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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - 2021 ACT ON CLIMATE

Introduced By: Senators Euer, Ruggerio, McCaffrey, Goodwin, Sosnowski, Coyne,
Cano, Murray, Valverde, and Kallman

Date Introduced: January 26, 2021

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 42-6.2 of the General Laws entitled "Resilient Rhode
2 Island Act of 2014 - Climate Change Coordinating Council" is hereby amended to read as follows:

3 ~~CHAPTER 42-6.2~~

4 ~~Resilient Rhode Island Act of 2014—Climate Change Coordinating Council~~

5 CHAPTER 42-6.2

6 2021 ACT ON CLIMATE

7 SECTION 2. 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
8 Laws in Chapter 42-6.2 entitled "Resilient Rhode Island Act of 2014 - Climate Change
9 Coordinating Council" are hereby amended to read as follows:

10 **42-6.2-1. Creation -- Members.**

11 There is hereby established within the executive branch of state government a Rhode Island
12 executive climate change coordinating council (the "council") comprised of officials from state
13 agencies with responsibility and oversight relating to assessing, integrating, and coordinating
14 climate change efforts. The council shall include, but not be limited to, the following members: the
15 director of the department of environmental management; the executive director of the coastal
16 resources management council; the director of the department of administration; the director of the
17 department of transportation; the director of the department of health; the director of the emergency
18 management agency; the commissioner of the office of energy resources; the director of the
19 division of planning; the executive director of the Rhode Island infrastructure bank; the

1 [administrator of the division of public utilities and carriers; the chief executive officer of the Rhode](#)
2 [Island public transit authority;](#) and the ~~chief executive officer~~ [secretary](#) of the Rhode Island
3 commerce corporation.

4 **42-6.2-2. Purpose of the council.**

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

6 (1) Assess, integrate, and coordinate climate change efforts throughout state agencies to
7 reduce emissions, strengthen the resilience of communities [and infrastructure](#), and prepare for the
8 effects on climate change, including, but not limited to, coordinating vulnerability assessments
9 throughout state government;

10 (2)(i) No later than ~~December 31, 2017~~ [December 31, 2025, and every five \(5\) years](#)
11 [thereafter](#), submit to the governor and general assembly ~~a~~ [an updated plan, following an opportunity](#)
12 [for public comment](#), that includes strategies, programs, and actions to meet [economy-wide](#)
13 [enforceable](#) targets for greenhouse gas emissions reductions as follows:

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

15 (B) Forty-five percent (45%) below 1990 levels by ~~2035~~ [2030](#);

16 (C) Eighty percent (80%) below 1990 levels by ~~2050~~ [2040](#);

17 [\(D\) Net-zero emissions by 2050.](#)

18 ~~(D)~~[\(E\)](#) The plan shall also include procedures and [public](#) metrics for periodic measurement,
19 not less frequently than once every five (5) years, of progress necessary to meet these targets and
20 for evaluating the possibility of meeting higher targets through cost-effective measures.

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

27 [\(iii\) The plan shall address in writing the annual input that is provided to the council by its](#)
28 [advisory board, as set forth in § 42-6.2-4, and its science and technical advisory board, as set forth](#)
29 [in § 42-6.2-5, in their reports to the council.](#)

30 [\(iv\) If a plan directs an agency to promulgate regulations, then the agency must do so by](#)
31 [either issuing an advance notice of proposed rulemaking, as set forth in § 42-35-2.5, no later than](#)
32 [six \(6\) months after the plan is released or by issuing a notice of proposed rulemaking, as set forth](#)
33 [in § 42-35-2.7, no later than one year after the plan is released, unless the plan specifies another](#)
34 [timeframe for an advance notice of rulemaking or a notice of rulemaking.](#)

1 (v) The plan shall: include an equitable transition to climate compliance for environmental
2 justice populations, redress past environmental and public health inequities, and include a process
3 where the interests of people from populations most vulnerable to the effects on climate change
4 and at risk of pollution, displacement, energy burden, and cost may provide input on the plan.

5 (vi) The plan shall identify support for workers during this equitable transition to address
6 inequity in the state by creating quality and family-sustaining clean energy jobs that pay wages and
7 benefits consistent with or that exceed area wage and labor standards. The plans shall provide for
8 the development of programs that directly recruit, train, and retain those underrepresented in the
9 workforce, including women, people of color, indigenous, veterans, formerly incarcerated people,
10 and people living with disabilities.

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

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

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

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

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

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

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

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

1 **42-6.2-3. Support for the council.**

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

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

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

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

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

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

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

17 (7) Assess the vulnerability of infrastructure and natural systems, including, but not limited
18 to, roads, bridges, dams, and wastewater and drinking water treatment facilities, and riverine and
19 coastal habitats, to impacts on climate change and ~~recommend~~ implement strategies to protect and
20 adapt these assets;

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

24 (9) Develop plans, policies, and solutions based on the latest science to ensure the state
25 continues to have a vibrant coastal economy, including protection of critical infrastructure, and a
26 vibrant and resilient food system that can provide affordable access to healthy food for all Rhode
27 Islanders;

28 (10) ~~Develop a climate and health profile report that documents the range of~~ Address
29 recommendations to reduce health impacts associated with climate change and ~~identifies~~ protect
30 the ~~most vulnerable~~ populations most vulnerable to the effects on climate change and at risk of
31 pollution, displacement, energy burden, and cost;

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

34 (12) Take affirmative steps to eliminate and avoid duplication of effort through consistent

1 coordination between agencies and programs, and pooling of resources, so as to make the most
2 cost-efficient use of the state resources and provide the most effective services; and

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

6 **42-6.2-7. Reporting.**

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

10 **42-6.2-8. Powers and duties of state agencies -- Exercise of existing authority.**

11 ~~Consideration of~~ Addressing the impacts on climate change shall be deemed to be within
12 the powers, ~~and~~ duties, and obligations of all state departments, agencies, commissions, councils,
13 and instrumentalities, including quasi-public agencies, and each shall ~~be deemed to have and to~~
14 exercise among its purposes in the exercise of its existing authority, the purposes set forth in this
15 chapter pertaining to climate change mitigation, ~~adaption~~ adaptation, and resilience in so far as
16 climate change affects ~~the~~ its mission, duties, responsibilities, projects, or programs ~~of the entity.~~
17 Each agency shall have the authority to promulgate rules and regulations necessary to meet the
18 greenhouse gas emission reduction mandate established by § 42-6.2-9.

19 SECTION 3. Chapter 42-6.2 of the General Laws entitled "Resilient Rhode Island Act of
20 2014 - Climate Change Coordinating Council" is hereby amended by adding thereto the following
21 sections:

22 **42-6.2-9. Statewide greenhouse gas emission reduction mandate.**

23 Mandatory targets for emissions reduction:

24 It is hereby established that the state shall reduce its statewide greenhouse gas emissions
25 to the targets set forth in § 42-6.2-2(a)(2)(i), as those targets may be from time to time revised, and
26 that achieving those targets shall be mandatory under the provisions of this chapter. The targets at
27 the time of the enactment of this act are that greenhouse gas emissions shall be ten percent (10%)
28 below 1990 levels by 2021, shall be forty-five percent (45%) below 1990 levels by 2030; eighty
29 percent (80%) below 1990 levels by 2040, and shall be net-zero emissions by 2050.

30 **42-6.2-10. Enforcement.**

31 (a) The provisions of this chapter may be enforced by means of an action in the superior
32 court seeking either injunctive relief, a declaratory judgment, a writ of mandamus or any
33 combination thereof. No such action may be commenced without the plaintiff providing written
34 notice of the violations of this chapter to defendants at least sixty (60) days prior to filing a legal

1 action in superior court. No such action shall be brought before 2025.

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

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

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

7 **42-6.2-11. Liberal construction.**

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

10 **42-6.2-12. Severability.**

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

16 SECTION 4. 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 - 2021 ACT ON CLIMATE

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

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