



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
BUDGET OFFICE

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Providence, R.I. 02908-5886

MEMORANDUM

To: The Honorable Marvin L. Abney
Chairman, House Finance Committee

The Honorable William J. Conley, Jr.
Chairman, Senate Finance Committee

From: Thomas A. Mullaney
Executive Director/State Budget Officer

Date: May 17, 2019

Subject: New Article for the FY 2020 Appropriations Act
(19-H-5151)

The Governor requests that an additional article, entitled "Relating to Statewide Planning Program", be submitted alongside the other articles submitted on January 17, 2019. This article amends current statute to modify the composition of the State Planning Council, the state's sole Metropolitan Planning Organization, ensuring broader participation by communities and underrepresented groups. The article also codifies the Transportation Advisory Committee (TAC) as one of three principal advisory committees of the Metropolitan Planning Organization.

As part of the Federal Highway Administration (FHWA)/Federal Transit Administration (FTA) Recertification Review of the Rhode Island Metropolitan Planning Organization in Spring 2018, one of the corrective actions required was the inclusion of more elected officials on the MPO itself. Currently, membership includes six public members, four of whom are undefined. After a series of State Planning Council and Division of Planning staff meetings, changes to SPC membership were developed to include membership of municipalities of varying sizes, along with more specifics as to additional public members.

In accordance with these findings and recommendations, the Governor recommends the following changes to the State Planning Council's membership structure:

- (1) Removing the State Budget Officer from the State Planning Council membership.
- (2) Removing one official of local government who shall be appointed by the Governor from a list of not less than three submitted by the Rhode Island League of Cities and Towns.
- (3) Adding three chief elected officials of cities and towns, appointed by the Governor after consultation with the Rhode Island League of Cities and Towns, one of which shall be from a community with a population greater than 40,000 people, one of which shall be

from a community of between 20,000 and 40,000 people, and one of which shall be from a community with fewer than 20,000 people.

(4) Changing the number of public members from six to four, maintaining the existing requirement for one employer with fewer than fifty employees and one employer with greater than fifty employees, but adding a requirement for both a representative of a professional planning or engineering organization in Rhode Island as well as a representative of a chamber of commerce or economic development organization.

(5) Expanding representation on the council to include environmental justice organizations.

(6) Adding the Director of the Rhode Island Emergency Management Agency to the State Planning Council.

If you have any questions regarding this new article, please feel free to call me at 222-6300.

TAM: 20-Amend-27

cc: Sharon Reynolds Ferland, House Fiscal Advisor
Stephen Whitney, Senate Fiscal Advisor
Meredith Brady, Associate Director, Division of Statewide Planning
Patrick Crawley, Budget Analyst II

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RELATING TO STATEWIDE PLANNING PROGRAM

SECTION 1. Section 42-11-10 of the General Laws in Chapter 42-11 entitled “Department of Administration” is hereby amended to read as follows:

42-11-10. Statewide planning program.

(a) *Findings.* The general assembly finds that the people of this state have a fundamental interest in the orderly development of the state; the state has a positive interest and demonstrated need for establishment of a comprehensive, strategic state planning process and the preparation, maintenance, and implementation of plans for the physical, economic, and social development of the state; the continued growth and development of the state presents problems that cannot be met by the cities and towns individually and that require effective planning by the state; and state and local plans and programs must be properly coordinated with the planning requirements and programs of the federal government.

(b) *Establishment of statewide planning program.*

(1) A statewide planning program is hereby established to prepare, adopt, and amend strategic plans for the physical, economic, and social development of the state and to recommend these to the governor, the general assembly, and all others concerned.

(2) All strategic planning, as defined in subsection (c) of this section, undertaken by all departments and agencies of the executive branch unless specifically exempted, shall be conducted by or under the supervision of the statewide planning program. The statewide planning program shall consist of a state planning council, and the division of statewide planning, which shall be a division within the department of administration.

(c) *Strategic planning.* Strategic planning includes the following activities:

(1) Establishing or identifying general goals.

(2) Refining or detailing these goals and identifying relationships between them.

1 (3) Formulating, testing, and selecting policies and standards that will achieve desired objectives.

2 (4) Preparing long-range or system plans or comprehensive programs that carry out the policies and
3 set time schedules, performance measures, and targets.

4 (5) Preparing functional, short-range plans or programs that are consistent with established or desired
5 goals, objectives, and policies, and with long-range or system plans or comprehensive programs
6 where applicable, and that establish measurable, intermediate steps toward their accomplishment of
7 the goals, objectives, policies, and/or long-range system plans.

8 (6) Monitoring the planning of specific projects and designing of specific programs of short duration
9 by the operating departments, other agencies of the executive branch, and political subdivisions of the
10 state to ensure that these are consistent with, and carry out the intent of, applicable strategic plans.

11 (7) Reviewing the execution of strategic plans, and the results obtained, and making revisions
12 necessary to achieve established goals.

13 (d) *State guide plan.* Components of strategic plans prepared and adopted in accordance with this
14 section may be designated as elements of the state guide plan. The state guide plan shall be comprised
15 of functional elements or plans dealing with land use; physical development and environmental
16 concerns; economic development; housing production; energy supply, including the development of
17 renewable energy resources in Rhode Island, and energy access, use, and conservation; human
18 services; climate change and resiliency, and other factors necessary to accomplish the objective of this
19 section. The state guide plan shall be a means for centralizing, integrating, and monitoring long-range
20 goals, policies, plans, and implementation activities related thereto. State agencies concerned with
21 specific subject areas, local governments, and the public shall participate in the state guide planning
22 process, which shall be closely coordinated with the budgeting process.

23 (e) *Membership of state planning council.* The state planning council shall consist of the following
24 members:

25 (1) The director of the department of administration as chairperson;

(2) The director, policy office, in the office of the governor, as vice-chairperson;

(3) The governor, or his or her designee;

~~(4) The budget officer;~~

~~(5)~~ (4) The chairperson of the housing resources commission;

~~(6)~~ (5) The highest-ranking administrative officer of the division of statewide planning, as secretary;

~~(5)~~ (6) The president of the Rhode Island League of Cities and Towns or his or her designee ~~and one~~

~~official of local government who shall be appointed by the governor from a list of not less than three~~

~~(3) submitted by the Rhode Island League Cities and Towns;~~

~~(8)~~ (7) The executive director of the Rhode Island League of Cities and Towns;

(8) Three (3) chief elected officials of cities and towns appointed by the governor after consultation with

the Rhode Island League of Cities and Towns, one of whom shall be from a community with a

population greater than 40,000 persons; one of whom shall be from a community with a population of

between 20,000 and 40,000 persons; and one of whom shall be from a community with a population less

than 20,000 persons;

(9) One representative of a nonprofit community development or housing organization appointed by

the governor;

~~(10) Six (6)~~ Four (4) public members, appointed by the governor, one of whom shall be an employer

with fewer than fifty (50) employees; ~~and one of whom shall be an employer with greater than fifty~~

~~(50) employees; one of whom shall represent a professional planning or engineering organization in~~

Rhode Island; and one of whom shall represent a chamber of commerce or economic development

organization;

(11) Two (2) representatives of a private, nonprofit, environmental or environmental justice advocacy

organizations, both to be appointed by the governor;

(12) The director of planning and development for the city of Providence;

(13) The director of the department of transportation;

1 (14) The director of the department of environmental management;

2 (15) The director of the department of health;

3 (16) The chief executive officer of the commerce corporation;

4 (17) The commissioner of the Rhode Island office of energy resources;

5 (18) The chief executive officer of the Rhode Island public transit authority;

6 (19) The executive director of Rhode Island housing; ~~and~~

7 (20) The executive director of the coastal resources management council; and

8 (21) The director of the Rhode Island emergency management agency.

9 (f) *Powers and duties of state planning council.* The state planning council shall have the following
10 powers and duties:

11 (1) To adopt strategic plans as defined in this section and the long-range state guide plan, and to
12 modify and amend any of these, following the procedures for notification and public hearing set forth
13 in § 42-35-3, and to recommend and encourage implementation of these goals to the general
14 assembly, state and federal agencies, and other public and private bodies; approval of strategic plans
15 by the governor; and to ensure that strategic plans and the long-range state guide plan are consistent
16 with the findings, intent, and goals set forth in § 45-22.2-3, the "Rhode Island Comprehensive
17 Planning and Land Use Regulation Act";

18 (2) To coordinate the planning and development activities of all state agencies, in accordance with
19 strategic plans prepared and adopted as provided for by this section;

20 (3) To review and comment on the proposed annual work program of the statewide planning program;

21 (4) To adopt rules and standards and issue orders concerning any matters within its jurisdiction as
22 established by this section and amendments to it;

23 (5) To establish advisory committees and appoint members thereto representing diverse interests and
24 viewpoints as required in the state planning process and in the preparation or implementation of
25 strategic plans. At minimum, ~~t~~The state planning council shall appoint a three (3) permanent

committees comprised of:

(i) A technical committee, comprised of pPublic members from different geographic areas of the state representing diverse interests; and along with

~~(ii) O~~fficials of state, local, and federal government, who shall review all proposed elements of the state guide plan, or amendment or repeal of any element of the plan, and shall advise the state planning council thereon before the council acts on any such proposal. This committee shall also advise the state planning council on any other matter referred to it by the council; and

~~(6) (ii) To establish and appoint members to a~~ An executive committee consisting of major participants of a Rhode Island geographic information system with oversight responsibility for its activities; and

(iii) A transportation advisory committee, made up of diverse representation, including but not limited to municipal elected and appointed officials; representatives of various transportation sectors, departments, and agencies; and other groups and agencies with an interest in transportation operations, maintenance, construction, and policy, who shall review transportation-related plans and amendments and recommend action to the state planning council.

~~(7) (6)~~ To adopt, amend, and maintain, as an element of the state guide plan or as an amendment to an existing element of the state guide plan, standards and guidelines for the location of eligible, renewable energy resources and renewable energy facilities in Rhode Island with due consideration for the location of such resources and facilities in commercial and industrial areas, agricultural areas, areas occupied by public and private institutions, and property of the state and its agencies and corporations, provided such areas are of sufficient size, and in other areas of the state as appropriate.

~~(8) (7)~~ To act as the single, statewide metropolitan planning organization for transportation planning, and to promulgate all rules and regulations that are necessary thereto.

(g) Division of statewide planning.

(1) The division of statewide planning shall be the principal staff agency of the state planning council for preparing and/or coordinating strategic plans for the comprehensive management of the state's

1 human, economic, and physical resources. The division of statewide planning shall recommend to the
2 state planning council specific guidelines, standards, and programs to be adopted to implement
3 strategic planning and the state guide plan and shall undertake any other duties established by this
4 section and amendments thereto.

5 (2) The division of statewide planning shall maintain records (which shall consist of files of complete
6 copies) of all plans, recommendations, rules, and modifications or amendments thereto adopted or
7 issued by the state planning council under this section. The records shall be open to the public.

8 (3) The division of statewide planning shall manage and administer the Rhode Island geographic
9 information system of land-related resources, and shall coordinate these efforts with other state
10 departments and agencies, including the University of Rhode Island, which shall provide technical
11 support and assistance in the development and maintenance of the system and its associated data
12 base.

13 (4) The division of statewide planning shall coordinate and oversee the provision of technical
14 assistance to political subdivisions of the state in preparing and implementing plans to accomplish
15 the purposes, goals, objectives, policies, and/or standards of applicable elements of the state guide
16 plan and shall make available to cities and towns data and guidelines that may be used in preparing
17 comprehensive plans and elements thereof and in evaluating comprehensive plans and elements
18 thereby.

19 SECTION 2. This article shall take effect upon passage.