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H.599

Introduced by Representatives Gamache of Swanton, Branagan of Georgia,
Browning of Arlington, Burditt of West Rutland, Christie of
Hartford, Connor of Fairfield, Dickinson of St. Albans Town,
Eastman of Orwell, Forguites of Springfield, Gage of Rutland
City, Helm of Fair Haven, Higley of Lowell, Hubert of Milton,
Keenan of St. Albans City, LaClair of Barre Town, Lefebvre of
Newark, Lucke of Hartford, Martel of Waterford, McFaun of
Barre Town, Parent of St. Albans Town, Partridge of Windham,
Savage of Swanton, Shaw of Pittsford, Tate of Mendon, Trieber
of Rockingham, Willhoit of St. Johnsbury, and Yantachka of
Charlotte

Referred to Committee on

Date:

Subject: Energy; public service; land use; natural resources; facility siting

Statement of purpose of bill as introduced: This bill proposes to increase
public notice and access to information before an applicant files for approval
from the Public Service Board to site an energy facility.

An act relating to increasing public notice and information on proposed
energy facilities before applications are filed

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

2 Sec. 1. 30 V.S.A. § 248(f) and (g) are amended to read:

3 (f) ~~However, plans for~~ For the construction of ~~such~~ a facility within the
4 State ~~must be submitted by the petitioner that is required to obtain a certificate~~
5 of public good under this section, the petitioner shall submit plans to the each
6 affected municipal and regional planning commissions commission and to each
7 person who is an adjoining property owner to the facility no less than 45 90
8 days prior to application for such a certificate of public good under this
9 section, unless the municipal and regional planning commissions shall waive
10 such requirement.

11 (1) Within seven days after making this submission, the petitioner shall
12 publish notice of these plans once in a newspaper of general circulation in the
13 county or counties in which the proposed facility will be located. The
14 petitioner shall include in the notice an Internet address where more
15 information regarding the proposed facility may be viewed.

16 (2) ~~Such~~ Each affected municipal ~~or~~ and regional planning commission
17 may shall hold a public hearing on the proposed plans.

18 (A) Each such commission shall provide notice of the hearing in
19 accordance with the notice procedures under 24 V.S.A. § 4464 that apply to
20 conditional use review. The commission may require the petitioner to bear the
21 cost of the newspaper notice, to bear the cost and responsibility of posting

1 notice within view from the public right-of-way, and to bear the cost and
2 responsibility of notifying adjoining property owners of the hearing and
3 provide proof that this notice was delivered to these property owners.

4 (B) Each such commission shall post the notice and a copy of the
5 proposed plans on its official website, if one exists. The commission may
6 require the petitioner to submit an electronic copy of the plans.

7 (C) An affected municipal or regional commission may hold a public
8 hearing under this subdivision (2) jointly with one or more other affected
9 commissions.

10 ~~(3) Such commissions~~ Each such commission shall make
11 recommendations, if any, to the Public Service Board and to the petitioner at
12 least seven days prior to filing of the petition with the Public Service Board.

13 (4) In this subsection, “adjoining property owner” has the same meaning
14 as in 10 V.S.A. § 6001.

15 (g) Notwithstanding the ~~45~~ 90 days’ notice required by subsection (f) of
16 this section, plans involving the relocation of an existing transmission line
17 within the State must be submitted to ~~the~~ each affected municipal and regional
18 planning ~~commissions~~ commission and to each person who is an adjoining
19 property owner to the line no less than 21 days prior to application for a
20 certificate of public good under this section. The remaining provisions of
21 subsection (f) of this section shall apply to these proposed plans, except that

1 notice of the public hearing shall be in accordance with the notice procedures
2 under 24 V.S.A. § 4464 that apply to site plan review, and each commission's
3 recommendations, if any, shall be made at least three days prior to filing of the
4 petition with the Public Service Board.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on July 1, 2016.