



STATE OF RHODE ISLAND  
OFFICE OF GOVERNOR DANIEL J. MCKEE

March 10, 2026

Honorable Robert Britto  
Chair, Senate Committee on Commerce  
Room 212, Rhode Island State House  
Providence, Rhode Island 02903

Re: *2026 – S 2765 An Act Relating to Public Property and Works – The Green Buildings Act*

Dear Chair Britto:

The Administration writes in opposition to S 2765, An Act Relating to Public Property and Works – The Green Buildings Act (Act). The Act, among other changes, would shift responsibility for implementation and enforcement of the Green Buildings Act from the Department of Administration (DOA) to a new Green Buildings Act Commission (Commission), comprised of nine “public” members and eight “public agency” members. The Act provides that two public members of the Commission shall be appointed by the President of the Senate; two by the Speaker of the House of Representatives; one by the Rhode Island AFL-CIO; and one by the League of Cities and Towns; with the public agency members to be appointed by the directors of eight enumerated state agencies.

The Act would infringe on the Governor’s constitutional appointment power by conferring statutory appointment powers on other individuals and entities. Article 9, section 5 of the Rhode Island Constitution vests the Governor with the power to appoint all members of any board, commission, or quasi-public entity of the State that exercises executive power. The Act’s authorization of appointments in numerous other individuals and entities, therefore, violates the Constitution.

Considering this unconstitutional appointment framework, as well as the concerns outlined by DOA and the Department of Business Regulation, we urge the General Assembly to instead adopt Article 3, Section 3 of the Governor’s proposed FY2027 budget.

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Sincerely,



Katherine E. Miller  
Deputy Executive Counsel

cc: Honorable Members of the Senate Committee on Commerce  
Honorable Louis P. DiPalma  
Steven T. Hayes, Esq.