

2023 -- H 5493

LC000992

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- LABOR STANDARDS IN
RENEWABLE ENERGY PROJECTS

Introduced By: Representatives Potter, O'Brien, Cotter, Voas, Stewart, Morales, Sanchez,
Fellela, Boylan, and McNamara

Date Introduced: February 10, 2023

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-26.9-2 of the General Laws in Chapter 39-26.9 entitled "Labor
2 Standards in Renewable Energy Projects [Effective January 1, 2023.]" is hereby amended to read
3 as follows:

4 **39-26.9-2. Definitions. [Effective January 1, 2023.]**

5 For the purposes of this chapter:

6 (1) "Approved apprenticeship program" or "apprenticeship program" means an
7 apprenticeship program that has been approved by the U.S. Department of Labor, or by a
8 recognized state apprenticeship agency, pursuant to 29 C.F.R. Parts 29 and 30; however, such
9 programs shall not include those that have obtained only provisional approval status. The required
10 apprenticeship programs may either be programs that have specifically allocated funding and are
11 subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 et seq.
12 ("ERISA"), or non-ERISA programs financed by general funds of employers.

13 (2) "Covered project" means a renewable energy project that:

14 (i) Utilizes renewable energy resources;

15 (ii) Is situated on land;

16 (iii) Is situated on or in water;

17 (iv) Has a construction commencement date on or after April 1, 2023;

18 (v) Has a total nameplate capacity of ~~three megawatts (3 MW)~~ one megawatt (1 MW) or

1 more in aggregate size; and

2 (vi) Is constructed and/or operated pursuant to chapter 26.1, 26.4, or 26.6 of this title.

3 (3) "Department" means the department of labor and training.

4 (4) "Director" means the director of the department of labor and training.

5 (5) "Labor organization" means any organization that exists and is constituted for the
6 purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning
7 grievances, terms or conditions of employment, or of other mutual aid or protection and that is not
8 a company union as defined in § 28-7-3.

9 (6) "Labor peace agreement" means an agreement between an entity and a labor
10 organization that, at a minimum, protects the state's proprietary interest by prohibiting labor
11 organizations and members from engaging in picketing, work stoppages, boycotts, and any other
12 economic interference during the deployment of a covered project. This agreement means that the
13 applicant has agreed not to disrupt efforts by the labor organizations to communicate with, and
14 attempt to organize and represent, the applicant's employees. This requirement shall not be
15 applicable to maintenance work performed on renewable energy solar projects.

16 (7) "Renewable energy project" means the construction, installation, use, maintenance,
17 operation, changing, or retiring of a renewable energy resource.

18 (8) "Renewable energy resources" means any renewable power generation source listed in
19 § 39-26-5(a).

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would amend the definition of "covered project" having a total nameplate capacity
- 2 of three megawatts (3 MW) down to one megawatt (1 MW).
- 3 This act would take effect upon passage.

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