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S.173

Introduced by Senators Clarkson, Balint, Baruth, Campion, Cummings, Hardy,
Hooker, Ingram, Lyons, McCormack, Pearson, Perchlik and
Pollina

Referred to Committee on

Date:

Subject: Conservation and development; air pollution control; greenhouse gas
reduction; government accountability; climate change

Statement of purpose of bill as introduced: This bill proposes actions to
mitigate climate change.

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An act relating to the mitigation of climate change

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

* * * Findings and Short Title * * *

Sec. 1. LEGISLATIVE FINDINGS

The General Assembly finds that:

(1) Human-caused climate change poses a serious threat to the people of
Vermont, the United States, and the world.

(2) Climate change is both caused and exacerbated by carbon emissions
that result from human activity.

1 (3) It is in the interest of the people, in order to protect the public health,
2 preserve the environment, and promote the general welfare, that the State
3 reduce economy-wide carbon emissions in order to address the problem of
4 climate change.

5 (4) The purpose of this bill is to create a fair, workable, cost-effective,
6 and legally enforceable system by which Vermont will be able to reduce its
7 economy-wide carbon emissions 75 percent by 2050.

8 Sec. 2. SHORT TITLE

9 This act may be known as the “Vermont Global Warming Solutions Act.”

10 * * * Statewide Greenhouse Gas Reduction Mandate * * *

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

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

13 (a) ~~General goal of greenhouse gas~~ Greenhouse gas reduction. ~~It is the goal~~
14 ~~of the~~ The State ~~to shall~~ reduce emissions of greenhouse gases from within the
15 geographical boundaries of the State and those emissions outside the
16 boundaries of the State that are caused by the use of energy in Vermont ~~in~~
17 ~~order to make an appropriate contribution to achieving the regional goals of~~
18 ~~reducing emissions of greenhouse gases~~ from the 1990 baseline by:

19 (1) 25 percent by January 1, ~~2012~~ 2025;

20 (2) 50 percent by January 1, ~~2028~~ 2035;

21 (3) 60 percent by January 1, 2045; and

1 ~~(4) if practicable using reasonable efforts,~~ 75 percent by January 1,
2 2050.

3 * * *

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

11 * * *

12 (e) Not later than one year after the effective date of this act, the Secretary
13 of Natural Resources, in consultation with the Commissioner of Public Service
14 and the Secretary of Transportation, shall adopt and implement rules to achieve
15 the 2025 greenhouse gas reduction requirement established pursuant to
16 subsection (a) of this section, including addressing greenhouse gas emissions
17 from the electricity sector, transportation sector, and building sector.

18 (f) In developing and implementing the rules required by subsection (e) of
19 this section, the Secretary of Natural Resources shall:

20 (1) Evaluate the total potential costs and economic and noneconomic
21 benefits of various reduction measures to the economy, environment, and

1 public health, using the best available models, emissions estimation
2 techniques, and scientific methods.

3 (2) Take into account the relative contribution of each source or
4 category of sources of statewide greenhouse gas emissions, and include in the
5 rules a de minimis threshold of greenhouse gas emissions below which
6 emissions reduction requirements shall not apply.

7 (3) Conduct public hearings on the proposed rules. The Secretary shall
8 conduct a portion of these hearings in communities that have the most
9 significant exposure to air pollutants, including communities with minority
10 populations or communities with populations with low income, or both.

11 (4) Consider and address any reduction in greenhouse gas emissions
12 within Vermont that may be offset by an increase in emissions outside
13 Vermont.

14 (g) In developing the rules required by subsection (e) of this section, the
15 Secretary may:

16 (1) Utilize such market-based compliance mechanisms that the
17 Secretary believes are reasonably necessary, convenient, or desirable for
18 achieving the 2025 greenhouse gas reduction requirement established pursuant
19 to subsection (a) of this section; provided, however, that in utilizing such
20 market-based compliance mechanisms, full credit shall be provided to monies
21 paid on account of participation in any multistate or national market-based

1 compliance mechanism, including the Regional Greenhouse Gas Initiative or
2 the Transportation Climate Initiative.

3 (2) Consult with other State agencies and departments and other
4 stakeholders.

5 (h) The Secretary of Natural Resources shall, at his or her discretion, but no
6 less frequently than once every two years until 2024, review and update the
7 regulations required by subsection (e) of this section in order to ensure that the
8 2025 carbon reduction requirement established pursuant to subsection (a) of
9 this section is achieved. In performing this review and update, the Secretary
10 shall in all respects observe the requirements of subsections (f) and (g) of this
11 section.

12 (i) On or before July 31, 2024, the Secretary of Natural Resources shall
13 adopt and implement rules to achieve the 2035 greenhouse gas reduction
14 requirement established pursuant to subsection (a) of this section. The
15 Secretary shall in all respects observe the requirements of subsections (f)
16 and (g) of this section.

17 (j) The Secretary of Natural Resources shall, at his or her discretion, but no
18 less frequently than once every two years between 2026 and 2035, review and
19 update the regulations required by subsection (i) of this section in order to
20 ensure that the 2035 greenhouse gas reduction requirement established
21 pursuant to subsection (a) of this section is achieved. In performing this

1 review and update, the Secretary shall in all respects observe the requirements
2 of subsections (f) and (g) of this section.

3 (k) On or before July 31, 2034, the Secretary of the Agency of Natural
4 Resources shall adopt and implement rules to achieve the 2045 greenhouse gas
5 reduction requirement established pursuant to subsection (a) of this section.

6 The Secretary shall in all respects observe the requirements of subsections (f)
7 and (g) of this section.

8 (l) The Secretary of Natural Resources shall, at his or her discretion, but no
9 less frequently than once every two years between 2036 and 2045, review and
10 update the rules required by subsection (k) of this section in order to ensure
11 that the 2045 greenhouse gas reduction requirement established pursuant to
12 subsection (a) of this section is achieved. In performing this review and
13 update, the Secretary shall in all respects observe the requirements of
14 subsections (f) and (g) of this section.

15 (m) On or before July 31, 2044, the Secretary of the Agency of Natural
16 Resources shall adopt and implement rules that the Secretary believes are
17 reasonably necessary to achieve the 2050 Greenhouse Gas reduction
18 requirement established pursuant to subsection (a) of this section. The
19 Secretary shall in all respects observe the requirements of subsections (f)
20 and (g) of this section.

1 (n) The Secretary of Natural Resources shall, at his or her discretion, but no
2 less frequently than once every two years between 2046 and 2050, review and
3 update the rules required by subsection (m) of this section in order to ensure
4 that the 2050 greenhouse gas reduction requirement established pursuant to
5 subsection (a) of this section is achieved. In performing this review and
6 update, the Secretary shall in all respects observe the requirements of
7 subsections (f) and (g) of this section.

8 Sec. 4. 10 V.S.A. § 578a is added to read:

9 § 578a. ABROGATION

10 (a) The provisions of this chapter shall be abrogated one year after the State
11 enters into a binding, legally enforceable multistate compact with not fewer
12 than five other states or Canadian Provinces that mandates greenhouse gas
13 reductions that are no less strict than the ones contained in section 578 of this
14 title and in which the enforcement mechanism is no less rigorous than the one
15 contained in section 578 of this title.

16 (b) The provisions of this chapter shall be abrogated one year after the
17 State is fully covered by a binding, legally enforceable federal carbon emission
18 reduction program in which the greenhouse gas reduction requirements are
19 economy-wide and are no less strict than the ones contained in section 578 of
20 this title and in which the enforcement mechanism is no less rigorous than the
21 one contained in section 578 of this title.

1 (c) Certification that the conditions of subsection (a) or (b) of this section
2 have occurred must be made in writing by the Governor after a careful
3 investigation to ensure the sufficiency of the greenhouse gas reduction
4 requirements in question. The certification by the Governor shall be effective
5 unless it is countermanded within 60 days by either house of the General
6 Assembly, with the 60 days being days that the General Assembly is in session
7 and sitting.

8 Sec. 5. 10 V.S.A. § 578b is added to read:

9 § 578b. ENFORCEMENT

10 (a) The Attorney General may investigate violations of sections 578 of this
11 title. If the Attorney General finds that a person has violated or is violating
12 section 578 of this title, the Attorney General may bring an action in the Civil
13 Division of the Superior Court of Washington County or in the Civil Division
14 of the Superior Court of any county where venue lies.

15 (b) Any person aggrieved by a violation of section 578 of this title may
16 bring an action in the Civil Division of the Superior Court of Washington
17 County or in the Civil Division of the Superior Court of the county in which
18 the person resides or has his or her personal place of business.

19 (c) An action brought pursuant to this section may seek injunctive relief,
20 punitive damages in the case of a willful violation, and reasonable costs and
21 attorney's fees.

1 Sec. 6. 10 V.S.A. § 578c is added to read:

2 § 578c. REPORTING

3 The Secretary of Natural Resources shall report to the General Assembly on
4 or before January 15 of each new biennium concerning the progress made, if
5 any, during the prior two years towards achieving the greenhouse gas reduction
6 requirements established pursuant to section 578 of this title. The report shall
7 describe:

8 (1) actions taken to achieve the greenhouse gas reductions;

9 (2) the percentage and amount of greenhouse gas reductions attributable
10 to each action; and

11 (3) planned or expected actions to achieve greenhouse gas reductions
12 over the following five years and the anticipated amount of such reductions.

13 * * * Government Accountability * * *

14 Sec. 7. 2 V.S.A. § 970 is amended to read:

15 § 970. GOVERNMENT ACCOUNTABILITY COMMITTEE

16 (a) There is created the joint legislative Government Accountability
17 Committee. The Committee shall recommend mechanisms for State
18 government to be more forward-thinking, strategic, and responsive to the long-
19 term needs of Vermonters. In pursuit of this goal, the Committee shall:

1 (1) Propose areas for the review of statutory mandates for public
2 services that may result in service duplication and to review the alignment of
3 financial and staff resources required to carry out those mandates.

4 (2) Review the legislative process for the creation and elimination of
5 programs and make recommendations for enhancements to the process that
6 support greater long-range planning and responsiveness to the needs of
7 Vermonters.

8 (3) Recommend strategies and tools that permit all branches of State
9 government to prioritize the investment of federal, State, and local resources in
10 programs that respond to the needs of the citizens of Vermont in a
11 collaborative, cost-effective, and efficient manner. Pursuant to those strategies
12 and tools, functions that are not critical to an agency or department mission
13 may be recommended for combination or elimination, while other functions
14 may be optimized.

15 (4) [Repealed.]

16 (5) Determine that data-based program-level performance measures that
17 demonstrate program results have been adopted for the programs in each
18 agency and department.

19 (6) Determine whether each agency and department is taking actions to
20 achieve the population-level outcomes set forth in 3 V.S.A. § 2311 that are
21 relevant to that agency or department, as shown by the manner in which the

1 agency's or department's program-level performance measures inform
2 population-level indicators.

3 (7) Ensure that the report set forth in 3 V.S.A. § 2311 regarding
4 population-level outcomes and indicators and each agency's or department's
5 program-level performance measures are transparent and readily accessible to
6 the public via electronic publication.

7 (8) Assess the effectiveness of population-level indicators in measuring
8 progress in achieving population-level outcomes, and annually review
9 population-level indicators in the context of new data development.

10 (9) Approve the addition, amendment, or elimination of population-level
11 indicators in accordance with 3 V.S.A. § 2311(c).

12 (10) [Repealed.]

13 (11) Assess whether and how the State of Vermont should provide funds
14 to nonprofit organizations, including whether grants to or contracts with
15 nonprofit organizations should require results-based accountability.

16 (12) Assess progress in meeting the greenhouse gas reduction
17 requirements established pursuant to 10 V.S.A. § 578 and mitigating the
18 impact of climate change on Vermont's environment and people.

19 * * *

1 Sec. 8. 3 V.S.A. § 2311 is amended to read:

2 § 2311. CHIEF PERFORMANCE OFFICER; ANNUAL STATE

3 OUTCOMES REPORT

4 * * *

5 (b) Vermont population-level quality of life outcomes.

6 (1) Vermont has a prosperous economy.

7 (2) Vermonters are healthy.

8 (3) Vermont's environment is clean and sustainable.

9 (4) Vermont is a safe place to live.

10 (5) Vermont's families are safe, nurturing, stable, and supported.

11 (6) Vermont's children and young people achieve their potential.

12 (7) Vermont's elders live with dignity and in settings they prefer.

13 (8) Vermonters with disabilities live with dignity and in settings they
14 prefer.

15 (9) Vermont has open, effective, and inclusive government.

16 (10) Vermont's State infrastructure meets the needs of Vermonters, the
17 economy, and the environment.

18 (11) Vermont will meet the greenhouse gas reduction requirements
19 established pursuant to 10 V.S.A. § 578 and will mitigate the impact of climate
20 change on Vermont's environment and people.

21 * * *

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* * * Effective Date * * *

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Sec. 9. EFFECTIVE DATE

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This act shall take effect on July 1, 2019.