not

1 limited to, sea level rise, coastal and shoreline changes, severe weather events, critical
2 infrastructure vulnerability, and ecosystem, economic, and health impacts, including the effects of
3 carbon pollution on children's health;

4 (4) Identify strategies to prepare for these effects and communicate them to Rhode
5 Islanders, including strategies that incentivize businesses, institutions, and industry to adapt to
6 climate change;

7 (5) Work with municipalities to support the development of sustainable and resilient
8 communities;

9 (6) Identify and leverage federal, state, and private funding opportunities for emission
10 reduction and climate change preparedness and adaptation work in Rhode Island;

11 (7) Advise the governor, the general assembly, and the public on ways to ensure that
12 Rhode Island continues to be a national leader in developing and implementing strategies that
13 effectively address the challenges of climate change;

14 (8) Work with other New England states to explore areas of mutual interest to achieve
15 common goals; and

16 (9) Identify and facilitate opportunities to educate the public about climate change and
17 efforts throughout state agencies and municipalities to address climate change.

18 [\(10\) Support the work of the Rhode Island office of global warming solutions](#)
19 [implementation as set forth in chapter 6.3 of title 42.](#)

20 (b) The council is encouraged to utilize the expertise of Rhode Island universities and
21 colleges in carrying out the duties described in subsection (a) of this section, specifically to
22 ensure that the state's efforts to mitigate and adapt to climate change are based on the best
23 available scientific and technical information, and to optimize the contribution by the universities
24 and colleges of their expertise and experience in research, analysis, modeling, mapping,
25 applications to on-the-ground situations, technical assistance, community outreach, and public
26 education.

27 **42-6.2-5. Science and technical advisory board established -- Members.**

28 (a) The Rhode Island executive climate change council science and technical advisory
29 board is hereby established. The science and technical advisory board shall have nine (9)
30 members, appointed by the governor with the advice and consent of the senate. Four (4) members
31 shall be from institutions of higher education in the state; two (2) shall be from research
32 laboratories located in the state; and three (3) shall be from state agencies with expertise in, and
33 responsibility for, addressing issues pertaining to climate change.

34 (b) The members of the science and technical advisory board shall be appointed for terms

1 of three (3) years; provided, however, that, with regard to the initial appointments, three (3)
2 members shall be appointed for terms of one year; three (3) members shall be appointed for a
3 term of two (2) years; and three (3) members shall be appointed for a term of three (3) years.
4 Members may serve not more than three (3) successive terms and their appointments shall
5 continue until their successors are appointed. A vacancy other than by expiration shall be filled in
6 the manner of the original appointment, but only for the unexpired portion of the term.

7 (c) Members of the advisory board shall receive no compensation.

8 (d) The governor shall appoint a chairperson; a vice-chairperson and secretary shall be
9 elected annually by the advisory board members. All officers of the advisory board shall serve
10 until their successors have been duly appointed or elected.

11 (e) The advisory board shall meet at least quarterly or at the call of the chairperson of the
12 council.

13 (f) The advisory board shall have the following purposes and duties:

14 (1) Keep the executive climate change [coordinating](#) council [and the Rhode Island office](#)
15 [of global warming solutions implementation in chapter 6.3 of title 42](#) abreast of important
16 developments in scientific and technical information relating to climate change and resiliency;

17 (2) Explore and advise the council regarding opportunities to provide timely support for
18 key policy and management decisions by aligning academic research around issues of climate
19 change and resiliency;

20 (3) Inventory the scientific and technical work being done by public-and private-sector
21 entities, and evaluate options to coordinate or integrate/consolidate such work in order to achieve
22 greater efficiency, save resources, and provide better services;

23 (4) Make recommendations and provide policy advice to the council regarding research
24 needs and priorities, resource allocation, and funding opportunities;

25 (5) Assist the council in communicating scientific and technical information to key user
26 groups and the general public; and

27 (6) Prepare an annual report, to be included in the annual report of the council, evaluating
28 to what extent the state's [emission reduction targets](#), policies and programs aimed at mitigating
29 and adapting to climate change are supported by the best available science and technical
30 information.

31 SECTION 5. Sections 42-11-2 and 42-11-10 of the General Laws in Chapter 42-11
32 entitled "Department of Administration" are hereby amended to read as follows:

33 **42-11-2. Powers and duties of department.**

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

- 1 (1) To prepare a budget for the several state departments and agencies, subject to the
2 direction and supervision of the governor;
- 3 (2) To administer the budget for all state departments and agencies, except as specifically
4 exempted by law;
- 5 (3) To devise, formulate, promulgate, supervise, and control accounting systems,
6 procedures, and methods for the state departments and agencies, conforming to such accounting
7 standards and methods as are prescribed by law;
- 8 (4) To purchase or to contract for the supplies, materials, articles, equipment, printing,
9 and services needed by state departments and agencies, except as specifically exempted by law;
- 10 (5) To prescribe standard specifications for those purchases and contracts and to enforce
11 compliance with specifications;
- 12 (6) To supervise and control the advertising for bids and awards for state purchases;
- 13 (7) To regulate the requisitioning and storage of purchased items, the disposal of surplus
14 and salvage, and the transfer to or between state departments and agencies of needed supplies,
15 equipment, and materials;
- 16 (8) To maintain, equip, and keep in repair the state house, state office building, and other
17 premises owned or rented by the state for the use of any department or agency, excepting those
18 buildings, the control of which is vested by law in some other agency;
- 19 (9) To provide for the periodic inspection, appraisal or inventory of all state buildings and
20 property, real and personal;
- 21 (10) To require reports from state agencies on the buildings and property in their custody;
- 22 (11) To issue regulations to govern the protection and custody of the property of the state;
- 23 (12) To assign office and storage space and to rent and lease land and buildings for the
24 use of the several state departments and agencies in the manner provided by law;
- 25 (13) To control and supervise the acquisition, operation, maintenance, repair, and
26 replacement of state-owned motor vehicles by state agencies;
- 27 (14) To maintain and operate central duplicating and mailing service for the several state
28 departments and agencies;
- 29 (15) To furnish the several departments and agencies of the state with other essential
30 office services;
- 31 (16) To survey and examine the administration and operation of the state departments and
32 agencies, submitting to the governor proposals to secure greater administrative efficiency and
33 economy, to minimize the duplication of activities, and to effect a better organization and
34 consolidation of functions among state agencies;

1 (17) To operate a merit system of personnel administration and personnel management as
2 defined in § 36-3-3 in connection with the conditions of employment in all state departments and
3 agencies within the classified service;

4 (18) To assign or reassign, with the approval of the governor, any functions, duties, or
5 powers established by this chapter to any agency within the department;

6 (19) To establish, maintain, and operate a data processing center or centers, approve the
7 acquisition and use of electronic data processing services by state agencies, furnish staff
8 assistance in methods, systems and programming work to other state agencies, and arrange for
9 and effect the centralization and consolidation of punch card and electronic data processing
10 equipment and services in order to obtain maximum utilization and efficiency;

11 (20) To devise, formulate, promulgate, supervise, and control a comprehensive and
12 coordinated statewide information system designed to improve the data base used in the
13 management of public resources, to consult and advise with other state departments and agencies
14 and municipalities to assure appropriate and full participation in this system, and to encourage the
15 participation of the various municipalities of this state in this system by providing technical or
16 other appropriate assistance toward establishing, within those municipalities, compatible
17 information systems in order to obtain the maximum effectiveness in the management of public
18 resources;

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

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

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

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

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

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

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

34 (26) To provide all necessary civil service tests for child protective investigators and

1 social workers at least twice each year and to maintain an adequate hiring list for these positions
2 at all times.

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

5 (i) Name of lessor;

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

7 (iii) Cost of the lease;

8 (iv) Amount paid to date;

9 (v) Date initiated;

10 (vi) Date covered by the lease.

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

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

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

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

16 (iv) Ratio and listing of buildings owned by the state versus leased;

17 (v) Total occupancy costs which shall include capital expenses, provided a proxy should
18 be provided to compare properties that are owned versus leased by showing capital expenses on
19 owned properties as a per square foot cost at industry depreciation rates;

20 (vi) Expiration dates of leases;

21 (vii) Number of workstations per building or leased space;

22 (viii) Total square feet divided by number of workstations;

23 (ix) Total number of vacant workstations;

24 (x) Percentage of vacant workstations versus total workstations available;

25 (xi) Date when an action is required by the state to renew or terminate a lease;

26 (xii) Strategic plan for leases commencing or expiring by June 30, 2016;

27 (xiii) Map of all state buildings which provides: cost per square foot to maintain, total
28 number of square feet, total operating cost, date each lease expires, number of persons per
29 building and total number of vacant seats per building; and

30 (xiv) Industry benchmark report which shall include total operating cost by full-time
31 equivalent employee, total operating cost by square foot and total square feet divided by full-time
32 equivalent employee.

33 (28) To provide by December 31, 1995 the availability of automatic direct deposit to any
34 recipient of a state benefit payment, provided that the agency responsible for making that

1 payment generates one thousand (1,000) or more such payments each month.

2 (29) To encourage municipalities, school districts, and quasi-public agencies to achieve
3 cost savings in health insurance, purchasing, or energy usage by participating in state contracts, or
4 by entering into collaborative agreements with other municipalities, districts, or agencies. To
5 assist in determining whether the benefit levels including employee cost sharing and unit costs of
6 such benefits and costs are excessive relative to other municipalities, districts, or quasi-public
7 agencies as compared with state benefit levels and costs.

8 (30) To administer a health benefit exchange in accordance with chapter 157 of title 42.

9 [\(31\) To support, provide for, and effectuate a sharing and networking of resources and](#)
10 [capacities among state agencies as necessary to accomplish the purposes of chapters 6.2 and 6.3](#)
11 [of title 42.](#)

12 **42-11-10. Statewide planning program.**

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

22 (b) Establishment of statewide planning program.

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

26 (2) All strategic planning, as defined in subsection (c) of this section, undertaken by all
27 departments and agencies of the executive branch unless specifically exempted, shall be
28 conducted by or under the supervision of the statewide planning program. The statewide planning
29 program shall consist of a state planning council, and the division of planning, which shall be a
30 division 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 ensure 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 the
25 following members:

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

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

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

29 (4) The budget officer;

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

31 (6) The highest-ranking administrative officer of the division of planning, as secretary;

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

- 1 (8) The executive director of the Rhode Island League of Cities and Towns;
- 2 (9) One representative of a nonprofit community development or housing organization
- 3 appointed by the governor;
- 4 (10) Six (6) public members, appointed by the governor, one of whom shall be an
- 5 employer with fewer than fifty (50) employees and one of whom shall be an employer with
- 6 greater than fifty (50) employees;
- 7 (11) Two (2) representatives of a private, nonprofit, environmental advocacy
- 8 organization, both to be appointed by the governor;
- 9 (12) The director of planning and development for the city of Providence;
- 10 (13) The director of the department of transportation;
- 11 (14) The director of the department of environmental management;
- 12 (15) The director of the department of health;
- 13 (16) The chief executive officer of the commerce corporation;
- 14 (17) The commissioner of the Rhode Island office of energy resources;
- 15 (18) The chief executive officer of the Rhode Island public transit authority;
- 16 (19) The executive director of Rhode Island housing; and
- 17 (20) The executive director of the coastal resources management council.
- 18 (f) Powers and duties of state planning council. The state planning council shall have the
- 19 following powers and duties:
 - 20 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,
 - 21 and to modify and amend any of these, following the procedures for notification and public
 - 22 hearing set forth in § 42-35-3, and to recommend and encourage implementation of these goals to
 - 23 the general assembly, state and federal agencies, and other public and private bodies; approval of
 - 24 strategic plans by the governor; and to ensure that strategic plans and the long-range state guide
 - 25 plan are consistent with the findings, intent, and goals set forth in § 45-22.2-3, the "Rhode Island
 - 26 Comprehensive Planning and Land Use Regulation Act";
 - 27 (2) To coordinate the planning and development activities of all state agencies, in
 - 28 accordance with strategic plans prepared and adopted as provided for by this section;
 - 29 (3) To review and comment on the proposed annual work program of the statewide
 - 30 planning program;
 - 31 (4) To adopt rules and standards and issue orders concerning any matters within its
 - 32 jurisdiction as established by this section and amendments to it;
 - 33 (5) To establish advisory committees and appoint members thereto representing diverse
 - 34 interests and viewpoints as required in the state planning process and in the preparation or

1 implementation of strategic plans. The state planning council shall appoint a permanent
2 committee comprised of:

3 (i) Public members from different geographic areas of the state representing diverse
4 interests; and

5 (ii) Officials of state, local, and federal government, who shall review all proposed
6 elements of the state guide plan, or amendment or repeal of any element of the plan, and shall
7 advise the state planning council thereon before the council acts on any such proposal. This
8 committee shall also advise the state planning council on any other matter referred to it by the
9 council; and

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

13 (7) To adopt, amend, and maintain, as an element of the state guide plan or as an
14 amendment to an existing element of the state guide plan, standards and guidelines for the
15 location of eligible, renewable energy resources and renewable energy facilities in Rhode Island
16 with due consideration for the location of such resources and facilities in commercial and
17 industrial areas, agricultural areas, areas occupied by public and private institutions, and property
18 of the state and its agencies and corporations, provided such areas are of sufficient size, and in
19 other areas of the state as appropriate.

20 (8) To act as the single, statewide metropolitan planning organization for transportation
21 planning, and to promulgate all rules and regulations that are necessary thereto.

22 (g) Division of planning.

23 (1) The division of planning shall be the principal staff agency of the state planning
24 council for preparing and/or coordinating strategic plans for the comprehensive management of
25 the state's human, economic, and physical resources. The division of planning shall recommend
26 to the state planning council specific guidelines, standards, and programs to be adopted to
27 implement strategic planning and the state guide plan and shall undertake any other duties
28 established by this section and amendments thereto.

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

33 (3) The division of planning shall manage and administer the Rhode Island geographic
34 information system of land-related resources, and shall coordinate these efforts with other state

1 departments and agencies, including the University of Rhode Island, which shall provide
2 technical support and assistance in the development and maintenance of the system and its
3 associated data base.

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

10 (5) The division of state planning shall be a participating agency in the Rhode Island
11 office of global warming solutions implementation and in that capacity shall represent the state
12 planning council as Rhode Island's metropolitan planning agency for transportation and as the
13 staff agency for strategic planning and state guide plan development as set forth in subsections (c)
14 and (d) of this section.

15 (h) [Deleted by P.L. 2011, ch. 215, § 4, and by P.L. 2011, ch. 313, § 4].

16 (i) The division of planning shall be the principal staff agency of the water resources
17 board established pursuant to chapter 15 of title 46 ("Water Resources Board") and the water
18 resources board corporate established pursuant to chapter 15.1 of title 46 ("Water Supply
19 Facilities").

20 SECTION 6. Sections 42-13-1 and 42-13-2 of the General Laws in Chapter 42-13
21 entitled "Department of Transportation" are hereby amended to read as follows:

22 **42-13-1. Establishment -- Head of departments -- Powers.**

23 (a) There shall be a department of transportation. The head of the department shall be the
24 director of transportation, appointed by the governor with the advice and consent of the senate,
25 who shall carry out the provisions of this chapter and, except as otherwise provided by this title,
26 the provisions of chapters 2 and 4 of title 1; chapters 8 and 10 of title 24; chapter 13 of title 31;
27 chapter 12 of title 37; and of all other general laws heretofore carried out by the director of public
28 works and the department of public works, the Rhode Island turnpike and bridge authority, and
29 the council on highway safety. The director shall also be responsible for preparation of short-
30 range plans, project plans, and implementation programs for transportation, including short-range
31 plans, project plans, and implementation programs to reduce greenhouse gas emissions from the
32 transportation sector, as required by chapter 6.3 of title 42, to achieve the purposes of chapter 6.3
33 of title 42 and to provide Rhode Island an optimum, cost-effective transportation system for the
34 twenty-first century, the department shall be a participating agency in the Rhode Island office of

1 [global warming solutions implementation](#); for port and waterways facilities where the principal
2 purpose is transportation and management of port properties, warehouses, and state piers which
3 function primarily as transportation facilities; and for maintaining an adequate level of rail
4 passenger and freight services, including the administration of any financial or technical
5 assistance which may be made available to operators of railroad transportation facilities;
6 provided, however, that all contracts for the construction, reconstruction, maintenance, and
7 repairs of all public roads and bridges, public buildings and all other properties of the state
8 government, and the purchase of all equipment, materials, and supplies used in accordance
9 therewith shall be negotiated by the purchasing agent in the department of administration.

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

15 The director shall adopt and promulgate a procedure to process all claims pursuant to §
16 24-8-35, for damages to motor vehicles caused by potholes on state highways and in all instances
17 have the final determination as to the merits of each claim.

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

22 [\(d\) The director shall adopt and promulgate regulations as necessary to fulfill the duties](#)
23 [as assigned to the department in chapter 6.3 of title 42.](#)

24 **42-13-2. Organization and functions of the department.**

25 (a) The department shall be organized in accordance with a project management-based
26 program and shall utilize an asset management system.

27 (1) A project management-based program manages the delivery of the department's
28 portfolio of transportation improvement projects from project conception to the project
29 completion. Project management activities include:

30 (i) Managing and reporting on the delivery status of portfolio projects;

31 (ii) Developing overall workload and budget for the portfolio;

32 (iii) Developing and implementing the tools to estimate the resources necessary to deliver
33 the projects; and

34 (iv) Developing and implementing processes and tools to improve the management of the

1 projects.

2 (2) Asset management is the process used for managing transportation infrastructure by
3 improving decision making for resource allocation [including resource allocation to transportation](#)
4 [projects needed to accomplish the purposes of chapter 6.3 in title 42](#). Asset management activities
5 include a systemic process based on economic, engineering, and business principles which
6 includes the following functions:

7 (i) Completing a comprehensive inventory of system assets;

8 (ii) Monitoring system performance [and forecasting future system performance](#); and

9 (iii) Performing analysis utilizing accurate data for managing various assets within the
10 transportation network.

11 (b) The director of transportation shall appoint a chief operating officer to oversee the
12 day-to-day operations of the department.

13 (c) The department shall be organized into such divisions as are described in this section
14 and such other divisions, subdivisions, and agencies as the director shall find are necessary to
15 carry out the responsibilities of the department, including: division of finance; division of
16 planning; division of project management; division of operations and maintenance; office of civil
17 rights; office of safety; office of external affairs; office of legal; office of personnel; office of
18 information services.

19 (d) The director may assign such other responsibilities as he or she shall find appropriate
20 and may reassign functions other than as set out in this section if he or she finds the reassignment
21 necessary to the proper and efficient functioning of the department or of the state's transportation
22 system.

23 (e) The department shall submit a report annually no later than March 31 to the speaker
24 of the house, the president of the senate, and the house and senate fiscal advisors concerning the
25 status of the ten-year (10) transportation plan.

26 (f) Any functions, duties, and staff relating to the Rhode Island department of
27 transportation's external audit section shall be transferred to the Rhode Island department of
28 administration's office of internal audit, or its successor, upon passage [Feb. 11, 2016].

29 (1) The chief of the office of internal audit, or its successor, who shall be the
30 administrative head of the office of internal audit, or its successor, shall supervise, coordinate,
31 and/or conduct audits, civil and administrative investigations, and inspections or oversight
32 reviews, when necessary, relating to programs and operations listed in § 42-13-2.

33 (2) The office of internal audit's (or its successor's) authorization shall include, but not be
34 limited to, evaluating the efficiency of operations and internal controls, preventing and detecting

1 fraud, waste, abuse or mismanagement in the expenditure of public funds, whether state, federal
2 or those revenues collected by the use of tolls and related to any and all transportation-related
3 programs and operations as well as the procurement of any supplies, services, or construction, by
4 the department of transportation or related institutions of the department of transportation.
5 Investigations may include the expenditures by nongovernmental agencies of federal, state, and
6 local public funds. As deemed necessary or expedient by the office of internal audit, or its
7 successor, audits may be made relative to the financial affairs or the economy and efficiency of
8 management of the department of transportation or related institutions.

9 SECTION 7. Sections 42-17.1-2 and 42-17.1-4 of the General Laws in Chapter 42-17.1
10 entitled "Department of Environmental Management" are hereby amended to read as follows:

11 **42-17.1-2. Powers and duties.**

12 The director of environmental management shall have the following powers and duties:

13 (1) To supervise and control the protection, development, planning, and utilization of the
14 natural resources of the state, such resources, including, but not limited to: water, plants, trees,
15 soil, clay, sand, gravel, rocks and other minerals, air, mammals, birds, reptiles, amphibians, fish,
16 shellfish, and other forms of aquatic, insect, and animal life [and to supervise and coordinate state
17 government activities to provide for ecosystem stewardship and to address the mitigation of
18 greenhouse gas emissions through the Rhode Island office of global warming solutions
19 implementation;](#)

20 (2) To exercise all functions, powers, and duties heretofore vested in the department of
21 agriculture and conservation, and in each of the divisions of the department, such as the
22 promotion of agriculture and animal husbandry in their several branches, including the inspection
23 and suppression of contagious diseases among animals; the regulation of the marketing of farm
24 products; the inspection of orchards and nurseries; the protection of trees and shrubs from
25 injurious insects and diseases; protection from forest fires; the inspection of apiaries and the
26 suppression of contagious diseases among bees; the prevention of the sale of adulterated or
27 misbranded agricultural seeds; promotion and encouragement of the work of farm bureaus, in
28 cooperation with the University of Rhode Island, farmers' institutes, and the various organizations
29 established for the purpose of developing an interest in agriculture; together with such other
30 agencies and activities as the governor and the general assembly may, from time to time, place
31 under the control of the department; and as heretofore vested by such of the following chapters
32 and sections of the general laws as are presently applicable to the department of environmental
33 management and that were previously applicable to the department of natural resources and the
34 department of agriculture and conservation or to any of its divisions: chapters 1 through 22,

1 inclusive, as amended, in title 2 entitled "Agriculture and Forestry"; chapters 1 through 17,
2 inclusive, as amended, in title 4 entitled "Animals and Animal Husbandry"; chapters 1 through
3 19, inclusive, as amended, in title 20 entitled "Fish and Wildlife"; chapters 1 through 32,
4 inclusive, as amended, in title 21 entitled "Food and Drugs"; chapter 7 of title 23, as amended,
5 entitled "Mosquito Abatement"; and by any other general or public law relating to the department
6 of agriculture and conservation or to any of its divisions or bureaus;

7 (3) To exercise all the functions, powers, and duties heretofore vested in the division of
8 parks and recreation of the department of public works by chapters 1, 2, and 5 in title 32 entitled
9 "Parks and Recreational Areas"; by chapter 22.5 of title 23, as amended, entitled "Drowning
10 Prevention and Lifesaving"; and by any other general or public law relating to the division of
11 parks and recreation;

12 (4) To exercise all the functions, powers, and duties heretofore vested in the division of
13 harbors and rivers of the department of public works, or in the department itself by such as were
14 previously applicable to the division or the department, of chapters 1 through 22 and sections
15 thereof, as amended, in title 46 entitled "Waters and Navigation"; and by any other general or
16 public law relating to the division of harbors and rivers;

17 (5) To exercise all the functions, powers, and duties heretofore vested in the department
18 of health by chapters 25, 18.9, and 19.5 of title 23, as amended, entitled "Health and Safety"; and
19 by chapters 12 and 16 of title 46, as amended, entitled "Waters and Navigation"; by chapters 3, 4,
20 5, 6, 7, 9, 11, 13, 18, and 19 of title 4, as amended, entitled "Animals and Animal Husbandry";
21 and those functions, powers, and duties specifically vested in the director of environmental
22 management by the provisions of § 21-2-22, as amended, entitled "Inspection of Animals and
23 Milk"; together with other powers and duties of the director of the department of health as are
24 incidental to, or necessary for, the performance of the functions transferred by this section;

25 (6) To cooperate with the Rhode Island commerce corporation in its planning and
26 promotional functions, particularly in regard to those resources relating to agriculture, fisheries,
27 and recreation;

28 (7) To cooperate with, advise, and guide conservation commissions of cities and towns
29 created under chapter 35 of title 45 entitled "Conservation Commissions", as enacted by chapter
30 203 of the Public Laws, 1960;

31 (8) To assign or reassign, with the approval of the governor, any functions, duties, or
32 powers established by this chapter to any agency within the department, except as hereinafter
33 limited;

34 (9) To cooperate with the water resources board and to provide to the board facilities,

1 administrative support, staff services, and other services as the board shall reasonably require for
2 its operation and, in cooperation with the board and the statewide planning program, to formulate
3 and maintain a long-range guide plan and implementing program for development of major
4 water-sources transmission systems needed to furnish water to regional- and local-distribution
5 systems;

6 (10) To cooperate with the solid waste management corporation and to provide to the
7 corporation such facilities, administrative support, staff services, and other services within the
8 department as the corporation shall reasonably require for its operation;

9 (11) To provide for the maintenance of waterways and boating facilities, consistent with
10 chapter 6.1 of title 46, by: (i) Establishing minimum standards for upland beneficial use and
11 disposal of dredged material; (ii) Promulgating and enforcing rules for water quality, ground
12 water protection, and fish and wildlife protection pursuant to § 42-17.1-24; (iii) Planning for the
13 upland beneficial use and/or disposal of dredged material in areas not under the jurisdiction of the
14 council pursuant to § 46-23-6(2); and (iv) Cooperating with the coastal resources management
15 council in the development and implementation of comprehensive programs for dredging as
16 provided for in §§ 46-23-6(1)(ii)(H) and 46-23-18.3; and (v) Monitoring dredge material
17 management and disposal sites in accordance with the protocols established pursuant to § 46-6.1-
18 5(a)(3) and the comprehensive program provided for in § 46-23-6(1)(ii)(H); no powers or duties
19 granted herein shall be construed to abrogate the powers or duties granted to the coastal resources
20 management council under chapter 23 of title 46, as amended;

21 (12) To establish minimum standards, subject to the approval of the environmental
22 standards board, relating to the location, design, construction, and maintenance of all sewage-
23 disposal systems;

24 (13) To enforce, by such means as provided by law, the standards for the quality of air,
25 and water, and the design, construction, and operation of all sewage-disposal systems; any order
26 or notice issued by the director relating to the location, design, construction, or maintenance of a
27 sewage-disposal system shall be eligible for recordation under chapter 13 of title 34. The director
28 shall forward the order or notice to the city or town wherein the subject property is located and
29 the order or notice shall be recorded in the general index by the appropriate municipal official in
30 the land evidence records in the city or town wherein the subject property is located. Any
31 subsequent transferee of that property shall be responsible for complying with the requirements of
32 the order or notice. Upon satisfactory completion of the requirements of the order or notice, the
33 director shall provide written notice of the same, which notice shall be similarly eligible for
34 recordation. The original written notice shall be forwarded to the city or town wherein the subject

1 property is located and the notice of satisfactory completion shall be recorded in the general index
2 by the appropriate municipal official in the land evidence records in the city or town wherein the
3 subject property is located. A copy of the written notice shall be forwarded to the owner of the
4 subject property within five (5) days of a request for it, and, in any event, shall be forwarded to
5 the owner of the subject property within thirty (30) days after correction;

6 (14) To establish minimum standards for the establishment and maintenance of salutory
7 environmental conditions, including standards and methods for the assessment and the
8 consideration of the cumulative effects on the environment of regulatory actions and decisions,
9 which standards for consideration of cumulative effects shall provide for: (i) Evaluation of
10 potential cumulative effects that could adversely affect public health and/or impair ecological
11 functioning; (ii) Analysis of other matters relative to cumulative effects as the department may
12 deem appropriate in fulfilling its duties, functions, and powers; which standards and methods
13 shall only be applicable to ISDS systems in the town of Jamestown in areas that are dependent for
14 water supply on private and public wells, unless broader use is approved by the general assembly.
15 The department shall report to the general assembly not later than March 15, 2008, with regard to
16 the development and application of the standards and methods in Jamestown;

17 (15) To establish and enforce minimum standards for permissible types of septage,
18 industrial-waste disposal sites, and waste-oil disposal sites;

19 (16) To establish minimum standards, subject to the approval of the environmental
20 standards board, for permissible types of refuse disposal facilities; the design, construction,
21 operation, and maintenance of disposal facilities; and the location of various types of facilities;

22 (17) To exercise all functions, powers, and duties necessary for the administration of
23 chapter 19.1 of title 23 entitled "Rhode Island Hazardous Waste Management Act";

24 (18) To designate, in writing, any person in any department of the state government or
25 any official of a district, county, city, town, or other governmental unit, with that official's
26 consent, to enforce any rule, regulation, or order promulgated and adopted by the director under
27 any provision of law; provided, however, that enforcement of powers of the coastal resources
28 management council shall be assigned only to employees of the department of environmental
29 management, except by mutual agreement or as otherwise provided in chapter 23 of title 46;

30 (19) To issue and enforce the rules, regulations, and orders as may be necessary to carry
31 out the duties assigned to the director and the department by any provision of law; and to conduct
32 investigations and hearings and to issue, suspend, and revoke licenses as may be necessary to
33 enforce those rules, regulations, and orders. Any license suspended under the rules, regulations,
34 and/or orders shall be terminated and revoked if the conditions that led to the suspension are not

1 corrected to the satisfaction of the director within two (2) years; provided that written notice is
2 given by certified mail, return receipt requested, no less than sixty (60) days prior to the date of
3 termination.

4 Notwithstanding the provisions of § 42-35-9 to the contrary, no informal disposition of a
5 contested licensing matter shall occur where resolution substantially deviates from the original
6 application unless all interested parties shall be notified of the proposed resolution and provided
7 with opportunity to comment upon the resolution pursuant to applicable law and any rules and
8 regulations established by the director;

9 (20) To enter, examine, or survey, at any reasonable time, places as the director deems
10 necessary to carry out his or her responsibilities under any provision of law subject to the
11 following provisions:

12 (i) For criminal investigations, the director shall, pursuant to chapter 5 of title 12, seek a
13 search warrant from an official of a court authorized to issue warrants, unless a search without a
14 warrant is otherwise allowed or provided by law;

15 (ii)(A) All administrative inspections shall be conducted pursuant to administrative
16 guidelines promulgated by the department in accordance with chapter 35 of title 42;

17 (B) A warrant shall not be required for administrative inspections if conducted under the
18 following circumstances, in accordance with the applicable constitutional standards:

19 (I) For closely regulated industries;

20 (II) In situations involving open fields or conditions that are in plain view;

21 (III) In emergency situations;

22 (IV) In situations presenting an imminent threat to the environment or public health,
23 safety, or welfare;

24 (V) If the owner, operator, or agent in charge of the facility, property, site, or location
25 consents; or

26 (VI) In other situations in which a warrant is not constitutionally required.

27 (C) Whenever it shall be constitutionally or otherwise required by law, or whenever the
28 director in his or her discretion deems it advisable, an administrative search warrant, or its
29 functional equivalent, may be obtained by the director from a neutral magistrate for the purpose
30 of conducting an administrative inspection. The warrant shall be issued in accordance with the
31 applicable constitutional standards for the issuance of administrative search warrants. The
32 administrative standard of probable cause, not the criminal standard of probable cause, shall
33 apply to applications for administrative search warrants;

34 (I) The need for, or reliance upon, an administrative warrant shall not be construed as

1 requiring the department to forfeit the element of surprise in its inspection efforts;

2 (II) An administrative warrant issued pursuant to this subsection must be executed and
3 returned within ten (10) days of its issuance date unless, upon a showing of need for additional
4 time, the court orders otherwise;

5 (III) An administrative warrant may authorize the review and copying of documents that
6 are relevant to the purpose of the inspection. If documents must be seized for the purpose of
7 copying, and the warrant authorizes the seizure, the person executing the warrant shall prepare an
8 inventory of the documents taken. The time, place, and manner regarding the making of the
9 inventory shall be set forth in the terms of the warrant itself, as dictated by the court. A copy of
10 the inventory shall be delivered to the person from whose possession or facility the documents
11 were taken. The seized documents shall be copied as soon as feasible under circumstances
12 preserving their authenticity, then returned to the person from whose possession or facility the
13 documents were taken;

14 (IV) An administrative warrant may authorize the taking of samples of air, water, or soil
15 or of materials generated, stored, or treated at the facility, property, site, or location. Upon
16 request, the department shall make split samples available to the person whose facility, property,
17 site, or location is being inspected;

18 (V) Service of an administrative warrant may be required only to the extent provided for
19 in the terms of the warrant itself, by the issuing court.

20 (D) Penalties. Any willful and unjustified refusal of right of entry and inspection to
21 department personnel pursuant to an administrative warrant shall constitute a contempt of court
22 and shall subject the refusing party to sanctions, which in the court's discretion may result in up to
23 six (6) months imprisonment and/or a monetary fine of up to ten thousand dollars (\$10,000) per
24 refusal.

25 (21) To give notice of an alleged violation of law to the person responsible therefor
26 whenever the director determines that there are reasonable grounds to believe that there is a
27 violation of any provision of law within his or her jurisdiction or of any rule or regulation adopted
28 pursuant to authority granted to him or her, unless other notice and hearing procedure is
29 specifically provided by that law. Nothing in this chapter shall limit the authority of the attorney
30 general to prosecute offenders as required by law;

31 (i) The notice shall provide for a time within which the alleged violation shall be
32 remedied, and shall inform the person to whom it is directed that a written request for a hearing
33 on the alleged violation may be filed with the director within ten (10) days after service of the
34 notice. The notice will be deemed properly served upon a person if a copy thereof is served him

1 or her personally; or sent by registered or certified mail to his or her last known address; or if he
2 or she is served with notice by any other method of service now or hereafter authorized in a civil
3 action under the laws of this state. If no written request for a hearing is made to the director
4 within ten (10) days of the service of notice, the notice shall automatically become a compliance
5 order;

6 (ii)(A) Whenever the director determines that there exists a violation of any law, rule, or
7 regulation within his or her jurisdiction that requires immediate action to protect the environment,
8 he or she may, without prior notice of violation or hearing, issue an immediate-compliance order
9 stating the existence of the violation and the action he or she deems necessary. The compliance
10 order shall become effective immediately upon service or within such time as is specified by the
11 director in such order. No request for a hearing on an immediate-compliance order may be made;

12 (B) Any immediate-compliance order issued under this section without notice and prior
13 hearing shall be effective for no longer than forty-five (45) days; provided, however, that for
14 good cause shown, the order may be extended one additional period not exceeding forty-five (45)
15 days.

16 (iii) The director may, at his or her discretion and for the purposes of timely and effective
17 resolution and return to compliance, cite a person for alleged noncompliance through the issuance
18 of an expedited citation in accordance with § 42-17.6-3(c);

19 (iv) If a person upon whom a notice of violation has been served under the provisions of
20 this section or if a person aggrieved by any such notice of violation requests a hearing before the
21 director within ten (10) days of the service of notice of violation, the director shall set a time and
22 place for the hearing, and shall give the person requesting that hearing at least five (5) days
23 written notice thereof. After the hearing, the director may make findings of fact and shall sustain,
24 modify, or withdraw the notice of violation. If the director sustains or modifies the notice, that
25 decision shall be deemed a compliance order and shall be served upon the person responsible in
26 any manner provided for the service of the notice in this section;

27 (v) The compliance order shall state a time within which the violation shall be remedied,
28 and the original time specified in the notice of violation shall be extended to the time set in the
29 order;

30 (vi) Whenever a compliance order has become effective, whether automatically where no
31 hearing has been requested, where an immediate compliance order has been issued, or upon
32 decision following a hearing, the director may institute injunction proceedings in the superior
33 court of the state for enforcement of the compliance order and for appropriate temporary relief,
34 and in that proceeding, the correctness of a compliance order shall be presumed and the person

1 attacking the order shall bear the burden of proving error in the compliance order, except that the
2 director shall bear the burden of proving in the proceeding the correctness of an immediate
3 compliance order. The remedy provided for in this section shall be cumulative and not exclusive
4 and shall be in addition to remedies relating to the removal or abatement of nuisances or any
5 other remedies provided by law;

6 (vii) Any party aggrieved by a final judgment of the superior court may, within thirty (30)
7 days from the date of entry of such judgment, petition the supreme court for a writ of certiorari to
8 review any questions of law. The petition shall set forth the errors claimed. Upon the filing of the
9 petition with the clerk of the supreme court, the supreme court may, if it sees fit, issue its writ of
10 certiorari.

11 (22) To impose administrative penalties in accordance with the provisions of chapter 17.6
12 of this title and to direct that such penalties be paid into the account established by subdivision
13 (26);

14 (23) The following definitions shall apply in the interpretation of the provisions of this
15 chapter:

16 (i) Director: The term "director" shall mean the director of environmental management of
17 the state of Rhode Island or his or her duly authorized agent;

18 (ii) Person: The term "person" shall include any individual, group of individuals, firm,
19 corporation, association, partnership, or private or public entity, including a district, county, city,
20 town, or other governmental unit or agent thereof, and in the case of a corporation, any individual
21 having active and general supervision of the properties of the corporation;

22 (iii) Service: (A) Service upon a corporation under this section shall be deemed to include
23 service upon both the corporation and upon the person having active and general supervision of
24 the properties of the corporation;

25 (B) For purposes of calculating the time within which a claim for a hearing is made
26 pursuant to subdivision (21)(i), service shall be deemed to be the date of receipt of such notice or
27 three (3) days from the date of mailing of the notice, whichever shall first occur.

28 (24)(i) To conduct surveys of the present private and public camping and other
29 recreational areas available and to determine the need for and location of other camping and
30 recreational areas as may be deemed necessary and in the public interest of the state of Rhode
31 Island and to report back its findings on an annual basis to the general assembly on or before
32 March 1 of every year;

33 (ii) Additionally, the director of the department of environmental management shall take
34 additional steps, including, but not limited to, matters related to funding as may be necessary to

1 establish such other additional recreational facilities and areas as are deemed to be in the public
2 interest.

3 (25)(i) To apply for and accept grants and bequests of funds, with the approval of the
4 director of administration, from other states, interstate agencies, and independent authorities, and
5 private firms, individuals, and foundations, for the purpose of carrying out his or her lawful
6 responsibilities. The funds shall be deposited with the general treasurer in a restricted receipt
7 account created in the natural resources program for funds made available for that program's
8 purposes or in a restricted receipt account created in the environmental protection program for
9 funds made available for that program's purposes. All expenditures from the accounts shall be
10 subject to appropriation by the general assembly, and shall be expended in accordance with the
11 provisions of the grant or bequest. In the event that a donation or bequest is unspecified, or in the
12 event that the trust account balance shows a surplus after the project as provided for in the grant
13 or bequest has been completed, the director may utilize the appropriated unspecified or
14 appropriated surplus funds for enhanced management of the department's forest and outdoor
15 public recreation areas, or other projects or programs that promote the accessibility of recreational
16 opportunities for Rhode Island residents and visitors;

17 (ii) The director shall submit to the house fiscal advisor and the senate fiscal advisor, by
18 October 1 of each year, a detailed report on the amount of funds received and the uses made of
19 such funds.

20 (26) To establish fee schedules by regulation, with the approval of the governor, for the
21 processing of applications and the performing of related activities in connection with the
22 department's responsibilities pursuant to subsection (12); chapter 19.1 of title 23, as it relates to
23 inspections performed by the department to determine compliance with chapter 19.1 and rules
24 and regulations promulgated in accordance therewith; chapter 18.9 of title 23, as it relates to
25 inspections performed by the department to determine compliance with chapter 18.9 and the rules
26 and regulations promulgated in accordance therewith; chapters 19.5 and 23 of title 23; chapter 12
27 of title 46, insofar as it relates to water-quality certifications and related reviews performed
28 pursuant to provisions of the federal Clean Water Act, 33 U.S.C. § 1251 et seq.; the regulation
29 and administration of underground storage tanks and all other programs administered under
30 chapter 12 of title 46 and § 2-1-18 et seq., and chapter 13.1 of title 46 and chapter 13.2 of title 46,
31 insofar as they relate to any reviews and related activities performed under the provisions of the
32 Groundwater Protection Act; chapter 24.9 of title 23 as it relates to the regulation and
33 administration of mercury-added products; and chapter 17.7 of this title, insofar as it relates to
34 administrative appeals of all enforcement, permitting and licensing matters to the administrative

1 adjudication division for environmental matters. Two (2) fee ranges shall be required: for
2 "Appeal of enforcement actions", a range of fifty dollars (\$50) to one hundred dollars (\$100), and
3 for "Appeal of application decisions", a range of five hundred dollars (\$500) to ten thousand
4 dollars (\$10,000). The monies from the administrative adjudication fees will be deposited as
5 general revenues and the amounts appropriated shall be used for the costs associated with
6 operating the administrative adjudication division.

7 There is hereby established an account within the general fund to be called the water and
8 air protection program. The account shall consist of sums appropriated for water and air pollution
9 control and waste-monitoring programs and the state controller is hereby authorized and directed
10 to draw his or her orders upon the general treasurer for the payment of the sums, or portions
11 thereof, as may be required, from time to time, upon receipt by him or her of properly
12 authenticated vouchers. All amounts collected under the authority of this subdivision for the
13 sewage-disposal-system program and freshwaters wetlands program will be deposited as general
14 revenues and the amounts appropriated shall be used for the purposes of administering and
15 operating the programs. The director shall submit to the house fiscal advisor and the senate fiscal
16 advisor by January 15 of each year a detailed report on the amount of funds obtained from fines
17 and fees and the uses made of the funds.

18 (27) To establish and maintain a list or inventory of areas within the state worthy of
19 special designation as "scenic" to include, but not be limited to, certain state roads or highways,
20 scenic vistas, and scenic areas, and to make the list available to the public;

21 (28) To establish and maintain an inventory of all interests in land held by public and
22 private land trust and to exercise all powers vested herein to ensure the preservation of all
23 identified lands;

24 (i) The director may promulgate and enforce rules and regulations to provide for the
25 orderly and consistent protection, management, continuity of ownership and purpose, and
26 centralized records-keeping for lands, water, and open spaces owned in fee or controlled in full or
27 in part through other interests, rights, or devices such as conservation easements or restrictions,
28 by private and public land trusts in Rhode Island. The director may charge a reasonable fee for
29 filing of each document submitted by a land trust;

30 (ii) The term "public land trust" means any public instrumentality created by a Rhode
31 Island municipality for the purposes stated herein and financed by means of public funds
32 collected and appropriated by the municipality. The term "private land trust" means any group of
33 five (5) or more private citizens of Rhode Island who shall incorporate under the laws of Rhode
34 Island as a nonbusiness corporation for the purposes stated herein, or a national organization such

1 as the nature conservancy. The main purpose of either a public or a private land trust shall be the
2 protection, acquisition, or control of land, water, wildlife, wildlife habitat, plants, and/or other
3 natural features, areas, or open space for the purpose of managing or maintaining, or causing to
4 be managed or maintained by others, the land, water, and other natural amenities in any
5 undeveloped and relatively natural state in perpetuity. A private land trust must be granted
6 exemption from federal income tax under Internal Revenue Code 501(c)(3) [26 U.S.C. §
7 501(c)(3)] within two (2) years of its incorporation in Rhode Island or it may not continue to
8 function as a land trust in Rhode Island. A private land trust may not be incorporated for the
9 exclusive purpose of acquiring or accepting property or rights in property from a single
10 individual, family, corporation, business, partnership, or other entity. Membership in any private
11 land trust must be open to any individual subscribing to the purposes of the land trust and
12 agreeing to abide by its rules and regulations including payment of reasonable dues;

13 (iii)(A) Private land trusts will, in their articles of association or their bylaws, as
14 appropriate, provide for the transfer to an organization, created for the same or similar purposes,
15 of the assets, lands and land rights, and interests held by the land trust in the event of termination
16 or dissolution of the land trust.

17 (B) All land trusts, public and private, will record in the public records, of the appropriate
18 towns and cities in Rhode Island, all deeds, conservation easements, or restrictions or other
19 interests and rights acquired in land and will also file copies of all such documents and current
20 copies of their articles of association, their bylaws, and their annual reports with the secretary of
21 state and with the director of the Rhode Island department of environmental management. The
22 director is hereby directed to establish and maintain permanently a system for keeping records of
23 all private and public land trust land holdings in Rhode Island.

24 (29) The director will contact in writing, not less often than once every two (2) years,
25 each public or private land trust to ascertain: that all lands held by the land trust are recorded with
26 the director; the current status and condition of each land holding; that any funds or other assets
27 of the land trust held as endowment for specific lands have been properly audited at least once
28 within the two-year (2) period; the name of the successor organization named in the public or
29 private land trust's bylaws or articles of association; and any other information the director deems
30 essential to the proper and continuous protection and management of land and interests or rights
31 in land held by the land trust. In the event that the director determines that a public or private land
32 trust holding land or interest in land appears to have become inactive, he or she shall initiate
33 proceedings to effect the termination of the land trust and the transfer of its lands, assets, land
34 rights, and land interests to the successor organization named in the defaulting trust's bylaws or

1 articles of association or to another organization created for the same or similar purposes. Should
2 such a transfer not be possible, then the land trust, assets, and interest and rights in land will be
3 held in trust by the state of Rhode Island and managed by the director for the purposes stated at
4 the time of original acquisition by the trust. Any trust assets or interests other than land or rights
5 in land accruing to the state under such circumstances will be held and managed as a separate
6 fund for the benefit of the designated trust lands;

7 (30) Consistent with federal standards, issue and enforce such rules, regulations, and
8 orders as may be necessary to establish requirements for maintaining evidence of financial
9 responsibility for taking corrective action and compensating third parties for bodily injury and
10 property damage caused by sudden and non-sudden accidental releases arising from operating
11 underground storage tanks;

12 (31) To enforce, by such means as provided by law, the standards for the quality of air,
13 and water, and the location, design, construction, and operation of all underground storage
14 facilities used for storing petroleum products or hazardous materials; any order or notice issued
15 by the director relating to the location, design, construction, operation, or maintenance of an
16 underground storage facility used for storing petroleum products or hazardous materials shall be
17 eligible for recordation under chapter 13 of title 34. The director shall forward the order or notice
18 to the city or town wherein the subject facility is located, and the order or notice shall be recorded
19 in the general index by the appropriate municipal officer in the land-evidence records in the city
20 or town wherein the subject facility is located. Any subsequent transferee of that facility shall be
21 responsible for complying with the requirements of the order or notice. Upon satisfactory
22 completion of the requirements of the order or notice, the director shall provide written notice of
23 the same, which notice shall be eligible for recordation. The original, written notice shall be
24 forwarded to the city or town wherein the subject facility is located, and the notice of satisfactory
25 completion shall be recorded in the general index by the appropriate municipal official in the
26 land-evidence records in the city or town wherein the subject facility is located. A copy of the
27 written notice shall be forwarded to the owner of the subject facility within five (5) days of a
28 request for it, and, in any event, shall be forwarded to the owner of the subject facility within
29 thirty (30) days after correction;

30 (32) To manage and disburse any and all funds collected pursuant to § 46-12.9-4, in
31 accordance with § 46-12.9-5, and other provisions of the Rhode Island Underground Storage
32 Tank Financial Responsibility Act, as amended;

33 (33) To support, facilitate, and assist the Rhode Island Natural History Survey, as
34 appropriate and/or as necessary, in order to accomplish the important public purposes of the

1 survey in gathering and maintaining data on Rhode Island natural history; making public
2 presentations and reports on natural history topics; ranking species and natural communities;
3 monitoring rare species and communities; consulting on open-space acquisitions and management
4 plans; reviewing proposed federal and state actions and regulations with regard to their potential
5 impact on natural communities; and seeking outside funding for wildlife management, land
6 management, and research;

7 (34) To promote the effective stewardship of lakes, ponds, rivers, and streams including,
8 but not limited to, collaboration with watershed organizations and associations of lakefront
9 property owners on planning and management actions that will prevent and mitigate water quality
10 degradation, reduce the loss of native habitat due to infestation of non-native species, abate
11 nuisance conditions that result from excessive growth of algal or non-native plant species as well
12 as promote healthy freshwater riverine ecosystems;

13 (35) In implementing the programs established pursuant to this chapter, to identify
14 critical areas for improving service to customers doing business with the department, and to
15 develop and implement strategies to improve performance and effectiveness in those areas. Key
16 aspects of a customer-service program shall include, but not necessarily be limited to, the
17 following components:

18 (a) Maintenance of an organizational unit within the department with the express purpose
19 of providing technical assistance to customers and helping customers comply with environmental
20 regulations and requirements;

21 (b) Maintenance of an employee-training program to promote customer service across the
22 department;

23 (c) Implementation of a continuous business process evaluation and improvement effort,
24 including process reviews to encourage development of quality proposals; ensure timely and
25 predictable reviews; and result in effective decisions and consistent follow up and implementation
26 throughout the department; and publish an annual report on such efforts;

27 (d) Creation of a centralized location for the acceptance of permit applications and other
28 submissions to the department;

29 (e) Maintenance of a process to promote, organize, and facilitate meetings prior to the
30 submission of applications or other proposals in order to inform the applicant on options and
31 opportunities to minimize environmental impact; improve the potential for sustainable
32 environmental compliance; and support an effective and efficient review and decision-making
33 process on permit applications related to the proposed project;

34 (f) Development of single permits under multiple authorities otherwise provided in state

1 law to support comprehensive and coordinated reviews of proposed projects. The director may
2 address and resolve conflicting or redundant process requirements in order to achieve an effective
3 and efficient review process that meets environmental objectives; and

4 (g) Exploration of the use of performance-based regulations coupled with adequate
5 inspection and oversight, as an alternative to requiring applications or submissions for approval
6 prior to initiation of projects. The department shall work with the office of regulatory reform to
7 evaluate the potential for adopting alternative compliance approaches and provide a report to the
8 governor and the general assembly by May 1, 2015;

9 (36) To formulate and promulgate regulations requiring any dock or pier longer than
10 twenty feet (20') and located on a freshwater lake or pond to be equipped with reflective
11 materials, on all sides facing the water, of an appropriate width and luminosity such that it can be
12 seen by operators of watercraft; and

13 (37) To temporarily waive any control or prohibition respecting the use of a fuel or fuel
14 additive required or regulated by the department if the director finds that:

15 (i) Extreme or unusual fuel or fuel additive supply circumstances exist in the state or the
16 New England region that prevent the distribution of an adequate supply of the fuel or fuel
17 additive to consumers;

18 (ii) Extreme or unusual fuel or fuel additive supply circumstances are the result of a
19 natural disaster, an act of God, a pipeline or refinery equipment failure, or another event that
20 could not reasonably have been foreseen; and

21 (iii) It is in the public interest to grant the waiver.

22 Any temporary waiver shall be made in writing and shall be effective for twenty (20)
23 calendar days; provided, that the director may renew the temporary waiver, in writing, if it is
24 deemed necessary.

25 SECTION 8. Sections 42-140-3, 42-140-4 and 42-140-9 of the General Laws in Chapter
26 42-140 entitled "Rhode Island Energy Resources Act" are hereby amended to read as follows:

27 **42-140-3. Purposes.**

28 The purposes of the office shall be to:

29 (1) Develop and put into effect plans and programs to promote, encourage, and assist:

30 (i) [The](#) ~~the~~ provision of energy resources for Rhode Island in a manner that enhances
31 economic well-being, social equity, and environmental quality;

32 (ii) [Implementing the purposes of the global warming solutions act, chapter 6.3 of title](#)
33 [42, including, but not limited to, the reduction of greenhouse gas emissions from the electrical](#)
34 [generation sector](#)

1 (2) Monitor, forecast, and report on energy use, energy prices, and energy demand and
2 supply forecasts, and make findings and recommendations with regard to energy supply diversity,
3 reliability, and procurement, including least-cost procurement;

4 (3) Develop and to put into effect plans and programs to promote, encourage and assist
5 the efficient and productive use of energy resources in Rhode Island, and to coordinate energy
6 programs for natural gas, electricity, and heating oil to maximize the aggregate benefits of
7 conservation and efficiency of investments;

8 (4) Monitor and report technological developments that may result in new and/or
9 improved sources of energy supply, increased energy efficiency, and reduced environmental
10 impacts from energy supply, transmission and distribution;

11 (5) Administer the programs, duties, and responsibilities heretofore exercised by the state
12 energy office, except as these may be assigned by executive order or the general laws to other
13 departments and agencies of state government;

14 (6) Develop, recommend and, as appropriate, implement integrated and/or comprehensive
15 strategies, including at regional and federal levels, to secure Rhode Island's interest in energy
16 resources, their supply and efficient use, and as necessary to interact with persons, private sector,
17 non-profit, regional, federal entities and departments and agencies of other states to effectuate this
18 purpose;

19 (7) Cooperate with agencies, departments, corporations, and entities of the state and of
20 political subdivisions of the state in achieving its purposes;

21 (8) Cooperate with and assist the state planning council and the division of state planning
22 in developing, maintaining, and implementing state guide plan elements pertaining to energy and
23 renewable energy;

24 (9) Coordinate the energy efficiency, renewable energy, least cost procurement, and
25 systems reliability plans and programs with the energy efficiency resource management council
26 and the renewable energy coordinating board;

27 (10) Participate in, monitor implementation of, and provide technical assistance for the
28 low-income home energy assistance program enhancement plan established pursuant to § 39-1-
29 27.12;

30 (11) Participate in and monitor the distributed generation standard contracts program
31 pursuant to chapter 39-26-2;

32 (12) Coordinate opportunities with and enter into contracts and/or agreements with the
33 commerce corporation associated with the energy efficiency, least-cost procurement, system
34 reliability, and renewable energy fund programs;

1 (13) Provide support and information to the division of planning and the state planning
2 council in development of a ten (10) year Rhode Island Energy Guide Plan, which shall be
3 reviewed and amended if necessary every five (5) years;

4 (14) Provide funding support if necessary to the renewable energy coordinating board
5 and/or the advisory council to carry out the objectives pursuant to chapter 42-140-3;

6 (15) Advise and provide technical assistance to state and federally funded energy
7 program to support:

8 (i) The federal low-income home energy assistance program which provides heating
9 assistance to eligible low-income persons and any state funded or privately funded heating
10 assistance program of a similar nature assigned to it for administration;

11 (ii) The weatherization assistance program which offers home weatherization grants and
12 heating system upgrades to eligible persons of low-income;

13 (iii) The emergency fuel program which provides oil deliveries to families experiencing a
14 heating emergency;

15 (iv) The energy conservation program, which offers service and programs to all sectors;
16 and

17 (v) [Deleted by P.L. 2008, ch. 228, § 2, and P.L. 2008, ch. 422, § 2.]

18 (16) Advise the commerce corporation in the development of standards and rules for the
19 solicitation and award of renewable energy program investment funds in accordance with § 42-
20 64-13.2;

21 (17) Develop, recommend, and evaluate energy programs for state facilities and
22 operations in order to achieve and demonstrate the benefits of energy-efficiency, diversification
23 of energy supplies, energy conservation, and demand management; ~~and~~

24 (18) Advise the governor and the general assembly with regard to energy resources and
25 all matters relevant to achieving the purposes of the office; and

26 (19) Serve as a participating agency in the Rhode Island office of global warming
27 solutions implementation.

28 **42-140-4. Commissioner.**

29 (a) There shall be a commissioner of energy resources, who shall be appointed by the
30 governor with the advice and consent of the senate. The commissioner shall be the director of the
31 office of energy resources and shall have all such powers, consistent with law, as are necessary
32 and/or convenient to effectuate the purposes of the office and administer its functions. The
33 commissioner shall have authority to exercise all of the powers and duties heretofore exercised by
34 the head of the state energy office. In the performance of the duties set forth in this paragraph, the

1 commissioner shall consult with the energy efficiency and resources management council
2 established pursuant to chapter 42-140.1. [The commissioner shall implement provisions of the](#)
3 [global warming solutions act as set forth in this chapter, chapter 6.3 and chapter 140.1 in title 42.](#)

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

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

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

16 **42-140-9. Adoption of rules.**

17 The commissioner shall have the authority to adopt, amend, and implement such rules as
18 may be necessary to desirable to effectuate the purposes of this chapter [and as required by the](#)
19 [global warming solutions act](#). In any rule making by the commissioner, the commissioner shall
20 consider as a matter of record the advice of the energy resources council and the renewable
21 energy coordinating board.

22 SECTION 9. Sections 42-140.1-3 and 42-140.1-5 of the General Laws in Chapter 42-
23 140.1 entitled "The Rhode Island Energy Efficiency and Resource Management Council" are
24 hereby amended to read as follows:

25 **42-140.1-3. Establishment of council -- Purposes.**

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

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

30 (1) Evaluate and make recommendations, including, but not limited to, plans and
31 programs, with regard to the optimization of energy efficiency, energy conservation, energy
32 resource development; and the development of a plan for least-cost procurement for Rhode Island
33 [and a plan for beneficial electrification within the transportation and building sectors of Rhode](#)
34 [Island as necessary to meet greenhouse gas emissions reduction goals recognized in the global](#)

1 [warming solutions act, chapter 6.3 of title 42, and plans adopted pursuant to that chapter](#); and

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

4 (3) Monitor and evaluate the effectiveness of programs to achieve energy efficiency,
5 energy conservation, and diversification of energy resources; and

6 (4) Promote public understanding of energy issues and of ways in which energy
7 efficiency, energy conservation, and energy resource diversification and management can be
8 effectuated.

9 **42-140.1-5. Powers and duties.**

10 The council shall have the power to:

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

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

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

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

28 (e) Advise electric distribution companies with regard to implementation of least cost
29 procurement.

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

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

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

- 1 (3) foster distributed generation of electricity and demand response;
2 (4) assist low-income households in meeting energy needs;
3 (5) coordinate the use of funds, resources, and programs from diverse resources to
4 achieve the purposes of the office;

5 (6) meet greenhouse gas emissions reduction targets as set forth in the global warming
6 solutions act, chapter 6.3 of title 42, through energy measures and beneficial electrification in the
7 transportation and building sectors.

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

12 (h) Develop and submit to the public utilities commission no less frequently than once
13 every five (5) years through 2046 a plan for the beneficial electrification of the transportation
14 sector and the building sector. The first such five (5) year plan shall be filed with the public
15 utilities commission no later than December 1, 2021.

16 (i) Each five (5) year plan for beneficial electrification shall be so designed as to ensure,
17 to the maximum extent possible, the attainment of the carbon emission reduction mandates set
18 forth in the Rhode Island global warming solutions act.

19 (ii) The five (5) year plan may include, without limitation, changes and upgrades to the
20 distribution system of the electric distribution company and the purchase and installation of new
21 infrastructure.

22 SECTION 10. Section 46-12.2-4 of the General Laws in Chapter 46-12.2 entitled "Rhode
23 Island Infrastructure Bank" is hereby amended to read as follows:

24 **46-12.2-4. General powers and duties of agency.**

25 (a) The agency shall have all powers necessary or convenient to carry out and effectuate
26 the purposes and provisions of this chapter, chapter 24-18 and chapter 39-26.5, including without
27 limiting the generality of the foregoing, the powers and duties:

- 28 (1) To adopt and amend bylaws, rules, regulations, and procedures for the governance of
29 its affairs, the administration of its financial assistance programs, and the conduct of its business;
30 (2) To adopt an official seal;
31 (3) To maintain an office at such place or places as it may determine;
32 (4) To adopt a fiscal year;
33 (5) To adopt and enforce procedures and regulations in connection with the performance
34 of its functions and duties;

1 (6) To sue and be sued;

2 (7) To employ personnel as provided in § 46-12.2-5, and to engage accounting,
3 management, legal, financial, consulting and other professional services;

4 (8) Except as provided in this chapter, to receive and apply its revenues to the purposes of
5 this chapter without appropriation or allotment by the state or any political subdivision thereof;

6 (9) To borrow money, issue bonds, and apply the proceeds thereof, as provided in this
7 chapter, chapter 19.16 of title 23, chapter 18 of title 24 and chapter 26.5 of title 39, and to pledge
8 or assign or create security interests in revenues, funds, and other property of the agency and
9 otherwise as provided in this, chapter 19.16 of title 23, chapter 18 of title 24 and chapter 26.5 of
10 title 39, to pay or secure the bonds; and to invest any funds held in reserves or in the water
11 pollution control revolving fund, the Rhode Island water pollution control revolving fund, the
12 municipal road and bridge fund established under chapter 24-18, any other funds established in
13 accordance with this chapter, or the local interest subsidy trust fund, or any revenues or funds not
14 required for immediate disbursement, in such investments as may be legal investments for funds
15 of the state;

16 (10) To obtain insurance and to enter into agreements of indemnification necessary or
17 convenient to the exercise of its powers under this, chapter 19.16 of title 23, chapter 18 of title 24
18 and chapter 26.5 of title 39;

19 (11) To apply for, receive, administer, and comply with the conditions and requirements
20 respecting any grant, gift, or appropriation of property, services, or moneys;

21 (12) To enter into contracts, arrangements, and agreements with other persons, and
22 execute and deliver all instruments necessary or convenient to the exercise of its powers under
23 this, chapter 19.16 of title 23, chapter 18 of title 24 and chapter 26.5 of title 39; such contracts
24 and agreements may include without limitation, loan agreements with a local governmental unit,
25 person or corporation, capitalization grant agreements, intended use plans, operating plans, and
26 other agreements and instruments contemplated by title VI of the Clean Water Act, 33 U.S.C. §
27 1381 et seq., or this chapter, agreement and instruments contemplated by chapter 24-18, grant
28 agreements, contracts for financial assistance or other forms of assistance from the state or the
29 United States, and trust agreements and other financing agreements and instruments pertaining to
30 bonds;

31 (13) To authorize a representative to appear on its own behalf before other public bodies,
32 including, without limiting the generality of the foregoing, the congress of the United States, in
33 all matters relating to its powers and purposes;

34 (14) To provide financial assistance to a local governmental unit, person, or, to a

1 corporation to finance costs of approved projects, and to thereby acquire and hold local
2 governmental obligations and non-governmental obligations at such prices and in such manner as
3 the agency shall deem advisable, and sell local governmental obligations and non-governmental
4 obligations acquired or held by it at prices without relation to cost and in such manner as the
5 agency shall deem advisable, and to secure its own bonds with such obligations all as provided in
6 this chapter, chapter 19.16 of title 23, chapter 18 of title 24 and chapter 26.5 of title 39.
7 Furthermore, in connection with a recommendation by the Rhode Island commerce corporation,
8 this power shall include the power to designate a commercial project as a high priority, and to
9 provide that project with financial assistance as soon as practicable;

10 (15) To establish and collect such fees and charges as the agency shall determine to be
11 reasonable;

12 (16) To acquire, own, lease as tenant, or hold real, personal or mixed property or any
13 interest therein for its own use; and to improve, rehabilitate, sell, assign, exchange, lease as
14 landlord, mortgage, or otherwise dispose of or encumber the same;

15 (17) To do all things necessary, convenient, or desirable for carrying out the purposes of
16 this chapter and chapter 24-18 or the powers expressly granted or necessarily implied by this
17 chapter, chapter 19.16 of title 23, chapter 18 of title 24 and chapter 26.5 of title 39;

18 (18) To conduct a training course for newly appointed and qualified members and new
19 designees of ex-officio members within six (6) months of their qualification or designation. The
20 course shall be developed by the executive director, approved by the board of directors, and
21 conducted by the executive director. The board of directors may approve the use of any board of
22 directors or staff members or other individuals to assist with training. The training course shall
23 include instruction in the following areas: the provisions of chapters 46-12.2, 42-46, 36-14, and
24 38-2; and the agency's rules and regulations. The director of the department of administration
25 shall, within ninety (90) days of the effective date of this act [July 15, 2005], prepare and
26 disseminate, training materials relating to the provisions of chapters 42-46, 36-14 and 38-2; and

27 (19) Upon the dissolution of the water resources board (corporate) pursuant to § 46-15.1-
28 22, to have all the powers and duties previously vested with the water resources board
29 (corporate), as provided pursuant to chapter 46-15.1.

30 (20) To meet at the call of the chair at least eight (8) times per year. All meetings shall be
31 held consistent with chapters 42-46.

32 (21) To be the sole issuer of QECCBs from the state of Rhode Island's allocation, including
33 any portions of which have been reallocated to the state by local governments, for any project
34 authorized to be financed with the proceeds thereof under the applicable provisions of 26 U.S.C.

1 § 54D.

2 (22) To advise the Rhode Island office of global warming solutions implementation
3 regarding financing programs and projects relevant to achieving the purposes of the global
4 warming solutions act and to utilize to the fullest extent allowed by this chapter the powers
5 granted to it by this section to accomplish the purposes of the global warming solutions act,
6 chapter 6.3 in title 42, and to serve as a participating member in the Rhode Island office of global
7 warming solutions implementation.

8 (b) Notwithstanding any other provision of this chapter, the agency shall not be
9 authorized or empowered:

10 (1) To be or to constitute a bank or trust company within the jurisdiction or under the
11 control of the department of banking and insurance of the state, or the commissioner thereof, the
12 comptroller of the currency of the United States of America, or the Treasury Department thereof;
13 or

14 (2) To be or constitute a bank, banker or dealer in securities within the meaning of, or
15 subject to the provisions of, any securities, securities exchange, or securities dealers' law of the
16 United States or the state.

17 SECTION 11. Chapter 39-1 of the General Laws entitled "Public Utilities Commission"
18 is hereby amended by adding thereto the following section:

19 **39-1-27.14. Review of beneficial electrification plans.**

20 When the public utilities commission receives the five (5) year plan for beneficial
21 electrification submitted by the energy efficiency and resource management council, the
22 commission shall open a docket to consider the plan. The commission shall only approve the plan
23 if the commission determines, after reasonable inquiry, that the plan is sufficiently comprehensive
24 to ensure, to the maximum extent possible, the attainment of the carbon emission reduction
25 mandates set forth in the Rhode Island global warming solutions act, chapter 6.3 of title 42. The
26 commission shall have the power to amend the plan submitted by the council as the commission
27 deems necessary in order to ensure, to the maximum extent possible, the attainment of the carbon
28 emission reduction mandates set forth in the Rhode Island global warming solutions act, chapter
29 6.3 of title 42.

30 SECTION 12. Chapter 42-17.1 of the General Laws entitled "Department of
31 Environmental Management" is hereby amended by adding thereto the following section:

32 **42-17.1-4.1. Rhode Island office of global warming solutions implementation.**

33 There is hereby established within the department a Rhode Island office of global
34 warming solutions implementation (GloWS Implementation), the director shall be head of the

1 office. The office shall provide for the integration and coordination of the activities of
2 participating agencies as they pertain to the purposes of the global warming solutions act and
3 shall oversee the performance of duties set forth in chapter 6.3 of title 42.

4 SECTION 13. 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 address the
2 issues of global warming. It would create a detailed, defined, transparent administrative structure
3 that would use established state departments and administrative processes, to meet greenhouse
4 gas emissions reduction goals. The act would also help the improving economy of the state in a
5 way that would secure its on-going viability as the use of greenhouse gas emitting energy
6 resources declines.

7 This act would take effect upon passage.

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