
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 153 (H.688). Energy; climate change.

An act relating to addressing climate change

This act requires reductions in Vermont's greenhouse gas emissions (GHG) tied to three time periods: 2025, 2030, and 2050. This act also creates a Climate Council that is required to develop a Climate Action Plan that sets forth the proposed programs and strategies to meet these reductions and to build resilience to the impacts of climate change, requires the Agency of Natural Resources (ANR) to adopt rules consistent with the Plan, and provides for a cause of action if the Agency fails to engage in rulemaking or adopts rules that fail to achieve the required emissions reductions.

Sec. 1 sets forth a suggested title for the Act, and Sec. 2 contains legislative findings. Sec. 3 amends 10 V.S.A. § 578 to require reductions in statewide greenhouse gas emissions in three stages:

- by Jan. 1, 2025: not less than 26% below 2005 emissions;
- by Jan. 1, 2030: not less than 40% below 1990 emissions; and
- by Jan. 1, 2050: not less than 80% below 1990 emissions.

Sec. 4 of the act creates a new chapter 24 in Title 10 that includes the following sections:

- Definitions (10 V.S.A. § 590).
- The Vermont Climate Council (10 V.S.A. § 591): This section sets forth the Council's membership, powers and duties, the responsibilities of subcommittees, procedures, and reporting requirements. The Council is required to adopt a Climate Action Plan by December 1, 2021 that will set forth the specific programs and strategies to achieve the required GHG emissions reductions and build resilience to climate change. Every four years the Council will update the Plan, which will guide the Agency of Natural Resources (ANR) rulemaking.
- The Vermont Climate Action Plan (10 V.S.A. § 592): This section describes the Plan including the objectives of the programs and strategies to achieve the GHG emissions reductions. The Plan shall form the basis for rules adopted by ANR. However, if the Council fails to adopt a Plan, ANR must still proceed with the adoption of rules to achieve the required GHG emissions reductions.

- Rules (10 V.S.A. § 593): ANR is tasked with adopting rules consistent with the Plan. ANR is required to adopt rules by December 1, 2022 to achieve the 2025 emissions reductions; by July 1, 2026 to achieve the 2030 emissions reductions; and by July 1, 2040 to achieve the 2050 emissions reductions. ANR is also required to periodically review and update its rules as necessary to remain on track to meet these reduction requirements.
- Cause of Action (10 V.S.A. § 594): Any person may bring a cause of action if ANR fails to adopt or update rules as required, or if ANR does adopt rules but those rules are insufficient to achieve the required GHG emissions reductions.

Secs. 5 and 6 of the act contain session law language relevant to the time-frame to appoint the membership of the Council, the Council's first meeting, and language that ensures that ANR's proposed rules will be provided to the Council and relevant legislative committees before being filed. Secs. 7 and 8 amend existing law concerning the State's Energy Policy and the Comprehensive Energy Plan.

Effective Date: September 22, 2020