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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 -- DEPARTMENT OF
ADMINISTRATION

Introduced By: Senator Joshua Miller

Date Introduced: March 06, 2013

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-84-3 of the General Laws in Chapter 23-84 entitled "The Rhode
2 Island Climate Risk Reduction Act of 2010" is hereby amended to read as follows:
3 **23-84-3. Creation of The Rhode Island Climate Change Commission.** -- (a) There is
4 hereby created an independent commission known as "The Rhode Island Climate Change
5 Commission" consisting of twenty-eight (28) members as follows: three (3) of whom shall be
6 members of the senate, to be appointed by the senate president, not more than two (2) from the
7 same political party; three (3) of whom shall be members of the house of representatives, to be
8 appointed by the speaker of the house not more than two (2) from the same political party; one of
9 whom shall be the director of the department of environmental management, or his or her
10 designee; one of whom shall be the executive director of the coastal resources management
11 council, or his or her designee; one of whom shall be the director of the department of
12 transportation, or his or her designee; one of whom shall be the chair of the Rhode Island bays,
13 rivers, and watersheds coordination team; one of whom shall be the director of the Rhode Island
14 department of health, or his or her designee; one of whom shall be the chief of staff of the water
15 resources board, or his or her designee; one of whom shall be the director of the division of
16 planning, or his or her designee; one of whom shall be the state building commissioner, or his or
17 her designee; one of whom shall be the director of the Rhode Island emergency management
18 agency, or his or her designee; two (2) of whom shall represent municipal governments of coastal

1 municipalities one appointed by the senate president and one appointed by the speaker of the
2 house; two (2) of whom shall be representatives of environmental non-profit organizations,
3 appointed by the environment council of Rhode Island; two (2) of whom shall be representatives
4 of business, one designated by the greater Providence chamber of commerce and one designated
5 by the Rhode Island chamber of commerce coalition; two (2) of whom shall be representatives of
6 higher education institutions, one appointed by the board of governors for higher education and
7 one appointed by the association of independent colleges and universities of Rhode Island; one of
8 whom shall be a representative of a utility distribution company having greater than one hundred
9 thousand (100,000) customers to be appointed by the senate president; one of whom shall be the
10 executive director of the Rhode Island realtors association, or his or her designee; one of whom
11 shall be the executive director of the Rhode Island builders association, or his or her designee;
12 one of whom shall be the executive director of the American institute of architects of Rhode
13 Island, or his or her designee; and one of whom shall represent the medical profession, including,
14 but not limited to, a doctor or nurse, to be appointed by the speaker of the house.

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

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

23 (1) Recommending how to mainstream climate change, using a climate "lens", into
24 existing state and local programs, policies and standards, and identify potential options to
25 incorporate adaptation strategies.

26 (2) Compiling existing studies, research and programs relevant to climate change trends
27 and potential impacts in Rhode Island and identifying gaps in the research available.

28 (3) Conducting a comprehensive overview of the risks Rhode Island may face as a result
29 of rising air and water temperatures and sea level, increased storminess, and more intense
30 droughts and rainfall events.

31 (4) Investigating the vulnerability of critical roads, bridges, protection infrastructure such
32 as hurricane barriers, dams, and revetments, and public facilities such as hospitals, schools,
33 sewage treatment plants, parks and beaches and other critical utilities to sea level rise, increased
34 flooding and extended extreme summer heat.

1 (5) Exploring potential changes to floodplains and ways to notify homeowners, renters
2 and commercial property owners of not only a property's flooding history but also its expected
3 risk under projected levels of climate change and sea level rise.

4 (6) Assessing ecosystem impacts such as salt marshes, forests, and urban tree canopy and
5 researching tree and plant species that will be most resilient to climate change expected in Rhode
6 Island, as well as ways to secure additional funding to support the expansion of urban tree canopy
7 to thirty percent (30%).

8 (7) Identifying potential ecosystem based adaptation options where conservation or
9 restoration of natural ecosystems can provide key ecosystems services by minimizing risks and
10 hazards from flooding and drought cycles.

11 (8) Identifying ways to increase Rhode Islanders' access to critical community health
12 services that are expected to become more important as a result of projected climate impacts.

13 (9) Investigating potential impacts from non-point source pollution due to hydrological
14 changes including stormwater runoff options for the Phase 2 Narragansett Bay Commission's
15 Combined Sewer Overflow project, and implementing small-scale projects such as increasing the
16 percentage of pervious surfaces in residential areas such as yards and gardens.

17 (10) Exploring possibilities to make funds or low interest loans available for
18 governmental entities, non-profit entities and businesses to implement adaptation strategies,
19 including green infrastructure projects on their properties, including green roofs, walls, and
20 bioretention areas.

21 (11) Investigating possibilities to expand energy efficiency and weatherization programs
22 as an adaptation option.

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

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

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

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

1 (16) Identifying examples and options for outreach and communication on climate
2 change and adaptation options and recommending opportunities for coordinated outreach
3 programs within Rhode Island.

4 (d) One senator and one representative appointed to the commission shall serve as co-
5 chairs and shall call the first meeting of the commission. Vacancies shall be filled in like manner
6 as the original appointment. The membership of the commission shall receive no compensation
7 for their services. All departments and agencies of the state shall furnish such advice and
8 information, documentary and otherwise, to the commission and its agents as is deemed
9 necessary or desirable by the commission to facilitate the purposes of this chapter. The joint
10 committee on legislative services is hereby authorized and directed to provide suitable quarters
11 for the commission.

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

14 [\(f\) The commission shall expire on January 1, 2014.](#)

15 SECTION 2. Section 42-11-10 of the General Laws in Chapter 42-11 entitled
16 "Department of Administration" is hereby amended to read as follows:

17 **42-11-10. Statewide planning program.** -- (a) Findings. - The general assembly finds
18 that the people of this state have a fundamental interest in the orderly development of the state;
19 the state has a positive interest and demonstrated need for establishment of a comprehensive
20 strategic state planning process and the preparation, maintenance, and implementation of plans
21 for the physical, economic, and social development of the state; the continued growth and
22 development of the state presents problems that cannot be met by the cities and towns
23 individually and that require effective planning by the state; and state and local plans and
24 programs must be properly coordinated with the planning requirements and programs of the
25 federal government.

26 (b) Establishment of statewide planning program.

27 (1) A statewide planning program is hereby established to prepare, adopt, and amend
28 strategic plans for the physical, economic, and social development of the state and to recommend
29 these to the governor, the general assembly, and all others concerned.

30 (2) All strategic planning, as defined in subsection (c) of this section, undertaken by all
31 departments and agencies of the executive branch unless specifically exempted, shall be
32 conducted by or under the supervision of the statewide planning program. The statewide planning
33 program shall consist of a state planning council, and the division of planning, which shall be a
34 division within the department of administration.

- 1 (c) Strategic planning. - Strategic planning includes the following activities:
- 2 (1) Establishing or identifying general goals.
- 3 (2) Refining or detailing these goals and identifying relationships between them.
- 4 (3) Formulating, testing, and selecting policies and standards that will achieve desired
- 5 objectives.
- 6 (4) Preparing long-range or system plans or comprehensive programs that carry out the
- 7 policies and set time schedules, performance measures, and targets.
- 8 (5) Preparing functional short-range plans or programs that are consistent with
- 9 established or desired goals, objectives, and policies, and with long-range or system plans or
- 10 comprehensive programs where applicable, and that establish measurable intermediate steps
- 11 toward their accomplishment of the goals, objectives, policies, and/or long-range system plans.
- 12 (6) Monitoring the planning of specific projects and designing of specific programs of
- 13 short duration by the operating departments, other agencies of the executive branch, and political
- 14 subdivisions of the state to insure that these are consistent with and carry out the intent of
- 15 applicable strategic plans.
- 16 (7) Reviewing the execution of strategic plans and the results obtained and making
- 17 revisions necessary to achieve established goals.
- 18 (d) State guide plan. - Components of strategic plans prepared and adopted in accordance
- 19 with this section may be designated as elements of the state guide plan. The state guide plan shall
- 20 be comprised of functional elements or plans dealing with land use; physical development and
- 21 environmental concerns; economic development; housing production; energy supply, including
- 22 the development of renewable energy resources in Rhode Island, and energy access, use, and
- 23 conservation; human services; and other factors necessary to accomplish the objective of this
- 24 section. The state guide plan shall be a means for centralizing, integrating, and monitoring long-
- 25 range goals, policies, plans, and implementation activities related thereto. State agencies
- 26 concerned with specific subject areas, local governments, and the public shall participate in the
- 27 state guide planning process, which shall be closely coordinated with the budgeting process.
- 28 (e) Membership of state planning council. - The state planning council shall consist of:
- 29 (1) The director of the department of administration as chairperson;
- 30 (2) The director, policy office, in the office of the governor, as vice-chairperson;
- 31 (3) The governor, or his or her designee;
- 32 (4) The budget officer;
- 33 (5) The chairperson of the housing resources commission;
- 34 (6) The highest-ranking administrative officer of the division of planning, as secretary;

1 (7) The president of the League of Cities and Towns or his or her designee and one
2 official of local government, who shall be appointed by the governor from a list of not less than
3 three (3) submitted by the Rhode Island League Cities and Towns;

4 (8) The executive director of the League of Cities and Towns;

5 (9) One representative of a nonprofit community development or housing organization
6 appointed by the governor;

7 (10) Four (4) public members, appointed by the governor;

8 (11) Two (2) representatives of a private, nonprofit environmental advocacy
9 organization, both to be appointed by the governor;

10 (12) The director of planning and development for the city of Providence;

11 (13) The director of the department of transportation;

12 (14) The director of the department of environmental management;

13 (15) The director of the department of health; and

14 (16) The executive director of the economic development corporation.

15 (f) Powers and duties of state planning council. - The state planning council shall have
16 the following powers and duties:

17 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,
18 and to modify and amend any of these, following the procedures for notification and public
19 hearing set forth in section 42-35-3, and to recommend and encourage implementation of these
20 goals to the general assembly, state and federal agencies, and other public and private bodies;
21 approval of strategic plans by the governor; and to ensure that strategic plans and the long-range
22 state guide plan are consistent with the findings, intent, and goals set forth in section 45-22.2-3,
23 the "Rhode Island Comprehensive Planning and Land Use Regulation Act";

24 (2) To coordinate the planning and development activities of all state agencies, in
25 accordance with strategic plans prepared and adopted as provided for by this section;

26 (3) To review and comment on the proposed annual work program of the statewide
27 planning program;

28 (4) To adopt rules and standards and issue orders concerning any matters within its
29 jurisdiction as established by this section and amendments to it;

30 (5) To establish advisory committees and appoint members thereto representing diverse
31 interests and viewpoints as required in the state planning process and in the preparation or
32 implementation of strategic plans. The state planning council shall appoint a permanent
33 committee comprised of:

34 (i) Public members from different geographic areas of the state representing diverse

1 interests, and

2 (ii) Officials of state, local and federal government, which shall review all proposed
3 elements of the state guide plan, or amendment or repeal of any element of the plan, and shall
4 advise the state planning council thereon before the council acts on any such proposal. This
5 committee shall also advise the state planning council on any other matter referred to it by the
6 council; and

7 (6) To establish and appoint members to an executive committee consisting of major
8 participants of a Rhode Island geographic information system with oversight responsibility for its
9 activities.

10 (7) To adopt, amend and maintain as an element of the state guide plan or as an
11 amendment to an existing element of the state guide plan, standards and guidelines for the
12 location of eligible renewable energy resources and renewable energy facilities in Rhode Island
13 with due consideration for the location of such resources and facilities in commercial and
14 industrial areas, agricultural areas, areas occupied by public and private institutions, and property
15 of the state and its agencies and corporations, provided such areas are of sufficient size, and in
16 other areas of the state as appropriate; ~~and~~ and

17 (8) To consider the proposed impacts of climate change on Rhode Island, to identify
18 methods for adapting to these climate change impacts in order to reduce likely harm and increase
19 economic and ecosystem sustainability, and to identify potential mechanisms to mainstream
20 climate change adaption into existing state and municipal programs, in the undertaking of all of
21 the powers and duties outlined in subdivision 42-11-10(f)(1) through (7).

22 (9) To establish and appoint members to a climate change advisory committee if
23 necessary consisting of members representing diverse interests, including environmental, health,
24 economic, and public safety interests, which shall review all proposed elements of the state guide
25 plan, or amendment or repeal of any element of the plan, and shall advise the state planning
26 council before the council acts on any such proposal regarding the following: the projected
27 impacts of climate change on Rhode Island; identifying methods of adapting to these climate
28 change impacts in order to reduce likely harm and increase economic and ecosystem
29 sustainability; identifying potential mechanisms to mainstream climate change into existing state
30 and municipal programs including, but not limited to, policies, plans, infrastructure development
31 and maintenance.

32 (g) Division of planning.

33 (1) The division of planning shall be the principal staff agency of the state planning
34 council for preparing and/or coordinating strategic plans for the comprehensive management of

1 the state's human, economic, and physical resources. The division of planning shall recommend
2 to the state planning council specific guidelines, standards, and programs to be adopted to
3 implement strategic planning and the state guide plan and shall undertake any other duties
4 established by this section and amendments thereto.

5 (2) The division of planning shall maintain records (which shall consist of files of
6 complete copies) of all plans, recommendations, rules, and modifications or amendments thereto
7 adopted or issued by the state planning council under this section. The records shall be open to
8 the public.

9 (3) The division of planning shall manage and administer the Rhode Island geographic
10 information system of land-related resources, and shall coordinate these efforts with other state
11 departments and agencies, including the University of Rhode Island, which shall provide
12 technical support and assistance in the development and maintenance of the system and its
13 associated data base.

14 (4) The division of planning shall coordinate and oversee the provision of technical
15 assistance to political subdivisions of the state in preparing and implementing plans to accomplish
16 the purposes, goals, objectives, policies, and/or standards of applicable elements of the state guide
17 plan and shall make available to cities and towns data and guidelines that may be used in
18 preparing comprehensive plans and elements thereof and in evaluating comprehensive plans and
19 elements thereby.

20 (h) [Deleted by P.L. 2011, ch. 215, section 4, and by P.L. 2011, ch. 313, section 4_.

21 (i) The division of planning shall be the principal staff agency of the water resources
22 board established pursuant to chapter 46-15 ("Water Resources Board") and the water resources
23 board corporate established pursuant to chapter 46-15.1 ("Water Supply Facilities").

24 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF
ADMINISTRATION

- 1 This act would amend the qualifications of the members to the climate change advisory
- 2 committee.
- 3 This act would take effect upon passage.

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