

1 19-0040 (An act related to changes to Act 250)

2 \* \* \* Proposed Racial Equity Language \* \* \*

3 Sec. 3. 10 V.S.A. chapter 151 is amended to read:

4 \* \* \*

5 Subchapter 2. Administration

6 § 6021. BOARD; VACANCY, REMOVAL

7 (a) ~~A Natural Resources Establishment.~~ The Vermont Environmental  
8 Review Board is created to hear appeals and adopt rules.

9 (1) The Board shall consist of five members nominated, appointed, and  
10 confirmed in the manner of a superior judge by the Governor, with the advice  
11 and consent of the Senate, so that one appointment expires in each year. The  
12 Chair shall be a full-time position. In making these appointments, ~~the~~  
13 ~~Governor and the Senate shall give consideration to~~ candidates shall be sought  
14 who have experience, expertise, or skills relating to the environment or land  
15 use environmental science, natural resources law and policy, land use planning,  
16 community development, environmental justice, and racial equity.

17 (A) ~~The Governor shall appoint a chair of the Board, a position that~~  
18 ~~shall be a full-time position~~ The appointing authority shall ensure, to the extent  
19 possible, the Board membership reflects the racial, ethnic, gender, and  
20 geographic diversity of the State.

1 (B) Following initial appointments, the members, ~~except for the~~  
2 ~~Chair~~, shall be appointed for terms of four years.

3 \* \* \*

4 § 6026. DISTRICT COMMISSIONERS

5 (a) For the purposes of the administration of this chapter, the State is  
6 divided into nine districts.

7 \* \* \*

8 (b) A District Environmental Commission is created for each district. Each  
9 District Commission shall consist of three members from that district  
10 appointed in the month of February by the Governor so that two appointments  
11 expire in each odd-numbered year. Two of the members shall be appointed for  
12 a term of four years, and the Chair (third member) of each District shall be  
13 appointed for a two-year term. In any district, the Governor may appoint not  
14 more than four alternate members from that district whose terms shall not  
15 exceed two years, who may hear any case when a regular member is  
16 disqualified or otherwise unable to serve. The Governor shall ensure, to the  
17 extent possible, each District Commission reflects the racial, ethnic, gender,  
18 and geographic diversity of the State.

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**\* \* \* Racial Equity Review \* \* \***

**Sec. X. IMPACTS ON RACIAL EQUITY AND DIVERSITY; REVIEW**

(a) Pursuant to the duties and powers established under 3 V.S.A. chapter 68, the Executive Director of Racial Equity, in cooperation with the Racial Equity Advisory Panel and the Human Rights Commission, shall conduct a comprehensive review of the processes, procedures, and language of 10 V.S.A. chapter 151 (Act 250) to assess the extent to which Act 250 has contributed to adverse impacts on racial equity and diversity within the State. The review shall:

(1) identify the impacts of acts or decisions made pursuant to Act 250 on inequities in land ownership and land distribution within the State;

(2) measure the extent to which minority populations in the State have incurred disproportional environmental impacts due to acts or decisions of the State pursuant to Act 250;

(3) assess the capability of the current public participation processes, notice requirements, and appointment processes under Act 250 to fairly represent the interests of minority populations within the State; and

(4) recommend legislative changes to Act 250 necessary to achieve the goals of racial equity and diversity representation for minority population.

- 1        (b) On or before October 15, 2020, the Executive Director of Racial Equity
- 2        shall report to the General Assembly with its findings and any
- 3        recommendations for legislative action.