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H.52

Introduced by Representatives Harrison of Chittenden, Lipsky of Stowe, and
Morris of Springfield

Referred to Committee on

Date:

Subject: Conservation and development; air pollution; climate change; Global
Warming Solutions Act

Statement of purpose of bill as introduced: This bill proposes to change the
greenhouse gas emission reduction requirements to goals.

An act relating to changing the greenhouse gas emission reduction
requirements to goals

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

Sec. 1. 10 V.S.A. § 578 is amended to read:

§ 578. GREENHOUSE GAS REDUCTION ~~REQUIREMENTS~~ GOALS

(a) Greenhouse gas reduction ~~requirements~~ goals. It is the goal of Vermont
~~shall to~~ reduce emissions of greenhouse gases from within the geographical
boundaries of the State and those emissions outside the boundaries of the State
that are caused by the use of energy in Vermont, as measured and inventoried
pursuant to section 582 of this title, by:

* * *

1 (c) Implementation of State programs to reduce greenhouse gas emissions.
2 In order to facilitate the State's compliance with the goals established in this
3 section, all State agencies shall consider, whenever practicable, any increase or
4 decrease in greenhouse gas emissions in their decision-making procedures with
5 respect to the purchase and use of equipment and goods; the siting,
6 construction, and maintenance of buildings; the assignment of personnel; and
7 the planning, design, and operation of programs, services, and infrastructure.

8 * * *

9 Sec. 2. 30 V.S.A. § 202a is amended to read:

10 § 202a. STATE ENERGY POLICY

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

12 * * *

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

17 Sec. 3. 30 V.S.A. § 202b is amended to read:

18 § 202b. STATE COMPREHENSIVE ENERGY PLAN

19 (a) The Department of Public Service, in conjunction with other State
20 agencies designated by the Governor, shall prepare a State Comprehensive
21 Energy Plan covering at least a 20-year period. The Plan shall seek to

1 implement the State energy policy set forth in section 202a of this title,
2 including meeting the State's greenhouse gas emissions reductions
3 ~~requirements~~ goals pursuant to 10 V.S.A. § 578, and shall be consistent with
4 the relevant goals of 24 V.S.A. § 4302 ~~and with the Vermont Climate Action~~
5 ~~Plan adopted and updated pursuant to 10 V.S.A. § 592.~~ The State
6 Comprehensive Energy Plan shall include:

7 * * *

8 Sec. 4. 10 V.S.A. § 591 is amended to read:

9 § 591. VERMONT CLIMATE COUNCIL

10 * * *

11 (b) The Council shall:

12 (1) Identify, analyze, and evaluate strategies and programs to reduce
13 greenhouse gas emissions; achieve the State's reduction ~~requirements~~ goals
14 pursuant to section 578 of this title; and build resilience to prepare the State's
15 communities, infrastructure, and economy to adapt to the current and
16 anticipated effects of climate change, including:

17 * * *

18 (2) On or before December 1, 2021, adopt the Vermont Climate Action
19 Plan (Plan) and update the Plan on or before July 1 every four years thereafter.
20 The Plan shall ~~set forth~~ recommend the specific initiatives, programs, and
21 strategies that the State shall ~~pursue~~ consider implementing to reduce

1 greenhouse gas emissions; achieve the State's reduction ~~requirements~~ goals
2 pursuant to section 578 of this title; and build resilience to prepare the State's
3 communities, infrastructure, and economy to adapt to the current and
4 anticipated effects of climate change.

5 (3) Identify the means to accurately measure:

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

9 * * *

10 (4) Provide guidance to the Secretary of Natural Resources concerning
11 the form, content, and subject matter of rules ~~to be adopted~~ recommended for
12 adoption pursuant to section 593 of this chapter.

13 * * *

14 (i) On or before January 15, 2021 and every January 15 thereafter, the
15 Council shall submit a written report to the General Assembly concerning the
16 Council's activities and the State's progress towards meeting the greenhouse
17 gas reduction ~~requirements~~ goals pursuant to section 578 of this title. On or
18 before November 1, 2021 and every second November 1 thereafter, the
19 Director of Vermont Emergency Management shall file a report with the
20 Council concerning Vermont's overall municipal resilience to increased
21 hazards presented by climate change that shall include hazard mitigation plans,

1 local emergency management plans, and survey results as deemed appropriate
2 by the Director. Subsequent reports shall include updates to document
3 progress in local resilience. The report shall inform Council recommendations
4 on policies to address gaps in local resilience.

5 Sec. 5. 10 V.S.A. § 592 is amended to read:

6 § 592. THE VERMONT CLIMATE ACTION PLAN

7 (a) On ~~or before~~ December 1, 2021, the Vermont Climate Council
8 (Council) ~~shall adopt~~ adopted the Vermont Climate Action Plan (Plan) ~~and~~.
9 The Council shall update the Plan on or before July 1 every four years
10 thereafter.

11 (b) The Plan shall ~~set forth~~ recommend the specific initiatives, programs,
12 and strategies, including regulatory and legislative changes, necessary to
13 achieve the State's greenhouse gas emissions reduction ~~requirements~~ goals
14 pursuant to section 578 of this title and build resilience to prepare the State's
15 communities, infrastructure, and economy to adapt to the current and
16 anticipated effects of climate change. The Plan shall include specific
17 initiatives, programs, and strategies that will:

18 * * *

19 (e) The updated Plan shall ~~form the basis for the rules adopted~~ recommend
20 rules for consideration by the Secretary of Natural Resources pursuant to
21 section 593 of this chapter. If the Council fails to adopt the Plan or update the

1 Plan as required by this chapter, the Secretary shall ~~proceed with~~ consider
2 adopting and implementing rules that in the Secretary's discretion are cost
3 effective, practicable, and designed pursuant to subsection 593(j) of this
4 chapter to achieve the greenhouse gas emissions reductions ~~requirements~~ goals
5 pursuant to section 578 of this title.

6 Sec. 6. 10 V.S.A. § 593 is amended to read:

7 § 593. RULES

8 (a) The Secretary of Natural Resources shall consider and adopt rules
9 pursuant to 3 V.S.A. chapter 25, which are in the Secretary's discretion cost
10 effective, practicable, designed to achieve the greenhouse gas emissions
11 reductions requirements pursuant to section 578 of this title, and are consistent
12 with the Vermont Climate Action Plan (Plan). In adopting rules pursuant to
13 this section, the Secretary shall:

14 (1) ~~Ensure that~~ Consider whether the rules are consistent with the
15 specific initiatives, programs, and strategies set forth in the Plan and updates to
16 the Plan; ~~follow~~ consider the Vermont Climate Council's guidance provided
17 pursuant to subdivision 591(b)(4) of this chapter; and further the objectives
18 pursuant to subsection 592(d) of this chapter.

19 (2) Develop a detailed record containing facts; data; and legal, scientific,
20 and technical information sufficient to establish a reasonable basis to believe
21 that the rules shall achieve the State's greenhouse gas emissions reductions

1 ~~requirements~~ goals pursuant to section 578 of this title. This detailed record
2 shall be included with the rule and filed with the Secretary of State pursuant to
3 3 V.S.A. § 838.

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

8 * * *

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

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

19 (f) The Secretary shall, at ~~his or her~~ the Secretary's discretion, but not less
20 frequently than once every two years between 2026 and 2030, review and, if
21 necessary, update the rules required by subsection (e) of this section in order to

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

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

16 * * *

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

21 * * *

1 Sec. 7. REPEAL

2 10 V.S.A. § 594 (cause of action) is repealed.

3 Sec. 8. EFFECTIVE DATE

4 This act shall take effect on passage.