

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

H.688

Introduced by Representatives Briglin of Thetford, Colburn of Burlington,
Copeland Hanzas of Bradford, Hooper of Montpelier, LaLonde
of South Burlington, Sibilia of Dover, Ancel of Calais, Anthony
of Barre City, Austin of Colchester, Bartholomew of Hartland,
Birong of Vergennes, Bock of Chester, Brownell of Pownal,
Brumsted of Shelburne, Burke of Brattleboro, Campbell of St.
Johnsbury, Carroll of Bennington, Chase of Colchester,
Chesnut-Tangerman of Middletown Springs, Christensen of
Weathersfield, Christie of Hartford, Cina of Burlington, Coffey
of Guilford, Colston of Winooski, Cordes of Lincoln, Demrow
of Corinth, Dolan of Waitsfield, Donovan of Burlington, Durfee
of Shaftsbury, Elder of Starksboro, Gannon of Wilmington,
Gardner of Richmond, Gonzalez of Winooski, Grad of
Moretown, Haas of Rochester, Hashim of Dummerston, Hill of
Wolcott, Hooper of Randolph, Hooper of Burlington, Houghton
of Essex, Howard of Rutland City, James of Manchester,
Jerome of Brandon, Jessup of Middlesex, Killacky of South
Burlington, Kitzmiller of Montpelier, Kornheiser of Brattleboro,
Krowinski of Burlington, Lanpher of Vergennes, Lippert of
Hinesburg, Long of Newfane, Macaig of Williston, Masland of

1 Thetford, McCarthy of St. Albans City, McCormack of
2 Burlington, McCullough of Williston, Mrowicki of Putney,
3 Nicoll of Ludlow, Noyes of Wolcott, O'Brien of Tunbridge,
4 Ode of Burlington, O'Sullivan of Burlington, Pajala of
5 Londonderry, Patt of Worcester, Potter of Clarendon, Pugh of
6 South Burlington, Rachelson of Burlington, Ralph of Hartland,
7 Redmond of Essex, Reed of Braintree, Scheu of Middlebury,
8 Sheldon of Middlebury, Squirrel of Underhill, Stevens of
9 Waterbury, Sullivan of Burlington, Szott of Barnard, Till of
10 Jericho, Toleno of Brattleboro, Townsend of South Burlington,
11 Trieber of Rockingham, Troiano of Stannard, Walz of Barre
12 City, Webb of Shelburne, White of Hartford, Wood of
13 Waterbury, Yacovone of Morristown, and Yantachka of
14 Charlotte

15 Referred to Committee on

16 Date:

17 Subject: Air pollution control; greenhouse gas reductions; climate change

18 Statement of purpose of bill as introduced: This bill proposes to create a
19 legally enforceable system by which Vermont will reduce its statewide
20 greenhouse gas emissions and establish strategies to mitigate climate risks and
21 build resiliency to climate change.

1 An act relating to addressing climate change

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

3 * * * Title and Findings * * *

4 Sec. 1. SHORT TITLE

5 This act may be cited as the Vermont Global Warming Solutions Act of
6 2020.

7 Sec. 2. LEGISLATIVE FINDINGS

8 The General Assembly finds that:

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

18 (2) The State of Vermont is part of the U.S. Climate Alliance, a
19 bipartisan coalition of 25 states that have committed to reducing greenhouse
20 gas emissions consistent with the goals of the Paris Agreement. Working in
21 parallel with other members of the U.S. Climate Alliance, the State of Vermont

1 will help accelerate solutions that address the climate crisis in the absence of
2 federal action. By implementing climate mitigation, adaptation, and resilience
3 strategies, Vermont will also position its economy to benefit and thrive from
4 the global transition to carbon neutrality and national and international efforts
5 to address the crisis.

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

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

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

19 (6) According to the Vermont Agency of Natural Resources, the adverse
20 impacts of climate change in Vermont include an increase in the severity and
21 frequency of extreme weather events, a rise in vector-borne diseases including

1 Lyme disease, more frequent cyanobacteria blooms, adverse impacts to forest
2 and agricultural soils, forest and crop damage, shorter and irregular sugaring
3 seasons, a reduction in seasonal snow cover, and variable and rising average
4 temperatures that result in uncertain and less snowfall.

5 (7) According to the Vermont Agency of Natural Resources 2015 report,
6 Creating and Maintaining Resilient Forests in Vermont: Adopting Forests to
7 Climate Change [ck title], the conservation and restoration of Vermont forests,
8 floodplains, and wetlands and the promotion of farming practices that
9 sequester carbon are critical to achieve climate mitigation, adaptation, and
10 resilience.

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

16 * * * Greenhouse Gas Reduction Requirements * * *

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

18 § 578. GREENHOUSE GAS REDUCTION GOALS REQUIREMENTS

19 (a) ~~General goal of greenhouse~~ Greenhouse gas reduction requirements. ~~It~~
20 ~~is the goal of the State to~~ Vermont shall reduce emissions of greenhouse gases
21 from within the geographical boundaries of the State and those emissions

1 outside the boundaries of the State that are caused by the use of energy in
2 Vermont ~~in order to make an appropriate contribution to achieving the regional~~
3 ~~goals of reducing emissions of greenhouse gases from the 1990 baseline, as~~
4 measured and inventoried pursuant to section 582 of this title, by:

5 (1) ~~25~~ not less than 26 percent from 2005 greenhouse gas emissions by
6 January 1, ~~2012~~ 2025 pursuant to the State's membership in the United States
7 Climate Alliance and commitment to implement policies to achieve the
8 objectives of the 2016 Paris Agreement;

9 (2) ~~50~~ not less than 40 percent from 1990 greenhouse gas emissions by
10 January 1, ~~2028~~ 2030 pursuant to the State's 2016 Comprehensive Energy
11 Plan; and

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

15 * * *

16 (c) Implementation of State programs to reduce greenhouse gas emissions.
17 In order to facilitate the State's compliance with the goals established in this
18 section, all State agencies shall consider, ~~whenever practicable,~~ any increase or
19 decrease in greenhouse gas emissions in their decision-making procedures with
20 respect to the purchase and use of equipment and goods; the siting,

1 construction, and maintenance of buildings; the assignment of personnel; and
2 the planning, design and operation of programs, services, and infrastructure.

3 * * *

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

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

6 CHAPTER 24. VERMONT CLIMATE COUNCIL AND CLIMATE

7 ACTION PLAN

8 § 590. DEFINITIONS

9 As used in this chapter:

10 (1) “Greenhouse gas” shall have the same meaning as in section 552 of
11 this title.

12 (2) “Resiliency” shall mean ...

13 § 591. VERMONT CLIMATE COUNCIL

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

16 (1) the Secretary of Natural Resources, who shall serve as the Chair of
17 the Council;

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

19 (3) the Secretary of Commerce and Community Development or
20 designee;

21 (4) the Secretary of Human Services or designee;

1 (5) the Secretary of Transportation or designee;

2 (6) the Commissioner of Public Safety or designee;

3 (7) the Commissioner of Public Service or designee;

4 (8) the following members who shall be appointed by the Speaker of the

5 House:

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

8 (B) one member to represent rural communities;

9 (C) one member to represent the municipal governments;

10 (D) one member to represent distribution utilities;

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

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

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

14 (9) the following members who shall be appointed by the Committee on

15 Committees:

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

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

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

1 (D) one member to represent the Vermont Community Action

2 Partnership;

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

4 (F) one youth member; and

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

7 (b) The Council shall:

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

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

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

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

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

4 (E) evaluating and analyzing existing strategies and programs that
5 build resiliency, and identifying, evaluating, and analyzing new strategies and
6 programs to prepare the State’s communities, infrastructure, and economy to
7 adapt to the current and anticipated effects of climate change.

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

15 (3) Identify the means to accurately measure:

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

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

1 (C) the effect of climate change on the State’s climate, wildlife, and
2 natural resources.

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

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

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

16 (2) Just Transitions Subcommittee. This subcommittee shall focus on
17 ensuring that strategies to reduce greenhouse gas emissions and to build
18 resiliency to adapt to the effects of climate change benefit and support all State
19 residents and communities and do not unfairly burden any groups or
20 communities, geographic locations, or economic sectors.

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

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

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

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

19 (D) recommend tools for municipalities to assess their climate
20 emergency preparedness, evaluate their financial capacity to address
21 infrastructure resiliency, and prioritize investment in that infrastructure.

1 (4) Agriculture and Ecosystems Subcommittee. [need add text]

2

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

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

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

10 (3) any other matter the Council deems appropriate.

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

15 (f) On or before January 15, 2021 and every January 15 thereafter, the
16 Council shall submit a written report to the General Assembly concerning the
17 Council’s activities and the State’s progress towards meeting the greenhouse
18 gas reduction requirements pursuant to section 578 of this title. On or before
19 July 1, 2023 and every third July 1 thereafter, each municipality in the State
20 shall file a report with the Director of Vermont Emergency Management
21 concerning municipal emergency preparedness, infrastructure resiliency, and

1 infrastructure investment using evaluation tools recommended by the Rural
2 Resiliency and Adaptation Subcommittee pursuant to subdivision (c)(3)(D) of
3 this section.

4 § 592. THE VERMONT CLIMATE ACTION PLAN

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

8 (b) The Plan shall set forth the specific initiatives, programs, and strategies,
9 including regulatory and legislative changes, necessary to achieve the State’s
10 greenhouse gas emissions reduction requirements pursuant to section 578 of
11 this title and build resiliency to prepare the State’s communities, infrastructure,
12 and economy to adapt to the current and anticipated effects of climate change.

13 The Plan shall include specific initiatives, programs, and strategies that will:

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

16 (2) encourage smart growth and related strategies;

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

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

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

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

3 (7) build and encourage climate adaptation and resiliency of Vermont
4 communities and natural systems.

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

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

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

16 (3) other reports, plans, and information.

17 (d) The specific initiatives, programs, and strategies contained in the Plan
18 and updates to the Plan shall further the following objectives:

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

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

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

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

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

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

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

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

1 (e) The Plan shall form the basis for the rules adopted by the Secretary of
2 Natural Resources pursuant to section 593 of this chapter. If the Council fails
3 to adopt the Plan or update the Plan as required by this chapter, the Secretary
4 shall proceed with adopting and implementing rules pursuant to subsection
5 593(j) of this chapter to achieve the greenhouse gas emissions reductions
6 requirements pursuant to section 578 of this title.

7 § 593. RULES

8 (a) The Secretary of Natural Resources shall adopt rules pursuant to
9 3 V.S.A. chapter 25 consistent with the Vermont Climate Action Plan (Plan).
10 In adopting rules pursuant to this section the Secretary shall:

11 (1) Ensure that the rules are consistent with the specific initiatives,
12 programs, and strategies set forth in the Plan and updates to the Plan; follow
13 the Vermont Climate Council’s guidance provided pursuant to subdivision
14 591(b)(4) of this chapter; and further the objectives pursuant to subsection
15 592(d) of this chapter.

16 (2) Develop a detailed record containing facts; data; and legal, scientific,
17 and technical information sufficient to establish a reasonable basis to believe
18 that the rules shall achieve the State’s greenhouse gas emissions reductions
19 requirements pursuant to section 578 of this title. This detailed record shall be
20 included with the rule and filed with the Secretary of State pursuant to
21 3 V.S.A. § 838.

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

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

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

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

20 (f) The Secretary shall, at his or her discretion, but not less frequently than
21 once every two years between 2026 and 2030, review and, if necessary, update

1 the rules required by subsection (e) of this section in order to ensure that the
2 2030 greenhouse gas emissions reduction requirement pursuant to section 578
3 of this title is achieved. In performing this review and update, the Secretary
4 shall observe the requirements of this subsection (c) of this section.

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

9 (h) The Secretary shall, at his or her discretion, but not less frequently than
10 once every two years between 2040 and 2050, review and, if necessary, update
11 the rules required by subsection (g) of this section in order to ensure that the
12 2050 greenhouse gas emissions reduction requirement pursuant to section 578
13 of this title is achieved. In performing this review and update, the Secretary
14 shall observe the requirements of subsection (c) of this section.

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

18 (1) The use of alternative reduction mechanisms shall account for not
19 more than 20 percent of statewide greenhouse gas emissions estimated as a
20 percentage of 1990 emissions. The use of a mechanism must offset a quantity

1 of greenhouse gas emissions equal to or greater than the amount of greenhouse
2 gasses emitted.

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

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

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

15 **(l) The General Assembly may repeal, revise, or modify any rule or**
16 **amendment to any rule, and its action shall not be abridged, enlarged, or**
17 **modified by subsequent rule. [Taken from 12 V.S.A. § 1; Judicial rules]**

18 § 594. CAUSE OF ACTION

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

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

4 (2) The complaint shall be filed within one year after expiration of the
5 time in which the Secretary of Natural Resources was required to adopt or
6 update rules pursuant to section 593 of this chapter. However, a person shall
7 not commence an action under this subsection until at least 60 days after
8 providing notice of the alleged violation to the Secretary.

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

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

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

20 (2) The complaint shall be filed within one year after the Vermont
21 Greenhouse Gas Emission Inventory and Forecast published pursuant to

1 section 582 of this title indicates that the rules adopted by the Secretary have
2 failed to achieve the greenhouse gas emissions reductions requirements
3 pursuant to section 578 of this title. However, a person shall not commence an
4 action under this subsection until at least 60 days after providing notice of the
5 alleged violation to the Secretary.

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

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

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

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

1 (d) Nothing in this section shall be construed to limit the rights, procedures,
2 and remedies available under any law, including the Vermont Administrative
3 Procedure Act pursuant to 3 V.S.A. chapter 25.

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

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

6 Any proposed rules and the detailed record required pursuant to section
7 10 V.S.A. § 593 shall be:

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

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

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

17 Sec. 6. VERMONT CLIMATE COUNCIL; APPOINTMENT OF MEMBERS

18 AND FIRST MEETING

19 All members of the Vermont Climate Council established pursuant to
20 section 10 V.S.A. § 591 shall be appointed within 60 days of the effective date

1 of this act and the Chair shall call the first meeting of the Council within
2 30 days after all members have been appointed.

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

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

5 § 202a. STATE ENERGY POLICY

6 It is the general policy of the State of Vermont:

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

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

17 (3) To meet Vermont's energy service needs in a manner that will
18 achieve the greenhouse gas emissions reductions requirements pursuant to
19 10 V.S.A § 578 and are consistent with the Vermont Climate Action Plan
20 adopted and updated pursuant to 10 V.S.A. § 592.

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

1 § 202b. STATE COMPREHENSIVE ENERGY PLAN

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

11 * * *

12 * * * Effective Date * * *

13 Sec. 9. EFFECTIVE DATE

14 This act shall take effect on passage.