



VERMONT LEGISLATIVE
Joint Fiscal Office

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Fiscal Note

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S.148 (Act 154) – An act relating to environmental justice in Vermont

As passed by the General Assembly

As passed by the General Assembly:

<https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT154/ACT154%20As%20Enacted.pdf>

As passed by the Senate:

<https://legislature.vermont.gov/Documents/2022/Docs/BILLS/S-0148/S-0148%20As%20passed%20by%20the%20Senate%20Official.pdf>

Bill Summary

This bill would establish an environmental justice policy for the State of Vermont, which would require State agencies to have new environmental justice related responsibilities, establish the creation of a State environmental justice mapping tool, and establish an 11-member Advisory Council on Environmental Justice.

Fiscal impact

In Fiscal Year 2023, this bill appropriates \$750,000 from the General Fund. Of this appropriation, \$500,000 would be appropriated to the Agency of Natural Resources for the cost of developing the mapping tool. The remaining \$250,000 would be appropriated to the Agency of Natural Resources to fund 2.5 positions to assist in the development of the environmental justice policy and support the Environmental Justice Advisory Council.

The bill also establishes an Environmental Justice Advisory Council composed of 11 members meeting a maximum nine times per year. JFO estimates this would be an annual cost of \$11,100. There is no appropriation in the bill specifically directed for this cost.

Background and details

As drafted, JFO is not able to analyze further fiscal impact of this bill beyond its appropriations to State agencies without further information and details either from the bill or state agencies.

The following sections may have fiscal impacts:

Sec. 2 - V.S.A. chapter 72 is added

This section adds V.S.A. chapter 72 “Environmental Justice” which includes the following sections that may have fiscal impacts:

§ 6004 – Implementation of State policy

The bill creates new responsibilities for state agencies to incorporate environmental justice considerations in their work. This includes that each State agency shall create and adopt a community engagement plan, submit annual summaries regarding environmental justice complaints, and may be required to direct certain investments towards environmental justice populations. The exact responsibilities and costs for each agency are unclear. As such, JFO is unable to identify precisely what their funding needs will be to administer those responsibilities. If agencies require additional resources to implement the responsibilities laid out in the bill, their additional resource needs would need to be approved as part of a future fiscal year budget process. The results of environmental justice policies may also create additional costs for agencies and the state which cannot be estimated.

§ 6006 – Environmental Justice Advisory Council and Interagency Environmental Justice Committee

The bill establishes an Environmental Justice Advisory Council that will be granted per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010. This Advisory Council will consist of 11 members and meet a maximum of nine times per year. Using JFO's standard calculation to estimate per diem costs, the advisory council of 11 members meeting eight times per year implies a total annual appropriation of \$11,100.¹ There is no appropriation in the bill to cover this cost.

§ 6008 – Environmental justice mapping tool

The bill would require the development and maintenance of an environmental justice mapping tool. This mapping tool is to be maintained by the Agency of Natural Resources.

Sec. 4 – Appropriations

Sec. 4 of this section appropriates a total of \$700,000 in FY 2023 from the General Fund to the Agency of Natural Resources as two appropriations:

- \$500,000 appropriation in FY 2023 from the General Fund to the Agency of Natural Resources for the cost of developing the mapping tool and for conducting community outreach associated with the work of the Environmental Justice Advisory council; and
- \$250,000 appropriation in FY 2023 from the General Fund to the Agency of Natural Resources to convert one 0.5 position to one full-time Civil Rights and Nondiscrimination Compliance Officer, and fund two positions new full-time positions to assist in the implementation of the environmental justice policy and support the Environmental Justice Advisory Council.²

¹ This is calculated as the usual per diem of \$50 and expense reimbursement of \$76 per day for 11 members for a maximum of 8 meetings per year.

² This shall fund an existing position in the Agency and a second position which the Agency is authorized to repurpose from an existing vacant position.