

1

H.462

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Introduced by Representatives Colburn of Burlington, Copeland-Hanzas of

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Bradford, Gannon of Wilmington, Gonzalez of Winooski,

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Hooper of Montpelier, LaLonde of South Burlington, Lanpher

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of Vergennes, O'Sullivan of Burlington, Sheldon of

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Middlebury, Stevens of Waterbury, Till of Jericho, and

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Yacovone of Morristown

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Referred to Committee on

9

Date:

10

Subject: Conservation and development; air pollution control; greenhouse gas reduction; government accountability; climate change

11

Statement of purpose of bill as introduced: This bill proposes actions to help address climate change.

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An act relating to addressing climate change

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It is hereby enacted by the General Assembly of the State of Vermont:

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* * * Findings and Short Title * * *

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Sec. 1. LEGISLATIVE FINDINGS

18

The General Assembly finds that:

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(1) Human-caused climate change poses a serious threat to the people of

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Vermont, the United States, and the world.

(2) Climate change is both caused and exacerbated by carbon emissions that result from human activity.

3 (3) It is in the interest of the people, in order to protect the public health,
4 preserve the environment, and promote the general welfare, that the State
5 reduce economy-wide carbon emissions in order to address the problem of
6 climate change.

7 (4) The purpose of this bill is to create a fair, workable, cost-effective,
8 and legally enforceable system by which Vermont will be able to reduce its
9 economy-wide carbon emissions to zero by 2050.

10 Sec. 2. SHORT TITLE

This act may be known as the “Vermont Global Warming Solutions Act.”

12 * * * Statewide Greenhouse Gas Reduction Mandate * * *

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

14 § 578. GREENHOUSE GAS REDUCTION GOALS REQUIREMENTS

15 (a) General goal of greenhouse gas Greenhouse gas reduction. It is the goal
16 of the The State to shall reduce emissions of greenhouse gases from within the
17 geographical boundaries of the State and those emissions outside the
18 boundaries of the State that are caused by the use of energy in Vermont in
19 order to make an appropriate contribution to achieving the regional goals of
20 reducing emissions of greenhouse gases from the 1990 baseline by:

21 (1) 25 percent by January 1, ~~2012~~ 2025;

(3) if practicable using reasonable efforts, 75 percent by January 1, 2050.

4 * * *

5 (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.

12 * * *

13 (e) Not later than one year after the effective date of this act, the Secretary
14 of the Agency of Natural Resources, in consultation with the Commissioner of
15 the Department of Public Service and the Secretary of the Agency of
16 Transportation, shall adopt and implement rules to achieve the 2025
17 greenhouse gas reduction requirement established pursuant to subsection (a) of
18 this section, including addressing greenhouse gas emissions from the
19 electricity sector, transportation sector, and building sector.

(f) In developing and implementing the rules required by subsection (e) of this section, the Secretary of the Agency of Natural Resources shall:

1 (1) Evaluate the total potential costs and economic and noneconomic
2 benefits of various reduction measures to the economy, environment, and
3 public health, using the best available models, emissions estimation
4 techniques, and scientific methods.

5 (2) Take into account the relative contribution of each source or
6 category of sources of statewide greenhouse gas emissions and include in the
7 rules a de minimis threshold of greenhouse gas emissions below which
8 emissions reduction requirements shall not apply.

9 (3) Conduct public hearings on the proposed rules. The Secretary shall
10 conduct a portion of these hearings in communities that have the most
11 significant exposure to air pollutants, including communities with minority
12 populations or communities with low-income populations, or both.

13 (4) Consider and address any reduction in greeenhouse gas emissions
14 within Vermont that may be offset by an increase in emissions outside
15 Vermont.

16 (g) In developing the rules required by subsection (e) of this section, the
17 Secretary may:

18 (1) Utilize such market-based compliance mechanisms that the
19 Secretary believes are reasonably necessary, convenient, or desirable for
20 achieving the 2025 Greenhouse Gas reduction requirement established
21 pursuant to subsection (a) of this section; provided, however, that in utilizing

1 such market-based compliance mechanisms, full credit shall be provided to
2 monies paid on account of participation in any multi-state or national market-
3 based compliance mechanism, including the Regional Greenhouse Gas
4 Initiative or the Transportation Climate Initiative.

5 (2) Consult with other State agencies and departments and other
6 stakeholders.

7 (h) The Secretary of Natural Resources shall, at his or her discretion, but no
8 less frequently than once every two years until 2024, review and update the
9 regulations required by subsection (e) of this section in order to ensure that the
10 2025 carbon reduction requirement established pursuant to subsection (a) of
11 this section is achieved. In performing this review and update, the Secretary
12 shall in all respects observe the requirements of subsections (f) and (g) of this
13 section.

14 (i) On or before July 31, 2024, the Secretary of Natural Resources shall
15 adopt and implement rules to achieve the 2035 greenhouse gas reduction
16 requirement established pursuant to subsection (a) of this section. The
17 Secretary shall in all respects observe the requirements of subsections (f)
18 and (g) of this section.

19 (j) The Secretary of Natural Resources shall, at his or her discretion, but no
20 less frequently than once every two years between 2026 and 2035, review and
21 update the regulations required by subsection (i) of this section in order to

1 ensure that the 2035 greenhouse gas reduction requirement established
2 pursuant to subsection (a) of this section is achieved. In performing this
3 review and update, the Secretary shall in all respects observe the requirements
4 of subsections (f) and (g) of this section.

5 (k) On or before July 31, 2034, the Secretary of the Agency of Natural
6 Resources shall adopt and implement rules to achieve the 2045 greenhouse gas
7 reduction requirement established pursuant to subsection (a) of this section.
8 The Secretary shall in all respects observe the requirements of subsections (f)
9 and (g) of this section.

10 (l) The Secretary of Natural Resources shall, at his or her discretion, but no
11 less frequently than once every two years between 2036 and 2045, review and
12 update the rules required by subsection (k) of this section in order to ensure
13 that the 2045 greenhouse gas reduction requirement established pursuant to
14 subsection (a) of this section is achieved. In performing this review and
15 update, the Secretary shall in all respects observe the requirements of
16 subsection (f) and (g) of this section.

17 (m) On or before July 31, 2044, the Secretary of the Agency of Natural
18 Resources shall adopt and implement rules that the Secretary believes are
19 reasonably necessary to achieve the 2050 Greenhouse Gas reduction
20 requirement established pursuant to subsection (a) of this section. The

1 Secretary shall in all respects observe the requirements of subsections (f)
2 and (g) of this section.

3 (n) The Secretary of Natural Resources shall, at his or her discretion, but no
4 less frequently than once every two years between 2046 and 2050, review and
5 update the rules required by subsection (m) of this section in order to ensure
6 that the 2050 greenhouse gas reduction requirement established pursuant to
7 subsection (a) of this section is achieved. In performing this review and
8 update, the Secretary shall in all respects observe the requirements of
9 subsections (f) and (g) of this section.

10 Sec. 4. 10 V.S.A. § 578a is added to read:

11 § 578a. ABROGATION

12 (a) The provisions of this chapter shall be abrogated one year after the State
13 enters into a binding, legally enforceable multi-state compact with no fewer
14 than five other states or Canadian Provinces that mandates greenhouse gas
15 reductions that are no less strict than the ones contained in section 578 of this
16 title, and in which the enforcement mechanism is no less rigorous than the one
17 contained in section 578 of this title.

18 (b) The provisions of this chapter shall be abrogated one year after the
19 State is fully covered by a binding, legally enforceable federal carbon emission
20 reduction program in which the greenhouse gas reduction requirements are
21 economy-wide and are no less strict than the ones contained in section 578 of

1 this title and in which the enforcement mechanism is no less rigorous than the
2 one contained in section 578 of this title.

3 (c) Certification that the conditions of subsection (a) or (b) of this section
4 have occurred must be made in writing by the Governor after a careful
5 investigation to ensure the sufficiency of the greenhouse gas reduction
6 requirements in question. The certification by the Governor shall be effective
7 unless it is countermanded within 60 days by either house of the General
8 Assembly, with the 60 days being days that the General Assembly is in session
9 and sitting.

10 Sec. 5. 10 V.S.A. § 578b is added to read:

11 § 578b. ENFORCEMENT

12 (a) The Attorney General may investigate violations of sections 578 of this
13 title. If the Attorney General finds that a person has violated or is violating
14 section 578 of this title, the Attorney General may bring an action in the Civil
15 Division of the Superior Court of Washington County or in the Civil Division
16 of the Superior Court of any county where venue lies.

17 (b) Any person aggrieved by a violation of section 578 of this title may
18 bring an action in the Civil Division of the Superior Court of Washington
19 County or in the Civil Division of the Superior Court of the county in which
20 the person resides or has his or her personal place of business.

1 (c) An action brought pursuant to this section may seek damages,
2 injunctive relief, punitive damages in the case of a willful violation, and
3 reasonable costs and attorney's fees.

4 Sec. 6. 10 V.S.A. § 578c is added to read:

5 § 578c. REPORTING

6 The Secretary of Natural Resources shall report to the General Assembly on
7 or before January 15 of each new biennium concerning the progress made, if
8 any, during the prior two years towards achieving the greenhouse gas reduction
9 requirements established pursuant to section 578 of this title. The report shall
10 describe:

11 (1) actions taken to achieve the greenhouse gas reductions;

12 (2) the percentage and amount of greenhouse gas reductions attributable
13 to each action; and

14 (3) planned or expected actions to achieve greenhouse gas reductions
15 over the following five years and the anticipated amount of such reductions.

16 * * * Government Accountability * * *

17 Sec. 7. 2 V.S.A. § 970 is amended to read:

18 § 970. GOVERNMENT ACCOUNTABILITY COMMITTEE

19 (a) There is created the joint legislative Government Accountability
20 Committee. The Committee shall recommend mechanisms for State

1 government to be more forward-thinking, strategic, and responsive to the long-
2 term needs of Vermonters. In pursuit of this goal, the Committee shall:

3 (1) Propose areas for the review of statutory mandates for public
4 services that may result in service duplication and to review the alignment of
5 financial and staff resources required to carry out those mandates.

6 (2) Review the legislative process for the creation and elimination of
7 programs and make recommendations for enhancements to the process that
8 support greater long-range planning and responsiveness to the needs of
9 Vermonters.

10 (3) Recommend strategies and tools that permit all branches of State
11 government to prioritize the investment of federal, State, and local resources in
12 programs that respond to the needs of the citizens of Vermont in a
13 collaborative, cost-effective, and efficient manner. Pursuant to those strategies
14 and tools, functions that are not critical to an agency or department mission
15 may be recommended for combination or elimination, while other functions
16 may be optimized.

17 (4) [Repealed.]

18 (5) Determine that data-based program-level performance measures that
19 demonstrate program results have been adopted for the programs in each
20 agency and department.

1 (6) Determine whether each agency and department is taking actions to
2 achieve the population-level outcomes set forth in 3 V.S.A. § 2311 that are
3 relevant to that agency or department, as shown by the manner in which the
4 agency's or department's program-level performance measures inform
5 population-level indicators.

6 (7) Ensure that the report set forth in 3 V.S.A. § 2311 regarding
7 population-level outcomes and indicators and each agency's or department's
8 program-level performance measures are transparent and readily accessible to
9 the public via electronic publication.

10 (8) Assess the effectiveness of population-level indicators in measuring
11 progress in achieving population-level outcomes, and annually review
12 population-level indicators in the context of new data development.

13 (9) Approve the addition, amendment, or elimination of population-level
14 indicators in accordance with 3 V.S.A. § 2311(c).

15 (10) [Repealed.]

16 (11) Assess whether and how the State of Vermont should provide funds
17 to nonprofit organizations, including whether grants to or contracts with
18 nonprofit organizations should require results-based accountability.

(12) Assess progress in meeting the greenhouse gas reduction requirements established pursuant to 10 V.S.A. § 578 and mitigating the impact of climate change on Vermont's environment and people.

* * *

5 Sec. 8. 3 V.S.A. § 2311 is amended to read:

6 § 2311. CHIEF PERFORMANCE OFFICER; ANNUAL STATE
7 OUTCOMES REPORT

* * *

(b) Vermont population-level quality of life outcomes.

10 (1) Vermont has a prosperous economy.

11 (2) Vermonters are healthy.

12 (3) Vermont's environment is clean and sustainable.

13 (4) Vermont is a safe place to live.

14 (5) Vermont's families are safe, nurturing, stable, and supported.

15 (6) Vermont's children and young people achieve their potential.

(7) Vermont's elders live with dignity and in settings they prefer.

17 (8) Vermonters with disabilities live with dignity and in settings they

18 prefer.

19 (9) Vermont has open, effective, and inclusive government.

(10) Vermont's State infrastructure meets the needs of Vermonters, the economy, and the environment.

1 (11) Vermont will meet the greenhouse gas reduction requirements
2 established pursuant to 10 V.S.A. § 578 and will mitigate the impact of climate
3 change on Vermont's environment and people.

* * *

5 * * * Effective Date * * *

6 Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2019.