

House Calendar

Thursday, February 20, 2020

45th DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 674

An act relating to clarifying the definition of development used for use value appraisals

Favorable with Amendment

H. 568

An act relating to human trafficking and prostitution

Rep. Notte of Rutland City, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS AND INTENT

(a) The majority of Vermont’s laws on prostitution were adopted more than 100 years ago and have remained largely unchanged since that time.

(b) Under current Vermont law:

(1) The term “prostitution” includes “the offering or receiving of the body for sexual intercourse for hire and shall also be construed to include the offering or receiving of the body for indiscriminate sexual intercourse without hire.”

(2) “Slave traffic,” a section of law codified in 1910 pursuant to “An act to prevent what is commonly known as the ‘white slave’ traffic,” prohibits transportation of persons into and out of the State not only for the purpose of prostitution but also for “any immoral purpose.” Historically, these types of laws were used to prosecute men of color for having relationships with white women.

(3) A person who has a sexually transmitted infection is eligible for probation or parole “only on such terms and conditions as shall ensure medical treatment therefor and prevent the spread of such disease.”

(c) In 2011, Vermont adopted comprehensive laws to address the issue of human trafficking. These laws prohibit coerced commercial sex and commercial sex involving minors and penalties range from a maximum of five years imprisonment (facilitation of human trafficking) to a mandatory 20 years to life imprisonment (aggravated trafficking). Vermont’s prostitution laws were never updated to reflect the adoption of the human trafficking laws.

(d) A working group, composed of the Attorney General’s Office, the Vermont Center for Crime Victim Services, and the Vermont Network Against Domestic and Sexual Violence, was created by 2019 Acts and Resolves No. 32 for the purpose of examining a number of issues related to prostitution and human trafficking. This working group recommended that no changes be made at this time to the laws on human trafficking, but that “the legislature create a study committee to examine laws related to sex work and prostitution” that includes a wide array of stakeholders. Based on this recommendation, it is the intent of the General Assembly to create a study committee to review the existing prostitution laws for the purpose of developing a modern approach to State involvement in sexual activity for hire by consenting adults while maintaining criminal penalties for trafficking, coercion, and exploitation of minors and strong protections for victims of those crimes.

Sec. 2. 13 V.S.A. § 2638 is added to read:

§ 2638. IMMUNITY FROM LIABILITY

(a) As used in this section:

(1) “Human trafficking” has the same meaning as in section 2651 of this title.

(2) “Prostitution” has the same meaning as in section 2631 of this title.

(b) A person who, in good faith and in a timely manner, reports to law enforcement that the person is a victim of or a witness to a crime that arose from the person’s involvement in prostitution or human trafficking shall not be cited, arrested, or prosecuted for a violation of the following offenses:

(1) section 2632 of this title (prostitution);

(2) section 2601a of this title (prohibited conduct);

(3) 18 VSA § 4230(a)(1)-(3) (marijuana possession);

(4) 18 VSA § 4231(a)(1) and (2) (cocaine possession);

(5) 18 VSA § 4232(a)(1) and (2) (LSD possession);

(6) 18 VSA § 4233(a)(1) and (2) (heroin possession);

(7) 18 VSA § 4234(a)(1) and (2) (depressant, stimulant, and narcotic drugs possession);

(8) 18 VSA § 4234a(a)(1) and (a) (methamphetamine possession);

(9) 18 VSA § 4235(b)(1) (hallucinogenic drugs possession); and

(10) 18 VSA § 4235a(a)(1) (Ecstasy possession).

(c) The immunity provisions of this section apply only to the use and derivative use of evidence gained as a proximate result of the person reporting to law enforcement that the person is a victim of or a witness to a crime that arose from the person's involvement in prostitution or human trafficking and do not preclude prosecution of the person on the basis of evidence obtained from an independent source.

(d) A person who qualifies for immunity pursuant to subsection (b) or (c) of this section shall not be subject to the provisions of 18 V.S.A. chapter 84, subchapter 2 concerning property subject to forfeiture, except that prima facie contraband shall be subject to forfeiture.

(e) Except in cases of reckless or intentional misconduct, law enforcement shall be immune from liability for citing or arresting a person who is later determined to qualify for immunity under this section.

Sec. 3. SEX WORK STUDY COMMITTEE

(a) Creation. There is created the Sex Work Study Committee to make recommendations to the General Assembly regarding modernization of Vermont's prostitution laws.

(b) Membership. The Committee shall be composed of the following members:

(1) a current member of the House of Representatives appointed by the Speaker of the House;

(2) a current member of the Senate appointed by the Committee on Committees;

(3) the Attorney General or designee;

(4) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;

(5) the Defender General or designee;

(6) the Executive Director of the Center for Crime Victim Services or designee;

(7) the Executive Director of the Vermont Chapter of the American Civil Liberties Union or designee;

(8) the Executive Director of the Network Against Domestic and Sexual Violence or designee and an at-large member with knowledge of Vermont's sex work industry appointed by the Executive Director of the Network Against Domestic and Sexual Violence; and

(9) the Executive Director of the Vermont Pride Center or designee and an at-large member with knowledge of Vermont's sex work industry appointed by the Executive Director of the Vermont Pride Center.

(c) Powers and duties. The Committee shall review 13 V.S.A. chapter 59, subchapter 2 for the purpose of developing a modern approach to State involvement in sexual activity for hire by consenting adults while maintaining criminal penalties for trafficking, coercion, and exploitation of minors and strong protections for victims of those crimes. The Committee shall examine the advantages and disadvantages of criminalization, partial decriminalization, full decriminalization, and legalization and regulation.

(d) Assistance. For purposes of scheduling meetings and preparing recommended legislation, the Committee shall have the assistance of the Office of Legislative Council.

(e) Report. On or before December 15, 2020, the Committee shall submit proposed legislation to the General Assembly based upon its recommendations.

(f) Meetings.

(1) The member of the House of Representatives and the member of the Senate shall be co-chairs of the Committee and call the Committee to order.

(2) A majority of the membership shall constitute a quorum.

(3) The Committee shall cease to exist on December 31, 2020.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Committee serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than four meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) The at-large members of the Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than four meetings. These payments shall be made from monies appropriated to the General Assembly.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 11-0-0)

Rep. Conquest of Newbury, for the Committee on Appropriations,

recommends the bill ought to pass when amended as recommended by the Committee on Judiciary.

(Committee Vote: 11-0-0)

H. 688

An act relating to addressing climate change

Rep. Briglin of Thetford, for the Committee on Energy and Technology, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Title and Findings * * *

Sec. 1. SHORT TITLE

This act may be cited as the Vermont Global Warming Solutions Act of 2020.

Sec. 2. LEGISLATIVE FINDINGS

The General Assembly finds that:

(1) According to the Intergovernmental Panel on Climate Change (IPCC), the climate crisis is both caused and exacerbated by greenhouse gas emissions that result from human activity. The IPCC has determined that industrialized countries must cut their emissions to net zero by 2050, which is necessary to achieve the Paris Agreement's goal of keeping the increase in global average temperature to below 2°C. A climate emergency threatens our communities, State, and region and poses a significant threat to human health and safety, infrastructure, biodiversity, our common environment, and our economy.

(2) The State of Vermont is part of the U.S. Climate Alliance, a bipartisan coalition of 25 states that have committed to reducing greenhouse gas emissions consistent with the goals of the Paris Agreement. Working in parallel with other members of the U.S. Climate Alliance, the State of Vermont will help accelerate solutions that address the climate crisis in the absence of federal action. By implementing climate mitigation, adaptation, and resilience strategies, Vermont will also position its economy to benefit and thrive from the global transition to carbon neutrality and national and international efforts to address the crisis.

(3) According to the IPCC and the World Bank, a failure to substantially reduce emissions over the next ten years will require even more substantial reductions later and will increase the costs of decarbonization. Delaying necessary policy action to address the climate crisis risks significant economic

damage to Vermont.

(4) According to the IPCC and the State of Vermont, adaptation and resilience measures are necessary to address climate risks.

(5) According to the IPCC, the climate crisis disproportionately impacts rural and marginalized, disenfranchised, and disinvested communities, which already bear significant public health, environmental, socioeconomic, and other burdens. Mitigation, adaptation, and resilience strategies must prioritize the allocation of investment of public resources to these communities and minimize, to the greatest extent practicable, potential regressive impacts.

(6) According to the Vermont Agency of Natural Resources, the adverse impacts of climate change in Vermont include an increase in the severity and frequency of extreme weather events, a rise in vector-borne diseases including Lyme disease, more frequent cyanobacteria blooms, adverse impacts to forest and agricultural soils, forest and crop damage, shorter and irregular sugaring seasons, a reduction in seasonal snow cover, and variable and rising average temperatures that result in uncertain and less snowfall.

(7) According to the Vermont Agency of Natural Resources, the conservation and restoration of Vermont forests, floodplains, and wetlands and the promotion of forest management and farming practices that sequester and store carbon are critical to achieving climate mitigation, adaptation, and resilience and support a host of co-benefits, such as improving air and water quality, economic vitality, ecosystem functions, local food systems, and creating more climate resilient communities and landscapes.

(8) The credit rating industry is now analyzing the adaptation and resilience strategies of issuers of state and municipal bonds and may apply a negative credit factor for issuers with insufficient strategies. Establishing robust adaptation and resilience strategies for Vermont will help protect the State from a climate crisis-related credit downgrade.

* * * Greenhouse Gas Reduction Requirements * * *

Sec. 3. 10 V.S.A. § 578 is amended to read:

§ 578. GREENHOUSE GAS REDUCTION GOALS REQUIREMENTS

(a) General goal of greenhouse ~~Greenhouse~~ gas reduction requirements. It is the goal of the State to Vermont shall reduce emissions of greenhouse gases from within the geographical boundaries of the State and those emissions outside the boundaries of the State that are caused by the use of energy in Vermont in order to make an appropriate contribution to achieving the regional goals of reducing emissions of greenhouse gases from the 1990 baseline, as measured and inventoried pursuant to section 582 of this title, by:

(1) ~~25~~ not less than 26 percent from 2005 greenhouse gas emissions by January 1, 2012 2025 pursuant to the State's membership in the United States Climate Alliance and commitment to implement policies to achieve the objectives of the 2016 Paris Agreement;

(2) ~~50~~ not less than 40 percent from 1990 greenhouse gas emissions by January 1, 2028 2030 pursuant to the State's 2016 Comprehensive Energy Plan; and

(3) ~~if practicable using reasonable efforts, 75~~ not less than 80 percent from 1990 greenhouse gas emissions by January 1, 2050 pursuant to the State's 2016 Comprehensive Energy Plan.

* * *

(c) Implementation of State programs to reduce greenhouse gas emissions. In order to facilitate the State's compliance with the goals established in this section, all State agencies shall consider, ~~whenever practicable,~~ any increase or decrease in greenhouse gas emissions in their decision-making procedures with respect to the purchase and use of equipment and goods; the siting, construction, and maintenance of buildings; the assignment of personnel; and the planning, design, and operation of programs, services, and infrastructure.

* * *

* * * Vermont Climate Council and Vermont Climate Action Plan * * *

Sec. 4. 10 V.S.A. chapter 24 is added to read:

CHAPTER 24. VERMONT CLIMATE COUNCIL AND CLIMATE ACTION PLAN

§ 590. DEFINITIONS

As used in this chapter:

(1) "Adaptation" means reducing vulnerability and advancing resilience through planned and implemented enhancements to, or avoiding degradation of, natural and built systems and structures.

(2) "Greenhouse gas" has the same meaning as in section 552 of this title.

(3) "Mitigation" means reduction of anthropogenic greenhouse gas emissions, and preservation and enhancement of natural systems to sequester and store carbon, in order to stabilize and reduce greenhouse gases in the atmosphere.

(5) "Resilience" means the capacity of individuals, communities, and

natural and built systems to withstand and recover from climatic events, trends, and disruptions.

§ 591. VERMONT CLIMATE COUNCIL

(a) There is created the Vermont Climate Council (Council). The Council shall be composed of the following members:

(1) the Secretary of Administration, who shall serve as the Chair of the Council;

(2) the Secretary of Natural Resources or designee;

(3) the Secretary of Agriculture, Food and Markets or designee;

(4) the Secretary of Commerce and Community Development or designee;

(5) the Secretary of Human Services or designee;

(6) the Secretary of Transportation or designee;

(7) the Commissioner of Public Safety or designee;

(8) the Commissioner of Public Service or designee;

(9) the following members who shall be appointed by the Speaker of the House:

(A) one member with expertise and professional experience in the design and implementation of programs to reduce greenhouse gas emissions;

(B) one member to represent rural communities;

(C) one member to represent the municipal governments;

(D) one member to represent distribution utilities;

(E) one member to represent a statewide environmental organization;

(F) one member to represent the fuel sector; and

(G) one member with expertise in climate change science;

(10) the following members who shall be appointed by the Committee on Committees:

(A) one member with expertise in the design and implementation of programs to increase resilience to and respond to natural disasters resulting from climate change;

(B) one member to represent the clean energy sector;

(C) one member to represent the small business community;

(D) one member to represent the Vermont Community Action Partnership;

(E) one member to represent the farm and forest sector;

(F) one youth member; and

(G) one member of a Vermont-based organization with expertise in energy and data analysis.

(b) The Council shall:

(1) Identify, analyze, and evaluate strategies and programs to reduce greenhouse gas emissions; achieve the State's reduction requirements pursuant to section 578 of this title; and build resilience to prepare the State's communities, infrastructure, and economy to adapt to the current and anticipated effects of climate change, including:

(A) creating an inventory of all existing programs that impact greenhouse gas emissions and their efficacy;

(B) evaluating and analyzing the technical feasibility and cost-effectiveness of existing strategies and programs and identifying, evaluating, and analyzing new strategies and programs that are based upon emerging scientific and technical information;

(C) analyzing each source or category of sources of greenhouse gas emissions and identifying which strategies and programs will result in the largest greenhouse gas emissions reductions in the most cost-effective manner;

(D) identifying, analyzing, and evaluating public and private financing strategies to support the transition to a reduced greenhouse gas emissions economy and a more resilient State; and

(E) evaluating and analyzing existing strategies and programs that build resilience, and identifying, evaluating, and analyzing new strategies and programs to prepare the State's communities, infrastructure, and economy to adapt to the current and anticipated effects of climate change.

(2) On or before December 1, 2021, adopt the Vermont Climate Action Plan (Plan) and update the Plan on or before July 1 every four years thereafter. The Plan shall set forth the specific initiatives, programs, and strategies that the State shall pursue to reduce greenhouse gas emissions; achieve the State's reduction requirements pursuant to section 578 of this title; and build resilience to prepare the State's communities, infrastructure, and economy to adapt to the current and anticipated effects of climate change.

(3) Identify the means to accurately measure:

(A) the State's greenhouse gas emissions and progress towards meeting the reduction requirements pursuant to section 578 of this title, including publishing emissions data in a timely manner;

(B) the effectiveness of the specific initiatives, programs, and strategies set forth in the Plan and updates to the Plan in reducing greenhouse gas emissions;

(C) the effect of climate change on the State's climate, wildlife, and natural resources; and

(D) the existing resilience of the State's communities, infrastructure, and economy and progress towards improving resilience to adapt to the current and anticipated effects of climate change.

(4) Provide guidance to the Secretary of Natural Resources concerning the form, content, and subject matter of rules to be adopted pursuant to section 593 of this chapter.

(c) Subcommittees. The Council shall create the subcommittees listed in this subsection and may also create other subcommittees to advise the Council, assist in preparing the Plan, and carry out other duties. The Council may appoint members of the Council to serve as members of subcommittees and may also appoint individuals who are not members of the Council to serve as members of subcommittees.

(1) Rural Resilience and Adaptation Subcommittee. The Rural Resilience and Adaptation Subcommittee shall focus on the pressures that climate change adaptation will impose on rural transportation, electricity, housing, emergency services, and communications infrastructure, and the difficulty of rural communities in meeting the needs of its citizens. The Subcommittee shall:

(A) develop a municipal vulnerability index to include factors measuring a municipality's population, average age, employment, and grand list trends; active public and civic organizations; and distance from emergency services and shelter;

(B) develop best practice recommendations specific to rural communities for reducing municipal, school district, and residential fossil fuel consumption; fortifying critical transportation, electricity, and community infrastructure; and creating a distributed, redundant, storage-supported local electrical system;

(C) recommend a means of securely sharing self-identified vulnerable residents' information with State and local emergency responders and utilities;

(D) recommend tools for municipalities to assess their climate emergency preparedness, evaluate their financial capacity to address infrastructure resilience, and prioritize investment in that infrastructure; and

(E) utilize Vermont Emergency Management biennial reports to recommend program, policy, and legislative changes that will enhance municipal resilience to increased hazards presented by climate change.

(2) Cross-Sector Mitigation Subcommittee. This subcommittee shall focus on identifying the most scientifically and technologically feasible strategies and programs that will result in the largest possible greenhouse gas emissions reductions in the most cost-effective manner.

(3) Just Transitions Subcommittee. This subcommittee shall focus on ensuring that strategies to reduce greenhouse gas emissions and to build resilience to adapt to the effects of climate change benefit and support all residents of the State fairly and equitably. This subcommittee shall ensure that strategies consider the disproportionate impact of climate change on rural, low income, and marginalized communities and that programs and incentives for building resilience are designed to be accessible to all Vermonters and do not unfairly burden any groups, communities, geographic locations, or economic sectors. This subcommittee may adopt a measurement tool to assess the equitability of programs and strategies considered by the Council.

(4) Agriculture and Ecosystems Subcommittee. This subcommittee shall focus on the role Vermont's natural and working lands play in carbon sequestration and storage, climate adaptation, and ecosystem and community resilience. This subcommittee will seek to understand current initiatives in the agricultural and forestry sectors and the businesses that depend on them and to develop actions and policies that restore wetlands; increase carbon stored on agricultural and forest land and in forest products; and support healthy agricultural soils and local food systems.

(d) The Council shall recommend necessary legislation to the General Assembly concerning:

(1) adopting market-based or alternative compliance mechanisms as part of the State's greenhouse gas emissions reduction strategies;

(2) changes to land use and development, including to chapter 151 of this title and 30 V.S.A. § 248, to reduce greenhouse gas emissions and promote resilience in response to climate change;

(3) statutory authority necessary to implement the Plan; and

(4) any other matter the Council deems appropriate.

(e) The Council shall have the administrative, technical, and legal assistance of the Agency of Natural Resources and the Department of Public Service and may request the assistance of any Executive Branch Agency and Department.

(f) A majority of the sitting members of the Council shall constitute a quorum, and action taken by the Council may be authorized by a majority of the members present and voting at any meeting at which a quorum is present. The Council may permit any or all members to participate in a meeting by, or conduct the meeting through the use of, any means of communication, including electronic, telecommunications, and video- or audio-conferencing technology, by which all members participating may simultaneously or sequentially communicate with each other during the meeting. A member participating in a meeting by this means is deemed to be present in person at the meeting. The Council may elect officers and adopt any other procedural rules as it shall determine necessary and appropriate to perform its work.

(g) Members of the Council who are not State employees shall be entitled to per diem compensation and reimbursement of expenses for each day spent in the performance of their duties, as permitted under 32 V.S.A. § 1010. These payments shall be made from monies appropriated to the Agency of Natural Resources.

(h) The members of the Council appointed pursuant to subdivision (a)(8) of this section shall be appointed to initial terms of two years, and members appointed pursuant to subdivision (a)(9) of this section shall be appointed to initial terms of three years. Thereafter, each appointed member shall serve a term of three years or until his or her earlier resignation or removal. A vacancy shall be filled by the appointing authority for the remainder of the unexpired term. An appointed member shall not serve more than three full consecutive three-year terms.

(i) On or before January 15, 2021 and every January 15 thereafter, the Council shall submit a written report to the General Assembly concerning the Council's activities and the State's progress towards meeting the greenhouse gas reduction requirements pursuant to section 578 of this title. On or before November 1, 2021 and every second November 1 thereafter, the Director of Vermont Emergency Management shall file a report with the Council concerning Vermont's overall municipal resilience to increased hazards presented by climate change that shall include hazard mitigation plans, local emergency management plans, and survey results as deemed appropriate by the Director. Subsequent reports shall include updates to document progress in local resilience. The report shall inform Council recommendations on policies to address gaps in local resilience.

§ 592. THE VERMONT CLIMATE ACTION PLAN

(a) On or before December 1, 2021, the Vermont Climate Council (Council) shall adopt the Vermont Climate Action Plan (Plan) and update the Plan on or before July 1 every four years thereafter.

(b) The Plan shall set forth the specific initiatives, programs, and strategies, including regulatory and legislative changes, necessary to achieve the State's greenhouse gas emissions reduction requirements pursuant to section 578 of this title and build resilience to prepare the State's communities, infrastructure, and economy to adapt to the current and anticipated effects of climate change. The Plan shall include specific initiatives, programs, and strategies that will:

(1) reduce greenhouse gas emissions from the transportation, building, regulated utility, industrial, commercial, and agricultural sectors;

(2) encourage smart growth and related strategies;

(3) achieve long-term sequestration and storage of carbon and promote best management practices to achieve climate mitigation, adaption, and resilience on natural working lands;

(4) achieve net zero emissions by 2050 across all sectors;

(5) reduce energy burdens for rural and marginalized communities;

(6) limit the use of chemicals, substances, or products that contribute to climate change; and

(7) build and encourage climate adaptation and resilience of Vermont communities and natural systems.

(c) The analysis, development, and selection of the specific initiatives, programs, and strategies contained in the Plan and updates to the Plan shall be based upon:

(1) the Council's analysis and evaluation of strategies and programs pursuant to subdivision 591(b)(1) of this chapter;

(2) reports, plans, and information pertaining to greenhouse gas emissions reduction and climate resilience strategies from the Agency of Natural Resources, the Department of Public Service, other State agencies and departments, and, where appropriate, the State Comprehensive Energy Plan prepared pursuant to 30 V.S.A. § 202b and the 2018 Vermont Climate Action Commission Report to the Governor; and

(3) other reports, plans, and information.

(d) The specific initiatives, programs, and strategies contained in the Plan

and updates to the Plan shall further the following objectives:

(1) to prioritize the most cost-effective, technologically feasible, and equitable greenhouse gas emissions reduction pathways and adaptation and preparedness strategies informed by scientific and technical expertise;

(2) to provide for greenhouse gas emissions reductions that reflect the relative contribution of each source or category of source of emissions;

(3) to minimize negative impacts on marginalized and rural communities and upon individuals with low and moderate income;

(4) to ensure that all regions of the State benefit from greenhouse gas emissions reductions, including sharing in the resulting economic, quality-of-life, and public health benefits;

(5) to support economic sectors and regions of the State that face the greatest barriers to emissions reductions, especially rural and economically distressed regions and industries;

(6) to support industries, technology, and training that will allow workers and businesses in the State to benefit from greenhouse gas emissions reduction solutions;

(7) to support the use of natural solutions to reduce greenhouse gas emissions and increase resilience, including the use of working lands to sequester and store carbon and protect against severe weather events; and

(8) to maximize the State's involvement in interstate and regional initiatives and programs designed to reduce regional greenhouse gas emissions and build upon state, national, and international partnerships and programs designed to mitigate climate change and its impacts.

(e) The Plan shall form the basis for the rules adopted by the Secretary of Natural Resources pursuant to section 593 of this chapter. If the Council fails to adopt the Plan or update the Plan as required by this chapter, the Secretary shall proceed with adopting and implementing rules pursuant to subsection 593(j) of this chapter to achieve the greenhouse gas emissions reductions requirements pursuant to section 578 of this title.

§ 593. RULES

(a) The Secretary of Natural Resources shall adopt rules pursuant to 3 V.S.A. chapter 25 consistent with the Vermont Climate Action Plan (Plan). In adopting rules pursuant to this section the Secretary shall:

(1) Ensure that the rules are consistent with the specific initiatives, programs, and strategies set forth in the Plan and updates to the Plan; follow

the Vermont Climate Council's guidance provided pursuant to subdivision 591(b)(4) of this chapter; and further the objectives pursuant to subsection 592(d) of this chapter.

(2) Develop a detailed record containing facts; data; and legal, scientific, and technical information sufficient to establish a reasonable basis to believe that the rules shall achieve the State's greenhouse gas emissions reductions requirements pursuant to section 578 of this title. This detailed record shall be included with the rule and filed with the Secretary of State pursuant to 3 V.S.A. § 838.

(b) On or before December 1, 2022, the Secretary shall adopt and implement rules consistent with the specific initiatives, programs, and strategies set forth in the Plan and achieve the 2025 greenhouse gas emissions reduction requirement pursuant to section 578 of this title.

(c) The Secretary shall conduct public hearings across the State concerning the proposed rules. The Secretary shall conduct a portion of these hearings in areas and communities that have the most significant exposure to the impacts of climate change, including disadvantaged, low-income, and rural communities and areas.

(d) The Secretary shall, on or before July 1, 2024, review and, if necessary, update the rules required by subsection (b) of this section in order to ensure that the 2025 greenhouse gas emissions reduction requirement pursuant to section 578 of this title is achieved. In performing this review and update, the Secretary shall observe the requirements of subsection (c) of this section.

(e) On or before July 1, 2026, the Secretary shall adopt and implement rules consistent with the specific initiatives, programs, and strategies set forth in the Plan and updates to the Plan and achieve the 2030 greenhouse gas emissions reduction requirement pursuant to section 578 of this title. The Secretary shall observe the requirements of subsection (c) of this section.

(f) The Secretary shall, at his or her discretion, but not less frequently than once every two years between 2026 and 2030, review and, if necessary, update the rules required by subsection (e) of this section in order to ensure that the 2030 greenhouse gas emissions reduction requirement pursuant to section 578 of this title is achieved. In performing this review and update, the Secretary shall observe the requirements of subsection (c) of this section.

(g) On or before July 1, 2040, the Secretary shall adopt and implement rules consistent with the specific initiatives, programs, and strategies set forth in the Plan and updates to the Plan and achieve the 2050 greenhouse gas emissions reduction requirement pursuant to section 578 of this title.

(h) The Secretary shall, at his or her discretion, but not less frequently than once every two years between 2040 and 2050, review and, if necessary, update the rules required by subsection (g) of this section in order to ensure that the 2050 greenhouse gas emissions reduction requirement pursuant to section 578 of this title is achieved. In performing this review and update, the Secretary shall observe the requirements of subsection (c) of this section.

(i) The Secretary may establish alternative reduction mechanisms to be used by sources of greenhouse gas emissions, if necessary, to achieve net zero emissions after 2050.

(1) The use of alternative reduction mechanisms shall account for not more than 20 percent of statewide greenhouse gas emissions estimated as a percentage of 1990 emissions. The use of a mechanism must offset a quantity of greenhouse gas emissions equal to or greater than the amount of greenhouse gasses emitted.

(2) The Secretary shall verify that any greenhouse gas emissions offset projects authorized as alternative reduction mechanisms represent equivalent emissions reductions or carbon sequestration that are real, additional, verifiable, enforceable, and permanent.

(j) If the Council fails to adopt the Plan or update the Plan as required by section 592 of this chapter, the Secretary shall adopt and implement rules pursuant to 3 V.S.A. chapter 25 to achieve the greenhouse gas emissions reductions requirements pursuant to section 578 of this title.

(k) Nothing in this section shall be construed to limit the existing authority of a State agency, department, or entity to regulate greenhouse gas emissions or establish strategies or promulgate rules to mitigate climate risk and build resilience to climate change.

(l) The General Assembly may repeal, revise, or modify any rule or amendment to any rule, and its action shall not be abridged, enlarged, or modified by subsequent rule.

§ 594. CAUSE OF ACTION

(a) Any person may commence an action based upon the failure of the Secretary of Natural Resources to adopt or update rules pursuant to the deadlines in section 593 of this chapter.

(1) The action shall be brought pursuant to Rule 75 of the Vermont Rules of Civil Procedure in the Civil Division of the Superior Court of Washington County.

(2) The complaint shall be filed within one year after expiration of the

time in which the Secretary of Natural Resources was required to adopt or update rules pursuant to section 593 of this chapter. However, a person shall not commence an action under this subsection until at least 60 days after providing notice of the alleged violation to the Secretary.

(3) If the court finds that the Secretary has failed to adopt or update rules pursuant to the deadlines in section 593 of this chapter, the court shall enter an order directing the Secretary to adopt or update rules. If the court finds that the Secretary is taking prompt and effective action to adopt or update rules, the court may grant the Secretary a reasonable period of time to do so.

(b) Any person may commence an action alleging that rules adopted by the Secretary pursuant to section 593 of this chapter have failed to achieve the greenhouse gas emissions reductions requirements pursuant to section 578 of this title.

(1) The action shall be brought in the Civil Division of the Superior Court of Washington County.

(2) The complaint shall be filed within one year after the Vermont Greenhouse Gas Emission Inventory and Forecast published pursuant to section 582 of this title indicates that the rules adopted by the Secretary have failed to achieve the greenhouse gas emissions reductions requirements pursuant to section 578 of this title. However, a person shall not commence an action under this subsection until at least 60 days after providing notice of the alleged violation to the Secretary.

(3) If the court finds that the rules adopted by the Secretary pursuant to section 593 of this chapter are a substantial cause of failure to achieve the greenhouse gas emissions reductions requirements pursuant to section 578 of this title, the court shall enter an order remanding the matter to the Secretary to adopt or update rules that achieve the greenhouse gas emissions reductions requirements consistent with this chapter. If the court finds that the Secretary is taking prompt and effective action to comply, the court may grant the Secretary a reasonable period of time to do so.

(c) In an action brought pursuant to this section, a prevailing party or substantially prevailing party:

(1) that is a plaintiff shall be awarded reasonable costs and attorney's fees unless doing so would not serve the interests of justice; or

(2) that is a defendant may be awarded reasonable costs if the action was frivolous or lacked a reasonable basis in law or fact.

(d) Nothing in this section shall be construed to limit the rights, procedures, and remedies available under any law, including the Vermont

Administrative Procedure Act pursuant to 3 V.S.A. chapter 25.

* * * Rulemaking and Appointment of Council Members * * *

Sec. 5. RULES REQUIRED PURSUANT TO 10 V.S.A. § 593

Any proposed rules and access to the detailed record required pursuant to section 10 V.S.A. § 593 shall be:

(1) provided to the Vermont Climate Council not less than 45 days prior to submitting the proposed rule or rules to the Interagency Committee on Administrative Rules (ICAR);

(2) provided to the members of the House Committees on Energy and Technology, on Natural Resources, Fish, and Wildlife, and on Transportation, to the Senate Committees on Finance, on Natural Resources and Energy, and on Transportation, and to the Joint Carbon Emissions Reduction Committee not less than 30 days prior to submitting the proposed rule or rules to ICAR; and

(3) filed with ICAR on or before July 1, 2022.

Sec. 6. VERMONT CLIMATE COUNCIL; APPOINTMENT OF MEMBERS
AND FIRST MEETING

All members of the Vermont Climate Council established pursuant to section 10 V.S.A. § 591 shall be appointed within 60 days of the effective date of this act, and the Chair shall call the first meeting of the Council within 30 days after all members have been appointed.

* * * State Energy Policy and the Comprehensive Energy Plan * * *

Sec. 7. 30 V.S.A. § 202a is amended to read:

§ 202a. STATE ENERGY POLICY

It is the general policy of the State of Vermont:

(1) To ~~assure~~, ensure to the greatest extent practicable, that Vermont can meet its energy service needs in a manner that is adequate, reliable, secure, and sustainable; that ~~assures~~ ensures affordability and encourages the State's economic vitality, the efficient use of energy resources, and cost-effective demand-side management; and that is environmentally sound.

(2) To identify and evaluate, on an ongoing basis, resources that will meet Vermont's energy service needs in accordance with the principles of reducing greenhouse gas emissions and least-cost integrated planning; including efficiency, conservation, and load management alternatives; wise use of renewable resources; and environmentally sound energy supply.

(3) To meet Vermont's energy service needs in a manner that will achieve the greenhouse gas emissions reductions requirements pursuant to 10 V.S.A. § 578 and is consistent with the Vermont Climate Action Plan adopted and updated pursuant to 10 V.S.A. § 592.

Sec. 8. 30 V.S.A. § 202b is amended to read:

§ 202b. STATE COMPREHENSIVE ENERGY PLAN

(a) The Department of Public Service, in conjunction with other State agencies designated by the Governor, shall prepare a State Comprehensive Energy Plan covering at least a 20-year period. The Plan shall seek to implement the State energy policy set forth in section 202a of this title, including meeting the State's greenhouse gas emissions reductions requirements pursuant to 10 V.S.A. § 578, and shall be consistent with the relevant goals of 24 V.S.A. § 4302 and with the Vermont Climate Action Plan adopted and updated pursuant to 10 V.S.A. § 592. The State Comprehensive Energy Plan shall include:

* * *

* * * Appropriation and Positions * * *

Sec. 9. APPROPRIATION

The sum of \$972,000.00 is appropriated from the General Fund to the Agency of Natural Resources in fiscal year 2021 for the purpose of implementing this Act, including for personal services for the positions created pursuant to Sec. 10; costs associated with providing administrative, technical, and legal support to the Vermont Climate Council; compensation and reimbursement of per diems and expenses for members of the Council; hiring consultants and experts; and for other necessary costs and expenses. The appropriation shall carry forward into fiscal year 2022 as necessary. Estimated amounts are \$586,000 in fiscal year 2021 and \$386,000 in fiscal year 2022.

Sec. 10. AGENCY OF NATURAL RESOURCES; POSITIONS

Three full-time, limited service positions are created in the Agency of Natural Resources for the purpose of implementing this Act.

* * * Effective Date * * *

Sec. 11. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 7-2-0)

Rep. Townsend of South Burlington, for the Committee on

Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Energy and Technology.

(Committee Vote: 7-4-0)

Amendment to be offered by Rep. Bancroft of Westford to H. 688

First: In Sec. 4, in 10 V.S.A. § 594(a), by striking out “section 593” and inserting in lieu thereof “subsections (e)–(h) of section 593”

Second: In Sec. 4, in 10 V.S.A. § 594(b), by striking out “section 593” and inserting in lieu thereof “subsections (e)–(h) of section 593”

Third: In Sec. 5, before the word “Any,” by inserting the subsection designation (a) and by inserting a subsection (b) to read as follows:

(b) Upon the adoption of the Action Plan (Plan) pursuant to 10 V.S.A. § 592, the Joint Fiscal Office of the General Assembly (JFO) shall prepare, or hire a consultant to prepare, an analysis of the economic, budgetary, and fiscal impacts of the Plan. JFO shall submit the analysis to the House Committees on Energy and Technology, on Natural Resources, Fish, and Wildlife, and on Transportation, to the Senate Committees on Finance, on Natural Resources and Energy, and on Transportation, and to the Joint Carbon Emissions Reduction Committee.

Senate Proposal of Amendment to House Proposal of Amendment to Senate Proposal of Amendment

H. 760

An act relating to fiscal year 2020 budget adjustments

The Senate concurs in the House proposals of amendment to the Senate proposals of amendment with further proposal of amendment as follows:

In the *Third* House proposal of amendment by striking out Sec. 70a in its entirety, and inserting in lieu thereof a new Sec. 70a to read as follows:

Sec. 70a. DEPARTMENT OF CORRECTIONS; GRADUATED
SANCTIONS; REENTRY HOUSING; REPORT

(a) On or before April 1, 2020, the Department of Corrections shall report to the Senate Committee on Judiciary, the House Committee on Corrections and Institutions, and the House and Senate Committees on Appropriations on how to strengthen existing graduated sanctions and incentives policies to ensure they reflect current research on best practices for responses to violation behavior that most effectively achieve behavior change and uphold public safety. The Department shall also identify reentry housing needs for

corrections populations. As a part of this work, the Department shall submit its recommendations including initial cost estimates regarding:

(1) formalizing the use of incentives and sanctions in supervision practices at a 4:1 ratio and require incentives to be entered and tracked in the community supervision case management system;

(2) analyzing how supervision staff currently understand, implement, and input data regarding the Department's graduated sanctions policy to identify where practices differ across the State and, where necessary, provide additional staff training on the use and tracking of graduated sanctions;

(3) developing and implement a homeless screening tool for use when a person is booked into or released from Department facilities and track reports of homelessness among corrections populations in the Department's case management system;

(4) identifying and quantify high utilizers of corrections, homeless, and behavioral health services; inform statewide permanent supportive housing planning; and establish data match partnerships with appropriate Agency of Human Services departments to match Department of Corrections, Homeless Management Information System (HMIS), and Medicaid information;

(5) establishing a collaborative approach for the Department, the Department of Mental Health, and the Vermont Department of Health to contract with housing providers to coordinate responses for shared clients and identify how the State can better leverage local and federal housing vouchers;

(6) leveraging federal Medicaid funding or other funding to allow the Department's contractors' clients to stay in supportive housing after they are no longer under the supervision of the Department;

(7) reducing barriers to recovery housing by establishing evidence-based norms and expectations for contracts and certifications for sober and recovery housing providers, including allowing for the use of medications and restricting evictions due to relapse;

(8) redefining housing requirements for incarcerated persons in order to receive approval for furlough release; and

(9) improving data and case management systems.

(For House Proposal of Amendment see House Journal Page 258, February 11, 2020

Action Postponed Until February 25, 2020

Governors Veto

S. 23

An act relating to increasing the minimum wage.

Pending Question: Shall the House pass the bill, the failure of the Governor to approve notwithstanding??

NOTICE CALENDAR

Favorable with Amendment

S. 240

An act relating to recruiting new remote workers and new relocating workers

Rep. O'Sullivan of Burlington, for the Committee on Commerce and Economic Development, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2019 Acts and Resolves No. 80, Sec. 20 is amended to read:

Sec. 20. ECONOMIC DEVELOPMENT FUNDING ALLOCATIONS

The \$2,000,000.00 appropriated from the General Fund for economic development initiatives in Sec. C.100(30) of H.542 (2019) shall be allocated pursuant to this section.

(1) \$1,725,000.00 is allocated to the Agency of Commerce and Community Development as follows:

(A)(i) \$450,000.00 for economic development marketing:

(I) \$225,000 for economic development marketing pursuant to its authority in 3 V.S.A. § 2476(c) to execute the State's core Economic Development Marketing Plan through paid, owned, and earned media, utilizing technology, data, and analysis tools; and

(II) \$225,000.00 to identify, recruit, and provide relocation assistance to workers, including:

(aa) identifying target audiences;

(bb) targeting through digital and social media; and

(cc) implementing strategies that convert visitors to residents and awarding grants for regional partnerships to help recruitment

efforts at the local and regional levels.

(ii) Notwithstanding any provision of law to the contrary, the Agency shall have the discretion to reallocate not more than \$225,000.00 of the funding allocated in this subdivision (1)(A) to provide additional incentives under the New Worker Relocation Incentive Program created in this act, the New Remote Worker Grant Program created in 2018 Acts and Resolves No. 197, Sec. 1, as amended by 2019 Acts and Resolves No. 80, Sec. 15, or both.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 10-0-1)

(For text see Senate Journal January 22, 2020, page 83.)

Rep. Myers of Essex, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development.

(Committee Vote: 8-3-0)

Consent Calendar

Concurrent Resolutions

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

H.C.R. 252

House concurrent resolution congratulating Pathways Vermont on its 10th anniversary

H.C.R. 253

House concurrent resolution congratulating Burlington International Airport on its centennial

H.C.R. 254

House concurrent resolution honoring Williston Town Clerk Deborah Beckett for her outstanding municipal public service

H.C.R. 255

House concurrent resolution congratulating the 2019 Montpelier High School Solons State championship girls' ultimate team

H.C.R. 256

House concurrent resolution congratulating Robert Morlino of Pawlet on being named the 2019 Vermont Emergency Management Director of the Year

H.C.R. 257

House concurrent resolution honoring Norwich University's 23rd President, Dr. Richard W. Schneider

H.C.R. 258

House concurrent resolution congratulating the 2019 White River Valley High School Wildcats Division III championship softball team

H.C.R. 259

House concurrent resolution congratulating the 2019 White River Valley High School Wildcats Division III championship baseball team

H.C.R. 260

House concurrent resolution congratulating the 2019 Montpelier High School Solons State championship boys' ultimate team

H.C.R. 261

House concurrent resolution commemorating the 400th anniversary of the Mayflower's arrival in the New World

H.C.R. 262

House concurrent resolution congratulating Heritage Landscapes and Patricia O'Donnell on receipt of the 2019 Landscape Architecture Firm Award

H.C.R. 263

House concurrent resolution in memory of journalist and former State and Barre City official Arthur Anton Ristau

H.C.R. 264

House concurrent resolution honoring the Vermont Senior Games Association

H.C.R. 265

House concurrent resolution in memory of Jake Burton Carpenter of Stowe

S.C.R. 18

Senate concurrent resolution honoring Eric Peterson for his visionary leadership at the Oldcastle Theatre Company in Bennington.

For Informational Purposes

CROSSOVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All Senate/House bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or

before Friday, March 13, 2020, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by Friday March 13, 2020.

(2) All Senate/House bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before Friday, March 20, 2020, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill and the Fee/Revenue bills.

Public Hearings

PUBLIC HEARING

Held by the Senate Education Committee on the subject of a **Pupil Weighting Study, Wednesday, March 11, 2020, 4-6 P.M. in Room 11.** Clerk of the Committee: Senator Debbie Ingram; Committee Assistant: Jeannie Lowell.

Advocates Hearings

Governor’s FY 2021 Recommended State Budget

House Committee on Appropriations

Wednesday, February 19, 2020 at 9:30 a.m. – 11:00 a.m. in room 11 of the State House for all proposed Human Services sections of the budget, and

Thursday, February 20, 2020, 1:00 p.m. – 2:00 p.m. in room 11 for all other sections of the proposed budget. The House Committee on Appropriations will receive testimony on the Governor’s recommended FY 2021 State budget during these Advocate hearings. Please sign up in advance, with Theresa Utton-Jerman through tutton@leg.state.vt.us or in room 40 of the State House.

The Governor’s budget proposal can be viewed at the Department of Finance & Management’s website or [click here](#).

Joint Assembly

February 20, 2020 - 10:30 a.m. A.M. – Election of two (2) trustees for the Vermont State Colleges Corporation.

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than February 13, 2020 , by 5:00 P.M. pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the

ballots for these positions. Do not use pink mail to deliver notification to the Secretary of State. Hand delivery is the best method to insure notification has been received.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.