

1 S.16

2 Introduced by Senator Hartwell

3 Referred to Committee on

4 Date:

5 Subject: Utilities; Public Service Board; appointment

6 Statement of purpose: This bill proposes to amend the appointment process for  
7 members of the Public Service Board.

8 An act relating to appointment to the Public Service Board

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

10 Sec. 1. 30 V.S.A. § 3 is amended to read:

11 § 3. PUBLIC SERVICE BOARD

12 (a) The ~~public service board~~ Public Service Board shall consist of a  
13 ~~chairperson~~ Chair and two members. The ~~chairperson~~ Chair and each member  
14 shall not be required to be admitted to the practice of law in this ~~state~~ State.

15 (b) ~~The chairperson~~ Members of the Board shall be nominated, appointed,  
16 and confirmed in the manner of a superior judge. Notwithstanding any other  
17 provision of law to the contrary, members shall not hold office or any powers  
18 incident to the office unless the Senate consents to the appointment.

19 (c) ~~Members of the board other than the chairperson shall be appointed in~~  
20 ~~accordance with this subsection. Whenever a vacancy occurs, public~~

1 ~~announcement of the vacancy shall be made. The governor shall submit at~~  
2 ~~least five names of potential nominees to the judicial nominating board for~~  
3 ~~review. The judicial nominating board shall review the candidates in respect to~~  
4 ~~judicial criteria and standards only and shall recommend to the governor those~~  
5 ~~candidates the board considers qualified. The governor shall make the~~  
6 ~~appointment from the list of qualified candidates. The appointment shall be~~  
7 ~~subject to the consent of the senate.~~

8 (d) The term of each member shall be six years. Any appointment to fill a  
9 vacancy shall be for the unexpired portion of the term vacated. A member  
10 wishing to succeed himself or herself in office may seek reappointment under  
11 the terms of this section.

12 (e)(d) Notwithstanding ~~section 2004 of Title 3~~ V.S.A. § 2004, or any other  
13 provision of law, members of the ~~board~~ Board may be removed only for cause.  
14 When a board member, who hears all or a substantial part of a case, retires  
15 from office before such case is completed, he or she shall remain a member of  
16 the ~~board~~ Board for the purpose of concluding and deciding ~~such~~ the case, and  
17 signing the findings, orders, decrees, and judgments therein. A retiring  
18 ~~chairperson~~ Chair shall also remain a member for the purpose of certifying  
19 questions of law if appeal is taken. For ~~such~~ service, he or she shall receive a  
20 reasonable compensation to be fixed by the remaining members of the ~~board~~  
21 Board and necessary expenses while on official business.

1       ~~(f)~~(e) A case shall be deemed completed when the ~~board~~ Board enters a  
2       final order therein even though ~~such the~~ order is appealed to the ~~supreme court~~  
3       Supreme Court and the case remanded by that ~~court~~ Court to the ~~board~~ Board.  
4       Upon remand, the ~~board~~ Board then in office may in its discretion consider  
5       relevant evidence, including any part of the transcript of testimony in the  
6       proceedings prior to appeal.

7       ~~(g)~~(f) The ~~chairperson~~ Chair shall have general charge of the offices and  
8       employees of the ~~board~~ Board.

9       Sec. 2. EFFECTIVE DATE

10       This act shall take effect on passage.