



1 strategies, Vermont will also position its economy to benefit and thrive from  
2 the global transition to carbon neutrality and national and international efforts  
3 to address the crisis.

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

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

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

17 (6) According to the Vermont Agency of Natural Resources, the adverse  
18 impacts of climate change in Vermont include an increase in the severity and  
19 frequency of extreme weather events, a rise in vector-borne diseases including  
20 Lyme disease, more frequent cyanobacteria blooms, adverse impacts to forest  
21 and agricultural soils, forest and crop damage, shorter and irregular sugaring

1 seasons, a reduction in seasonal snow cover, and variable and rising average  
2 temperatures that result in uncertain and less snowfall.

3 (7) According to the Vermont Agency of Natural Resources, the  
4 conservation and restoration of Vermont forests, floodplains, and wetlands and  
5 the promotion of farming practices that sequester carbon are critical to achieve  
6 climate mitigation, adaptation, and resilience.

7 (8) Moody’s Investors Service is now analyzing the adaptation and  
8 resilience strategies of issuers of state and municipal bonds and may apply a  
9 negative credit factor for issuers with insufficient strategies. Establishing  
10 robust adaptation and resilience strategies for Vermont will help protect the  
11 State from a climate crisis-related credit downgrade.

12 \* \* \* Greenhouse Gas Reduction Requirements \* \* \*

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



1           CHAPTER 24. VERMONT CLIMATE COUNCIL AND CLIMATE

2   ACTION PLAN

3           § 590. DEFINITIONS

4           As used in this chapter:

5                   (1) “Adaptation” shall mean advancing resiliency through planned and  
6           implemented enhancements to, or avoiding degradation of, natural and built  
7           systems and structures.

8                   (2) “Council” shall mean the Vermont Climate Council established  
9           under section 591 of this title.

10                   (3) “Greenhouse gas” shall have the same meaning as in section 552 of  
11           19 this title.

12                   (4) “Mitigation” shall mean reduction of anthropogenic greenhouse gas  
13           emissions, and preservation and enhancement of natural systems to sequester  
14           and store carbon, in order to stabilize and reduce greenhouse gases in the  
15           atmosphere.

16                   (5) “Plan” means the Vermont Climate Action Plan adopted  
17           pursuant to section 592 of this title.

18                   (6) “Resilience” shall mean the capacity of individuals, communities,  
19           and natural and built systems [to reduce vulnerability and] to withstand and  
20           recover from climatic events, trends, and disruptions.

21           § 591. VERMONT CLIMATE COUNCIL

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

3                **(1) the Secretary of Administration, or designee ~~Natural Resources,~~**  
4        **who shall serve as the Chair of the Council;**

5                (2) the Secretary of Natural Resources or designee;

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

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

9                (5) the Secretary of Human Services or designee;

10               (6) the Secretary of Transportation or designee;

11               (7) the Commissioner of Public Safety or designee;

12               (8) the Commissioner of Public Service or designee;

13               **(b) The Council shall be supported by an advisory board that shall be**  
14        **composed of the following members:**

15               (1) the following members who shall be appointed by the Speaker of the  
16        House:

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

19               (B) one member to represent rural communities, appointed by the  
20        Governor;

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

1           (D) one member to represent distribution utilities;

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

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

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

5           (2) the following members who shall be appointed by the Committee on  
6 Committees:

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

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

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

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

13 Partnership;

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

15           (F) one youth member; and

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

18           **(b) Purpose of the Council. It is the purpose of the Council to perform**  
19 **the following:**

20           **(1) Adopt the Plan and periodically update the Plan as required by**  
21 **this section;**

- 1           **(2) Recommend to the Secretary of Administration the appropriate**  
2           **allocation of funds for the purposes of developing the State budget**  
3           **required to be submitted to the General Assembly under 32 V.S.A. § 306.**  
4           **All recommendations from the Council should be intended to achieve the**  
5           **greatest mitigation and resilience benefits for the investment. The**  
6           **recommendations of the Council shall be open to inspection and copying**  
7           **under the Public Records Act, and the Council shall submit to the Senate**  
8           **Committees on Appropriations, on Finance, on Agriculture, on**  
9           **Transportation, and on Natural Resources and Energy and the House**  
10           **Committees on Appropriations, on Ways and Means, on Energy and**  
11           **Technology, on Transportation, on Agriculture and Forestry, and on**  
12           **Natural Resources, Fish, and Wildlife a copy of any recommendations**  
13           **provided to the Governor.**
- 14           **(3) Periodically review implementation of the Plan to ensure a**  
15           **coordinated and consistent approach by Agencies in State government;**
- 16           **(4) Review measurements and models of the State’s progress towards**  
17           **meeting the requirements established under section 578 of this title;**
- 18           **(5) Provide resources to municipalities and state agencies with**  
19           **respect to voluntary efforts that enhance resiliency, adaption, or promote**  
20           **achieving the requirements; and**

1           **(6) Recommend adjustments to programs adopted under the Plan to**  
2           **facilitate achieving the requirements of section 578 of this title.**

3           **The Council shall:**

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

9                   **(A) evaluating and analyzing the technical feasibility and cost-**  
10           **effectiveness of existing strategies and programs and identifying,**  
11           **evaluating, and analyzing new strategies and programs that are based**  
12           **upon emerging scientific and technical information;**

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

17                   **(C) identifying, analyzing, and evaluating financing strategies to**  
18           **support the transition to a reduced greenhouse gas emissions economy and**  
19           **a more resilient State.**

20           **(2) On or before July 1, 2021, adopt the Vermont Climate Action**  
21           **Plan (Plan) and update the Plan on or before July 1 every four years**

1 ~~**thereafter. The Plan shall set forth the specific initiatives, programs, and**~~  
2 ~~**strategies that the State shall pursue to reduce greenhouse gas emissions;**~~  
3 ~~**achieve the State’s reduction requirements pursuant to section 578 of this**~~  
4 ~~**title; and build resiliency to prepare the State’s communities,**~~  
5 ~~**infrastructure, and economy to adapt to the current and anticipated**~~  
6 ~~**effects of climate change.**~~

7 ~~**(3) Identify the means to accurately measure:**~~

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

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

14 ~~**(C) the effect of climate change on the State’s climate, wildlife,**~~  
15 ~~**and natural resources.**~~

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

19 (c) Subcommittees. The Council may create the subcommittees listed in  
20 this subsection and may also create other subcommittees to advise the Council,  
21 assist in preparing the Plan, and carry out other duties. The Council may

1 appoint members of the Council to serve as members of subcommittees and  
2 may also appoint individuals who are not members of the Council to serve as  
3 members of subcommittees.

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

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

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

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

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

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

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

18          (4) Agriculture and Ecosystems Subcommittee. This subcommittee shall  
19          focus on identifying what the agriculture and forest industry sectors are  
20          currently doing, and can do in the future, to address climate change, what  
21          assistance they may need to ensure continued economic viability, and what

1 new strategies may support economic viability, including assess to carbon  
2 credit markets and sequestration markets and programs.

3 ~~**(d) The Council may recommend legislation to the General Assembly**~~  
4 ~~**concerning:**~~

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

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

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

11 (c) 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 (d) A majority of the sitting members of the Council shall constitute a  
16 quorum, and action taken by the Council may be authorized by a majority of  
17 the members present and voting at any meeting at which a quorum is present.  
18 The Council may permit any or all members to participate in a meeting by, or  
19 conduct the meeting through the use of, any means of communication,  
20 including an electronic, telecommunications, and video- or audio-conferencing  
21 technology, by which all members participating may simultaneously or

1 sequentially communicate with each other during the meeting. A member  
2 participating in a meeting by this means is deemed to be present in person at  
3 the meeting. The Council may elect officers and adopt any other procedural  
4 rules as it shall determine necessary and appropriate to perform its work.

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

10 (h) The members of the Council appointed pursuant to subdivision (a)(9) of  
11 this section shall be appointed to initial terms of two years and members  
12 appointed pursuant to subdivision (a)(10) of this section shall be appointed to  
13 initial terms of three years. Thereafter, each appointed member shall serve a  
14 term of three years or until his or her earlier resignation or removal. A vacancy  
15 shall be filled by the appointing authority for the remainder of the unexpired  
16 term. An appointed member shall not serve more than three full consecutive  
17 three-year terms.

18 (d) On or before January 15, 2021 and every January 15 thereafter, the  
19 Council shall submit a written report to the General Assembly concerning the  
20 Council's activities and the State's progress towards meeting the greenhouse  
21 gas reduction requirements pursuant to section 578 of this title. On or before

1 July 1, 2023 and every third July 1 thereafter, each municipality in the State  
2 shall file a report with the Director of Vermont Emergency Management  
3 concerning municipal emergency preparedness, infrastructure resiliency, and  
4 infrastructure investment using evaluation tools recommended by the Rural  
5 Resiliency and Adaptation Subcommittee pursuant to subdivision (c)(3)(D) of  
6 this section.

7 § 592. THE VERMONT CLIMATE ACTION PLAN

8 (a) On or before **December 1, 2021** ~~July 1, 2021~~, the **Vermont Climate**  
9 **Council** ~~(Council)~~ shall adopt the **Vermont Climate Action Plan** ~~(Plan)~~. **The**  
10 **Council shall and** update the Plan on or before July 1 every four years  
11 thereafter. **The Council shall update the Plan within 12 months of the**  
12 **publication of the inventory compiled pursuant to section 582 of this title**  
13 **showing that the State failed to meet a greenhouse gas reduction**  
14 **requirement established under section 578 of this title. The Chair may**  
15 **require that the plan be updated more frequently than required by this**  
16 **subsection.**

17 (b) The Plan shall **include at a minimum the following:**

18 (1) **Identification of existing sources or classes of sources of**  
19 **greenhouse gas emissions;**

20 (2) **An evaluation of existing strategies and programs developed to**  
21 **achieve the State’s greenhouse gas emissions reduction requirements**

1 **pursuant to section 578 of this title and build resiliency to prepare the**  
2 **State’s communities, infrastructure, and economy to adapt to the current**  
3 **and anticipated effects of climate change. This analysis shall include:**

4 **(A) the effectiveness of that strategy or program in reducing**  
5 **greenhouse gasses or promoting resilience or adaptation;**

6 **(B) an analysis of whether the strategy or program unfairly**  
7 **burdens a group of persons, community, or geographic region;**

8 **(C) an assessment of whether the strategy or program furthers**  
9 **the State’s planning goals identified in 24 V.S.A. 4302(c);**

10 **(D) any co-benefits of the strategy or program in promoting other**  
11 **state goals;**

12 **(E) an assessment of whether the strategy or program will result**  
13 **or has resulted in an increase of toxic air contaminants or criteria air**  
14 **pollutants;**

15 **(F) the cost-effectiveness of the program;**

16 **(G) a recommendation to modify any existing program.**

17 **(i) When making a recommendation to modify an existing**  
18 **program, the Council shall identify whether a state agency currently has**  
19 **the authority to implement the strategy or program.**

- 1                    **(ii) When a state agency does not have existing authority, the**  
2                    **Council shall make recommendations to the legislature regarding**  
3                    **statutory changes needed to implement the strategy or program.**
- 4                    **(3) If the strategies and programs identified in subdivision (1) of this**  
5                    **subsection fail to meet the Requirements, the Council shall make**  
6                    **prioritized recommendations on new strategies and programs necessary to**  
7                    **achieve the Requirements. For each recommendation, the report shall**  
8                    **include:**
- 9                    **(A) the anticipated effectiveness of that strategy or program in**  
10                   **reducing greenhouse gasses or promoting resilience or adaptation;**
- 11                   **(B) an analysis of whether the strategy or program will unfairly**  
12                   **burden a group of persons, community, or geographic region;**
- 13                   **(C) an assessment of whether the strategy or program will**  
14                   **further the State’s planning goals identified in 24 V.S.A. 4302(c);**
- 15                   **(D) any anticipated co-benefits of the strategy or program in**  
16                   **promoting other state goals;**
- 17                   **(E) an assessment of whether the strategy or program will result**  
18                   **in an increase of toxic air contaminants or criteria air pollutants;**
- 19                   **(F) the anticipated cost-effectiveness of the program;**

1           **(G) When recommending strategies or programs, the Council**  
2           **shall identify whether a state agency currently has the authority to**  
3           **implement the strategy or program.**

4           **(H) When a state agency does not have existing authority, the**  
5           **Council shall make recommendations to the legislature regarding**  
6           **statutory changes needed to implement the strategy or program.**

7           **(4) When prioritizing strategies and programs contained in the Plan**  
8           **and updates to the Plan, the Council shall consider the following**  
9           **objectives:**

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

14           **(B) to provide for greenhouse gas emissions reductions that**  
15           **reflect the relative contribution of each source or category of source of**  
16           **emissions;**

17           **(C) to minimize negative impacts on marginalized and rural**  
18           **communities and upon individuals with low and moderate income;**

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

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

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

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

10           **(H) to reduce or eliminate the use of chemicals, substances, or**  
11           **products that contribute to climate change; and**

12           **(I) to maximize the State’s involvement in interstate and regional**  
13           **initiatives and programs designed to reduce regional greenhouse gas**  
14           **emissions and build upon state, national, and international partnerships**  
15           **and programs designed to mitigate climate change and its impacts.**

16           **(5) Recommendations on programs and methods to accurately**  
17           **measure or model:**

18           **(A) the State’s greenhouse gas emissions and progress towards**  
19           **meeting the Requirements pursuant to section 582 of this chapter,**  
20           **including publishing emissions inventory data in a timely manner; and**

1           **(B) the effectiveness of the specific initiatives, programs, and**  
2           **strategies set forth in the Plan and updates to the Plan in reducing**  
3           **greenhouse gas emissions.**

4           **(6) An evaluation of the total cost to fully implement the programs**  
5           **identified by the Plan. When evaluating total cost, the Council shall**  
6           **consider staff and fiscal resources needed to develop and implement rules**  
7           **as well as estimated costs to the regulated community for implementation;**

8           **(7) An estimate of the funding needed to support the first five years**  
9           **of implementation of programs identified by the Plan, including :**

10           **(A) grants to mitigate impacts on groups of persons, community,**  
11           **or geographic region that are disproportionately impacted by the**  
12           **programs identified by the Plan; and**

13           **(B) funding programs and incentives that support achieving the**  
14           **Requirements and are consistent with a program or strategy**  
15           **recommended by the Plan.**

16           **(8) Provide guidance to the state agencies concerning rules to be**  
17           **adopted pursuant to section 593 of this chapter.**

18           **(9) Develop a municipal vulnerability index to include factors**  
19           **measuring a municipality’s population, average age, employment, and**  
20           **grand list trends; active public and civic organizations; and distance from**  
21           **emergency services and shelter;**

1           **(10) Develop best practice recommendations specific to rural**  
2           **communities for reducing municipal, school district, and residential fossil**  
3           **fuel consumption; fortifying critical transportation, electricity, and**  
4           **community infrastructure;**

5           **(11) Recommend a means of securely sharing self-identified**  
6           **vulnerable residents’ information with State and local emergency**  
7           **responders and utilities; and**

8           **(12) Recommend tools for municipalities to assess their climate**  
9           **emergency preparedness, evaluate their financial capacity to address**  
10           **infrastructure resiliency, and prioritize investment in that infrastructure.**

11           **(13) Recommend the future composition and role of the Vermont**  
12           **Climate Action Council.**

13           **set forth the specific initiatives, programs, and strategies, including**  
14           **regulatory and legislative changes, necessary to achieve the State’s**  
15           **greenhouse gas emissions reduction requirements pursuant to section 578**  
16           **of this title and build resiliency to prepare the State’s communities,**  
17           **infrastructure, and economy to adapt to the current and anticipated**  
18           **effects of climate change. The Plan shall include specific initiatives,**  
19           **programs, and strategies that will:**

- 1           ~~**(1) reduce greenhouse gas emissions from the transportation,**~~  
2           ~~**building, regulated utility, industrial, commercial, and agricultural**~~  
3           ~~**sectors;**~~  
4           ~~**(2) encourage smart growth and related strategies;**~~  
5           ~~**(3) achieve long-term sequestration and storage of carbon and**~~  
6           ~~**promote best management practices to achieve climate mitigation,**~~  
7           ~~**adaption, and resilience on natural working lands;**~~  
8           ~~**(4) achieve net zero emissions by 2050 across all sectors;**~~  
9           ~~**(5) reduce energy burdens for rural and marginalized communities;**~~  
10           ~~**(6) limit the use of chemicals, substances, or products that**~~  
11           ~~**contribute to climate change; and**~~  
12           ~~**(7) build and encourage climate adaptation and resiliency of**~~  
13           ~~**Vermont communities and natural systems.**~~  
14           ~~**(c) The analysis, development, and selection of the specific initiatives,**~~  
15           ~~**programs, and strategies contained in the Plan and updates to the Plan**~~  
16           ~~**shall be based upon:**~~  
17           ~~**(1) the Council's analysis and evaluation of strategies and programs**~~  
18           ~~**pursuant to subdivision 591(b)(1) of this chapter;**~~  
19           ~~**(2) reports, plans, and information pertaining to greenhouse gas**~~  
20           ~~**emissions reduction and climate resiliency strategies from the Agency of**~~  
21           ~~**Natural Resources, the Department of Public Service, other State agencies**~~

1 ~~and departments and, where appropriate, the State Comprehensive~~  
2 ~~Energy Plan prepared pursuant to 30 V.S.A. § 202b and the 2018~~  
3 ~~Vermont Climate Action Commission Report to the Governor; and~~  
4 ~~(3) other reports, plans, and information.~~

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

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

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

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

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

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

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

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

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

11          (c) The Plan shall form the basis for the rules adopted by the Secretary of  
12          Natural Resources pursuant to section 593 of this chapter. If the Council fails  
13          to adopt the Plan or update the Plan as required by this chapter, the Secretary  
14          shall proceed with adopting and implementing rules pursuant to subsection  
15          593(j) of this chapter to achieve the greenhouse gas emissions reductions  
16          requirements pursuant to section 578 of this title.

17          § 593. **IMPLEMENTATION RULES**

18           (a) **With respect to the initial plan adopted by the Council:**

19           (1) **With respect to any strategy or program recommended by the**  
20          **Plan where the Council also identifies that the state agency has existing**  
21          **authority to implement the strategy or program, the state agency shall file**

1 **a final proposed rule implementing the strategy or program on or before**  
2 **December 1, 2023.**

3 **(2) With respect to strategies or programs that do not require**  
4 **legislative authorization or rulemaking, the state agency shall implement**  
5 **the strategy or program on or before July 1, 2023.**

6 **(b) With respect any plan update or revision required by section 592(a)**  
7 **of this title:**

8 **(1) With respect to any strategy or program recommended by the**  
9 **Plan where the Council also identifies that the state agency has existing**  
10 **authority to implement the strategy or program, the state agency shall file**  
11 **a final proposed rule implementing the strategy or program no later than**  
12 **18 months from the adoption of the Plan.**

13 **(2) With respect to strategies or programs that do not require**  
14 **legislative authorization or rulemaking, the state agency shall implement**  
15 **the strategy or program no later than 12 months from the adoption of the**  
16 **Plan.**

17 ~~**(a) The Secretary of Natural Resources shall adopt rules pursuant to**~~  
18 ~~**3 V.S.A. chapter 25 consistent with the Vermont Climate Action Plan**~~  
19 ~~**(Plan). In adopting rules pursuant to this section the Secretary shall:**~~

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

1 ~~follow the Vermont Climate Council’s guidance provided pursuant to~~  
2 ~~subdivision 591(b)(4) of this chapter; and further the objectives pursuant~~  
3 ~~to subsection 592(d) of this chapter.~~

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

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

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

19 ~~(d) The Secretary shall, on or before July 1, 2024, review and, if~~  
20 ~~necessary, update the rules required by subsection (b) of this section in~~  
21 ~~order to ensure that the 2025 greenhouse gas emissions reduction~~

1 ~~requirement pursuant to section 578 of this title is achieved. In~~  
2 ~~performing this review and update, the Secretary shall observe the~~  
3 ~~requirements of subsection (c) of this section.~~

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

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

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

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

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

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

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

20       ~~(j) If the Council fails to adopt the Plan or update the Plan as required~~  
21       ~~by section 592 of this chapter, the Secretary shall adopt and implement~~

1 ~~**rules pursuant to 3 V.S.A. chapter 25 to achieve the greenhouse gas**~~  
2 ~~**emissions reductions requirements pursuant to section 578 of this title.**~~

3 (c) Nothing in this section shall be construed to limit the existing authority  
4 of a State agency or department to regulate greenhouse gas emissions or  
5 establish strategies to mitigate climate risk and build resiliency to climate  
6 change.

7 § 594. CAUSE OF ACTION

8 (a) Any person may commence an action based upon the failure of the  
9 **State Secretary of Natural Resources** to adopt **the Plan** or update rules  
10 pursuant to the deadlines in sections **592 or 593** of this chapter.

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

14 (2) The complaint shall be filed within one year after expiration of the  
15 time in which the ~~Secretary of Natural Resources was required to adopt~~  
16 **Plan or update rules were required to be adopted** pursuant to sections **592**  
17 **or 593** of this chapter. However, a person shall not commence an action under  
18 this subsection until at least 60 days after providing notice of the alleged  
19 violation to the **Attorney General Secretary**.

20 (3) If the court finds that the **State Secretary** has failed to adopt **the**  
21 **Plan** or update rules pursuant to the deadlines in sections **592 or 593** of this

1 chapter, the court shall enter an order directing the **State Secretary** to adopt or  
2 update rules. If the court finds that the **State Secretary** is taking prompt and  
3 effective action to adopt or update rules, the court may grant the **State**  
4 **Secretary** a reasonable period of time to do so.

5 (b) Any person may commence an action alleging that **the strategies and**  
6 **programs included in the Plan**~~rules adopted by the Secretary~~ pursuant to  
7 section **592 593** of this chapter have failed to achieve the greenhouse gas  
8 emissions reductions requirements pursuant to section 578(a)(3) of this title.

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

11 (2) The complaint shall be filed within one year after the Vermont  
12 Greenhouse Gas Emission Inventory and Forecast published pursuant to  
13 section 582 of this title indicates that ~~the rules adopted by the Secretary~~  
14 **have Plan** failed to achieve the greenhouse gas emissions reductions  
15 requirements pursuant to section 578(a)(3) of this title. However, a person  
16 shall not commence an action under this subsection until at least 60 days after  
17 providing notice of the alleged violation to the **Attorney General Secretary**.

18 (3) If the court finds that the **Plan adopted rules adopted by the**  
19 **Secretary** pursuant to section **592 593** of this chapter **is the cause of the**  
20 **State's are a substantial cause of** failure to achieve the greenhouse gas  
21 emissions reductions requirements pursuant to section 578(a)(3) of this title,

1 the court shall enter an order ~~directing~~ **remanding the Plan to the Council**  
2 **Secretary to update the plan to include strategies or programs adopt or**  
3 **update rules** that achieve the greenhouse gas emissions reductions  
4 requirements **pursuant to section 578(a)(3)**. If the court finds that the **State**  
5 **Secretary** is taking prompt and effective action to comply the court may grant  
6 the Secretary a reasonable period of time to do so.

7 ~~(e) In an action brought pursuant to this section, a prevailing party or~~  
8 ~~substantially prevailing party:~~

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

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

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

16 \* \* \* Rulemaking and Appointment of Council Members \* \* \*

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

18 Any proposed rules and the detailed record required pursuant to section  
19 10 V.S.A. § 593 shall be:

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

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

10           (3) filed with ICAR on or before ~~March~~ **May 1, 2022.**

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

13           All members of the Vermont Climate Council established pursuant to  
14           section 10 V.S.A. § 591 shall be appointed within 60 days of the effective date  
15           of this act and the Chair shall call the first meeting of the Council within  
16           30 days after all members have been appointed.

17                           \* \* \* State energy policy and the Comprehensive Energy Plan \* \* \*

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

19           § 202a. STATE ENERGY POLICY

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

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

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

11           (3) To meet Vermont’s energy service needs in a manner that will  
12 achieve the greenhouse gas emissions reductions requirements pursuant to  
13 10 V.S.A § 578 and are consistent with the Vermont Climate Action Plan  
14 adopted and updated pursuant to 10 V.S.A. § 592.

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

16 § 202b. STATE COMPREHENSIVE ENERGY PLAN

17           (a) The Department of Public Service, in conjunction with other State  
18 agencies designated by the Governor, shall prepare a State Comprehensive  
19 Energy Plan covering at least a 20-year period. The Plan shall seek to  
20 implement the State energy policy set forth in section 202a of this title,  
21 including meeting the State’s greenhouse gas emissions reductions

1 requirements pursuant to 10 V.S.A. § 578, and shall be consistent with the  
2 relevant goals of 24 V.S.A. § 4302 and with the Vermont Climate Action Plan  
3 adopted and updated pursuant to 10 V.S.A. § 592. The State Comprehensive  
4 Energy Plan shall include:

5 \* \* \*

6 Sec. 9. APPROPRIATION

7 The sum of \$XX.00 is appropriated from the General Fund to the Agency of  
8 Natural Resources in fiscal year 2021 for the purpose of implementing this  
9 Act, including costs associated with providing administrative, technical, and  
10 legal support to the Vermont Climate Council; compensation and  
11 reimbursement of expenses for members of the Council; developing the

1 Climate Action Plan; developing and promulgating rules; and for other costs,  
2 expenses, and personal services.

3 Sec. 10. AGENCY OF NATURAL RESOURCES; POSITIONS

4 (a) The following positions are created in the Agency of Natural Resources:

5 (1) x full-time, exempt xxx

6 (2) x full-time exempt xxx

7 (b) The positions established in this section shall be transferred and  
8 converted from existing vacant positions in the Executive Branch of State  
9 government.

10 \* \* \* Effective Date \* \* \*

11 Sec. 11. EFFECTIVE DATE

12 This act shall take effect on passage.