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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - THE RHODE ISLAND
MUNICIPAL INFRASTRUCTURE GRANT PROGRAM

Introduced By: Senators Pearson, Seveney, Murray, Cano, Sosnowski, Ciccone, and
Acosta

Date Introduced: February 18, 2021

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-11-10 of the General Laws in Chapter 42-11 entitled "Department
2 of Administration" is hereby amended to read as follows:

3 **42-11-10. Statewide planning program.**

4 (a) Findings. The general assembly finds that the people of this state have a fundamental
5 interest in the orderly development of the state; the state has a positive interest and demonstrated
6 need for establishment of a comprehensive, strategic state planning process and the preparation,
7 maintenance, and implementation of plans for the physical, economic, and social development of
8 the state; the continued growth and development of the state presents problems that cannot be met
9 by the cities and towns individually and that require effective planning by the state; and state and
10 local plans and programs must be properly coordinated with the planning requirements and
11 programs of the federal government.

12 (b) Establishment of statewide planning program.

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

16 (2) All strategic planning, as defined in subsection (c) of this section, undertaken by all
17 departments and agencies of the executive branch unless specifically exempted, shall be conducted
18 by or under the supervision of the statewide planning program. The statewide planning program

1 shall consist of a state planning council, and the division of planning, which shall be a division
2 within the department of administration.

3 (c) Strategic planning. Strategic planning includes the following activities:

4 (1) Establishing or identifying general goals.

5 (2) Refining or detailing these goals and identifying relationships between them.

6 (3) Formulating, testing, and selecting policies and standards that will achieve desired
7 objectives.

8 (4) Preparing long-range or system plans or comprehensive programs that carry out the
9 policies and set time schedules, performance measures, and targets.

10 (5) Preparing functional, short-range plans or programs that are consistent with established
11 or desired goals, objectives, and policies, and with long-range or system plans or comprehensive
12 programs where applicable, and that establish measurable, intermediate steps toward their
13 accomplishment of the goals, objectives, policies, and/or long-range system plans.

14 (6) Monitoring the planning of specific projects and designing of specific programs of short
15 duration by the operating departments, other agencies of the executive branch, and political
16 subdivisions of the state to ensure that these are consistent with, and carry out the intent of,
17 applicable strategic plans.

18 (7) Reviewing the execution of strategic plans, and the results obtained, and making
19 revisions necessary to achieve established goals.

20 (d) State guide plan. Components of strategic plans prepared and adopted in accordance
21 with this section may be designated as elements of the state guide plan. The state guide plan shall
22 be comprised of functional elements or plans dealing with land use; physical development and
23 environmental concerns; economic development; housing production; energy supply, including the
24 development of renewable energy resources in Rhode Island, and energy access, use, and
25 conservation; human services; climate change and resiliency; and other factors necessary to
26 accomplish the objective of this section. The state guide plan shall be a means for centralizing,
27 integrating, and monitoring long-range goals, policies, plans, and implementation activities related
28 thereto. State agencies concerned with specific subject areas, local governments, and the public
29 shall participate in the state guide planning process, which shall be closely coordinated with the
30 budgeting process.

31 (e) Membership of state planning council. The state planning council shall consist of the
32 following members:

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

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

- 1 (3) The governor, or his or her designee;
- 2 (4) [Deleted by P.L. 2019, ch. 88, art. 4, § 13];
- 3 (5) The chairperson of the housing resources commission;
- 4 (6) The highest-ranking administrative officer of the division of planning, as secretary;
- 5 (7) The president of the Rhode Island League of Cities and Towns or his or her designee;
- 6 (8) The executive director of the Rhode Island League of Cities and Towns;
- 7 (9) Three (3) chief elected officials of cities and towns appointed by the governor after
- 8 consultation with the Rhode Island League of Cities and Towns, one of whom shall be from a
- 9 community with a population greater than 40,000 persons; one of whom shall be from a community
- 10 with a population of between 20,000 and 40,000 persons; and one of whom shall be from a
- 11 community with a population less than 20,000 persons;
- 12 (10) One representative of a nonprofit community development or housing organization
- 13 appointed by the governor;
- 14 (11) Four (4) public members, appointed by the governor, one of whom shall be an
- 15 employer with fewer than fifty (50) employees; one of whom shall be an employer with greater
- 16 than fifty (50) employees; one of whom shall represent a professional planning or engineering
- 17 organization in Rhode Island; and one of whom shall represent a chamber of commerce or
- 18 economic development organization;
- 19 (12) Two (2) representatives of private, nonprofit, environmental or environmental justice
- 20 advocacy organizations, both to be appointed by the governor;
- 21 (13) The director of planning and development for the city of Providence;
- 22 (14) The director of the department of transportation;
- 23 (15) The director of the department of environmental management;
- 24 (16) The director of the department of health;
- 25 (17) The chief executive officer of the commerce corporation;
- 26 (18) The commissioner of the Rhode Island office of energy resources;
- 27 (19) The chief executive officer of the Rhode Island public transit authority;
- 28 (20) The executive director of Rhode Island housing;
- 29 (21) The executive director of the coastal resources management council; and
- 30 (22) The director of the Rhode Island emergency management agency.
- 31 (f) Powers and duties of state planning council. The state planning council shall have the
- 32 following powers and duties:
- 33 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,
- 34 and to modify and amend any of these, following the procedures for notification and public hearing

1 set forth in § 42-35-3, and to recommend and encourage implementation of these goals to the
2 general assembly, state and federal agencies, and other public and private bodies; approval of
3 strategic plans by the governor; and to ensure that strategic plans and the long-range state guide
4 plan are consistent with the findings, intent, and goals set forth in § 45-22.2-3, the "Rhode Island
5 comprehensive planning and land use regulation act";

6 (2) To coordinate the planning and development activities of all state agencies, in
7 accordance with strategic plans prepared and adopted as provided for by this section;

8 (3) To review and comment on the proposed annual work program of the statewide
9 planning program;

10 (4) To adopt rules and standards and issue orders concerning any matters within its
11 jurisdiction as established by this section and amendments to it;

12 (5) To establish advisory committees and appoint members thereto representing diverse
13 interests and viewpoints as required in the state planning process and in the preparation or
14 implementation of strategic plans. At minimum, the state planning council shall appoint permanent
15 committees:

16 (i) A technical committee, comprised of public members from different geographic areas
17 of the state representing diverse interests along with officials of state, local, and federal
18 government, who shall review all proposed elements of the state guide plan, or amendment or repeal
19 of any element of the plan, and shall advise the state planning council thereon before the council
20 acts on any such proposal. This committee shall also advise the state planning council on any other
21 matter referred to it by the council; and

22 (ii) An executive committee consisting of major participants of a Rhode Island geographic
23 information system with oversight responsibility for its activities; and

24 (iii) A transportation advisory committee, made up of diverse representation, including,
25 but not limited to, municipal elected and appointed officials; representatives of various
26 transportation sectors, departments, and agencies; and other groups and agencies with an interest
27 in transportation operations, maintenance, construction, and policy, who shall review
28 transportation-related plans and amendments and recommend action to the state planning council.

29 (6) To adopt, amend, and maintain, as an element of the state guide plan or as an
30 amendment to an existing element of the state guide plan, standards and guidelines for the location
31 of eligible, renewable energy resources and renewable energy facilities in Rhode Island with due
32 consideration for the location of such resources and facilities in commercial and industrial areas,
33 agricultural areas, areas occupied by public and private institutions, and property of the state and
34 its agencies and corporations, provided these areas are of sufficient size, and in other areas of the

1 state as appropriate.

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

4 [\(8\) To assist the Rhode Island infrastructure bank in establishing review criteria, evaluating](#)
5 [applications, approving and issuing grants, and assist municipalities pursuant to the provisions of](#)
6 [chapter 11.4 of title 42, and any rules or regulations promulgated thereunder.](#)

7 (g) Division of statewide planning.

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

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

18 (3) The division of statewide planning shall manage and administer the Rhode Island
19 geographic information system of land-related resources, and shall coordinate these efforts with
20 other state departments and agencies, including the university of Rhode Island, which shall provide
21 technical support and assistance in the development and maintenance of the system and its
22 associated data base.

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

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

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

33 SECTION 2. Sections 42-11.4-1, 42-11.4-3, 42-11.4-4 and 42-11.4-5 of the General Laws
34 in Chapter 42-11.4 entitled "The Rhode Island Municipal Infrastructure Grant Program" are hereby

1 amended to read as follows:

2 **42-11.4-1. Establishment.**

3 The Rhode Island municipal infrastructure grant program is hereby created within the
4 Rhode Island infrastructure bank, ~~department of administration and is subject to grant funding.~~
5 ~~State funds or appropriations shall not be utilized in connection with the implementation of this~~
6 ~~section.~~ The Rhode Island infrastructure bank shall have all the powers necessary and convenient
7 to carry out and effectuate the purposes and provisions of this chapter, including, without limiting
8 the generality of the preceding statement, the authority to: ~~The department of administration is~~
9 ~~authorized to:~~

10 (1) Issue public infrastructure grants to municipalities and other public instrumentalities
11 for design, construction, building, land acquisition, rehabilitation, repair, and other improvements
12 to publicly owned infrastructure including, but not limited to, sewers, utility extensions, streets,
13 roads, curb-cuts, parking, water-treatment systems, telecommunications systems, transit
14 improvements, and pedestrian ways; ~~and~~

15 (2) Assist municipalities to advance projects that support job creation and expansion,
16 housing development and rehabilitation, community development projects in areas or districts that
17 communities have determined are best suited to efficiently accommodate future growth and
18 redevelopment, largely in previously developed areas with some level of existing or planned
19 infrastructure; :

20 (3) Establish a fund within the Rhode Island infrastructure bank to receive and disburse
21 such funds as may be available for the purpose of the program, subject to the provisions of this
22 section;

23 (4) Make and enter into binding commitments to provide grants to municipalities and other
24 pubic instrumentalities from amounts on deposit in the program fund;

25 (5) Engage the services of third-party vendors to provide professional services;

26 (6) Establish one or more accounts within the fund; and

27 (7) Such other authority as granted to the Rhode Island infrastructure bank under this
28 chapter and chapter 12.2 of title 46.

29 **42-11.4-3. Solicitations.**

30 (a) There shall be at least one open solicitation period each year to accept and consider new
31 applications. ~~Not~~ The Rhode Island infrastructure bank shall provide not less than ~~twelve (12)~~ eight
32 (8) weeks notice before ~~the annual an~~ open solicitation period, ~~the department of administration~~
33 ~~shall release the criteria upon which the applications shall be judged including, but not limited to,~~
34 ~~a minimum project readiness standard, overall spending targets by project type, preferences for~~

1 ~~projects that align with the state's prevailing economic development plan, and other preferences~~
2 ~~applying to that funding round. Grants may be made outside of the open solicitation period at the~~
3 ~~discretion of the director of administration subject to the provisions of this section.~~ The Rhode
4 Island infrastructure bank shall review and approve all applications for projects to be financed
5 through the Rhode Island municipal infrastructure grant program. All grant awards shall be made
6 after consultation with the Rhode Island division of statewide planning ~~program and the Rhode~~
7 ~~Island infrastructure bank.~~

8 (b) An eligible city or town, acting by and through its municipal officers or by and through
9 any agency designated by the municipal officers to act on their behalf, may apply to the program
10 for a grant in a specific amount to fund a specified project. Two (2) or more municipalities may
11 apply jointly, with one municipality acting as fiscal agent. The grants may be made in addition to
12 other forms of local, state, and federal assistance. Receipt of a grant that is part of a joint application
13 shall not preclude a municipality from receiving additional funds under a separate application.

14 **42-11.4-4. Rules and regulations.**

15 The ~~director of administration~~ Rhode Island infrastructure bank ~~may~~ shall establish
16 ~~reasonable~~ rules and regulations to govern the application and distribution of grants under the
17 program, to include, but not be limited to, provisions for joint applications by two (2) or more
18 eligible municipalities for a single project serving those municipalities. The rules and regulations
19 shall include the criteria upon which the applications shall be judged including, but not limited to,
20 a minimum project readiness standard, overall spending targets by project type, preferences for
21 projects that align with the state's prevailing economic development plan, and other preferences
22 applying to that funding round.

23 **42-11.4-5. Reports.**

24 The ~~director of administration~~ Rhode Island infrastructure bank shall report annually to the
25 governor, speaker of the house, president of the senate, and the chairs of the house committee on
26 finance, senate committee on finance, house committee on oversight, senate committee on
27 government oversight, house committee on municipal government, senate committee on housing
28 and municipal government, and the permanent joint committee on economic development. The
29 report shall include a list and description of all projects that received grant funds under the program;
30 the amount of the grant awarded to the project; other sources of public funds that supported the
31 project; and a detailed analysis of the economic impact of each project including, where applicable,
32 the number of construction and full-time equivalent jobs to be created, number of housing units to
33 be created, the private investment in the project, and the expected tax revenue generated from the
34 project.

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SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - THE RHODE ISLAND
MUNICIPAL INFRASTRUCTURE GRANT PROGRAM

1 This act would remove the prohibition on state appropriations to the municipal
2 infrastructure grant program, and authorize the Rhode Island infrastructure bank to evaluate,
3 approve and issue such grants, subject to the appropriations provided to the program.

4 This act would take effect upon passage.

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