

Under S.5, Section 8131 prohibits the PUC from filing rules with the Secretary of State "implementing the Clean Heat Standard" without specific authorization enacted by the General Assembly. "Enact" means to make law, which requires the provisions of Chapter II, § 11 of the Vermont Constitution to be followed. This means a bill passed by both bodies and sent to the Governor to either be signed, allowed to become law without signature, or vetoed and then overridden by 2/3 majority of both bodies.

The language in 8131 notwithstanding the other sections in the bill that allow the PUC to adopt rules. This means that it overrides the other provisions so that the PUC cannot adopt rules without the legislative authorization being enacted.

The House added language in S.5 that specifies that the rules proposed to the General Assembly must include the establishment of the annual emission reduction requirements and those requirements shall not be in any orders. This is the primary component of the Clean Heat Standard, without it, the other parts would not be able to be used. Without the annual required amount approved, the only other part of the CHS program that can be enforced against the obligated parties is the requirement of fuel sellers to register with the PUC.

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