

2018 -- S 2608

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LC004550  
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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 COURTS AND CIVIL PROCEDURE - COURTS

Introduced By: Senators DiPalma, Seveney, Calkin, and Nesselbush

Date Introduced: March 01, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 8-2 of the General Laws entitled "Superior Court" is hereby  
2 amended by adding thereto the following section:

3 **8-2-15.2. Renewable energy resource court calendar.**

4 (a) Findings. The general assembly finds that:

5 (1) Rhode Island general laws § 39-26-5(a) defines renewable energy resources, the  
6 development of such facilities and projects has been promoted through chapter 26, 26.1, 26.2,  
7 26.3, 26.4, 26.5 and 26.6 of title 39 to, amongst other purposes, support and encourage  
8 development of distributed renewable energy generation systems; reduce environmental impacts;  
9 reduce carbon emissions that contribute to climate change by encouraging the local siting of  
10 renewable energy projects; diversify the state's energy generation sources; stimulate economic  
11 development; improve distribution system resilience and reliability; and, reduce distribution  
12 system costs.

13 (2) The development of renewable energy resources is severely hindered when superior  
14 court land use matters are not promptly heard and decided.

15 (3) Delays in the adjudication of superior court land use matters concerning the  
16 development of renewable energy resources has significant adverse consequences on the ability to  
17 promote, advance and implement such facilities and projects in the state of Rhode Island.

18 (b) Declaration of policy. It is hereby declared to be the policy of the state of Rhode  
19 Island for superior court land use matters concerning the development of renewable energy

1 resources to be afforded precedence and for those matters to be determined with as little delay as  
2 possible.

3 (c) Establishment. To accomplish this policy in an effort to minimize delay in the  
4 processing of superior court land use matters concerning the development of renewable energy  
5 resources, there shall be established a separate calendar within the jurisdiction of the superior  
6 court to be known as the renewable energy resource court calendar.

7 (d) Renewable energy resource court calendar.

8 (1) The presiding justice of the superior court shall create a renewable energy resource  
9 court calendar to adjudicate all superior court land use matters concerning the development of  
10 renewable energy resources, to be located in the superior court for the county of Providence, and  
11 shall assign personnel to the extent warranted to hear and decide all actions within the jurisdiction  
12 of land use court calendar.

13 (2) The renewable energy resource court calendar, the "RER calendar", shall hear all  
14 superior court land use matters concerning the development of renewable energy resources  
15 instituted pursuant to §§ 45-23-71; 45-23-72; 45-24-63(b); 45-24-69; 45-24-71; 45-24.4-16; and,  
16 all appeals taken from orders and decisions of the Rhode Island department of environmental  
17 management and/or the administrative adjudication division of the Rhode Island department of  
18 environmental management by and through § 42-35-15 and any other relevant statute, which are  
19 all matters that can be decided without the necessity of evidentiary hearing, on the record, and in  
20 an expedited fashion. The RER calendar shall have exclusive original jurisdiction over all  
21 superior court land use matters concerning the development of renewable energy resources. Cases  
22 assigned to the RER calendar shall be heard and/or decided within one hundred twenty (120)  
23 days. No continuances shall be granted except for good cause shown. Such continuances as are  
24 necessary shall be granted for the shortest practical time. Written decisions shall be promptly  
25 issued.

26 (3) The justice assigned to the RER calendar shall have broad discretion to hear any  
27 incidental but related issues that they deem necessary in the best interests of justice.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would establish a new and separate calendar within the superior court to  
2 expediently hear and decide land use matters concerning the development of renewable energy  
3 resources.

4           This act would take effect upon passage.

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