

2014 -- S 2952 SUBSTITUTE A

LC005453/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CLIMATE CHANGE

Introduced By: Senators Conley, Sosnowski, Cool Rumsey, Goldin, and Archambault

Date Introduced: May 01, 2014

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

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

3 CHAPTER 6.2

4 CLIMATE CHANGE COORDINATING COUNCIL

5 **42-6.2-1. Creation -- Members. --** There is hereby established within the executive
6 branch of state government a Rhode Island executive climate change coordinating council (the
7 "council") comprised of officials from state agencies with responsibility and oversight relating to
8 assessing, integrating and coordinating climate change efforts. The council shall include, but not
9 be limited to, the following members: the director of the department of environmental
10 management; the executive director of the coastal resources management council; the director of
11 the department of administration; the director of the department of transportation; the director of
12 the department of health; the executive director of the emergency management agency; the
13 commissioner of the office of energy resources; the director of the division of planning; and the
14 executive director of the Rhode Island commerce corporation.

15 **42-6.2-2. Purpose of the council. --** (a) The council shall have the following duties:

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

1 (2) No later than December 31, 2016, submit to the governor and general assembly a plan
2 that includes strategies, programs and actions to meet targets for greenhouse gas emissions
3 reductions as follows:

- 4 (i) Ten percent (10%) below 1990 levels by 2020;
5 (ii) Forty-five percent (45%) below 1990 levels by 2035;
6 (iii) Eighty percent (80%) below 1990 levels by 2050;
7 (iv) The plan shall also include procedures and metrics for periodic measurement, not less
8 frequently than once every five (5) years, of progress necessary to meet these targets and for
9 evaluating the possibility of meeting higher targets through cost-effective measures.

10 (3) Advance the state's understanding of the effects of climate change including, but not
11 limited to, sea level rise, coastal and shoreline changes, severe weather events, critical
12 infrastructure vulnerability, and ecosystem, economic, and health impacts;

13 (4) Identify strategies to prepare for these effects and communicate them to Rhode
14 Islanders;

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

17 (6) Identify and leverage federal, state, and private funding opportunities for emission
18 reduction and climate change preparedness and adaption work in Rhode Island;

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

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

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

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

33 **42-6.2-3. Support for the council. -- To support the council's work, state agencies shall:**

34 (1) Assist the council in implementing the provisions of this chapter;

1 (2) Develop short and long-term greenhouse gas emission reduction strategies and track
2 the progress of these strategies;

3 (3) To the maximum extent feasible, purchase alternative fuel, hybrid, and electric
4 vehicles that produce lower total emissions of greenhouse gases, and develop programs to
5 encourage state employees to reduce their vehicle miles and use sustainable transportation
6 alternatives, including public transit systems;

7 (4) Implement programs to achieve energy savings in state and municipal buildings to
8 reduce greenhouse gases, reduce expenditures on energy, and stimulate economic and job
9 development;

10 (5) Increase the deployment of in-state generation of renewable energy and energy
11 efficiency;

12 (6) Support efforts to expand Rhode Island's green economy and develop green
13 infrastructure;

14 (7) Assess the vulnerability of infrastructure, including, but not limited to, roads, bridges,
15 dams, and wastewater and drinking water treatment facilities, to impacts of climate change and
16 recommend strategies to protect these assets;

17 (8) Work with relevant academic institutions and federal agencies to assess the threats of
18 sea level rise, erosion and storm surge, and communicate these assessments and threats, along
19 with potential tools to address them, to state agencies and affected communities;

20 (9) Develop plans, policies, and solutions based on the latest science to ensure the state
21 continues to have a vibrant coastal economy, including protection of critical infrastructure;

22 (10) Develop a climate and health profile report that documents the range of health
23 impacts associated with climate change and identifies the most vulnerable populations;

24 (11) Encourages municipalities to incorporate climate change adaptation into local hazard
25 mitigation plans and, when feasible, into hazard mitigation projects; and

26 (12) Take affirmative steps to eliminate and avoid duplication of effort through consistent
27 coordination between agencies and programs, and pooling of resources, so as to make the most
28 cost-efficient use of the state resources and provide the most effective services.

29 **42-6.2-4. Advisory board established -- Members.** -- (a) The Rhode Island executive
30 climate change coordinating council advisory board is hereby established. The advisory board
31 shall have thirteen (13) members. Five (5) members shall be appointed by the governor, four (4)
32 of whom shall be representatives of city or town government, at least one of whom shall be from
33 a city with a population of over fifty thousand (50,000) and one of whom shall be of a town with
34 a population of less than fifty thousand (50,000), and one of whom shall be from an organization

1 representing or serving low-income and/or minority communities.

2 Four (4) members shall be appointed by the president of the senate, who shall give due
3 consideration to appointing persons with expertise in economic policy and/or workforce
4 development, protection of natural and cultural resources management, energy planning and
5 development, and engineering and design. Four (4) members shall be appointed by the speaker of
6 the house, who shall give due consideration to appointing persons with expertise in education,
7 public health and safety, housing, or from organizations representing or serving youth or the
8 elderly.

9 (b) The members of the advisory board shall be appointed for terms of three (3) years;
10 provided, however, that, with regard to the initial appointments, four (4) members shall be
11 appointed for terms of one year; four (4) members shall be appointed for a term of two (2) years,
12 and five (5) members shall be appointed for a term of three (3) years. Members may be
13 reappointed, and their appointments shall continue until their successors are appointed. The term
14 of a member representing a city or town shall end when the member no longer holds an elected or
15 appointed position in the city or town he or she was representing. A vacancy other than by
16 expiration shall be filled in the manner of the original appointment, but only for the unexpired
17 portion of the term.

18 (c) The members of the advisory board shall receive no compensation.

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

22 (e) The advisory board shall meet at least quarterly or at the call of the chairperson of the
23 council. The chairperson of the council, or his or her designee, shall be present for all advisory
24 board meetings.

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

26 (1) Advise the council on all matters pertaining to the duties and powers of the council,
27 including evaluating and making recommendations regarding plans, programs and strategies
28 relating to climate change mitigation and adaptation

29 (2) Assist the council in improving public access to, and understanding of, the best
30 available, scientific, technical and other information about climate change, mitigation, adaptation,
31 etc., so as to build public support for, and participation in, initiatives to make communities more
32 resilient

33 (3) Serve as a conduit for communicating information from the council to communities
34 and constituencies, as well as vice versa, for input from the community level to the council

- 1 (4) Assist the council in meeting its own transparency and accountability obligations
2 (5) Report to the council at each regular council meeting;
3 (6) Prepare an annual report, to be included in the annual report of the council, that
4 specifically addresses the state of public awareness and engagement, the effectiveness of
5 mitigation, adaptation and public information programs from the community perspective, the
6 ability of the council to attain its goals and objectives, including effective interagency
7 coordination and public-private partnerships, and actions that would further the purposes of the
8 council and this legislation.

9 **42-6.2-5. Science and technical advisory board established – Members.** – (a) The
10 Rhode Island executive climate change council science and technical advisory board is hereby
11 established. The science and technical advisory board shall have nine (9) members, appointed by
12 the governor with the advice and consent of the senate. Four (4) members shall be from
13 institutions of higher education in the state, two (2) shall be from research laboratories located in
14 the state, and three (3) shall be from state agencies with expertise in, and responsibility for
15 addressing issues pertaining to climate change.

16 (b) The members of the science and technical advisory board shall be appointed for terms
17 of three (3) years; provided, however, that, with regard to the initial appointments, three (3)
18 members shall be appointed for terms of one year; three (3) members shall be appointed for a
19 term of two (2) years, and three (3) members shall be appointed for a term of three (3) years.
20 Members may serve not more than three (3) successive terms, and their appointments shall
21 continue until their successors are appointed. A vacancy other than by expiration shall be filled in
22 the manner of the original appointment but only for the unexpired portion of the term.

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

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

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

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

30 (1) Keep the executive climate change council abreast of important developments in
31 scientific and technical information relating to climate change and resiliency;

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

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

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

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

8 (6) Prepare an annual report, to be included in the annual report of the council, evaluating
9 to what extent the state's policies and programs aimed at mitigating and adapting to climate
10 change are supported by the best available science and technical information.

11 **42-6.2-6. Open government requirements.** -- The council and advisory board shall be
12 subject to the provisions of chapter 46 of title 42, the open meetings act, and chapter 2 of title 38,
13 the access to public records act. Any rules and regulations or any amendments to rules and
14 regulations to carry out the requirements of this chapter shall be adopted in accordance with the
15 provisions of chapter 35 of title 42, the administrative procedures act.

16 **42-6.2-7. Reporting.** -- No later than May 1, 2015, and annually thereafter, the council
17 shall issue a report of its findings, recommendations, and progress on achieving the purposes of
18 this chapter.

19 **42-6.2-8. Powers and duties of state agencies – Exercise of existing authority.** --
20 Consideration of the impacts of climate change shall be deemed to be within the powers and
21 duties of all state departments, agencies, commissions, councils and instrumentalities, including
22 quasi-public agencies, and each shall be deemed to have and to exercise among its purposes in the
23 exercise of its existing authority, the purposes set forth in this chapter pertaining to climate
24 change mitigation, adaption and resilience in so far as climate change affects the mission, duties,
25 responsibilities, projects or programs of the entity.

26 SECTION 2. Section 23-84-3 of the General Laws in Chapter 23-84 entitled "The Rhode
27 Island Climate Risk Reduction Act of 2010" is hereby repealed.

28 ~~**23-84-3. Creation of The Rhode Island Climate Change Commission.** -- (a) There is~~
29 ~~hereby created an independent commission known as "The Rhode Island Climate Change~~
30 ~~Commission" consisting of twenty nine (29) members as follows: three (3) of whom shall be~~
31 ~~members of the senate, to be appointed by the senate president, not more than two (2) from the~~
32 ~~same political party; three (3) of whom shall be members of the house of representatives, to be~~
33 ~~appointed by the speaker of the house not more than two (2) from the same political party; one of~~
34 ~~whom shall be the director of the department of environmental management, or his or her~~

1 ~~designee; one of whom shall be the executive director of the coastal resources management~~
2 ~~council, or his or her designee; one of whom shall be the director of the department of~~
3 ~~transportation, or his or her designee; one of whom shall be the chair of the Rhode Island bays,~~
4 ~~rivers, and watersheds coordination team; one of whom shall be the director of the Rhode Island~~
5 ~~department of health, or his or her designee; one of whom shall be the chief of staff of the water~~
6 ~~resources board, or his or her designee; one of whom shall be the director of the division of~~
7 ~~planning, or his or her designee; one of whom shall be the state building commissioner, or his or~~
8 ~~her designee; one of whom shall be the director of the Rhode Island emergency management~~
9 ~~agency, or his or her designee; two (2) of whom shall represent municipal governments of coastal~~
10 ~~municipalities one appointed by the senate president and one appointed by the speaker of the~~
11 ~~house; two (2) of whom shall be representatives of environmental non profit organizations,~~
12 ~~appointed by the environment council of Rhode Island; two (2) of whom shall be representatives~~
13 ~~of business, one designated by the greater Providence chamber of commerce and one designated~~
14 ~~by the Rhode Island chamber of commerce coalition; two (2) of whom shall be representatives of~~
15 ~~higher education institutions, one appointed by the board of governors for higher education and~~
16 ~~one appointed by the association of independent colleges and universities of Rhode Island; one of~~
17 ~~whom shall be a representative of a utility distribution company having greater than one hundred~~
18 ~~thousand (100,000) customers to be appointed by the senate president; one of whom shall be the~~
19 ~~executive director of the Rhode Island realtors association, or his or her designee; one of whom~~
20 ~~shall be the executive director of the Rhode Island builders association, or his or her designee;~~
21 ~~one of whom shall be the executive director of the American institute of architects of Rhode~~
22 ~~Island, or his or her designee; one of whom shall represent the medical profession, including, but~~
23 ~~not limited to, a doctor or nurse, to be appointed by the speaker of the house; and one of whom~~
24 ~~shall represent the medical profession, including, but not limited to, a doctor or nurse, to be~~
25 ~~appointed by the speaker of the house; and one of whom shall be the director of the department of~~
26 ~~administration, or his or her designee, who shall serve as the chair.~~

27 ~~(b) The purposes of the commission shall be to study the projected impacts of climate~~
28 ~~change on Rhode Island, to identify and report methods of adapting to these climate change~~
29 ~~impacts in order to reduce likely harm and increase economic and ecosystem sustainability, and~~
30 ~~to identify potential mechanisms to mainstream climate adaptation into existing state and~~
31 ~~municipal programs including, but not limited to, policies plans, infrastructure development and~~
32 ~~maintenance.~~

33 ~~(c) The commission shall support its purposes by undertaking the following duties~~
34 ~~including but not limited to:~~

- 1 ~~(1) Recommending how to mainstream climate change, using a climate "lens", into~~
2 ~~existing state and local programs, policies and standards, and identify potential options to~~
3 ~~incorporate adaptation strategies.~~
- 4 ~~(2) Compiling existing studies, research and programs relevant to climate change trends~~
5 ~~and potential impacts in Rhode Island and identifying gaps in the research available.~~
- 6 ~~(3) Conducting a comprehensive overview of the risks Rhode Island may face as a result~~
7 ~~of rising air and water temperatures and sea level, increased storminess, and more intense~~
8 ~~droughts and rainfall events.~~
- 9 ~~(4) Investigating the vulnerability of critical roads, bridges, protection infrastructure such~~
10 ~~as hurricane barriers, dams, and revetments, and public facilities such as hospitals, schools,~~
11 ~~sewage treatment plants, parks and beaches and other critical utilities to sea level rise, increased~~
12 ~~flooding and extended extreme summer heat.~~
- 13 ~~(5) Exploring potential changes to floodplains and ways to notify homeowners, renters~~
14 ~~and commercial property owners of not only a property's flooding history but also its expected~~
15 ~~risk under projected levels of climate change and sea level rise.~~
- 16 ~~(6) Assessing ecosystem impacts such as salt marshes, forests, and urban tree canopy and~~
17 ~~researching tree and plant species that will be most resilient to climate change expected in Rhode~~
18 ~~Island, as well as ways to secure additional funding to support the expansion of urban tree canopy~~
19 ~~to thirty percent (30%).~~
- 20 ~~(7) Identifying potential ecosystem based adaptation options where conservation or~~
21 ~~restoration of natural ecosystems can provide key ecosystems services by minimizing risks and~~
22 ~~hazards from flooding and drought cycles.~~
- 23 ~~(8) Identifying ways to increase Rhode Islanders' access to critical community health~~
24 ~~services that are expected to become more important as a result of projected climate impacts.~~
- 25 ~~(9) Investigating potential impacts from non point source pollution due to hydrological~~
26 ~~changes including stormwater runoff options for the Phase 2 Narragansett Bay Commission's~~
27 ~~Combined Sewer Overflow project, and implementing small scale projects such as increasing the~~
28 ~~percentage of pervious surfaces in residential areas such as yards and gardens.~~
- 29 ~~(10) Exploring possibilities to make funds or low interest loans available for~~
30 ~~governmental entities, non profit entities and businesses to implement adaptation strategies,~~
31 ~~including green infrastructure projects on their properties, including green roofs, walls, and~~
32 ~~bioretention areas.~~
- 33 ~~(11) Investigating possibilities to expand energy efficiency and weatherization programs~~
34 ~~as an adaptation option.~~

1 ~~(12) Reviewing, among other things, existing local ordinances, provisions adopted by~~
2 ~~associations, deed restrictions, covenants, declarations or similar binding agreements, which~~
3 ~~prohibit or have the effect of prohibiting the installation of solar collectors, clotheslines,~~
4 ~~weatherization improvements, gardens or other energy devices based on renewable resources and~~
5 ~~proposing alternatives that would eliminate said prohibitions and authorize these types of uses as~~
6 ~~climate change mitigation and adaptation strategies for local implementation.~~

7 ~~(13) Reviewing possibilities to amend regulations to allow street parking to reduce~~
8 ~~impervious surfaces in urban areas and runoff.~~

9 ~~(14) Investigating how to support local agriculture including urban community gardens,~~
10 ~~and encouraging municipalities to foster neighborhood gardens in empty lots and parks.~~

11 ~~(15) Developing a plan to expand access to cooling and relief centers by extending hours~~
12 ~~at libraries, community centers and opening pools to the public.~~

13 ~~(16) Identifying examples and options for outreach and communication on climate~~
14 ~~change and adaptation options and recommending opportunities for coordinated outreach~~
15 ~~programs within Rhode Island.~~

16 ~~(d) Vacancies shall be filled in like manner as the original appointment. The membership~~
17 ~~of the commission shall receive no compensation for their services. All departments and agencies~~
18 ~~of the state shall furnish such advice and information, documentary and otherwise, to the~~
19 ~~commission and its agents as is deemed necessary or desirable by the commission to facilitate the~~
20 ~~purposes of this chapter. The joint committee on legislative services is hereby authorized and~~
21 ~~directed to provide suitable quarters for the commission.~~

22 ~~(e) The commission shall provide a report of its findings and recommendations to the~~
23 ~~governor and the general assembly no later than March 1, 2011, and every March 1 thereafter.~~

24 SECTION 3. 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 -- CLIMATE CHANGE

1 This act would repeal the Rhode Island climate change commission and would create a
2 climate change coordinating council advisory board and science and technical advisory board, to
3 advise the executive departments on the impacts of climate change.

4 This act would take effect upon passage.

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