

DR20-0442
“Vermont Global Warming Solutions
Act of 2020”

House Committee on Energy & Technology

JAN. 10, 2020

LUKE MARTLAND, DIRECTOR & CHIEF COUNSEL

Structure of Bill

- Use of “reader’s assistance” ***
- Sec. 1: Short title (p. 1)
- Sec. 2: Findings (p. 1- 4)
- Sec. 3: GHG reduction requirements (p. 4 – 5)
- Sec. 4: New chapter in Title 10 (p. 5 – 20)
 - Vermont Climate Council
 - Vermont Climate Action Plan
 - Rules
 - Cause of action
- Secs. 5 & 6: Rulemaking & appointment Council members (p. 21)
- Secs. 7 & 8: State energy policy & energy plan (p. 21- 23)
- Sec. 9: Effective date (p. 23)

How Law Would Work / Key Steps

GHG reduction requirements
(2025, 2030, 2050)

Vermont Climate Council
(Fall 2020)

Vermont Climate Action Plan
(July 1, 2021)

ANR Rulemaking to implement
plan & achieve GHG reductions

GHG reduction requirements

Sec. 3, amending 10 V.S.A. § 578

Not less than:

- 2025: 26% below 2005 levels
- 2030: 40% below 1990 levels
- 2050: 80% below 1990 levels

VT Climate Council

Sec. 4, new 10 V.S.A. § 591

- Membership
- Duties
 - Identify, analyze, and evaluate strategies & programs
 - Adopt the VT Climate Action Plan
 - Measurement
 - Guidance to ANR rules
- Subcommittees
 - 3 required, others optional
- Support
- Reports

VT Climate Action Plan

Sec. 4, new 10 V.S.A. § 592

- Time frame: Adopt July 1, 2021 & update every 4 years
- Specific initiatives, programs, and strategies to achieve GHG reductions & build resiliency to climate change
 - Plan must include specific initiatives addressing 7 issues
 - Basis for development of initiatives, programs and strategies
 - Initiatives must further 8 objectives
- Plan is basis for rules; if Council fails to adopt Plan ANR shall adopt rules

Rules

Sec. 4, new 10 V.S.A. § 593

- ANR shall adopt rules
 - Consistent with specific initiatives, programs, and strategies in Plan
 - Develop & file a detailed record
- Time periods to adopt & update rules (GHG reduction requirements 10 V.S.A. § 578)
 - July 1, 2022 (to meet 2025 reduction requirements)
 - July 1, 2026 (2030 reduction requirements)
 - July 1, 2040 (2050 reduction requirements)
- Alternative reduction mechanisms
- Council's failure to adopt Plan

Cause of Action

Sec. 4, new 10 V.S.A. § 594

- Background: Mandamus & Rule 75
- Scenario (a): ANR fails to adopt or update rules
 - Rule 75
 - Time frame & notice
 - Remedy
- Scenario (b): ANR does adopt rules, but those rules fail to achieve GHG reductions
 - Time frame & notice
 - Remedy, “substantial cause”, “prompt and effective” action to comply
- Awarding of costs & fees

Other provisions

- Sec. 5: Rulemaking process & committees
- Sec. 6: Appointment members to Council
- Secs. 7 & 8: State energy policy and plan
- Sec. 9: Effective date

Summary time frames within bill

- Bill effective on passage
- Climate Council appointed w/in 60 days of bill becoming law and 1st meeting within 30 days (by end summer 2020?)
 - Climate Council can therefore start meeting fall 2020?
- Council adopt Plan on or before July 1, 2021
- ANR develop rules (July 2021 - Jan 2022)
 - Rules to Council at least 45 days before filed with ICAR (~ mid-Jan 2022)
 - Rules to House & Senate Committees at least 30 days before filed with ICAR (~ Feb. 1 2022)
- Rules filed with ICAR March 1, 2022
 - ICAR / LCAR process March – July 2022
- Rules adopted by July 1, 2022 (to meet 2025 GHG reduction goals)

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