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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO HEALTH AND SAFETY -- GREEN NEW DEAL ACT OF 2021

Introduced By: Representative Scott Slater

Date Introduced: June 24, 2021

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 23.8

4 GREEN NEW DEAL ACT OF 2021

5 **23-23.8-1. Short title.**

6 This chapter shall be known and may be cited as the Green New Deal Act of 2021.

7 **23-23.8-2. Definitions.**

8 As used in this chapter, unless the context requires a different meaning:

9 (1) "Clean energy" means energy efficiency, energy conservation, demand response,
10 energy storage, and energy derived from solar, onshore wind, offshore wind, geothermal, and ocean
11 tidal sources.

12 (2) "Director" means the director of the department of environmental management.

13 (3) "Environmental justice community" means a census block in which residents:

14 (i) Are predominantly minorities or low-income individuals;

15 (ii) Have been excluded from the environmental policy-setting or decision-making process;

16 (iii) Are subject to a disproportionate impact from one or more environmental hazards; and

17 (iv) Experience disparate implementation of environmental regulations, requirements,
18 practices, and activities.

19 (4) "Fossil fuel" or "fossil fuel resource" means coal, petroleum, natural gas, or any

1 derivative of coal, petroleum, or natural gas that is used for fuel.

2 (5) "Fossil fuel energy" means electric energy generated, in whole or in part, by a fossil
3 fuel resource.

4 (6) "Gathering line" has the same meaning ascribed to the term in 49 C.F.R. § 195.2.

5 (7) "Permitting agency" means the department of environmental management, or other
6 state agency or political subdivision of the state that is the issuing agent for any permit, certificate,
7 or other approval that is required to be obtained prior to the construction or operation of any facility
8 described in § 23-23.8-4.

9 (8) "Retail electric supplier" means a public utility or other person that:

10 (i) Sold not less than one thousand megawatt (1,000 mw) hours of electric energy to retail
11 customers during the preceding calendar year; or

12 (ii) Generates not less than one thousand megawatt (1,000 mw) hours of electric energy for
13 use by the person.

14 **23-23.8-3. Clean energy mandates.**

15 (a) The minimum annual percentage of the quantity of electricity sold by a retail electric
16 supplier that is generated from clean energy resources shall be:

17 (1) In calendar years 2028 through 2035, eighty percent (80 %); and

18 (2) In calendar year 2036 and every calendar year thereafter, one hundred percent (100%).

19 (b) Beginning in 2022, by April 1 of each year, each retail electric supplier shall submit a
20 report to the director containing:

21 (1) Documentation of purchases or generation by the retail electric supplier of clean energy
22 sourced electricity as a percentage of the total retail electricity sales of the retail electric supplier in
23 the preceding calendar year; and

24 (2) Documentation of plans for the purchase or generation by the retail electric supplier of
25 clean energy sourced electricity equal to the percentage required by this chapter for retail electricity
26 sales in 2028 through 2035 and in 2036 and every year thereafter.

27 **23-23.8-4. Moratorium on new major fossil fuel projects.**

28 (a) Beginning on January 1, 2022, unless preempted by applicable federal law, there shall
29 be a moratorium on approval by any permitting agency of any permit, certificate, or other approval
30 required for:

31 (1) Any new electric generating facility that generates fossil fuel energy through the
32 combustion of any fossil fuel resource;

33 (2) Any new or expanding import or export terminal for fossil fuel resources;

34 (3) Any maintenance activity relating to an existing import or export terminal for a fossil

1 fuel resource that expands the import or export capacity for a fossil fuel resource;

2 (4) Any new gathering line or pipeline for the transport of any fossil fuel resource that
3 requires the use of eminent domain on private property;

4 (5) Any maintenance activity relating to an existing gathering line or pipeline for the
5 transport of a fossil fuel resource that expands the carrying capacity of the gathering line or pipeline
6 by more than five percent (5%);

7 (6) Any new refinery of a fossil fuel resource; and

8 (7) Any exploration for any type of fossil fuel.

9 (b) Unless preempted by applicable federal law, the applicable permitting agency shall
10 deny any application submitted to such permitting agency on or after January 1, 2022, for a permit,
11 certificate, or approval for the construction, installation, expansion, or operation of any facility or
12 activity described in subsection (a) of this section.

13 **23-23.8-5. Authority of director - Enforcement of chapter by injunction.**

14 (a) The director shall promulgate such rules and regulations as may be necessary and proper
15 to carry out the provisions of this chapter.

16 (b) The authority to administer and enforce the provisions of this chapter is hereby vested
17 in the director. In administering and enforcing the provisions of this chapter, the director shall
18 exercise the following powers in addition to any other powers conferred upon the director by law:

19 (1) To supervise the administration and enforcement of this chapter and all rules,
20 regulations, and orders adopted hereunder;

21 (2) To issue orders to enforce the provisions of this chapter and all rules and regulations
22 promulgated hereunder;

23 (3) To make investigations and inspections to ensure compliance with any provision of this
24 chapter or any rules, regulations, or orders promulgated or issued hereunder; and

25 (4) To receive any federal funds, state funds, or any other funds and to enter into any
26 contracts for which funds are available to carry out the purposes of this chapter.

27 (c) The director may petition the superior court for an injunction against any violation of
28 the provisions of this chapter and the rules, regulations, and orders promulgated or issued hereunder
29 or to compel the performance of acts required thereby without regard to any adequate remedy that
30 may exist at law, such injunction to be issued without bond.

31 **23-23.8-6. Climate action plan.**

32 (a) The director of the department shall adopt a climate action plan to implement the
33 requirements established in this chapter. The climate action plan shall:

34 (1) Address all aspects of climate change, including mitigation, adaptation, and resiliency;

1 (2) Address agriculture, heating, cooling, and transportation;
2 (3) Be completed by January 1, 2023, with a draft plan available for public comment by
3 March 1, 2022;
4 (4) Support the development of community and publicly owned clean energy; and
5 (5) Incorporate goals of environmental justice and be developed with meaningful input and
6 analysis from environmental justice organizations.
7 (b) The director shall conduct regional public hearings on the draft plan.
8 (c) Permitting agencies shall take action and adopt regulations that are consistent with and
9 further the goals of the climate action plan. Each permitting agency shall develop and update
10 annually a plan to achieve such goals for its own internal operations as well as for regulatory and
11 other actions under its purview.
12 (d) The director shall ensure that the climate action plan will advance the goal of one
13 hundred percent (100%) clean energy in a manner that benefits the state's most disadvantaged
14 communities and is transparent and accountable to the public and the general assembly.
15 (e) The climate action plan shall ensure that forty percent (40%) of funds allocated by and
16 through the state to deal with climate change shall be targeted to low-income communities and
17 communities of color.
18 (f) The director shall establish a statewide environmental and climate justice task force of
19 affected community groups to assist in the development and implementation of the climate action
20 plan.
21 (g) The director shall implement programs that provide a just transition from current energy
22 sources to clean energy by developing, in conjunction with the department of labor and training,
23 programs, including job training programs as provided in § 23-23.8-8, relocation assistance, higher-
24 education programs, and temporary financial support that extends the duration of unemployment
25 benefits, that assist workers in transitioning from jobs in the fossil fuel and nuclear power industries
26 into jobs in the clean energy sector. The programs developed by the department of labor and
27 training pursuant to this subsection shall also be open to individuals who are determined by that
28 department to:
29 (1) Have been previously employed in the fossil fuel industry and who are out of work due
30 to reduction in demand for jobs in that industry; or
31 (2) Reside in communities that have been disproportionately affected by fossil fuels.
32 (h) Residents of the state and organizations shall have the legal standing to sue to ensure
33 that the provisions of this chapter and any climate action plan adopted pursuant to this section are
34 enforced.

1 **23-23.8-7. Energy efficiency of buildings.**

2 (a) The state shall have a stated goal of reducing the consumption of electric energy for
3 heating, cooling, lighting, and appliances in buildings within the state by 2035 to a level that is
4 thirty-six percent (36%) less than the quantity of electricity that would reasonably be projected to
5 be consumed in the state for such purposes in 2035 in the absence of such actions. Such goal shall
6 have benchmark goals of two and four tenths percent (2.4%) per year of the electric energy
7 consumption for such purposes from 2020 levels.

8 (b) Efforts to attain the goals set forth in subsection (a) of this section shall focus on the
9 following:

- 10 (1) Weatherizing building envelopes to prevent heating and cooling leaks;
- 11 (2) Upgrading heating and cooling equipment with energy-efficient electric equipment;
- 12 (3) Modernizing lighting; and
- 13 (4) Replacing inefficient appliances and devices with energy-efficient electric devices.

14 (c) The goals set forth in subsection (a) of this section shall be accomplished through;

15 (1) Public and utility investment in energy efficiency programs, including grants, rebates,
16 and credits on bills or taxes, and

17 (2) Requiring utilities to meet energy efficiency standards as may be enacted by the general
18 assembly.

19 (d) In order to facilitate meeting the goals set forth in subsection (a) of this section, the
20 director of the department shall work with the state building code standards committee to revise
21 the Rhode Island State Building Code to:

- 22 (1) Prohibit the use of natural gas in newly constructed residential buildings;
- 23 (2) Require, where feasible, the installation of rooftop solar generation devices for new
24 construction and major renovations of residential buildings;
- 25 (3) Require that, where the installation of rooftop solar generation devices is not feasible,
26 residential buildings that are newly constructed or undergo major renovations have access to
27 community solar generation facilities;
- 28 (4) Require the installation of electric vehicle-charging infrastructure for all new residential
29 construction;
- 30 (5) Establish energy-efficient construction standards; and
- 31 (6) Require the installation of energy-efficient appliances in all new residential
32 construction.

33 **23-23.8-8. Transitioning workers.**

34 (a) The director, in conjunction with the department of labor and training, shall develop

1 job training programs that include:

2 (1) The development of trade programs in high schools and community colleges; and

3 (2) Scholarships and forgivable education loans for people who work in the clean energy
4 and energy efficiency sectors.

5 (b) The director shall develop guidelines for clean energy worker protections. Such
6 guidelines shall:

7 (1) Require the use of project labor agreements or otherwise provide for the payment of a
8 prevailing wage for clean energy and energy efficiency jobs; and

9 (2) Protect the rights of individuals to freely join a union without interference from
10 employers.

11 (c) The director shall develop a program of transition assistance for workers in the fossil
12 fuel industry and affected communities. The program shall include:

13 (1) Job training support;

14 (2) Relocation support;

15 (3) Income and benefit support; and

16 (4) Early retirement benefits.

17 **23-23.8-9. Environmental justice protections.**

18 (a) The director shall determine which census tracts in the state are environmental justice
19 communities and establish performance benchmarks for environmental justice communities. Such
20 benchmarks shall:

21 (1) Mandate that forty percent (40%) of funding for energy efficiency programs in the state
22 be directed to energy efficiency measures in environmental justice communities until such date that
23 energy efficacy goals in environmental justice communities are attained; and

24 (2) Mandate that forty percent (40%) of funding for programs directed at attaining annual
25 clean energy goals be directed to investments in clean energy facilities in environmental justice
26 communities until such date that one hundred percent (100%) of the energy consumed in such
27 communities is clean energy.

28 (b) The director of the department of labor and training shall establish programs for jobs
29 for people in environmental justice communities. Such programs shall:

30 (1) Provide scholarships and low-interest loans for job training programs prioritized for
31 individuals living in environmental justice communities;

32 (2) Ensure that job training programs exist in environmental justice communities and are
33 adequate to meet employment goals; and

34 (3) Mandate that fifty percent (50%) of the workforce for energy efficiency and clean

1 energy programs comes from environmental justice communities.

2 (c) The director shall provide meaningful input and analysis in planning for energy
3 transition and energy efficiency from environmental justice communities throughout the state. In
4 implementing this requirement, the director of the department shall:

5 (1) Establish statewide and regional bodies responsible for developing, evaluating, and
6 providing feedback on meeting environmental justice priorities; and

7 (2) Hold multiple public hearings in environmental justice communities on transition plans.

8 (d) The director shall not allow offsets to meet clean energy or energy efficiency goals.
9 The director shall ensure that benefits for low-income communities are specific and realized. The
10 director shall prevent the use of compliance payment or other offsets to meet clean energy and
11 energy efficiency goals.

12 (e) In order to provide accountability for meeting environmental justice benchmarks, the
13 director of the department shall:

14 (1) Require annual reporting on progress, including specifics on goals for environmental
15 justice communities;

16 (2) Require shareholders, and not ratepayers, to be responsible for civil penalties assessed
17 against a retail electric supplier pursuant to § 23-23.8-10 for failure to meet any goal or benchmark;
18 and

19 (3) Conduct, if any goal or benchmark established by this chapter is not met, an analysis
20 as to why the goal or benchmark was not met and develop a plan to make up from the missed goal
21 or benchmark in subsequent years.

22 **23-23.8-10. Civil penalties.**

23 Any retail electric supplier that fails to meet any goal or benchmark established under this
24 chapter, upon such finding by the superior court, shall be assessed a civil penalty equal to twice the
25 cost of the financial investment necessary to meet such goal or mandate that was not achieved, or
26 three (3) times the cost of the financial investment necessary to meet such goal or benchmark that
27 was not achieved if not met in an environmental justice community. All civil penalties under this
28 section shall be recovered in a civil action brought by the attorney general in the name of the state.
29 All civil penalties assessed under this section be paid into the general fund.

30 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 HEALTH AND SAFETY -- GREEN NEW DEAL ACT OF 2021

1 This act would establish a climate action plan to eliminate the state's dependence on fossil
2 fuel energy generation of electricity and replace the required generation of electricity from clean
3 energy resources by calendar year 2036.

4 This act would take effect upon passage.

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