

2020 -- S 2165

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LC004124
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - RESILIENT RHODE ISLAND
ACT OF 2014 - CLIMATE CHANGE COORDINATING COUNCIL

Introduced By: Senators Euer, Lynch Prata, Conley, Sosnowski, and Goodwin

Date Introduced: February 04, 2020

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-6.2-1, 42-6.2-2, 42-6.2-3, 42-6.2-7 and 42-6.2-8 of the General
2 Laws in Chapter 42-6.2 entitled "Resilient Rhode Island Act of 2014 - Climate Change
3 Coordinating Council" are hereby amended to read as follows:

4 **42-6.2-1. Creation -- Members.**

5 There is hereby established within the executive branch of state government a Rhode
6 Island executive climate change coordinating council (the "council") comprised of officials from
7 state agencies with responsibility and oversight relating to assessing, integrating, and
8 coordinating climate change efforts. The council shall include, but not be limited to, the following
9 members: the director of the department of environmental management; the executive director of
10 the coastal resources management council; the director of the department of administration; the
11 director of the department of transportation; the director of the department of health; the director
12 of the emergency management agency; the commissioner of the office of energy resources; the
13 director of the division of planning; [the executive director and chief executive officer of the](#)
14 [Rhode Island infrastructure bank](#); and the ~~chief executive officer~~ [secretary](#) of ~~the Rhode Island~~
15 commerce ~~corporation~~.

16 **42-6.2-2. Purpose of the council.**

17 (a) The council shall have the following duties:

18 (1) Assess, integrate, and coordinate climate change efforts throughout state agencies to

1 reduce emissions, strengthen the resilience of communities, and prepare for the effects of climate
2 change, including, but not limited to, coordinating vulnerability assessments throughout state
3 government;

4 (2)(i) No later than ~~December 31, 2017~~ December 31, 2021, submit to the governor and
5 general assembly a plan that includes strategies, programs, and actions to meet ~~targets~~ economy-
6 wide enforceable levels for greenhouse gas emissions reductions as follows:

7 (A) Ten percent (10%) below 1990 levels by 2020;

8 (B) ~~Forty five percent (45%)~~ Fifty percent (50%) below 1990 levels by 2035;

9 (C) ~~Eighty percent (80%)~~ Net-zero emissions below 1990 levels by 2050;

10 (D) The plan shall also include procedures and public metrics for periodic measurement,
11 not less frequently than once every five (5) years, of progress necessary to meet these targets and
12 for evaluating the possibility of meeting higher targets through cost-effective measures.

13 (ii) The plan shall specifically study the effectiveness of the state and/or multi-state
14 carbon pricing program to incentivize institutions and industry to reduce carbon emissions. The
15 study shall include the effectiveness of allocating revenues generated from such carbon pricing
16 program to fund enhanced incentives to institutions and industry for targeted efficiency measures;
17 projected emissions reductions; economic impact to businesses; any economic benefits to Rhode
18 Island; and impacts to the state's economic competitiveness if the program were implemented.

19 (3) Advance the state's understanding of the effects of climate change including, but not
20 limited to, sea level rise, coastal and shoreline changes, severe weather events, critical
21 infrastructure vulnerability, and ecosystem, economic, and health impacts, including the effects of
22 carbon pollution on children's health;

23 (4) Identify strategies to prepare for these effects and communicate them to Rhode
24 Islanders, including strategies that incentivize businesses, institutions, and industry to adapt to
25 climate change;

26 (5) Work with municipalities to support the development of sustainable and resilient
27 communities;

28 (6) Identify and leverage federal, state, and private funding opportunities for emission
29 reduction and climate change preparedness and adaption work in Rhode Island;

30 (7) Advise the governor, the general assembly, and the public on ways to ensure that
31 Rhode Island continues to be a national leader in developing and implementing strategies that
32 effectively address the challenges of climate change;

33 (8) Work with other New England states to explore areas of mutual interest to achieve
34 common goals; and

1 (9) Identify and facilitate opportunities to educate the public about climate change and
2 efforts throughout state agencies and municipalities to address climate change.

3 (b) The council is encouraged to utilize the expertise of Rhode Island universities and
4 colleges in carrying out the duties described in subsection (a) of this section, specifically to
5 ensure that the state's efforts to mitigate and adapt to climate change are based on the best
6 available scientific and technical information, and to optimize the contribution by the universities
7 and colleges of their expertise and experience in research, analysis, modeling, mapping,
8 applications to on-the-ground situations, technical assistance, community outreach, and public
9 education.

10 **42-6.2-3. Support for the council.**

11 To support the council's work, state agencies shall:

12 (1) Assist the council in implementing the provisions of this chapter;

13 (2) Develop short-and long-term greenhouse gas emission reduction strategies and track
14 the progress of these strategies;

15 (3) ~~To~~ [Lead by example and, to](#) the maximum extent feasible, purchase alternative fuel,
16 hybrid, and electric vehicles that produce lower total emissions of greenhouse gases and develop
17 programs to encourage state employees to reduce their vehicle miles and use sustainable
18 transportation alternatives, including public transit systems;

19 (4) Implement programs to achieve energy savings in state and municipal buildings to
20 reduce greenhouse gases, reduce expenditures on energy, and stimulate economic and job
21 development;

22 (5) Increase the deployment of in-state generation of renewable energy and energy
23 efficiency;

24 (6) Support efforts to expand Rhode Island's green economy and develop green
25 infrastructure;

26 (7) Assess the vulnerability of infrastructure, including, but not limited to, roads, bridges,
27 dams, and wastewater and drinking water treatment facilities, to impacts of climate change and
28 recommend strategies to protect these assets;

29 (8) Work with relevant academic institutions and federal agencies to assess the threats of
30 sea level rise, erosion and storm surge, and communicate these assessments and threats, along
31 with potential tools to address them, to state agencies and affected communities;

32 (9) Develop plans, policies, and solutions based on the latest science to ensure the state
33 continues to have a vibrant coastal economy, including protection of critical infrastructure;

34 (10) ~~Develop a climate and health profile report that documents the range of~~ [Address](#)

1 recommendations to reduce health impacts associated with climate change and ~~identifies~~ protect
2 the most vulnerable populations;

3 (11) Encourages municipalities to incorporate climate change adaptation into local hazard
4 mitigation plans and, when feasible, into hazard mitigation projects; ~~and~~

5 (12) Take affirmative steps to eliminate and avoid duplication of effort through consistent
6 coordination between agencies and programs, and pooling of resources, so as to make the most
7 cost-efficient use of the state resources and provide the most effective services; ~~;~~ and

8 (13) Foster public transparency by developing public metrics and an online public
9 dashboard that will track both emissions reductions and sources of energy consumed by the state.
10 Metrics and the dashboard will be updated at least annually.

11 **42-6.2-7. Reporting.**

12 No later than May 1, 2015, and annually thereafter, the council shall issue a report of its
13 findings, recommendations, and progress on achieving the purposes and requirements of this
14 chapter.

15 **42-6.2-8. Powers and duties of state agencies -- Exercise of existing authority.**

16 ~~Consideration of~~ Addressing the impacts of climate change shall be deemed to be within
17 the powers and duties of all state departments, agencies, commissions, councils, and
18 instrumentalities, including quasi-public agencies, and each shall ~~be deemed to have and to~~
19 exercise among its purposes in the exercise of its existing authority, the purposes set forth in this
20 chapter pertaining to climate change mitigation, adaption, and resilience in so far as climate
21 change affects ~~the~~ its mission, duties, responsibilities, projects, or programs ~~of the entity.~~

22 SECTION 2. Chapter 42-6.2 of the General Laws entitled "Resilient Rhode Island Act of
23 2014 - Climate Change Coordinating Council" is hereby amended by adding thereto the following
24 sections:

25 **42-6.2-9. Statewide greenhouse gas emission reduction mandate.**

26 Mandatory targets for emissions reduction. It is hereby established that the state shall
27 reduce its statewide greenhouse gas emissions to the targets set forth in § 42-6.2-2(a)(2)(i), as
28 those targets may be from time to time revised, and that achieving these targets shall be
29 mandatory under the provisions of this chapter. The targets at the time of the enactment of this act
30 are that greenhouse gas emissions shall be ten percent (10%) below 1990 levels by 2020, shall be
31 fifty percent (50%) below 1990 levels by 2035, and shall be net-zero emissions by 2050.

32 **42-6.2-10. Enforcement.**

33 (a) The provisions of this chapter may be enforced by means of an action in the superior
34 court seeking either injunctive relief or a writ of mandamus or both.

1 (b) Venue for such actions shall be proper in the superior court of and for Providence
2 county.

3 (c) All persons shall have standing to commence such enforcement actions.

4 (d) Reasonable attorneys' fees shall be recoverable by all substantially prevailing
5 plaintiffs who seek relief under this section.

6 **42-6.2-11. Liberal construction.**

7 This chapter, being necessary for the welfare of the state and its inhabitants, shall be
8 liberally construed so as to effectuate its purposes.

9 **42-6.2-12. Severability.**

10 If any clause, sentence, paragraph, section, or part of this chapter shall be adjudged by
11 any court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or
12 invalidate the remainder of the chapter but shall be confined in its operation to the clause,
13 sentence, paragraph, section, or part directly involved in the controversy in which that judgment
14 shall have been rendered.

15 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 - RESILIENT RHODE ISLAND
ACT OF 2014 - CLIMATE CHANGE COORDINATING COUNCIL

- 1 This act would establish a statewide greenhouse gas emission reduction mandate.
- 2 This act would take effect upon passage.

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