

H.688 Side-by-side
Comparing the House “As Passed” Version & the Senate Natural & Energy Amendment

June 23, 2020

This side-by-side document is intended to help the reader compare the “as passed” bill and the amendment. Creating this document may result in changes in formatting and other changes. As a result, please read the bill and amendment carefully for exact language.

Section	House “As Passed”	Senate Natural & Energy Amendment
1 Short title	<u>This act may be cited as the Vermont Global Warming Solutions Act of 2020.</u>	No changes.

<p>2 Findings</p>	<p>The General Assembly finds that:</p> <p><u>(1) According to the Intergovernmental Panel on Climate Change (IPCC), the climate crisis is both caused and exacerbated by greenhouse gas emissions that result from human activity. The IPCC has determined that industrialized countries must cut their emissions to net zero by 2050, which is necessary to achieve the Paris Agreement’s goal of keeping the increase in global average temperature to below 2°C. A climate emergency threatens our communities, State, and region and poses a significant threat to human health and safety, infrastructure, biodiversity, our common environment, and our economy.</u></p> <p><u>(2) The State of Vermont is part of the U.S. Climate Alliance, a bipartisan coalition of 25 states that have committed to reducing greenhouse gas emissions consistent with the goals of the Paris Agreement. Working in parallel with other members of the U.S. Climate Alliance, the State of Vermont will help accelerate solutions that address the climate crisis in the absence of federal action. By implementing climate mitigation, adaptation, and resilience strategies, Vermont will also position its economy to benefit and thrive from the global transition to carbon neutrality and national and international efforts to address the crisis.</u></p> <p><u>(3) According to the IPCC and the World Bank, a failure to substantially reduce emissions over the next ten years will require even more substantial reductions later and will increase the costs of decarbonization. Delaying necessary policy action to address the climate crisis risks significant economic damage to Vermont.</u></p> <p><u>(4) According to the IPCC and the State of Vermont, adaptation and resilience measures are necessary to address climate risks.</u></p> <p><u>(5) According to the IPCC, the climate crisis disproportionately impacts rural and marginalized, disenfranchised, and disinvested communities, which already bear significant public health, environmental, socioeconomic, and other burdens. Mitigation, adaptation, and resilience strategies must prioritize the allocation of investment of public resources to these communities and minimize, to the greatest extent practicable, potential regressive impacts.</u></p> <p><u>(6) According to the Vermont Agency of Natural Resources, the adverse impacts of climate change in Vermont include an increase in the severity and frequency of extreme weather events, a rise in vector-</u></p>	<p>No changes.</p>
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<p>4 VT Climate Council, definitions</p>	<p>10 V.S.A. § 590. DEFINITIONS <u>As used in this chapter:</u> (1) <u>“Adaptation” means reducing vulnerability and advancing resilience through planned and implemented enhancements to, or avoiding degradation of, natural and built systems and structures.</u> (2) <u>“Greenhouse gas” has the same meaning as in section 552 of this title.</u> (3) <u>“Mitigation” means reduction of anthropogenic greenhouse gas emissions, and preservation and enhancement of natural systems to sequester and store carbon, in order to stabilize and reduce greenhouse gases in the atmosphere.</u> (5) <u>“Resilience” means the capacity of individuals, communities, and natural and built systems to withstand and recover from climatic events, trends, and disruptions.</u></p>	<p>The amendment makes one technical correction, fixing numbering.</p> <p>(4) <u>“Resilience” means the capacity of individuals, communities, and natural and built systems to withstand and recover from climatic events, trends, and disruptions.</u></p>
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<p>4 VT Climate Council, structure & powers & duties of Council</p>	<p>10 V.S.A. § 591. VERMONT CLIMATE COUNCIL <u>(a) There is created the Vermont Climate Council (Council). The Council shall be composed of the following members:</u> <u>(1) the Secretary of Administration, who shall serve as the Chair of the Council;</u> <u>(2) the Secretary of Natural Resources or designee;</u> <u>(3) the Secretary of Agriculture, Food and Markets or designee;</u> <u>(4) the Secretary of Commerce and Community Development or designee;</u> <u>(5) the Secretary of Human Services or designee;</u> <u>(6) the Secretary of Transportation or designee;</u> <u>(7) the Commissioner of Public Safety or designee;</u> <u>(8) the Commissioner of Public Service or designee;</u> <u>(9) the following members who shall be appointed by the Speaker of the House:</u> <u>(A) one member with expertise and professional experience in the design and implementation of programs to reduce greenhouse gas emissions;</u> <u>(B) one member to represent rural communities;</u> <u>(C) one member to represent the municipal governments;</u> <u>(D) one member to represent distribution utilities;</u> <u>(E) one member to represent a statewide environmental organization;</u> <u>(F) one member to represent the fuel sector; and</u> <u>(G) one member with expertise in climate change science;</u> <u>(10) the following members who shall be appointed by the Committee on Committees:</u> <u>(A) one member with expertise in the design and implementation of programs to increase resilience to and respond to natural disasters resulting from climate change;</u> <u>(B) one member to represent the clean energy sector;</u> <u>(C) one member to represent the small business community;</u> <u>(D) one member to represent the Vermont Community Action Partnership;</u> <u>(E) one member to represent the farm and forest sector;</u> <u>(F) one youth member; and</u> <u>(G) one member of a Vermont-based organization with expertise in energy and data analysis</u></p>	<p>The amendment makes two changes: 1) in (a)(9) (membership of the Council) adding an additional member to represent manufacturers; and 2) in (f) (meetings and organization of Council) adding language that the Council shall meet at call of the Chair or a majority of its members.</p> <p><u>(9) the following members who shall be appointed by the Speaker of the House:</u></p> <p style="text-align: center;">* * *</p> <p><u>(F) one member to represent the fuel sector; and</u> <u>(G) one member with expertise in climate change science; and</u> <u>(H) one member to represent Vermont manufacturers;</u></p>
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<p>4 VT Climate Action Plan</p>	<p><u>10 V.S.A. § 592. THE VERMONT CLIMATE ACTION PLAN</u> <u>(a) On or before December 1, 2021, the Vermont Climate Council (Council) shall adopt the Vermont Climate Action Plan (Plan) and update the Plan on or before July 1 every four years thereafter.</u> <u>(b) The Plan shall set forth the specific initiatives, programs, and strategies, including regulatory and legislative changes, necessary to achieve the State’s greenhouse gas emissions reduction requirements pursuant to section 578 of this title and build resilience to prepare the State’s communities, infrastructure, and economy to adapt to the current and anticipated effects of climate change. The Plan shall include specific initiatives, programs, and strategies that will:</u> <u>(1) reduce greenhouse gas emissions from the transportation, building, regulated utility, industrial, commercial, and agricultural sectors;</u> <u>(2) encourage smart growth and related strategies;</u> <u>(3) achieve long-term sequestration and storage of carbon and promote best management practices to achieve climate mitigation, adaption, and resilience on natural working lands;</u> <u>(4) achieve net zero emissions by 2050 across all sectors;</u> <u>(5) reduce energy burdens for rural and marginalized communities;</u> <u>(6) limit the use of chemicals, substances, or products that contribute to climate change; and</u> <u>(7) build and encourage climate adaptation and resilience of Vermont communities and natural systems.</u> <u>(c) The analysis, development, and selection of the specific initiatives, programs, and strategies contained in the Plan and updates to the Plan shall be based upon:</u> <u>(1) the Council’s analysis and evaluation of strategies and programs pursuant to subdivision 591(b)(1) of this chapter;</u> <u>(2) reports, plans, and information pertaining to greenhouse gas emissions reduction and climate resilience strategies from the Agency of Natural Resources, the Department of Public Service, other State agencies and departments, and, where appropriate, the State Comprehensive Energy Plan prepared pursuant to 30 V.S.A. § 202b and the 2018 Vermont Climate Action Commission Report to the Governor; and</u> <u>(3) other reports, plans, and information.</u> <u>(d) The specific initiatives, programs, and strategies contained in the</u></p>	<p>No changes.</p>
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<p>4 Rules</p>	<p>10 V.S.A. § 593. RULES</p> <p><u>(a) The Secretary of Natural Resources shall adopt rules pursuant to 3 V.S.A. chapter 25 consistent with the Vermont Climate Action Plan (Plan). In adopting rules pursuant to this section the Secretary shall:</u></p> <p><u>(1) Ensure that the rules are consistent with the specific initiatives, programs, and strategies set forth in the Plan and updates to the Plan; follow the Vermont Climate Council’s guidance provided pursuant to subdivision 591(b)(4) of this chapter; and further the objectives pursuant to subsection 592(d) of this chapter.</u></p> <p><u>(2) Develop a detailed record containing facts; data; and legal, scientific, and technical information sufficient to establish a reasonable basis to believe that the rules shall achieve the State’s greenhouse gas emissions reductions requirements pursuant to section 578 of this title. This detailed record shall be included with the rule and filed with the Secretary of State pursuant to 3 V.S.A. § 838.</u></p> <p><u>(b) On or before December 1, 2022, the Secretary shall adopt and implement rules consistent with the specific initiatives, programs, and strategies set forth in the Plan and achieve the 2025 greenhouse gas emissions reduction requirement pursuant to section 578 of this title.</u></p> <p><u>(c) The Secretary shall conduct public hearings across the State concerning the proposed rules. The Secretary shall conduct a portion of these hearings in areas and communities that have the most significant exposure to the impacts of climate change, including disadvantaged, low-income, and rural communities and areas.</u></p> <p><u>(d) The Secretary shall, on or before July 1, 2024, review and, if necessary, update the rules required by subsection (b) of this section in order to ensure that the 2025 greenhouse gas emissions reduction requirement pursuant to section 578 of this title is achieved. In performing this review and update, the Secretary shall observe the requirements of subsection (c) of this section.</u></p> <p><u>(e) On or before July 1, 2026, the Secretary shall adopt and implement rules consistent with the specific initiatives, programs, and strategies set forth in the Plan and updates to the Plan and achieve the 2030 greenhouse gas emissions reduction requirement pursuant to section 578 of this title. The Secretary shall observe the requirements of subsection (c) of this section.</u></p> <p><u>(f) The Secretary shall, at his or her discretion, but not less frequently than once every two years between 2026 and 2030 review and if</u></p>	<p>The amendment makes one technical correction in (k), replacing “promulgate” with “adopt”.</p>
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<p>4 Cause of action</p>	<p><u>10 V.S.A. § 594. CAUSE OF ACTION</u></p> <p><u>(a) Any person may commence an action based upon the failure of the Secretary of Natural Resources to adopt or update rules pursuant to the deadlines in section 593 of this chapter.</u></p> <p><u>(1) The action shall be brought pursuant to Rule 75 of the Vermont Rules of Civil Procedure in the Civil Division of the Superior Court of Washington County.</u></p> <p><u>(2) The complaint shall be filed within one year after expiration of the time in which the Secretary of Natural Resources was required to adopt or update rules pursuant to section 593 of this chapter. However, a person shall not commence an action under this subsection until at least 60 days after providing notice of the alleged violation to the Secretary.</u></p> <p><u>(3) If the court finds that the Secretary has failed to adopt or update rules pursuant to the deadlines in section 593 of this chapter, the court shall enter an order directing the Secretary to adopt or update rules. If the court finds that the Secretary is taking prompt and effective action to adopt or update rules, the court may grant the Secretary a reasonable period of time to do so.</u></p> <p><u>(b) Any person may commence an action alleging that rules adopted by the Secretary pursuant to section 593 of this chapter have failed to achieve the greenhouse gas emissions reductions requirements pursuant to section 578 of this title.</u></p> <p><u>(1) The action shall be brought in the Civil Division of the Superior Court of Washington County.</u></p> <p><u>(2) The complaint shall be filed within one year after the Vermont Greenhouse Gas Emission Inventory and Forecast published pursuant to section 582 of this title indicates that the rules adopted by the Secretary have failed to achieve the greenhouse gas emissions reductions requirements pursuant to section 578 of this title. However, a person shall not commence an action under this subsection until at least 60 days after providing notice of the alleged violation to the Secretary.</u></p> <p><u>(3) If the court finds that the rules adopted by the Secretary pursuant to section 593 of this chapter are a substantial cause of failure to achieve the greenhouse gas emissions reductions requirements pursuant to section 578 of this title, the court shall enter an order remanding the matter to the Secretary to adopt or update rules that</u></p>	<p>No changes.</p>
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<p>5 Session law re rulemaking & time frames</p>	<p><u>(a) Any proposed rules and access to the detailed record required pursuant to section 10 V.S.A. § 593 shall be:</u> <u>(1) provided to the Vermont Climate Council not less than 45 days prior to submitting the proposed rule or rules to the Interagency Committee on Administrative Rules (ICAR);</u> <u>(2) provided to the members of the House Committees on Energy and Technology, on Natural Resources, Fish, and Wildlife, and on Transportation, to the Senate Committees on Finance, on Natural Resources and Energy, and on Transportation, and to the Joint Carbon Emissions Reduction Committee not less than 30 days prior to submitting the proposed rule or rules to ICAR; and</u> <u>(3) filed with ICAR on or before July 1, 2022.</u> <u>(b) Upon the adoption of the Action Plan (Plan) pursuant to 10 V.S.A. § 592, the Joint Fiscal Office of the General Assembly (JFO) shall prepare, or hire a consultant to prepare, an analysis of the economic, budgetary, and fiscal costs and benefits of the Plan. JFO shall submit the analysis to the House Committees on Energy and Technology, on Natural Resources, Fish, and Wildlife, on Appropriations and on Transportation, to the Senate Committees on Finance, on Appropriations, on Natural Resources and Energy, and on Transportation, and to the Joint Carbon Emissions Reduction Committee.</u></p>	<p>No changes.</p>
<p>6 Session law re appointment of Council members</p>	<p><u>All members of the Vermont Climate Council established pursuant to section 10 V.S.A. § 591 shall be appointed within 60 days of the effective date of this act, and the Chair shall call the first meeting of the Council within 30 days after all members have been appointed.</u></p>	<p>No changes.</p>

<p>7 State Energy Policy</p>	<p>30 V.S.A. § 202a. STATE ENERGY POLICY It is the general policy of the State of Vermont: (1) To assure, <u>ensure</u> to the greatest extent practicable, that Vermont can meet its energy service needs in a manner that is adequate, reliable, secure, and sustainable; that assures <u>ensures</u> affordability and encourages the State’s economic vitality, the efficient use of energy resources, and cost-effective demand-side management; and that is environmentally sound. (2) To identify and evaluate, on an ongoing basis, resources that will meet Vermont’s energy service needs in accordance with the principles of <u>reducing greenhouse gas emissions and</u> least-cost integrated planning, including efficiency, conservation, and load management alternatives, wise use of renewable resources, and environmentally sound energy supply. (3) To meet Vermont’s energy service needs in a manner that will <u>achieve the greenhouse gas emissions reductions requirements pursuant to 10 V.S.A § 578 and is consistent with the Vermont Climate Action Plan adopted and updated pursuant to 10 V.S.A. § 592.</u></p>	<p>No changes.</p>
<p>8 State Comprehensive Energy Plan</p>	<p>30 V.S.A. § 202b. STATE COMPREHENSIVE ENERGY PLAN (a) The Department of Public Service, in conjunction with other State agencies designated by the Governor, shall prepare a State Comprehensive Energy Plan covering at least a 20-year period. The Plan shall seek to implement the State energy policy set forth in section 202a of this title, <u>including meeting the State’s greenhouse gas emissions reductions requirements pursuant to 10 V.S.A. § 578, and shall be consistent with the relevant goals of 24 V.S.A. § 4302 and with the Vermont Climate Action Plan adopted and updated pursuant to 10 V.S.A. § 592.</u> The <u>State Comprehensive Energy Plan</u> shall include: * * *</p>	<p>No changes.</p>

<p>9 Appropriation</p>	<p><u>The sum of \$972,000.00 is appropriated from the General Fund to the Agency of Natural Resources in fiscal year 2021 for the purpose of implementing this Act, including for personal services for the positions created pursuant to Sec. 10; costs associated with providing administrative, technical, and legal support to the Vermont Climate Council; compensation and reimbursement of per diems and expenses for members of the Council; hiring consultants and experts; and for other necessary costs and expenses. The appropriation shall carry forward into fiscal year 2022 as necessary. Estimated amounts are \$586,000 in fiscal year 2021 and \$386,000 in fiscal year 2022.</u></p>	<p>No changes.</p>
<p>10 Positions</p>	<p><u>Three full-time, limited service positions are created in the Agency of Natural Resources for the purpose of implementing this Act.</u></p>	<p>No changes.</p>
<p>11 Effective date</p>	<p><u>This act shall take effect on passage.</u></p>	<p>No changes.</p>

