

2025 -- S 0400

LC001634

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- 2021 ACT ON CLIMATE

Introduced By: Senators Rogers, de la Cruz, E Morgan, Raptakis, Paolino, and Ciccone

Date Introduced: February 26, 2025

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-6.2 of the General Laws entitled "2021 Act on Climate" is hereby
2 repealed in its entirety.

3 ~~CHAPTER 42-6.2~~

4 ~~2021 Act on Climate~~

5 ~~**42-6.2-1. Climate change coordinating council—Creation—Members.**~~

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

18 ~~**42-6.2-2. Purpose of the council.**~~

19 ~~(a) The council shall have the following duties:~~

1 ~~(1) Assess, integrate, and coordinate climate change efforts throughout state agencies to~~
2 ~~reduce emissions, strengthen the resilience of communities and infrastructure, and prepare for the~~
3 ~~effects on climate change, including, but not limited to, coordinating vulnerability assessments~~
4 ~~throughout state government;~~

5 ~~(2)(i) No later than December 31, 2025, and every five (5) years thereafter, submit to the~~
6 ~~governor and general assembly an updated plan, following an opportunity for public comment, that~~
7 ~~includes strategies, programs, and actions to meet economy wide enforceable targets for~~
8 ~~greenhouse gas emissions reductions as follows:~~

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

10 ~~(B) Forty five percent (45%) below 1990 levels by 2030;~~

11 ~~(C) Eighty percent (80%) below 1990 levels by 2040;~~

12 ~~(D) Net zero emissions by 2050.~~

13 ~~No action shall be brought pursuant to: subsection (a)(2)(i)(B) of this section before 2031,~~
14 ~~pursuant to subsection (a)(2)(i)(C) of this section before 2041, and pursuant to subsection~~
15 ~~(a)(2)(i)(D) of this section before 2051.~~

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

19 ~~(iii) The plan shall address in writing the annual input that is provided to the council by its~~
20 ~~advisory board, as set forth in § 42-6.2-4, and its science and technical advisory board, as set forth~~
21 ~~in § 42-6.2-5, in their reports to the council.~~

22 ~~(iv) If a plan directs an agency to promulgate regulations, then the agency must do so by~~
23 ~~either issuing an advance notice of proposed rulemaking, as set forth in § 42-35-2.5, no later than~~
24 ~~six (6) months after the plan is released or by issuing a notice of proposed rulemaking, as set forth~~
25 ~~in § 42-35-2.7, no later than one year after the plan is released, unless the plan specifies another~~
26 ~~timeframe for an advance notice of rulemaking or a notice of rulemaking.~~

27 ~~(v) The plan shall include an equitable transition to climate compliance for environmental~~
28 ~~justice populations, redress past environmental and public health inequities, and include a process~~
29 ~~where the interests of and people from populations most vulnerable to the effects of climate change~~
30 ~~and at risk of pollution, displacement, energy burden, and cost influence such plan.~~

31 ~~(vi) The plan shall identify support for workers during this equitable transition to address~~
32 ~~inequity in the state by creating quality and family sustaining clean energy jobs that pay wages and~~
33 ~~benefits consistent with or that exceed area wage and labor standards. The plan shall provide for~~
34 ~~the development of programs that directly recruit, train, and retain those underrepresented in the~~

1 workforce, including women, people of color, indigenous people, veterans, formerly incarcerated
2 people, and people living with disabilities.

3 (vii) ~~The requirements under this subsection shall be subject to the enforcement provisions~~
4 ~~of § 42-6.2-10 effective in 2026.~~

5 (viii) ~~No later than December 31, 2022, the council shall submit to the governor and the~~
6 ~~general assembly an update to the greenhouse gas emission's reduction plan dated "December~~
7 ~~2016" which shall not be subject to the requirements of subsections (a)(2)(ii) through (a)(2)(vi) of~~
8 ~~this section. No action shall be brought pursuant to subsection (a)(2)(viii) of this section before~~
9 ~~2023;~~

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

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

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

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

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

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

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

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

34 **42-6.2-3. Support for the council.**

- 1 ~~To support the council's work, state agencies shall:~~
- 2 ~~(1) Assist the council in implementing the provisions of this chapter;~~
- 3 ~~(2) Develop short and long term greenhouse gas emission reduction strategies and track~~
4 ~~the progress of these strategies;~~
- 5 ~~(3) Lead by example and, to the maximum extent feasible, purchase alternative fuel, hybrid,~~
6 ~~and electric vehicles that produce lower total emissions of greenhouse gases and develop programs~~
7 ~~to encourage state employees to reduce their vehicle miles and use sustainable transportation~~
8 ~~alternatives, including public transit systems;~~
- 9 ~~(4) Implement programs to achieve energy savings in state and municipal buildings to~~
10 ~~reduce greenhouse gases, reduce expenditures on energy, and stimulate economic and job~~
11 ~~development;~~
- 12 ~~(5) Increase the deployment of in state generation of renewable energy and energy~~
13 ~~efficiency;~~
- 14 ~~(6) Support efforts to expand Rhode Island's green economy and develop green~~
15 ~~infrastructure;~~
- 16 ~~(7) Assess the vulnerability of infrastructure and natural systems, including, but not limited~~
17 ~~to, roads, bridges, dams, and wastewater and drinking water treatment facilities, and riverine and~~
18 ~~coastal habitats, to impacts on climate change and implement strategies to relocate or protect and~~
19 ~~adapt these assets;~~
- 20 ~~(8) Work with relevant academic institutions and federal agencies to assess the threats of~~
21 ~~sea level rise, erosion, and storm surge, and communicate these assessments and threats, along with~~
22 ~~potential tools to address them, to state agencies and affected communities;~~
- 23 ~~(9) Develop plans, policies, and solutions based on the latest science to ensure the state~~
24 ~~continues to have a vibrant coastal economy, including protection of critical infrastructure, and a~~
25 ~~vibrant and resilient food system that can provide affordable access to healthy food for all Rhode~~
26 ~~Islanders;~~
- 27 ~~(10) Address recommendations to reduce health impacts associated with climate change~~
28 ~~and protect the populations most vulnerable to the effects of climate change and at risk of pollution,~~
29 ~~displacement, energy burden, and cost;~~
- 30 ~~(11) Encourage municipalities to incorporate climate change adaptation into local hazard~~
31 ~~mitigation plans and, when feasible, into hazard mitigation projects;~~
- 32 ~~(12) Take affirmative steps to eliminate and avoid duplication of effort through consistent~~
33 ~~coordination between agencies and programs, and pooling of resources, so as to make the most~~
34 ~~cost efficient use of the state resources and provide the most effective services; and~~

1 ~~(13) Foster public transparency by developing public metrics and an online public~~
2 ~~dashboard that shall track both emissions reductions and sources of energy consumed by the state.~~
3 ~~The metrics and the dashboard shall be updated at least annually.~~

4 **42-6.2-3.1. Funding for the council.**

5 ~~There is hereby established a restricted receipt account in the general fund of the state and~~
6 ~~housed in the budget of the department of administration entitled “RGGI executive climate change~~
7 ~~coordinating council projects.” The express purpose of this account is to record receipts and~~
8 ~~expenditures allocated pursuant to § 23-82-6(a)(7) and (a)(8). The state budget officer is hereby~~
9 ~~authorized to create restricted receipt sub-accounts in any department of state government that~~
10 ~~receives such funding as directed by the executive climate change coordinating council.~~

11 ~~The Rhode Island executive climate change coordinating council shall report annually to~~
12 ~~the governor and general assembly within one hundred twenty (120) days of the end of each~~
13 ~~calendar year how the funds were used to achieve the statutory objectives of the 2021 Act on~~
14 ~~Climate.~~

15 **42-6.2-4. Advisory board established — Members.**

16 ~~(a) The Rhode Island executive climate change coordinating council advisory board is~~
17 ~~hereby established. The advisory board shall have fourteen (14) members. Six (6) members shall~~
18 ~~be appointed by the governor, four (4) of whom shall be representatives of city or town government,~~
19 ~~at least one of whom shall be from a city with a population of over fifty thousand (50,000) and one~~
20 ~~of whom shall be of a town with a population of less than fifty thousand (50,000), one of whom~~
21 ~~shall be from an organization representing or serving low income and/or minority communities,~~
22 ~~and one member of the public with expertise in, and representing the interests of, environmental~~
23 ~~justice.~~

24 ~~Four (4) members shall be appointed by the president of the senate, who shall give due~~
25 ~~consideration to appointing persons with expertise in economic policy and/or workforce~~
26 ~~development; protection of natural and cultural resources management; energy planning and~~
27 ~~development; and engineering and design. Four (4) members shall be appointed by the speaker of~~
28 ~~the house, who shall give due consideration to appointing persons with expertise in education;~~
29 ~~public health and safety; housing; or from organizations representing or serving youth or the~~
30 ~~elderly.~~

31 ~~(b) The members of the advisory board shall be appointed for terms of three (3) years;~~
32 ~~provided, however, that, with regard to the initial appointments, four (4) members shall be~~
33 ~~appointed for terms of one year; five (5) members shall be appointed for a term of two (2) years;~~
34 ~~and five (5) members shall be appointed for a term of three (3) years. Members may be reappointed,~~

1 ~~and their appointments shall continue until their successors are appointed. The term of a member~~
2 ~~representing a city or town shall end when the member no longer holds an elected or appointed~~
3 ~~position in the city or town he or she was representing. A vacancy other than by expiration shall be~~
4 ~~filled in the manner of the original appointment, but only for the unexpired portion of the term.~~

5 ~~(c) The members of the advisory board shall receive no compensation.~~

6 ~~(d) The governor shall appoint a chairperson; a vice chairperson and secretary shall be~~
7 ~~elected annually by the advisory board members. All officers of the advisory board shall serve until~~
8 ~~their successors have been duly appointed or elected.~~

9 ~~(e) The advisory board shall meet at least quarterly or at the call of the chairperson of the~~
10 ~~council. The chairperson of the council, or his or her designee, shall be present for all advisory~~
11 ~~board meetings.~~

12 ~~(f) The advisory board shall have the following purposes and duties:~~

13 ~~(1) Advise the council on all matters pertaining to the duties and powers of the council,~~
14 ~~including evaluating and making recommendations regarding plans, programs, and strategies~~
15 ~~relating to climate change mitigation and adaptation;~~

16 ~~(2) Assist the council in improving public access to, and understanding of, the best~~
17 ~~available scientific, technical, and other information about climate change, mitigation, adaptation,~~
18 ~~etc., so as to build public support for, and participation in, initiatives to make communities more~~
19 ~~resilient;~~

20 ~~(3) Serve as a conduit for communicating information from the council to communities and~~
21 ~~constituencies, as well as vice versa, for input from the community level to the council;~~

22 ~~(4) Assist the council in meeting its own transparency and accountability obligations;~~

23 ~~(5) Report to the council at each regular council meeting; and~~

24 ~~(6) Prepare an annual report, to be included in the annual report of the council, that~~
25 ~~specifically addresses the state of public awareness and engagement; the effectiveness of~~
26 ~~mitigation, adaptation and public information programs from the community perspective; the~~
27 ~~ability of the council to attain its goals and objectives, including effective interagency coordination~~
28 ~~and public-private partnerships; and actions that would further the purposes of the council and this~~
29 ~~legislation.~~

30 ~~(g) For purposes of this section, “environmental justice” means the fair treatment and~~
31 ~~meaningful involvement of all people regardless of race, color, national origin, English proficiency,~~
32 ~~or income with respect to the development, implementation, and enforcement of environmental~~
33 ~~laws, regulations, and policies.~~

34 ~~**42-6.2-5. Science and technical advisory board established — Members.**~~

1 ~~(a) The Rhode Island executive climate change council science and technical advisory~~
2 ~~board is hereby established. The science and technical advisory board shall have nine (9) members,~~
3 ~~appointed by the governor with the advice and consent of the senate. Four (4) members shall be~~
4 ~~from institutions of higher education in the state; two (2) shall be from research laboratories located~~
5 ~~in the state; and three (3) shall be from state agencies with expertise in, and responsibility for,~~
6 ~~addressing issues pertaining to climate change.~~

7 ~~(b) The members of the science and technical advisory board shall be appointed for terms~~
8 ~~of three (3) years; provided, however, that, with regard to the initial appointments, three (3)~~
9 ~~members shall be appointed for terms of one year; three (3) members shall be appointed for a term~~
10 ~~of two (2) years; and three (3) members shall be appointed for a term of three (3) years. Members~~
11 ~~may serve not more than three (3) successive terms and their appointments shall continue until their~~
12 ~~successors are appointed. A vacancy other than by expiration shall be filled in the manner of the~~
13 ~~original appointment, but only for the unexpired portion of the term.~~

14 ~~(c) Members of the advisory board shall receive no compensation.~~

15 ~~(d) The governor shall appoint a chairperson; a vice chairperson and secretary shall be~~
16 ~~elected annually by the advisory board members. All officers of the advisory board shall serve until~~
17 ~~their successors have been duly appointed or elected.~~

18 ~~(e) The advisory board shall meet at least quarterly or at the call of the chairperson of the~~
19 ~~council.~~

20 ~~(f) The advisory board shall have the following purposes and duties:~~

21 ~~(1) Keep the executive climate change council abreast of important developments in~~
22 ~~scientific and technical information relating to climate change and resiliency;~~

23 ~~(2) Explore and advise the council regarding opportunities to provide timely support for~~
24 ~~key policy and management decisions by aligning academic research around issues of climate~~
25 ~~change and resiliency;~~

26 ~~(3) Inventory the scientific and technical work being done by public and private sector~~
27 ~~entities, and evaluate options to coordinate or integrate/consolidate such work in order to achieve~~
28 ~~greater efficiency, save resources, and provide better services;~~

29 ~~(4) Make recommendations and provide policy advice to the council regarding research~~
30 ~~needs and priorities, resource allocation, and funding opportunities;~~

31 ~~(5) Assist the council in communicating scientific and technical information to key user~~
32 ~~groups and the general public; and~~

33 ~~(6) Prepare an annual report, to be included in the annual report of the council, evaluating~~
34 ~~to what extent the state's policies and programs aimed at mitigating and adapting to climate change~~

1 ~~are supported by the best available science and technical information.~~

2 ~~**42-6.2-6. Open government requirements.**~~

3 ~~The council and advisory board shall be subject to the provisions of chapter 46 of title 42~~
4 ~~(the open meetings act) and chapter 2 of title 38 (the access to public records act). Any rules and~~
5 ~~regulations, or any amendments to rules and regulations, to carry out the requirements of this~~
6 ~~chapter shall be adopted in accordance with the provisions of chapter 35 of title 42 (the~~
7 ~~administrative procedures act).~~

8 ~~**42-6.2-7. Reporting.**~~

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

12 ~~**42-6.2-8. Powers and duties of state agencies — Exercise of existing authority.**~~

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

20 ~~**42-6.2-9. Statewide greenhouse gas emission reduction mandate.**~~

21 ~~**Mandatory targets for emissions reduction:**~~

22 ~~It is hereby established that the state shall reduce its statewide greenhouse gas emissions~~
23 ~~to the targets set forth in § 42-6.2-2(a)(2)(i), as those targets may from time to time be revised, and~~
24 ~~that achieving those targets shall be mandatory under the provisions of this chapter. The targets at~~
25 ~~the time of the enactment of this act [April 10, 2021] are that greenhouse gas emissions shall be ten~~
26 ~~percent (10%) below 1990 levels by 2020, shall be forty five percent (45%) below 1990 levels by~~
27 ~~2030; eighty percent (80%) below 1990 levels by 2040, and shall be net zero emissions by 2050.~~

28 ~~**42-6.2-10. Enforcement.**~~

29 ~~(a) The provisions of this chapter may be enforced by means of an action in the superior~~
30 ~~court seeking either injunctive relief, a declaratory judgment, a writ of mandamus, or any~~
31 ~~combination thereof, for:~~

32 ~~(1) Climate plans required by § 42-6.2-2(a)(2); or~~

33 ~~(2) The greenhouse gas emissions reduction mandate required by § 42-6.2-9.~~

34 ~~(b) No such action may be commenced without the plaintiff providing written notice of the~~

1 ~~violations of this chapter to defendants at least sixty (60) days prior to filing a legal action in~~
2 ~~superior court. Where the defendant is a government entity, no costs or fees shall be awarded if a~~
3 ~~court determines that substantive action was taken during the sixty day (60) period. No such action~~
4 ~~shall be brought before 2026.~~

5 ~~(e) Unless otherwise authorized in this chapter, no such action shall be brought prior to~~
6 ~~2026.~~

7 ~~(d) Venue for such actions shall be proper in the superior court.~~

8 ~~(e) The Rhode Island attorney general, any Rhode Island resident, and any Rhode Island~~
9 ~~corporation, company, organization, nonprofit, or other Rhode Island legal entity or organization~~
10 ~~registered with the Rhode Island secretary of state may bring a civil action to enforce this chapter.~~

11 ~~(f) The court may award costs of litigation (including reasonable attorney and expert~~
12 ~~witness fees) to any substantially prevailing party. Provided, however, nothing in this section shall~~
13 ~~restrict any right which any person (or class of persons) may have under any statute or common~~
14 ~~law.~~

15 **42-6.2-11. Liberal construction.**

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

18 **42-6.2-12. Severability.**

19 ~~If any clause, sentence, paragraph, section, or part of this chapter shall be adjudged by any~~
20 ~~court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate~~
21 ~~the remainder of the chapter but shall be confined in its operation to the clause, sentence, paragraph,~~
22 ~~section, or part directly involved in the controversy in which that judgment shall have been~~
23 ~~rendered.~~

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

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LC001634
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- 2021 ACT ON CLIMATE

- 1 This act would repeal the 2021 Act on Climate which established a statewide greenhouse
- 2 gas emission reduction mandate in its entirety.
- 3 This act would take effect upon passage.

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LC001634
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