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LC00308

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY -- ENERGY INDEPENDENCE

Introduced By: Senators Walaska, McBurney, Bates, McCaffrey, and Sosnowski

Date Introduced: January 13, 2010

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 84

4 RHODE ISLAND ENERGY INDEPENDENCE AND CLIMATE SOLUTIONS ACT

5 **23-84-1. Short title.** -- This chapter shall be known and may be cited as the "Rhode
6 Island Energy Independence and Climate Solutions Act."

7 **23-84-2. Legislative findings.** -- It is hereby found and declared by the general assembly
8 as follows:

9 (1) Global warming poses a serious threat to the environment, economic well-being,
10 public health and natural resources of Rhode Island. Scientists predict global warming will
11 exacerbate air quality problems, decrease or eliminate the habitat of indigenous plants and
12 animals, trigger accelerated beach erosion and sea level rise resulting in the displacement of
13 businesses, residences and key infrastructure like bridges and drinking water and wastewater
14 treatment plants, damage marine and freshwater ecosystems and the natural environment, and
15 increase the variety and incidence of infectious diseases, asthma, and other human health-related
16 problems.

17 (2) Global warming will also have measurable and detrimental effects on key sectors of
18 Rhode Island's economy including agriculture, tourism and recreational and commercial fishing.

19 (3) Because greenhouse gas emissions come almost exclusively from burning imported

1 fossil fuels, reducing emissions of green house gasses in Rhode Island will promote energy
2 independence, strengthening our economy, creating local jobs, and keeping our energy dollars
3 here at home.

4 (4) Rhode Island has shown leadership on energy conservation and environmental
5 stewardship efforts, including the areas of air quality protection, energy efficiency, renewable
6 energy, natural resource conservation, and global warming standards for passenger vehicles and
7 electricity generation. The program established by this chapter will continue a tradition of
8 environmental leadership by bringing Rhode Island to the forefront of national and international
9 efforts to reduce global warming emissions and aligning Rhode Island's global warming policy
10 with the steps scientists say are necessary to address the problem of global warming.

11 (5) In 2001 the New England Governors and Eastern Canadian Premiers adopted a
12 Climate Change Action Plan setting targets for reductions in greenhouse gas emissions for the
13 short and long-term. Although the action plan did result in some activity to reduce emissions,
14 neither Rhode Island nor the region are on track to achieve the voluntary limits set in the action
15 plan, and in most states green house gas emissions are continuing to increase. The legislature
16 recognizes that voluntary limits have clearly not resulted in the reductions necessary to avoid the
17 most severe damage to our state and our planet from global warming.

18 (6) The state of Rhode Island recognizes that national and international action will be
19 necessary to address the issue of global warming. However, the state of Rhode Island recognizes
20 that it has a moral obligation and an economic interest in doing its part to achieve the emission
21 reductions that scientists say are necessary to address local as well as global impacts of warming.
22 Moreover, Rhode Island recognizes that action taken by the state to reduce emissions contributing
23 to global warming will have far-reaching effects by encouraging other states and the federal
24 government to take action. Rhode Island has worked and will continue to work with other states
25 to address the problem of global warming, and hereby joins with other states that have adopted
26 enforceable limits on global warming pollution.

27 (7) By exercising a leadership role, Rhode Island will position its economy, educational
28 institutions, technology centers, financial institutions, and businesses to benefit from national and
29 international efforts to reduce global warming pollution. More importantly, investing in the
30 development of innovative and pioneering technologies will assist Rhode Island in achieving the
31 2020 and 2050 statewide limits on global warming pollution established by this chapter and will
32 provide an opportunity for the state to take a global economic and technological leadership role in
33 reducing global warming pollution.

34 (8) It is the intent of the legislature that the department coordinate with other state

1 agencies and entities, as well as consult with the environmental justice community, industry
2 sectors, business groups, academic institutions, environmental organizations, and other
3 stakeholders in implementing this chapter.

4 (9) It is the intent of the legislature that the department and other agencies and entities
5 that take action to meet the statewide greenhouse gas emission limits established pursuant to this
6 chapter do so in a manner that minimizes long-term costs and maximizes long-term benefits for
7 Rhode Island’s economy, improves and modernizes Rhode Island’s energy infrastructure,
8 improves electric system reliability, takes advantage of the opportunity for growth of renewable,
9 efficiency and other innovative businesses in Rhode Island, and maximizes additional
10 environmental and economic benefits for Rhode Island.

11 **23-84-3. Definitions.** – As used in this chapter:

12 (1) “Carbon dioxide equivalent” means the amount of carbon dioxide by weight that
13 would produce the same global warming impact as the given weight of another greenhouse gas,
14 based on the best available science, including from the Intergovernmental Panel on Climate
15 Change.

16 (2) “Cost effective” means the cost per unit of reduced emissions of greenhouse gases
17 expressed in carbon dioxide equivalents.

18 (3) “Department” means the Rhode Island department of environmental management.

19 (4) “Direct emission reduction” means a greenhouse gas emission reduction made by a
20 greenhouse gas emission source at that source.

21 (5) “Emissions reduction measure” means programs, measures and standards authorized
22 pursuant to this chapter, applicable to sources or categories of sources that are designed to reduce
23 emissions of greenhouse gases.

24 (6) “Greenhouse gas” or “greenhouse gases” includes all of the following gases: carbon
25 dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride
26 and any additional substances that the department determines are significant contributors to
27 global warming.

28 (7) “Greenhouse gas emission source” or “source” means any source, or category of
29 sources, of greenhouse gas emissions whose emissions are at a level of significance, as
30 determined by the department, that its participation in the program established under this chapter
31 will enable the department to effectively reduce greenhouse gas emissions and monitor
32 compliance with the statewide greenhouse gas emissions limit.

33 (8) “Leakage” means an increase in greenhouse gas emissions related to domestic power
34 use from generation sources located outside of the state that are not subject to state, interstate or

1 regional greenhouse gas emissions limits that apply to generation sources located within the state.

2 (9) “Office” means the Rhode Island office of energy resources.

3 (10) “State funds” means direct or indirect expenditure of state monies, including any tax
4 reductions, tax stabilization or other state financial benefits.

5 (11) “Statewide greenhouse gas emissions” means the total annual emissions of
6 greenhouse gases in the state. Statewide greenhouse gas emissions includes all emissions of
7 greenhouse gases from the generation of electricity delivered to and consumed in Rhode Island,
8 accounting for transmission and distribution line losses, whether the electricity is generated in
9 state or imported. Statewide emissions shall be expressed in tons of carbon dioxide equivalents.

10 (12) “Statewide greenhouse gas emissions limit” or “statewide emissions limit” means
11 the maximum allowable level of statewide greenhouse gas emissions in a given year, as
12 determined by the department pursuant to section 23-84-5.

13 (13) “1990 level of statewide greenhouse gas emissions” means the statewide greenhouse
14 gas emissions for 1990 as established by the department under section 23-84-5.

15 (14) “2015 limit” means the level of greenhouse gas emissions for 2015 established by
16 the department under section 23-84-5.

17 (15) “2020 limit” means the level of greenhouse gas emissions equal to the twenty
18 percent (20%) less than the 1990 level of statewide greenhouse gas emissions, established by the
19 department under section 23-84-5.

20 (16) “2050 limit” means the level of greenhouse gas emissions equal to eighty percent
21 (80%) less than the 1990 level of statewide greenhouse gas emissions, established by the
22 department under section 23-84-5.

23 **23-84-4. Mandatory greenhouse gas reporting.** – (a) No later than January 30, 2011,
24 the department shall adopt, pursuant to the Administrative Procedures Act, chapter 42-35,
25 rules and regulations that require the annual reporting and verification of greenhouse gas
26 emissions and that provide for the monitoring and enforcement of compliance with the
27 reporting and verification requirements.

28 (b) The rules and regulations adopted pursuant to this subsection shall:

29 (1) Require the monitoring and annual reporting of greenhouse gas emissions from
30 greenhouse gas emission sources, beginning with the sources or categories of sources that
31 contribute most to statewide greenhouse gas emissions;

32 (2) Include greenhouse gas emissions from the generation of electricity in this state
33 and from the generation of electricity outside the state that is consumed in the state, including
34 transmission and distribution line losses;

1 (3) Ensure rigorous and consistent accounting of emissions, and provide reporting tools
2 and formats to ensure collection of necessary data; and

3 (4) Ensure that greenhouse gas emission sources maintain comprehensive records of all
4 reported greenhouse gas emissions.

5 (c) The department shall:

6 (1) Periodically review the requirements in rules promulgated under this section and
7 update the rules, as necessary;

8 (2) Review existing and proposed international, federal, regional and state greenhouse
9 gas emission reporting programs and make reasonable efforts to promote consistency among the
10 programs established pursuant to this section and other programs, and to streamline reporting
11 requirements on greenhouse gas emission sources;

12 (3) Require reporting in the form and format that is most useful in allowing the
13 department to track emissions and to prepare the reports required in section 23-84-12.

14 (d) The department shall consider, on an annual basis, requiring the expansion of
15 reporting to other sources of direct or indirect emissions. A decision for or against an expansion
16 of reporting and an explanation of such decision shall be included in the report required pursuant
17 to section 23-84-12.

18 **23-84-5. Statewide Greenhouse Gas Emissions Limits. -- (a) Statewide greenhouse gas**
19 **emissions limits are established according to the following schedule:**

20 (1) No later than January 1, 2015, statewide greenhouse gas emissions shall be reduced to
21 or below the 2015 limit;

22 (2) No later than January 1, 2020, statewide greenhouse gas emissions shall be reduced to
23 or below the 2020 limit;

24 (3) No later than January 1, 2050, statewide greenhouse gas emissions shall be reduced to
25 or below the 2050 limit and shall not exceed that level thereafter.

26 (b) No later than May 1, 2011, the department shall, after two (2) or more public
27 workshops, with public notice and an opportunity for comment, determine what the level of
28 statewide greenhouse gas emissions was in 1990. The department shall also adopt a statewide
29 greenhouse gas emissions limit that is equivalent to twenty percent (20%) below the 1990 level,
30 to be achieved by 2020, and a limit that is eighty percent (80%) below the 1990 level, to be
31 achieved by 2050. The department shall also adopt a statewide greenhouse gas emissions limit to
32 be achieved by 2015, for the purpose of assuring that the state is making continuous progress
33 toward and will achieve the 2020 limit.

34 (c) In order to ensure the most accurate determination feasible, the department shall

1 evaluate the best scientific, technological and economic information available to determine the
2 1990 level of greenhouse gas emissions.

3 **23-84-6. Greenhouse gas emissions reductions.** -- (a) Global Warming Solutions
4 Working Group.

5 (1) No later than January 1, 2011, the department shall convene a global warming
6 solutions working group, which shall be advisory only, to assist and advise in the consideration
7 and evaluation of options for achieving the 2015 limit and the 2020 limit. The working group
8 shall consist of: (i) Representatives of relevant state agencies, departments, boards, commissions
9 and authorities, including but not limited to the office of energy resources, the economic
10 development corporation, the state planning council, Rhode Island public transit authority, the
11 public utilities commission, and the department of transportation; and (ii) Representatives from
12 business, energy, academia, transportation, environmental non profits, smart growth advocates
13 and consumer groups, and (iii) Such other persons as the department deems appropriate and
14 useful.

15 (2) The working group may form such subgroups as it deems useful and the department
16 shall be authorized to retain independent consultants with relevant expertise to assist the
17 department and the working group in the development of the plans called for by this chapter.

18 (3) In addition to any other options they investigate, the department and the working
19 group shall consider all of the options evaluated by the Rhode Island greenhouse gas stakeholder
20 process as set forth in the Rhode Island greenhouse gas action plan.

21 (4) The plans prepared by the department pursuant to this chapter to achieve the 2015
22 limit and the 2020 limit shall include programs and other actions to reduce vehicle miles traveled.
23 The department and the working group or any subcommittee thereof shall consider, at a
24 minimum, all of the options listed in the “VMT Reduction Options for Consideration in the Phase
25 IV Rhode Island GHG Process” in developing the plans called for by this chapter.

26 (b) 2015 limit.

27 (1) In consultation with the working group, the department shall prepare and, no later
28 than January 1, 2012, approve a plan for achieving the 2015 limit. The plan shall describe
29 proposed legislation and regulations from the department, the department of transportation, the
30 office and any other state agencies or entities from which action is needed to achieve the 2015
31 limit, as well as other emission reduction measures to be taken by state entities as necessary and
32 appropriate to achieve the 2015 limit. The plan shall include regulations, economic incentives or
33 other enforceable mechanisms to stop growth in vehicle miles traveled no later than 2015.

34 (2) The department shall provide opportunities for public input into the plan and for

1 comment on the proposed plan before the plan is approved.

2 (3) On or before April 1, 2012, the regulations contemplated by the plan shall be
3 promulgated by the state agency with authority to promulgate the regulations, and the
4 requirements of the regulations shall be effective no later than May 1, 2012.

5 (c) 2020 limit.

6 (1) In consultation with the working group, the department shall prepare and, no later
7 than January 1, 2013, approve a plan for achieving the 2020 limit. The plan shall describe
8 proposed legislation and regulations from the department, the department of transportation, the
9 office, and any other state agencies or entities from which action is needed to achieve the 2020
10 limit, as well as other emission reduction measures to be taken by state entities as necessary and
11 appropriate to achieve the 2020 limit. The plan shall include regulations, economic incentives or
12 other enforceable mechanisms to reduce vehicle miles traveled.

13 (2) On or before June 1, 2013, the department, and other state agencies taking action
14 under the plan published under this subsection, shall adopt greenhouse gas emission reduction
15 measures by regulation to achieve reductions in greenhouse gas emissions sufficient to achieve
16 the 2020 limit.

17 (3) The plan shall identify and make recommendations on direct emission reduction
18 measures, market-based compliance mechanisms, and potential monetary and non-monetary
19 incentives for sources and categories of sources that the department finds are necessary or
20 desirable to facilitate the achievement of reductions of greenhouse gas emissions limits set by
21 section 23-84-5. The plan shall include recommendations on legislation, regulations or other
22 actions by state government in support of the plan.

23 (4) After June 1, 2013, the department may revise regulations adopted pursuant to this
24 section and adopt additional regulations to further the provisions of this chapter.

25 (5) The department shall update the state's plan for reductions of greenhouse gas
26 emissions at least once every five (5) years.

27 (d) Requirements for development of plans to achieve statewide greenhouse gas
28 emissions limits.

29 (1) The department and other state agencies taking action under this chapter shall seek to
30 identify the most effective strategies and methods to reduce greenhouse gases, to manage
31 greenhouse gas control programs, and to facilitate the development of integrated regional,
32 national, and international greenhouse gas reduction programs, and for this purpose shall look to
33 examples from other states and other nations.

34 (2) The department shall consult with the public utilities commission and the office of

1 energy resources on the elements of the plan that pertain to energy related matters, including the
2 generation of electricity, development of renewable energy sources, any standards or
3 requirements that are based on the amounts of electricity that an electric provider sells to retail
4 customers, or the provision of reliable and affordable electrical service to ensure that the
5 greenhouse gas emission reduction activities in the plan are complementary and not duplicative.

6 (3) The department shall consult with the Rhode Island public transit authority,
7 department of transportation, statewide planning and the economic development corporation on
8 the elements of the plan that pertain to transportation, particularly reduction of vehicle miles
9 traveled.

10 (4) In developing its plans, the department shall take into account the relative
11 contribution of each source or source category to statewide greenhouse gas emissions, and shall
12 recommend a de minimus threshold of greenhouse gas emissions below which emission reduction
13 requirements will not apply.

14 (5) In developing its plans, the department shall identify opportunities for emission
15 reductions measures from all verifiable voluntary actions.

16 (6) In adopting plans and regulations pursuant to this section, to the extent feasible and in
17 furtherance of achieving the statewide greenhouse gas emissions limits, the department and all
18 other state agencies or entities taking action under this chapter, shall do all of the following:

19 (i) Design the regulations, including distribution of emissions allowances where
20 appropriate, in a manner that is equitable, seeks to minimize long-term costs and maximize the
21 total benefits to Rhode Island, and encourages early action to reduce greenhouse gas emissions.

22 (ii) Ensure that activities undertaken to comply with the regulations do not
23 disproportionately impact low-income communities.

24 (iii) Ensure that means are provided to assist low-income residents to achieve energy
25 efficiency savings.

26 (iv) Ensure that entities that have voluntarily reduced their greenhouse gas emissions
27 prior to the implementation of this section receive appropriate credit for early voluntary
28 reductions.

29 (v) Ensure that activities undertaken pursuant to the regulations complement, and do not
30 interfere with, efforts to achieve and maintain federal and state ambient air quality standards and
31 to reduce toxic air contaminant emissions.

32 (vi) Consider overall societal benefits, including reductions in other air pollutants,
33 diversification of energy sources, and other benefits to the economy, environment, and public
34 health.

1 (vii) Ensure that the rules, regulations, programs, mechanisms and incentives, to the
2 extent applicable and feasible, direct private and public investment toward the most
3 disadvantaged communities in Rhode Island and provide an opportunity for small businesses and
4 community institutions to participate in and benefit from statewide efforts to reduce greenhouse
5 gas emissions.

6 (viii) Minimize the administrative burden of implementing and complying with these
7 regulations.

8 (ix) Minimize leakage.

9 (x) Consider the significance of the contribution of each source or category of sources to
10 statewide emissions of greenhouse gases.

11 (xi) Ensure that any such mechanism will be designed to work alongside but in no way
12 undermine any existing greenhouse gas emissions markets in which the state, suppliers of
13 electricity, generators of electricity, or industries within the state may be participating.

14 (7) Nothing in this chapter restricts the department from adopting greenhouse gas
15 emission limits or emission reduction measures prior to January 1, 2011, or providing early
16 reduction credit where appropriate, nor shall this chapter be seen as preventing any more stringent
17 limits on emissions.

18 (e) Other greenhouse gas reduction provisions.

19 (1) No later than January 1, 2012, The Rhode Island department of administration shall
20 develop guidelines for all state agencies that shall be used by those agencies to consider and
21 implement strategies to reduce their greenhouse gas emissions.

22 (2) All works, projects or activities funded in whole or in part with state funds, including
23 all state transportation projects, that are reasonably likely to result in significant direct or indirect
24 emissions of greenhouse gases shall take all reasonable actions to minimize energy consumed in
25 the construction and operation of the project during its expected life, and to minimize emissions
26 from vehicle travel that will result from the construction and operation of the project, with a goal
27 of net reductions in greenhouse gas emissions from all such projects. The department shall
28 define, no later than June 30, 2011, after public notice and comment, what shall be considered
29 significant for purposes of this section. The proponent of the works, projects or activities subject
30 to this subsection shall file with the department, prior to construction of the project, a certification
31 that the project has complied with this subsection and describing the actions taken to comply.
32 Nothing in this section shall prevent the department or any other state department or entity from
33 requiring additional actions to reduce direct or indirect greenhouse gas emissions.

34 (3) In connection with the consideration and issuance of permits, licenses and other

1 administrative approvals and decisions by the department, the Rhode Island department of
2 transportation, and the Rhode Island coastal resources management council, reasonably
3 foreseeable contributions to global warming, such as greenhouse gas emissions, and reasonably
4 foreseeable effects of global warming, such as predicted sea level rise, shall be taken into
5 consideration in deciding whether to issue the requested permit, license or approval, what
6 alternatives may be preferable, and what conditions may be imposed on any such permit, license
7 or approval. In considering contributions to and effects of the action for which approval is
8 requested, the approving agency shall consider both the individual application and the cumulative
9 effects of other past, present and reasonably foreseeable future actions.

10 (4) No later than January 1, 2013, the state planning council shall adopt in the state guide
11 plan an element on reducing greenhouse gases and achieving the limits set forth in this act, and
12 shall revise such other elements in the state guide plan as necessary to achieve the purposes of
13 this act, and shall provide guidance to cities and towns on developing comprehensive plans that
14 conform to that element and that implement the state's goals for reducing greenhouse gasses.

15 **23-84-7. Economic development.** – (a) No later than January 1, 2011, the governor shall
16 appoint an economic and technology advancement advisory committee, which shall include
17 representatives from business, labor unions, academic institutions, renewable energy developers,
18 energy efficiency and innovative energy products providers, and others as the governor deems
19 appropriate, to be chaired by the economic development corporation, to advise the governor, the
20 department and the working group on activities that will facilitate investment in and
21 implementation of technological research and development opportunities, including, but not
22 limited to, identifying new technologies, research, demonstration projects, and funding
23 opportunities, developing state, national and international partnerships and technology transfer
24 opportunities, and identifying and assessing research and advanced technology investment and
25 incentive opportunities that will assist in the reduction of greenhouse gas emissions, and
26 development of greenhouse gas reduction employment in the state.

27 (b) The economic and technology advancement advisory committee shall recommend
28 programs and incentives to foster energy efficiency and renewable energy workforce
29 development and training programs, to increase the number of trained skilled workers in the
30 economic sectors of emerging clean energy, renewable energy, energy efficiency, and demand
31 resources. The programs and incentives shall be designed to promote growth of the clean energy
32 economy by helping build a pipeline of well-trained, skilled workers and addressing emerging
33 skills gaps in both clean energy development and adoption.

34 **23-84-8. Market based compliance mechanisms.** – (a) The department and other state

1 agencies may include in the regulations adopted pursuant to section 23-84-5 the use of market-
2 based compliance mechanisms to comply with the regulations.

3 (b) Prior to the inclusion of any market-based compliance mechanism in the regulations,
4 to the extent feasible and in furtherance of achieving the statewide greenhouse gas emissions
5 limit, the department or other state agencies shall do all of the following:

6 (1) Consider the potential for direct, indirect, and cumulative emission impacts from
7 these mechanisms, including localized impacts in communities that are already adversely
8 impacted by air pollution;

9 (2) Design any market-based compliance mechanism to prevent any increase in the
10 emissions of toxic air contaminants or criteria air pollutants, with particular attention paid to
11 emissions of nitrous oxide, sulfur dioxide, particulate matter and mercury; and

12 (3) Maximize additional environmental and economic and health benefits for Rhode
13 Island, as appropriate.

14 (c) The department may adopt regulations governing how market-based compliance
15 mechanisms may be used by regulated entities subject to greenhouse gas emission limits and
16 mandatory emission reporting requirements to achieve compliance with their greenhouse gas
17 emissions limits.

18 (d) Nothing in this chapter confers any authority on the department or any other state
19 agency to make less stringent any programs administered by other state agencies for the reduction
20 of greenhouse gas emissions.

21 **23-84-9.Enforcement.--** (a) The department and other state agencies adopting
22 regulations pursuant to this chapter shall monitor compliance with and enforce any rule,
23 regulation, order, emission limitation, emission reduction measure, or market-based compliance
24 mechanism adopted by the department or other state agency pursuant to this chapter.

25 (b) In the instance of any violation of any rule, regulation, order, emission limitation,
26 emissions reduction measure, or other measure adopted by the department or other state agency
27 pursuant to this chapter, the violating entity shall be subject to those penalties set forth in that
28 agency's regulations.

29 (c) The plans adopted by the department under section 23-84-6 may include proposed
30 legislation or regulations to tighten enforcement sanctions for violations of rules adopted under
31 this chapter in furtherance of the goals of this chapter.

32 **23-84-10. Independent review panel. –** (a) No later than March 1, 2011, the department
33 shall designate an independent peer review panel consisting of persons with relevant scientific
34 and technical expertise, who shall be from academia, industry, nonprofits and the government, to

1 review the inventory established under section 23-84-4, the quantification of the limits
2 established under section 23-84-5, the plans submitted under section 23-84-6, and the reports
3 submitted under section 23-84-12. The purpose of the review shall be to evaluate the validity of
4 the conclusions contained in those reports and to issue a report stating whether the panel agrees
5 that the conclusions are based on a reasonable use of the data and science, and whether the plans
6 to achieve the statewide greenhouse gas emissions limits are reasonably likely to achieve those
7 limits. In conducting its review the panel shall consider that the conclusions are necessarily based
8 on data of imperfect quantity and quality, and uncertainty in both science and effectiveness of
9 untried greenhouse gas emission reduction efforts. Where improvements to data or science are
10 judged necessary to form any conclusions or to improve the accuracy of the conclusions the panel
11 should so note, but the principal purpose of the review is to ascertain if the conclusions and
12 predictions of the reports are reasonable, given the limitations on data and science existing at the
13 time the reports are prepared.

14 (b) The department, and all other state agencies or entities that supplied or prepared data
15 on which the reports rely, shall consider the comments of the independent panel and make
16 changes to the documents being reviewed by the panel as deemed necessary. Comments on the
17 need for better data in support of the conclusions shall be considered for inclusion in the next
18 report to the legislature under section 23-84-12.

19 (c) The panel shall submit its report to the public and to the relevant departments and
20 agencies no later than four (4) months after the completion of the plan, regulations or report that
21 the panel is reviewing.

22 (d) The department, and all other state agencies that supplied or prepared data on which
23 the documents being reviewed by the panel rely, shall make that data and any underlying
24 information that is requested, available to the panel.

25 (e) This section shall not be construed to affect the requirements of the greenhouse gas
26 emissions monitoring and reporting program or the department's administration of the program
27 established pursuant to this act.

28 **23-84-11. Global warming pollution control fund.** – (a) There is created in the
29 department, a special, nonlapsing fund, to be known as the “Global Warming Pollution Control
30 Fund.” The department shall adopt, by rule or regulation, a schedule of reasonable fees to be paid
31 by those entities or sources required to report greenhouse gas emissions pursuant to this chapter,
32 in an amount sufficient to cover the department's costs to administer the requirements of this
33 chapter. The fees collected pursuant to this section shall be deposited in the global warming
34 pollution control fund and shall be used exclusively to implement the provisions of this act.

1 (b) There is created a budget account in the department titled “Global Warming Pollution
2 Control,” account number 1752-10200, for the purpose of funding department staff or contractors
3 hired by the department with relevant expertise in air emissions measurement and control,
4 programs for reduction of greenhouse gases, and development, management and enforcement of
5 regulations and programs for control of global warming pollution to implement the provisions of
6 this act.

7 (c) Subsection 23-84-11(a) of this section shall be without effect and the department shall
8 have no authority to impose a fee pursuant to this section on and after the 10th day following a
9 certification by the budget officer of the department of administration pursuant to subsection (e)
10 of this section.

11 (d) The annual appropriations act for each state fiscal year shall, without other conditions,
12 limitations or restrictions, appropriate the amounts paid as fees imposed pursuant to subsection
13 (a) of this section, for use by the department to implement the provisions of this act.

14 (e) If the requirements of subsection 23-84-11(d) of this section are not met on the
15 effective date of an annual appropriations act for the state fiscal year, or if an amendment or
16 supplement to an annual appropriations act for the state fiscal year should violate any of the
17 requirements of subsection 23-84-11(d), the budget officer of the department of administration
18 shall, not later than five (5) days after the enactment of the annual appropriations act or the
19 amendment or supplement thereto that violates any of the requirements of subsection 23-84-
20 11(d), certify to the department and the general treasurer that the requirements of subsection 23-
21 84-11(d) have not been met.

22 **23-84-12. Reporting.** -- (a) No later than December 1, 2012, and biennially thereafter,
23 the department shall prepare and transmit, in writing, a report to the governor, to the general
24 treasurer and to the general assembly, on the status of the greenhouse gas emissions monitoring
25 and reporting program established pursuant to this act, the current level of greenhouse gas
26 emissions in the state and the progress made toward compliance with the 2015 limit, the 2020
27 limit and the 2050 limit established pursuant to this act. The report shall also include updated and
28 comparative inventories of statewide greenhouse gas emissions.

29 (b) No later than December 1, 2012, and annually thereafter, the department shall prepare
30 and transmit, in writing, a report to the governor and to the general assembly on the state’s
31 progress in meeting the deadlines established by this chapter. Such report shall include a
32 summary of the approved plans established under section 23-84-6 of this chapter and the
33 requirements for each state agency to adopt regulations or other programs pursuant to those plans,
34 and shall attach a report from each such agency describing its compliance with the requirements

1 of the plans.

2 **23-84-13. Additional provisions.** – (a) Any regulation adopted by the department or any
3 other state agency pursuant to this chapter shall ensure that the greenhouse gas emission
4 reductions achieved are real, permanent, quantifiable, verifiable, and enforceable.

5 (b) Nothing in this chapter shall relieve any person, entity, or public agency of
6 compliance with other applicable federal, state, or local laws or regulations, including state air
7 and water quality requirements, and other requirements for protecting public health or the
8 environment.

9 (c) The provisions of this chapter are severable. If any provision of this chapter or its
10 application is held invalid, that invalidity shall not affect other provisions or applications that can
11 be given effect without the invalid provision or application.

12 (d) Nothing in this chapter shall limit the existing authority of a state entity to adopt and
13 implement greenhouse gas emissions reduction measures.

14 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 HEALTH AND SAFETY -- ENERGY INDEPENDENCE

- 1 This act would create the Rhode Island energy independence and climate solutions act
- 2 which would attempt to reduce greenhouse gases and thus retard global warming.
- 3 This act would take effect upon passage.

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