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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY EFFICIENCY

Introduced By: Senators Sosnowski, Bates, Miller, DiPalma, and Walaska

Date Introduced: January 24, 2013

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 42-140.1-2, 42-140.1-3, 42-140.1-4 and 42-140.1-5 of the General  
2 Laws in Chapter 42-140.1 entitled "The Rhode Island Energy Efficiency and Resource  
3 Management Council" are hereby amended to read as follows:

4           **42-140.1-2. Legislative findings.** -- It is hereby found and declared:

5           (a) Rhode Island has experienced an energy cost crisis during 2005, ~~and~~ 2006 and 2008  
6 and faces the prospect of fluctuating and increasing energy prices in the future.

7           (b) Energy conservation and energy efficiency have enormous, untapped potential for  
8 controlling energy costs and mitigating the effects of energy crisis for Rhode Island residents and  
9 the Rhode Island economy.

10          (c) Rhode Island has lacked an integrated, comprehensive, public, stakeholder-driven  
11 organizational structure to secure for Rhode Island and its people the full benefits of energy  
12 efficiency, energy conservation, and energy resources management.

13          (d) Energy efficiency programs can create employment opportunities in Rhode Island.

14          **42-140.1-3. Establishment of council -- Purposes.** -- (a) There is hereby authorized,  
15 created and established a council to be known as "The Rhode Island Energy Efficiency and  
16 Resources Management Council" with the powers and duties set forth in this chapter.

17          (b) The purposes of this council are to:

18          (1) Evaluate and make recommendations, including, but not limited to, plans and  
19 programs, with regard to the optimization of energy efficiency, energy conservation, energy

1 resource development; and the development of a plan for least-cost procurement for Rhode  
2 Island; and

3 (2) Provide consistent, comprehensive, informed and publicly accountable stake-holder  
4 involvement in energy efficiency, energy conservation, and energy resource management; and

5 (3) Monitor and evaluate the effectiveness of programs to achieve energy efficiency,  
6 energy conservation, and diversification of energy resources; ~~and~~

7 (4) Promote public understanding of energy issues and of ways in which energy  
8 efficiency, energy conservation, and energy resource diversification and management can be  
9 effectuated-; and

10 (5) Promote training and education programs that build a workforce capable of  
11 implementing the programs.

12 **42-140.1-4. Composition and appointment.** -- (a) The council shall consist of ~~eleven~~  
13 ~~(11)~~ fourteen (14) members appointed by the governor with the advice and consent of the senate;  
14 ~~seven (7)~~ nine (9) members shall be voting numbers, and the governor shall give due  
15 consideration to appointing persons with knowledge of: (1) energy regulation and law; (2) large  
16 commercial/industrial users, (3) small commercial/industrial users; (4) residential users; (5) low  
17 income users; (6) environmental issues pertaining to energy; (7) energy design and codes; ~~and (8)~~  
18 energy efficiency education and job training; and (9) municipal energy users ~~four (4)~~ five (5)  
19 members shall be ex-officio, non-voting members, representing an electric distribution entity, a  
20 gas distribution entity, fuel oil or heating fuel industry, the director of labor and training or his/her  
21 designee from the department, and the commissioner of the office of energy resources. From the  
22 ~~seven (7)~~ nine (9) voting members, the governor shall appoint one person to be chairperson of the  
23 council and one person to be vice chairperson of the council; the commissioner of the office of  
24 energy resources shall be the executive secretary and executive director of the council.

25 (b) With the exception of the director of labor and training or his/her designee and the  
26 commissioner of the office of energy resources; of the initial appointments; ~~three (3)~~ four (4)  
27 members shall be appointed for a term of three (3) years, ~~three (3)~~ four (4), members shall be  
28 appointed for a term of four (4) years, and four (4) members shall be appointed for a term of five  
29 (5) years; thereafter members of the council shall be appointed for a term of five (5) years and  
30 may be reappointed.

31 (c) A simple majority of the total number of voting members shall constitute a quorum.

32 (d) A vacancy other than by expiration shall be filled in the manner of the original  
33 appointment but only for the unexpired portion of the term. The appointing authority shall have  
34 the power to remove its appointee for just cause.

1 (e) The members of the council shall not be compensated for their service but shall be  
2 reimbursed for their actual expenses necessarily incurred in the performance of their duties. The  
3 provisions of this subdivision shall not apply to the executive secretary/executive director.

4 **42-140.1-5. Powers and duties.** -- The council shall have the power to:

5 (a) Develop and recommend for implementation plans, programs and standards for  
6 energy conservation, energy efficiency, and diversification of energy resources.

7 (b) Monitor and evaluate plans and programs for energy conservation, energy efficiency  
8 and diversification of energy resources; in order to effectuate such evaluations the council may  
9 request audits, including performance audits, of any program for energy conservation, energy  
10 efficiency or diversification of energy resources, that is established pursuant to Rhode Island law  
11 or is administered by a state agency, a request for an audit of any program operative pursuant to  
12 an order or decision of the public utilities commission shall be made to the commission; the  
13 council may make findings and recommendations with regard to changes, modification or  
14 continuation of any programs which it has authority to monitor or evaluate.

15 (c) Submit to the joint committee on energy an annual report on/or before April 15 of  
16 each year, commencing in 2008, regarding the activities of the council; its assessment of energy  
17 issues; the status of system reliability; energy efficiency and conservation procurement; the  
18 number of Rhode Island energy efficiency businesses and vendors participating in the programs,  
19 including work related to energy audits, insulations, and equipment installations for the  
20 residential, small business, and large commercial and industrial sectors; the funding allocation  
21 that went into each of the eligible energy efficiency programs; and its recommendations regarding  
22 any improvements which might be necessary or desirable.

23 (d) Participate in proceedings of the public utilities commission that pertain to the  
24 purposes of the council, including but not limited to proceedings regarding least-cost procurement  
25 as provided for in section 39-1-27.7.

26 (e) Advise electric distribution companies with regard to implementation of least cost  
27 procurement.

28 (f) Hold public meetings at least twice each year with the Rhode Island renewable energy  
29 coordinating board and/or the advisory council to coordinate efforts around the system reliability  
30 procurements plans, diversification of energy resources, and foster distributed generation of  
31 electricity.

32 ~~(f)~~(g) Advise the ~~commission~~ commissioner of energy resources, and recommend  
33 policies, standards, strategies, plans, programs, and procedures with regard to functions of the  
34 office of energy resources including but not limited to plans, strategies, and programs to:

- 1 (1) implement cost-effective energy conservation and energy efficiency programs;
- 2 (2) promote the development of eligible renewable energy resources for Rhode Island;
- 3 (3) foster distributed generation of electricity and demand response;
- 4 (4) assist low-income households in meeting energy needs;
- 5 (5) coordinate the use of funds, resources, and programs from diverse resources to
- 6 achieve the purposes of the office: and

7 (6) Promote energy efficiency and conservation employment training and placement in  
8 Rhode Island.

9 ~~(g)~~(h) Consider such other matters as it may deem appropriate to the fulfillment of its  
10 purposes, and may advise the governor, the general assembly, other parties, and the public with  
11 regard to matters pertaining to its purposes and duties, which advice may include findings and  
12 recommendations.

13 SECTION 2. Sections 42-140.3-5, 42-140.3-6, 42-140.3-7 and 42-140.3-10 of the  
14 General Laws in Chapter 42-140.3 entitled "The Rhode Island Renewable Energy Coordinating  
15 Board" are hereby amended to read as follows:

16 **42-140.3-5. Composition of the board.** -- (a) The board shall have ~~five~~~~(5)~~ six (6)  
17 members: - (1) The director of the department of administration, who shall serve as chairperson  
18 of the board; (2) The commissioner of the office of energy resources; (3) The executive director  
19 of the economic development corporation; (4) The director of the department of environmental  
20 management; ~~and~~ (5) The director of the coastal resources management council; and (6) the  
21 director of the department of labor and training. Any member of the board may appoint a  
22 designee from his or her respective agency to represent him/her on the board.

23 (b) Three ~~(3)~~ members shall constitute a quorum. - A majority vote of the board shall be  
24 required for all recommendations, advice, and approvals of the board in accordance with this  
25 chapter.

26 **42-140.3-6. Duties of the board.** -- The board shall:

- 27 (1) Develop and maintain the strategic plan in accordance with section 42-140.3-8.
- 28 (2) Issue the strategic plan biannual report in accordance with subsection 42-140.3-8(e).
- 29 (3) Issue recommendations as necessary to state agencies and cities and towns.
- 30 (4) Issue recommendations for improvements to existing renewable energy procurement  
31 policies and programs that will create employment opportunities in Rhode Island.

32 ~~(4)~~(5) Advise the governor and general assembly with regard to renewable energy  
33 development in Rhode Island.

34 ~~(5)~~(6) Provide a forum for discussion of issues relating to renewable energy development

1 in Rhode Island and receive testimony from the public and interest groups.

2 ~~(6)~~(7) Make available to the public all information about activities of the board.

3 **42-140.3-7. Powers of the board.** -- To effectuate its duties, the board shall have the  
4 power to:

5 (1) Adopt and amend bylaws.

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

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

11 (4) Hold public meetings at least twice each year with the Rhode Island energy  
12 efficiency and resources management council to coordinate efforts around the system reliability  
13 procurement plans, diversification of energy resources, and foster distributed generation of  
14 electricity.

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

18 (6) Promote renewable energy employment training and placement in Rhode Island.

19 ~~(6)~~(7) Establish and maintain a website with information on all activities of the board.

20 ~~(7)~~(8) Comment on legislation pending before the general assembly.

21 **42-140.3-10. Advisory council.** -- (a) The Rhode Island renewable energy coordinating  
22 board advisory council is hereby established to advise the board on matters pertaining to the  
23 board's duties and powers.

24 (b) The advisory council shall have ~~(15)~~ sixteen (16) members. With the exception of the  
25 office of energy resources, each ~~Each~~ board member shall select three (3) advisory council  
26 members, provided that the advisory council includes members with experience in the following  
27 areas: (1) Renewable energy development; (2) Energy regulation and law; (3) Environmental  
28 issues pertaining to renewable energy; (4) Business association or chamber of commerce; (5)  
29 Green trades; (6) Residential energy consumers; (7) Low-income energy consumers; (8) Small  
30 business relating to renewable energy; ~~and~~ (9) Commercial/industrial energy consumers; and (10)  
31 Municipal energy users. If an advisory council member resigns from his or her position, the board  
32 member responsible for the selection of that advisory council member shall select his or her  
33 replacement in accordance with the experience requirements stipulated in this section.

34 (c) The advisory council shall hold at least six (6) public meetings a year.

1 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 -- ENERGY EFFICIENCY

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1           This act would make changes in the membership and duties of the Rhode Island energy  
2 efficiency and resources management council and the Rhode Island renewable energy  
3 coordinating board.

4           This act would take effect upon passage.

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