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H.175

Introduced by Representatives Cordes of Lincoln, Burke of Brattleboro,
Chesnut-Tangerman of Middletown Springs, Christie of
Hartford, Cina of Burlington, Colburn of Burlington, Colston of
Winooski, Donovan of Burlington, Durfee of Shaftsbury, Elder
of Starksboro, Gonzalez of Winooski, Hooper of Randolph,
Hooper of Burlington, Jessup of Middlesex, LaLonde of South
Burlington, McCarthy of St. Albans City, McCullough of
Williston, Mrowicki of Putney, Ralph of Hartland, Redmond of
Essex, Scheu of Middlebury, Sullivan of Burlington, Szott of
Barnard, Till of Jericho, Troiano of Stannard, Walz of Barre
City, White of Hartford, and Yacovone of Morristown

Referred to Committee on

Date:

Subject: Public Service; utilities; eminent domain; fossil fuel infrastructure

Statement of purpose of bill as introduced: This bill proposes to prohibit the
exercise of eminent domain by utilities for purposes of fossil fuel
infrastructure.

An act relating to prohibiting utilities from using eminent domain for fossil
fuel infrastructure

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

2 Sec. 1. 30 V.S.A. § 110 is amended to read:

3 § 110. EMINENT DOMAIN; COMPANIES AUTHORIZED

4 (a) When it is necessary for a corporation formed under this chapter or a
5 foreign corporation under the jurisdiction of the Public Utility Commission to
6 acquire property within this State, or some easement or other limited right in
7 such property in order that it may render adequate service to the public in the
8 conduct of its business, it may condemn such property or right, as provided in
9 sections 111-124 of this title. All other companies, as defined in sections 201
10 and 501 of this title, which are within the scope of sections 203 and 501 of this
11 title, shall have the same power of condemnation and be subject to the same
12 procedure as hereinafter provided for condemnation by corporations subject to
13 the jurisdiction of the Public Utility Commission. However, no corporation or
14 company may condemn any property or right in order to construct or expand
15 facilities or structures that would:

16 (1) transport fossil fuel, except as necessary to more safely or more
17 economically serve customers in an existing service territory; or

18 (2) produce electricity, heat, or other energy using fossil fuel.

19 (b) As used in this section, “fossil fuel” means an energy source formed in
20 the earth’s crust from decayed organic material. The phrase does not include

1 methane produced from animal waste. The common fossil fuels are petroleum,
2 coal, and natural gas.

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on July 1, 2019.