

LC004694

JANUARY SESSION, A.D. 2026

RELATING TO STATE AFFAIRS AND GOVERNMENT -- 2021 ACT ON CLIMATE

Referred To: House Environment and Natural Resources

19 ~~(a) The council shall have the following duties:~~

1 ~~(1) Assess, integrate, and coordinate climate change efforts throughout state agencies to~~
2 ~~reduce emissions, strengthen the resilience of communities and infrastructure, and prepare for the~~
3 ~~effects on climate change, including, but not limited to, coordinating vulnerability assessments~~
4 ~~throughout state government;~~

5 ~~(2)(i) No later than December 31, 2025, and every five (5) years thereafter, submit to the~~
6 ~~governor and general assembly an updated plan, following an opportunity for public comment, that~~
7 ~~includes strategies, programs, and actions to meet economy wide enforceable targets for~~
8 ~~greenhouse gas emissions reductions as follows:~~

9 ~~(A) Ten percent (10%) below 1990 levels by 2020;~~

10 ~~(B) Forty five percent (45%) below 1990 levels by 2030;~~

11 ~~(C) Eighty percent (80%) below 1990 levels by 2040;~~

12 ~~(D) Net zero emissions by 2050.~~

13 ~~No action shall be brought pursuant to: subsection (a)(2)(i)(B) of this section before 2031,~~
14 ~~pursuant to subsection (a)(2)(i)(C) of this section before 2041, and pursuant to subsection~~
15 ~~(a)(2)(i)(D) of this section before 2051.~~

16 ~~(ii) The plan shall also include procedures and public metrics for periodic measurement,~~
17 ~~not less frequently than once every five (5) years, of progress necessary to meet these targets and~~
18 ~~for evaluating the possibility of meeting higher targets through cost effective measures.~~

19 ~~(iii) The plan shall address in writing the annual input that is provided to the council by its~~
20 ~~advisory board, as set forth in § 42-6.2-4, and its science and technical advisory board, as set forth~~
21 ~~in § 42-6.2-5, in their reports to the council.~~

22 ~~(iv) If a plan directs an agency to promulgate regulations, then the agency must do so by~~
23 ~~either issuing an advance notice of proposed rulemaking, as set forth in § 42-35-2.5, no later than~~
24 ~~six (6) months after the plan is released or by issuing a notice of proposed rulemaking, as set forth~~
25 ~~in § 42-35-2.7, no later than one year after the plan is released, unless the plan specifies another~~
26 ~~timeframe for an advance notice of rulemaking or a notice of rulemaking.~~

27 ~~(v) The plan shall include an equitable transition to climate compliance for environmental~~
28 ~~justice populations, redress past environmental and public health inequities, and include a process~~
29 ~~where the interests of and people from populations most vulnerable to the effects of climate change~~
30 ~~and at risk of pollution, displacement, energy burden, and cost influence such plan.~~

31 ~~(vi) The plan shall identify support for workers during this equitable transition to address~~
32 ~~inequity in the state by creating quality and family sustaining clean energy jobs that pay wages and~~
33 ~~benefits consistent with or that exceed area wage and labor standards. The plan shall provide for~~
34 ~~the development of programs that directly recruit, train, and retain those underrepresented in the~~

workforce, including women, people of color, indigenous people, veterans, formerly incarcerated people, and people living with disabilities.

(vii) The requirements under this subsection shall be subject to the enforcement provisions of § 42-6.2-10 effective in 2026.

(viii) No later than December 31, 2022, the council shall submit to the governor and the general assembly an update to the greenhouse gas emission's reduction plan dated "December 2016" which shall not be subject to the requirements of subsections (a)(2)(ii) through (a)(2)(vi) of this section. No action shall be brought pursuant to subsection (a)(2)(viii) of this section before 2023;

(3) Advance the state's understanding of the effects on climate change including, but not limited to: sea level rise; coastal and shoreline changes; severe weather events; critical infrastructure vulnerability; food security; and ecosystem, economic, and health impacts, including the effects of carbon pollution on children's health;

(4) Identify strategies to prepare for these effects and communicate them to Rhode Islanders, including strategies that incentivize businesses, institutions, and industry to adapt to climate change;

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

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

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

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

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

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

42-6.2-3. Support for the council.

1 ~~To support the council's work, state agencies shall:~~

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

3 ~~(2) Develop short and long term greenhouse gas emission reduction strategies and track~~
4 ~~the progress of these strategies;~~

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

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

12 ~~(5) Increase the deployment of in-state generation of renewable energy and energy~~
13 ~~efficiency;~~

14 ~~(6) Support efforts to expand Rhode Island's green economy and develop green~~
15 ~~infrastructure;~~

16 ~~(7) Assess the vulnerability of infrastructure and natural systems, including, but not limited~~
17 ~~to, roads, bridges, dams, and wastewater and drinking water treatment facilities, and riverine and~~
18 ~~coastal habitats, to impacts on climate change and implement strategies to relocate or protect and~~
19 ~~adapt these assets;~~

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

23 ~~(9) Develop plans, policies, and solutions based on the latest science to ensure the state~~
24 ~~continues to have a vibrant coastal economy, including protection of critical infrastructure, and a~~
25 ~~vibrant and resilient food system that can provide affordable access to healthy food for all Rhode~~
26 ~~Islanders;~~

27 ~~(10) Address recommendations to reduce health impacts associated with climate change~~
28 ~~and protect the populations most vulnerable to the effects of climate change and at risk of pollution,~~
29 ~~displacement, energy burden, and cost;~~

30 ~~(11) Encourage municipalities to incorporate climate change adaptation into local hazard~~
31 ~~mitigation plans and, when feasible, into hazard mitigation projects;~~

32 ~~(12) Take affirmative steps to eliminate and avoid duplication of effort through consistent~~
33 ~~coordination between agencies and programs, and pooling of resources, so as to make the most~~
34 ~~cost efficient use of the state resources and provide the most effective services; and~~

1 ~~(13) Foster public transparency by developing public metrics and an online public~~
2 ~~dashboard that shall track both emissions reductions and sources of energy consumed by the state.~~
3 ~~The metrics and the dashboard shall be updated at least annually.~~

4 **42-6.2-3.1. Funding for the council.**

5 ~~There is hereby established a restricted receipt account in the general fund of the state and~~
6 ~~housed in the budget of the department of administration entitled “RGGI executive climate change~~
7 ~~coordinating council projects.” The express purpose of this account is to record receipts and~~
8 ~~expenditures allocated pursuant to § 23-82-6(a)(7) and (a)(8). The state budget officer is hereby~~
9 ~~authorized to create restricted receipt sub-accounts in any department of state government that~~
10 ~~receives such funding as directed by the executive climate change coordinating council.~~

11 ~~The Rhode Island executive climate change coordinating council shall report annually to~~
12 ~~the governor and general assembly within one hundred twenty (120) days of the end of each~~
13 ~~calendar year how the funds were used to achieve the statutory objectives of the 2021 Act on~~
14 ~~Climate.~~

15 **42-6.2-4. Advisory board established — Members.**

16 ~~(a) The Rhode Island executive climate change coordinating council advisory board is~~
17 ~~hereby established. The advisory board shall have fourteen (14) members. Six (6) members shall~~
18 ~~be appointed by the governor, four (4) of whom shall be representatives of city or town government,~~
19 ~~at least one of whom shall be from a city with a population of over fifty thousand (50,000) and one~~
20 ~~of whom shall be of a town with a population of less than fifty thousand (50,000), one of whom~~
21 ~~shall be from an organization representing or serving low income and/or minority communities,~~
22 ~~and one member of the public with expertise in, and representing the interests of, environmental~~
23 ~~justice.~~

24 ~~Four (4) members shall be appointed by the president of the senate, who shall give due~~
25 ~~consideration to appointing persons with expertise in economic policy and/or workforce~~
26 ~~development; protection of natural and cultural resources management; energy planning and~~
27 ~~development; and engineering and design. Four (4) members shall be appointed by the speaker of~~
28 ~~the house, who shall give due consideration to appointing persons with expertise in education;~~
29 ~~public health and safety; housing; or from organizations representing or serving youth or the~~
30 ~~elderly.~~

31 ~~(b) The members of the advisory board shall be appointed for terms of three (3) years;~~
32 ~~provided, however, that, with regard to the initial appointments, four (4) members shall be~~
33 ~~appointed for terms of one year; five (5) members shall be appointed for a term of two (2) years;~~
34 ~~and five (5) members shall be appointed for a term of three (3) years. Members may be reappointed,~~

1 ~~and their appointments shall continue until their successors are appointed. The term of a member~~
2 ~~representing a city or town shall end when the member no longer holds an elected or appointed~~
3 ~~position in the city or town the member was representing. A vacancy other than by expiration shall~~
4 ~~be filled in the manner of the original appointment, but only for the unexpired portion of the term.~~

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

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

9 ~~(e) The advisory board shall meet at least quarterly or at the call of the chairperson of the~~
10 ~~council. The chairperson of the council, or the chairperson's designee, shall be present for all~~
11 ~~advisory board meetings.~~

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

13 ~~(1) Advise the council on all matters pertaining to the duties and powers of the council,~~
14 ~~including evaluating and making recommendations regarding plans, programs, and strategies~~
15 ~~relating to climate change mitigation and adaptation;~~

16 ~~(2) Assist the council in improving public access to, and understanding of, the best~~
17 ~~available scientific, technical, and other information about climate change, mitigation, adaptation,~~
18 ~~etc., so as to build public support for, and participation in, initiatives to make communities more~~
19 ~~resilient;~~

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

22 ~~(4) Assist the council in meeting its own transparency and accountability obligations;~~

23 ~~(5) Report to the council at each regular council meeting; and~~

24 ~~(6) Prepare an annual report, to be included in the annual report of the council, that~~
25 ~~specifically addresses the state of public awareness and engagement; the effectiveness of~~
26 ~~mitigation, adaptation and public information programs from the community perspective; the~~
27 ~~ability of the council to attain its goals and objectives, including effective interagency coordination~~
28 ~~and public-private partnerships; and actions that would further the purposes of the council and this~~
29 ~~legislation.~~

30 ~~(g) For purposes of this section, "environmental justice" means the fair treatment and~~
31 ~~meaningful involvement of all people regardless of race, color, national origin, English proficiency,~~
32 ~~or income with respect to the development, implementation, and enforcement of environmental~~
33 ~~laws, regulations, and policies.~~

34 ~~**42-6.2-5. Science and technical advisory board established — Members.**~~

1 ~~(a) The Rhode Island executive climate change council science and technical advisory~~
2 ~~board is hereby established. The science and technical advisory board shall have nine (9) members,~~
3 ~~appointed by the governor with the advice and consent of the senate. Four (4) members shall be~~
4 ~~from institutions of higher education in the state; two (2) shall be from research laboratories located~~
5 ~~in the state; and three (3) shall be from state agencies with expertise in, and responsibility for,~~
6 ~~addressing issues pertaining to climate change.~~

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

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

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

18 ~~(e) The advisory board shall meet at least quarterly or at the call of the chairperson of the~~
19 ~~council.~~

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

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

23 ~~(2) Explore and advise the council regarding opportunities to provide timely support for~~
24 ~~key policy and management decisions by aligning academic research around issues of climate~~
25 ~~change and resiliency;~~

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

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

31 ~~(5) Assist the council in communicating scientific and technical information to key user~~
32 ~~groups and the general public; and~~

33 ~~(6) Prepare an annual report, to be included in the annual report of the council, evaluating~~
34 ~~to what extent the state's policies and programs aimed at mitigating and adapting to climate change~~

are supported by the best available science and technical information.

42-6.2-6. Open government requirements.

The council and advisory board shall be subject to the provisions of chapter 46 of this title (the open meetings act) and chapter 2 of title 38 (the access to public records act). Any rules and regulations, or any amendments to rules and regulations, to carry out the requirements of this chapter shall be adopted in accordance with the provisions of chapter 35 of this title (the administrative procedures act).

42-6.2-7. Reporting.

No later than May 1, 2015, and annually thereafter, the council shall issue a report of its findings, recommendations, and progress on achieving the purposes and requirements of this chapter.

42-6.2-8. Powers and duties of state agencies — Exercise of existing authority.

Addressing the impacts on climate change shall be deemed to be within the powers, duties, and obligations of all state departments, agencies, commissions, councils, and instrumentalities, including quasi public agencies, and each shall exercise among its purposes in the exercise of its existing authority, the purposes set forth in this chapter pertaining to climate change mitigation, adaptation, and resilience in so far as climate change affects its mission, duties, responsibilities, projects, or programs. Each agency shall have the authority to promulgate rules and regulations necessary to meet the greenhouse gas emission reduction mandate established by § 42-6.2-9.

42-6.2-9. Statewide greenhouse gas emission reduction mandate.

Mandatory targets for emissions reduction:

It is hereby established that the state shall reduce its statewide greenhouse gas emissions to the targets set forth in § 42-6.2-2(a)(2)(i), as those targets may from time to time be revised, and that achieving those targets shall be mandatory under the provisions of this chapter. The targets at the time of the enactment of this act [April 10, 2021] are that greenhouse gas emissions shall be ten percent (10%) below 1990 levels by 2020, shall be forty five percent (45%) below 1990 levels by 2030; eighty percent (80%) below 1990 levels by 2040, and shall be net zero emissions by 2050.

42-6.2-10. Enforcement.

(a) The provisions of this chapter may be enforced by means of an action in the superior court seeking either injunctive relief, a declaratory judgment, a writ of mandamus, or any combination thereof, for:

(1) Climate plans required by § 42-6.2-2(a)(2); or

(2) The greenhouse gas emissions reduction mandate required by § 42-6.2-9.

(b) No such action may be commenced without the plaintiff providing written notice of the

1 ~~violations of this chapter to defendants at least sixty (60) days prior to filing a legal action in~~
2 ~~superior court. Where the defendant is a government entity, no costs or fees shall be awarded if a~~
3 ~~court determines that substantive action was taken during the sixty day (60) period. No such action~~
4 ~~shall be brought before 2026.~~

5 ~~(c) Unless otherwise authorized in this chapter, no such action shall be brought prior to~~
6 ~~2026.~~

7 ~~(d) Venue for such actions shall be proper in the superior court.~~

8 ~~(e) The Rhode Island attorney general, any Rhode Island resident, and any Rhode Island~~
9 ~~corporation, company, organization, nonprofit, or other Rhode Island legal entity or organization~~
10 ~~registered with the Rhode Island secretary of state may bring a civil action to enforce this chapter.~~

11 ~~(f) The court may award costs of litigation (including reasonable attorney and expert~~
12 ~~witness fees) to any substantially prevailing party. Provided, however, nothing in this section shall~~
13 ~~restrict any right that any person (or class of persons) may have under any statute or common law.~~

14 **42-6.2-11. Liberal construction.**

15 ~~This chapter, being necessary for the welfare of the state and its inhabitants, shall be~~
16 ~~liberally construed so as to effectuate its purposes.~~

17 **42-6.2-12. Severability.**

18 ~~If any clause, sentence, paragraph, section, or part of this chapter shall be adjudged by any~~
19 ~~court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate~~
20 ~~the remainder of the chapter but shall be confined in its operation to the clause, sentence, paragraph,~~
21 ~~section, or part directly involved in the controversy in which that judgment shall have been~~
22 ~~rendered.~~

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

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LC004694
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- 2021 ACT ON CLIMATE

- 1
- This act would repeal the 2021 Act on Climate which established a statewide greenhouse
- 2
- gas emission reduction mandate in its entirety.
- 3
- This act would take effect upon passage.

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LC004694

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