

2018 -- H 7834

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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 - DEPARTMENT OF
ADMINISTRATION

Introduced By: Representatives Roberts, Price, Quattrocchi, Morgan, and Giarrusso

Date Introduced: February 28, 2018

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-11-10 of the General Laws in Chapter 42-11 entitled
2 "Department of Administration" is hereby amended to read as follows:

3 **42-11-10. Statewide planning program.**

4 (a) Findings. The general assembly finds that the people of this state have a fundamental
5 interest in the orderly development of the state; the state has a positive interest and demonstrated
6 need for establishment of a comprehensive, strategic state planning process and the preparation,
7 maintenance, and implementation of plans for the physical, economic, and social development of
8 the state; the continued growth and development of the state presents problems that cannot be met
9 by the cities and towns individually and that require effective planning by the state; and state and
10 local plans and programs must be properly coordinated with the planning requirements and
11 programs of the federal government.

12 (b) Establishment of statewide planning program.

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

16 (2) All strategic planning, as defined in subsection (c) of this section, undertaken by all
17 departments and agencies of the executive branch unless specifically exempted, shall be
18 conducted by or under the supervision of the statewide planning program. The statewide planning

1 program shall consist of a state planning council, and the division of planning, which shall be a
2 division within the department of administration.

3 (c) Strategic planning. Strategic planning includes the following activities:

4 (1) Establishing or identifying general goals.

5 (2) Refining or detailing these goals and identifying relationships between them.

6 (3) Formulating, testing, and selecting policies and standards that will achieve desired
7 objectives.

8 (4) Preparing long-range or system plans or comprehensive programs that carry out the
9 policies and set time schedules, performance measures, and targets.

10 (5) Preparing functional, short-range plans or programs that are consistent with
11 established or desired goals, objectives, and policies, and with long-range or system plans or
12 comprehensive programs where applicable, and that establish measurable, intermediate steps
13 toward their accomplishment of the goals, objectives, policies, and/or long-range system plans.

14 (6) Monitoring the planning of specific projects and designing of specific programs of
15 short duration by the operating departments, other agencies of the executive branch, and political
16 subdivisions of the state to ensure that these are consistent with, and carry out the intent of,
17 applicable strategic plans.

18 (7) Reviewing the execution of strategic plans, and the results obtained, and making
19 revisions necessary to achieve established goals.

20 (d) State guide plan. Components of strategic plans prepared and adopted in accordance
21 with this section may be designated as elements of the state guide plan. The state guide plan shall
22 be comprised of functional elements or plans dealing with land use; physical development and
23 environmental concerns; economic development; housing production; energy supply, including
24 the development of renewable energy resources in Rhode Island, and energy access, use, and
25 conservation; human services; and other factors necessary to accomplish the objective of this
26 section. The state guide plan shall be a means for centralizing, integrating, and monitoring long-
27 range goals, policies, plans, and implementation activities related thereto. State agencies
28 concerned with specific subject areas, local governments, and the public shall participate in the
29 state guide planning process, which shall be closely coordinated with the budgeting process.

30 Notwithstanding any term or provision in the general or public laws or the state guide
31 plan established pursuant to this section, no provision of § 42-128-8.1 requiring the adoption of a
32 five (5) year strategic plan for housing as an element of the state guide plan shall require any city
33 or town to enact or adopt an ordinance, rule or regulation which exceeds any zoning provision of
34 any enactment of such city or town, nor shall any provision of the state guide plan regarding any

1 [affordable housing provision be deemed to subordinate or require compliance by any such zoning](#)
2 [ordinance to federal law or regulation; provided, however, nothing herein shall limit the](#)
3 [provisions established for state review of local comprehensive plans as set forth in § 45-22.2-9.](#)

4 (e) Membership of state planning council. The state planning council shall consist of the
5 following members:

6 (1) The director of the department of administration as chairperson;

7 (2) The director, policy office, in the office of the governor, as vice-chairperson;

8 (3) The governor, or his or her designee;

9 (4) The budget officer;

10 (5) The chairperson of the housing resources commission;

11 (6) The highest-ranking administrative officer of the division of planning, as secretary;

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

15 (8) The executive director of the Rhode Island League of Cities and Towns;

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

18 (10) Six (6) public members, appointed by the governor, one of whom shall be an
19 employer with fewer than fifty (50) employees and one of whom shall be an employer with
20 greater than fifty (50) employees;

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

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

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

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

26 (15) The director of the department of health;

27 (16) The chief executive officer of the commerce corporation;

28 (17) The commissioner of the Rhode Island office of energy resources;

29 (18) The chief executive officer of the Rhode Island public transit authority;

30 (19) The executive director of Rhode Island housing; and

31 (20) The executive director of the coastal resources management council.

32 (f) Powers and duties of state planning council. The state planning council shall have the
33 following powers and duties:

34 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,

1 and to modify and amend any of these, following the procedures for notification and public
2 hearing set forth in § 42-35-3, and to recommend and encourage implementation of these goals to
3 the general assembly, state and federal agencies, and other public and private bodies; approval of
4 strategic plans by the governor; and to ensure that strategic plans and the long-range state guide
5 plan are consistent with the findings, intent, and goals set forth in § 45-22.2-3, the "Rhode Island
6 Comprehensive Planning and Land Use Regulation Act";

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

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

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

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

17 (i) Public members from different geographic areas of the state representing diverse
18 interests; and

19 (ii) Officials of state, local, and federal government, who shall review all proposed
20 elements of the state guide plan, or amendment or repeal of any element of the plan, and shall
21 advise the state planning council thereon before the council acts on any such proposal. This
22 committee shall also advise the state planning council on any other matter referred to it by the
23 council; and

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

27 (7) To adopt, amend, and maintain, as an element of the state guide plan or as an
28 amendment to an existing element of the state guide plan, standards and guidelines for the
29 location of eligible, renewable energy resources and renewable energy facilities in Rhode Island
30 with due consideration for the location of such resources and facilities in commercial and
31 industrial areas, agricultural areas, areas occupied by public and private institutions, and property
32 of the state and its agencies and corporations, provided such areas are of sufficient size, and in
33 other areas of the state as appropriate.

34 (8) To act as the single, statewide metropolitan planning organization for transportation

1 planning, and to promulgate all rules and regulations that are necessary thereto.

2 (g) Division of planning.

3 (1) The division of planning shall be the principal staff agency of the state planning
4 council for preparing and/or coordinating strategic plans for the comprehensive management of
5 the state's human, economic, and physical resources. The division of planning shall recommend
6 to the state planning council specific guidelines, standards, and programs to be adopted to
7 implement strategic planning and the state guide plan and shall undertake any other duties
8 established by this section and amendments thereto.

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

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

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

24 (h) [Deleted by P.L. 2011, ch. 215, § 4, and by P.L. 2011, ch. 313, § 4].

25 (i) The division of planning shall be the principal staff agency of the water resources
26 board established pursuant to chapter 15 of title 46 ("Water Resources Board") and the water
27 resources board corporate established pursuant to chapter 15.1 of title 46 ("Water Supply
28 Facilities").

29 SECTION 2. 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 - DEPARTMENT OF
ADMINISTRATION

1 This act would prohibit certain affordable housing programs with requirements that
2 exceed those set forth in the general laws of the state from being included in the statewide
3 planning program.

4 This act would take effect upon passage.

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