

2018 -- H 7793

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LC005014  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - THE RHODE ISLAND ENERGY  
RESOURCES ACT

Introduced By: Representatives Handy, Carson, Fogarty, McKiernan, and Barros

Date Introduced: February 28, 2018

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-140 of the General Laws entitled "Rhode Island Energy  
2 Resources Act" is hereby amended by adding thereto the following section:

3 **42-140-11. Renewable energy siting.**

4 (a) Purpose. The purpose of this section shall be to provide for the establishment of  
5 renewable energy siting ordinances in all cities and towns in the state of Rhode Island as a means  
6 of achieving the renewable energy and greenhouse gas reduction goals of the state, while  
7 promoting equity and protecting natural resources.

8 (b) Definitions. For the purposes of this section, "renewable energy resources" means and  
9 includes technologies and energy sources as set forth in § 39-26-5 of a size no greater than forty  
10 megawatts (40 MW) of nameplate capacity.

11 (c) Renewable Energy Siting. (1) No later than July 1, 2019, all cities and towns in the  
12 state of Rhode Island shall have adopted a local renewable energy siting ordinance or ordinances  
13 that meet(s) the guidance and standards as set forth in this section for wind and solar energy  
14 production. An extension to this deadline shall be automatically provided due to any delay in  
15 establishing said guidance and standards for the siting of alternative energy systems, and the  
16 period of the extension shall be at least six (6) months from the date of completion of any  
17 guidance and standards promulgated pursuant to this subsection.

18 (2) All municipalities that have adopted or are currently developing renewable energy

1 siting ordinances shall file such renewable energy siting ordinances with the office of energy  
2 resources for review to verify that such ordinances are consistent with state renewable energy law  
3 and programs. The office of energy resources, in consultation with the division of statewide  
4 planning, shall review all such ordinances prior to a public hearing for adoption by a  
5 municipality, to confirm that such ordinances are consistent with state renewable energy law and  
6 programs and do not unreasonably deny constituents access to state renewable energy programs.  
7 The office of energy resources shall notify the municipal clerk within forty-five (45) days  
8 whether their renewable energy siting ordinances are consistent with state renewable energy law  
9 and programs.

10 (d) Office of energy resources working group. The office of energy resources shall  
11 establish a working group to develop guidance, standards, and model ordinances for use by  
12 municipalities in order to provide for the development of wind and solar energy as a means to  
13 achieve the state renewable energy and greenhouse gas reduction goals while promoting equity  
14 and protecting natural resources.

15 (e) The working group shall consist of the following members to be appointed by the  
16 commissioner:

17 (1) An individual from an organization representing municipal interests;

18 (2) Three (3) individuals who are representatives of three (3) municipalities from rural  
19 areas;

20 (3) Three (3) individuals who are representatives of three (3) municipalities from coastal  
21 areas;

22 (4) Three (3) individuals who are representatives of three (3) municipalities from urban  
23 areas;

24 (5) Two (2) individuals with expertise in state and federal renewable energy law and  
25 programs;

26 (6) Two (2) individuals representing renewable energy development interests;

27 (7) Two (2) individuals representing conservation and environmental interests; and

28 (8) One individual representing environmental justice interests.

29 (f) The office of energy resources shall host a minimum of four (4) public meetings in the  
30 development of a renewable energy siting guidance and model ordinances. The guidance and  
31 model ordinances shall be finalized by January 1, 2019. In developing the guidance, the office of  
32 energy resources and working group shall consider climate change, reducing renewable project  
33 development costs, the guidance provided by stakeholders and adopted by the public utilities  
34 commission in docket 4600, and a consideration of the uniqueness of each municipality's

1 conservation areas, open space, farmland, historic districts, and the role these features play in  
2 both economic development and quality of life, and any other relevant matters.

3 (g) The office of energy resources, in coordination with the working group, established  
4 pursuant to this section shall evaluate existing state renewable energy procurement laws and other  
5 relevant policies to assess and identify economic and other incentives to enhance the siting of  
6 renewable energy on industrial and business zoned land as well as on roof tops, landfills,  
7 brownfields, gravel pits and superfund sites by June 2019.

8 (h) Technical Assistance. The office of energy resources shall provide technical  
9 assistance upon request to any municipality in the development of its pathway to thoughtfully and  
10 strategically achieve the state renewable energy and greenhouse gas reduction goals while  
11 promoting equity and protecting natural resources. The office of energy resources shall provide  
12 technical assistance upon request to any municipality in the development of its wind and or solar  
13 energy siting ordinance.

14 SECTION 2. 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 - THE RHODE ISLAND ENERGY  
RESOURCES ACT

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1           This act would require, by July 1, 2019, the establishment of renewable energy siting  
2 ordinances in all cities and towns which would meet the standards set by a working group within  
3 the office of energy resources.

4           This act would take effect upon passage.

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