

2011 -- H 5938

LC02183

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RENEWABLE ENERGY
COORDINATING BOARD

Introduced By: Representatives Ruggiero, Handy, Chippendale, Blazejewski, and Cimini

Date Introduced: March 17, 2011

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 140.3

4 THE RHODE ISLAND RENEWABLE ENERGY COORDINATING BOARD

5 **42-140.3-1. Short title.** – This chapter shall be known and may be cited as “The Rhode
6 Island Renewable Energy Coordinating Board Act.”

7 **42-140.3-2. Legislative findings.** – The general assembly finds that:

8 (1) Energy is essential to the economy of Rhode Island and to the health, safety and
9 welfare of the people of the state;

10 (2) The development of renewable energy will reduce the environmental impact of Rhode
11 Island’s energy consumption while creating new businesses, employment opportunities, and
12 economic growth;

13 (3) The state has a responsibility to effectively implement renewable energy policies and
14 ensure the efficient use of state resources;

15 (4) Rhode Island has lacked a comprehensive, long-term strategic renewable energy plan
16 and an organizational structure responsible for coordinating the implementation of the state’s
17 renewable energy policies.

18 **42-140.3-3. Definitions.** – When used in this chapter, the following terms shall have the

1 following meanings:

2 (1) “Board” means the Rhode Island renewable energy coordinating board established
3 under section 42-140.3-4;

4 (2) “Renewable energy” means energy produced from eligible renewable energy
5 resources as defined in section 39-26-5;

6 (3) “Renewable energy policies” means Rhode Island renewable energy statutes as
7 defined in section 42-140.3-11;

8 (4) “State agencies” means state entities responsible for the implementation of Rhode
9 Island’s renewable energy policies, deemed to include, but not be limited to: (i) The office of
10 energy resources; (ii) The economic development corporation; (iii) The department of
11 administration’s division of planning; (iv) The department of environmental management; (v)
12 The coastal resources management council; (vi) The energy facility siting board; (vii) The public
13 utilities commission; (viii) The division of public utilities; and (ix) The energy efficiency and
14 resources management council.

15 (5) “Strategic plan” means the strategic renewable energy implementation plan
16 established under section 42-140.3-8.

17 **42-140.3-4. Establishment of the board.** – There is hereby authorized, created and
18 established a board to be known as “The Rhode Island renewable energy coordinating board”
19 with the powers and duties set forth in this chapter.

20 **42-140.3-5. Composition of the board.** – (a) The board shall have five (5) members: (1)
21 The director of the department of administration, who shall serve as chairperson of the board; (2)
22 The commissioner of the office of energy resources; (3) The executive director of the economic
23 development corporation; (4) The director of the department of environmental management; and
24 (5) The director of the coastal resources management council. Any member of the board may
25 appoint a designee from his or her respective agency to represent him/her on the board.

26 (b) Three (3) members shall constitute a quorum. A majority vote of the board shall be
27 required for all recommendations, advice, and approvals of the board in accordance with this
28 chapter.

29 **42-140.3-6. Duties of the board.** – The board shall:

30 (1) Develop and maintain the strategic plan in accordance with section 42-140.3-8.

31 (2) Issue the strategic plan biannual report in accordance with subsection 42-140.3-8(e).

32 (3) Issue recommendations as necessary to state agencies and cities and towns.

33 (4) Advise the governor and general assembly with regard to renewable energy
34 development in Rhode Island.

1 (5) Provide a forum for discussion of issues relating to renewable energy development in
2 Rhode Island and receive testimony from the public and interest groups.

3 (6) Make available to the public all information about activities of the board.

4 **42-140.3-7. Powers of the board.** – To effectuate its duties, the board shall have the
5 power to:

6 (1) Adopt and amend bylaws.

7 (2) Receive staff and administrative support from the department of administration.

8 (3) Hold public meetings at least quarterly and at the call of the chairperson or three (3)
9 board members, in order to: (i) Develop and maintain the strategic renewable energy plan; (ii)
10 Develop reports and issue recommendations; (iii) Receive testimony from the public and other
11 interested parties.

12 (4) Hold public meetings at least twice each year with the Rhode Island energy efficiency
13 and resources management council.

14 (5) Engage any consultants or expert witnesses that it deems necessary to implement its
15 statutory responsibilities; provided, however, that to the maximum extent possible, the board shall
16 utilize staff from state agencies.

17 (6) Establish and maintain a website with information on all activities of the board.

18 (7) Comment on legislation pending before the general assembly.

19 **42-140.3-8. Strategic renewable energy implementation plan.** – (a) The board shall
20 develop and recommend a strategic renewable energy implementation plan to promote the
21 development of renewable energy resources in Rhode Island.

22 (b) The strategic plan shall: (1) Coordinate the short and long-term implementation of
23 renewable energy policies by state agencies; (2) Assess and include recommendations to realize
24 the potential of renewable energy development to create new businesses, employment
25 opportunities, and industries in Rhode Island; and (3) Address any other issues deemed
26 appropriate by the board to advance renewable energy development in Rhode Island.

27 (c) The board may incorporate into the strategic plan the reports and findings of state
28 agencies including, but not limited to, the results of any special area management plans.

29 (d) On or before November 15, 2011, the board shall adopt the strategic plan. The board
30 may amend the strategic plan as necessary.

31 (e) On March 15 and September 15 of each year, commencing in 2012, the board shall
32 issue the strategic plan biannual report, which shall be made available to the public and
33 transmitted to the governor; the senate president; the speaker of the house; and state agencies. The
34 strategic plan biannual report shall:

- 1 (1) Assess compliance with the strategic plan by state agencies and cities and towns;
- 2 (2) Evaluate the effectiveness of state renewable energy policies;
- 3 (3) Analyze the structure and sources of public funding for renewable energy
- 4 development;
- 5 (4) Evaluate the extent to which public funding for renewable energy development is
- 6 allocated to energy efficient projects;
- 7 (5) As necessary, make recommendations to state agencies and cities and towns; and
- 8 (6) As necessary, make recommendations for legislative action relating to renewable
- 9 energy development and financing.

10 **42-140.3-9. Renewable energy facility siting guidelines.** – The board shall:

- 11 (1) As a component of the strategic plan, adopt and amend as necessary the renewable
- 12 energy facility siting standards and guidelines promulgated by the division of planning under
- 13 section 42-11-10.
- 14 (2) Monitor the adoption of renewable energy siting ordinances by cities and towns.
- 15 (3) Communicate with towns and cities to encourage and facilitate the adoption of
- 16 recommended renewable energy siting ordinances.

17 **42-140.3-10. Advisory Council.** – (a) The Rhode Island renewable energy coordinating

18 board advisory council is hereby established to advise the board on matters pertaining to the

19 board’s duties and powers.

20 (b) The advisory council shall have (15) members. Each board member shall select three

21 (3) advisory council members, provided that the advisory council includes members with

22 experience in the following areas: (1) Renewable energy development; (2) Energy regulation and

23 law; (3) Environmental issues pertaining to renewable energy; (4) Business association or

24 chamber of commerce; (5) Green trades; (6) Residential energy consumers; (7) Low-income

25 energy consumers; (8) Small business relating to renewable energy; and (9)

26 Commercial/industrial energy consumers. If an advisory council member resigns from his or her

27 position, the board member responsible for the selection of that advisory council member shall

28 select his or her replacement in accordance with the experience requirements stipulated in this

29 section.

30 **42-140.3-11. Renewable energy policies.** – Rhode Island’s renewable energy policies

31 shall be deemed to include, but not be limited to, the following statutes:

- 32 (1) 39-1 Public utilities commission;
- 33 (2) 39-1-3 Commission and division established–Functions of commission–
- 34 Administrator;

- 1 (3) 42-140 Rhode Island energy resources act;
- 2 (4) 42-140.1 The Rhode Island energy efficiency and resource management council;
- 3 (5) 42-64-13.2 Renewable energy investment coordination;
- 4 (6) 42-98 Energy facility siting act;
- 5 (7) 39-26 Renewable energy standard;
- 6 (8) 39-1-27.7 System reliability and least-cost procurement;
- 7 (9) 39-1-27.8 Supply procurement portfolio;
- 8 (10) 39-2-1.2 Utility base rate–Advertising, demand side management and renewables;
- 9 (11) 39-26-4 Renewable energy standard;
- 10 (12) 39-26-6 Duties of the commission;
- 11 (13) 39-26.1 Long-Term contracting standard for renewable energy;
- 12 (14) 39-26.1-3 Long-term contract standard;
- 13 (15) 39-26-7 Renewable energy development fund;
- 14 (16) 44-57 Residential renewable energy system tax credit;
- 15 (17) 44-18-30 Sales and use taxes–Liability and computation;
- 16 (18) 44-3-21 Renewable energy systems–Exemption;
- 17 (19) 23-82 Implementation of regional greenhouse gas initiative act;
- 18 (20) 42-11-10 Statewide planning program;
- 19 (21) 37-7-9 Concessions, leases, and licenses–Reports;
- 20 (22) 46-23 Coastal resources management council;
- 21 (23) 42-140.2 Distributed generation.

22 **42-140.3-12. Applicability of other laws.** – The board shall be subject to the provisions
23 of chapter 38-2, access to public records act, and chapter 42-46, open meetings act.

24 **42-140.3-13. Severability.** – If any provision of this chapter or the application of this
25 chapter to any person or circumstances is held invalid, the invalidity shall not affect other
26 provisions or applications of the chapter, which can be given effect without the invalid provision
27 or application, and to this end the provisions of this chapter are declared to be severable.

28 SECTION 2. This act shall take effect upon passage.

=====
LC02183
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- RENEWABLE ENERGY
COORDINATING BOARD

- 1 This act would create the renewable energy coordinating board which would develop and
- 2 recommend a strategic renewable energy implementation plan for Rhode Island.
- 3 This act would take effect upon passage.

=====
LC02183
=====