



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

## **ACLU OF RI POSITION: AMEND**

### **TESTIMONY ON 25-H 5822, RELATING TO PUBLIC UTILITIES AND CARRIERS – SOLAR SITING ADVISORY TASKFORCE April 1, 2025**

This bill would create a taskforce to provide advice and guidance to help expedite the development of solar energy systems on state-owned property. The ACLU of Rhode Island has no position on the significant environmental goals underlying this bill, as that falls outside our jurisdiction. However, if the committee is to move forward with this legislation, we wish to offer an amendment. Specifically, we urge that the bill clarify the applicability of the state's Open Meetings Act (OMA) to the taskforce.

OMA specifically applies to public bodies with "advisory power." R.I.G.L. 42-46-2(1). However, opinions from the Attorney General's office have muddled that seemingly clear mandate. To give one relevant example, in *Lapp v. Fishermen's Advisory Board*, OM 19-23, the Attorney General held that the FAB was not a "public body" under the OMA and therefore was not subject to its requirements despite its significant advisory responsibilities. We are concerned that a similar analysis could be applied to this task force, to the detriment of public transparency.

Because the task force, though not having the power to take independent action, will play an important part in addressing the state's role in promoting solar energy, amending the bill to explicitly specify that it will be subject to the OMA will avoid any disputes about its openness.

Thank you for considering our views.