

# Senate Calendar

TUESDAY, APRIL 16, 2013

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**ACTION CALENDAR**

**UNFINISHED BUSINESS OF FRIDAY, APRIL 12, 2013**

**House Proposal of Amendment**

**S. 144.**

An act relating to the St. Albans state office building.

The House proposes to the Senate to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

**Sec. 1. SALE OF ST. ALBANS STATE OFFICE BUILDING**

(a) Notwithstanding 29 V.S.A. § 166(b), the Commissioner of Buildings and General Services is authorized to sell the state office building at 20 Houghton Street in St. Albans. The Commissioner is authorized to convey 20 Houghton Street by warranty deed.

(b) The Commissioner of Buildings and General Services is authorized to negotiate and enter into a lease or lease-purchase agreement to replace the state office building at 20 Houghton Street in St. Albans. It is the intent of the General Assembly that the replacement state office building remain in downtown St. Albans.

**Sec. 2. EFFECTIVE DATE**

This act shall take effect on passage.

**NEW BUSINESS**

**Third Reading**

**S. 82.**

An act relating to campaign finance law.

**H. 13.**

An act relating to statutory revision.

**Second Reading**

**Favorable**

**H. 531.**

An act relating to Building 617 in Essex.

**Reported favorably by Senator Mazza for the Committee on Institutions.**

(Committee vote: 5-0-0)

(No House amendments)

**Reported favorably by Senator Westman for the Committee on Appropriations.**

(Committee vote: 7-0-0)

**Favorable with Proposal of Amendment**

**H. 71.**

An act relating to tobacco products.

**Reported favorably with recommendation of proposal of amendment by Senator Cummings for the Committee on Economic Development, Housing and General Affairs.**

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 22, 33 V.S.A. § 1918, in subdivision (f)(1), by striking out the second sentence in its entirety and inserting in lieu thereof the following: The bond shall be issued by a surety company in good standing and authorized to transact business in this State to secure the payment of any escrow due or which may become due from the nonparticipating manufacturer or its United States importer.

Second: By striking out Sec. 23 in its entirety and inserting in lieu thereof the following:

Sec. 23. EFFECTIVE DATES

This section shall take effect on passage. Sec. 19 of this act shall take effect on June 30, 2013. All remaining sections shall take effect on July 1, 2013.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 28, 2013, page 275.)

**Reported favorably by Senator MacDonald for the Committee on Finance. The Committee recommends that the bill ought to pass in concurrence with proposal of amendment as proposed by the Committee on Economic Development, Housing and General Affairs.**

(Committee vote: 7-0-0)

## **NOTICE CALENDAR**

### **Committee Bill for Second Reading**

#### **S. 165.**

An act relating to collective bargaining for deputy state's attorneys.

By the Committee on Economic Development, Housing and General Affairs.

#### **Second Reading**

#### **Favorable with Recommendation of Amendment**

#### **S. 155.**

An act relating to creating a strategic workforce development needs assessment and strategic plan.

**Reported favorably with recommendation of amendment by Senator Doyle for the Committee on Economic Development, Housing and General Affairs.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

#### **Sec. 1. SHORT TITLE**

This bill may be referred to as the Strategic Workforce Enhancement and Employment Program (SWEEP).

#### **Sec. 2. FINDINGS AND PURPOSE**

(a) The State of Vermont offers a wide range of workforce training and workforce education programs designed to increase and diversify the skills of and opportunities available to the workers of this State.

(b) Over the past several years, significant resources have been devoted to enhancing many of the available workforce development opportunities. However, the current state of the economy and the continuing pressures projected for the budget over the next several years require a critical analysis of every state investment to ensure the maximum return on investment of limited resources.

(c) The General Assembly finds that Vermont's Farm to Plate Initiative can serve as an effective model for the workforce development and education strategic plan. The Initiative has greatly enhanced our collective understanding and the future development of the operation and ongoing needs of Vermont's food system. The Farm to Plate Initiative demonstrates the success of an approach that is:

- (1) strategic, comprehensive, and systems-based;
- (2) forward-looking, with a ten-year planning horizon;
- (3) informed and driven by performance metrics; and
- (4) built on a foundation of broad stakeholder engagement.

(d) In adopting this act, it is the goal of the Vermont General Assembly to use the experiences of workforce development training and education providers along with measurable data to ensure that workforce training and workforce development education programs in Vermont are effective, relevant, and responsive to the ongoing needs of Vermont's citizens, employers, and the State's economy.

(e) To achieve this goal, the General Assembly resolves to create a workforce development needs assessment and strategic plan that is:

(1) primarily constituent-driven, whereby those who use the services administered by the various workforce development education and training programs shall be consulted in order to define and understand their workforce and training needs;

(2) secondarily administrator-driven, whereby those who administer the various workforce development education and training programs are responsible for identifying, developing, and implementing the forward-looking, long-term initiatives required to meet Vermont's workforce development needs; and

(3) modeled after the Farm to Plate Initiative set forth in 10 V.S.A. § 330.

Sec. 3. 10 V.S.A § 545 is added to read:

§ 545. WORKFORCE DEVELOPMENT NEEDS ASSESSMENT AND STRATEGIC PLAN

(a) The Commissioner of Labor, in coordination with the Secretary of Commerce and Community Development and the Secretary of Education, and in consultation with the Workforce Development Council and the Secretary of Human Services, shall create a strategic plan for workforce development in Vermont that shall:

(1) identify the components of Vermont's labor market and workforce trends based upon existing data, studies, and analysis;

(2) identify current and future workforce skill requirements; and

(3) identify and determine the effectiveness of existing state workforce development and training resources, including those programs established under this chapter, chapters 22 and 22A of this title, and 16 V.S.A. chapters 37 and 39, and recommend ways to enhance operational efficiencies.

(b) The strategic plan shall identify gaps between the public, nonprofit, and private workforce development programs and Vermont's workforce development needs and propose measures to bridge these gaps.

(c) The Commissioner of Labor shall:

(1) consider the Farm to Plate Initiative, as set forth in section 330 of this title, as a model for the design and implementation of the needs assessment and strategic plan and consult with the Vermont Sustainable Jobs Fund in these efforts;

(2) use the information gathered from the needs assessment and the strategic plan on an ongoing basis to identify methods and funding necessary to strengthen the link among the Vermont workforce and public, nonprofit, and private workforce development programs;

(3) coordinate with the State Auditor of Accounts to develop measurable benchmarks to assess the performance of the State's workforce development programs; and

(4) on or before January 15 of each year, submit to the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, and the House and Senate Committees on Education a report on the workforce development strategic plan and the performance of the State's workforce development programs.

(d) The Commissioner of Labor may seek and accept funds from private and public entities and utilize technical assistance, loans, grants, and other means as available for the purposes of this section.

#### Sec. 4. APPROPRIATIONS; TRANSFERS

Of the amounts appropriated to the Department of Labor from the Workforce Education and Training Fund in fiscal year 2014, the amount of \$150,000.00 shall be used to fund the design and implementation of the workforce development needs assessment and strategic plan pursuant to 10 V.S.A. § 545.

Sec. 5. AUTHORIZATION OF LIMITED SERVICE POSITION

(a) Of the funds transferred pursuant to Sec. 3 of this act, the Commissioner of Labor is authorized to expend:

(1) up to \$100,000.00 for salary and benefits for one limited service position to design and implement the workforce development needs assessment and strategic plan pursuant to 10 V.S.A. § 545; and

(2) up to \$50,000.00 for expenses incurred for travel, consulting, reporting, meeting, and other activities arising from the design and implementation of the workforce development needs assessment and strategic plan pursuant to 10 V.S.A. § 545.

(b) Unless additional funding is authorized by the General Assembly in subsequent years, funding for the limited service position created in this section shall be for one year.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

(Committee vote: 5-0-0)

**Reported favorably with recommendation of amendment by Senator Fox for the Committee on Appropriations.**

The Committee recommends that the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs with the following amendments thereto:

By striking out Secs. 4 and 5, and redesignating Sec. 6 (effective date) as Sec. 4.

(Committee vote: 7-0-0)

**Favorable with Proposal of Amendment**

**H. 39.**

An act relating to the Public Service Board and the Department of Public Service.

**Reported favorably with recommendation of proposal of amendment by Senator Ashe for the Committee on Finance.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Electronic Filings and Case Management \* \* \*

Sec. 1. 30 V.S.A. § 11(a) is amended to read:

(a) The forms, pleadings, and rules of practice and procedure before the ~~board~~ Board shall be prescribed by it. The ~~board~~ Board shall promulgate and adopt rules which include, among other things, provisions that:

(1) A utility whose rates are suspended under the provisions of section 226 of this title shall, within 30 days from the date of the suspension order, file with the ~~board~~ Board ~~10 copies of~~ all exhibits it intends to use in the hearing thereon together with the names of witnesses it intends to produce in its direct case and a short statement of the purposes of the testimony of each witness. Except in the discretion of the ~~board~~ Board, a utility shall not be permitted to introduce into evidence in its direct case exhibits which are not filed in accordance with this rule.

\* \* \*

Sec. 2. 30 V.S.A. § 11a is added to read:

§ 11a. ELECTRONIC FILING AND ISSUANCE

(a) As used in this section:

(1) “Confidential document” means a document containing information for which confidentiality has been asserted and that has been filed with the Board and parties in a proceeding subject to a protective order duly issued by the Board.

(2) “Document” means information inscribed on a tangible medium or stored in an electronic or other medium and retrievable in perceivable form.

(3) “Electronic filing” means the transmission of documents to the Board by electronic means.

(4) “Electronic filing system” means a board-designated system that provides for the electronic filing of documents with the Board and for the electronic issuance of documents by the Board. If the system provides for the filing or issuance of confidential documents, it shall be capable of maintaining the confidentiality of confidential documents and of limiting access to confidential documents to individuals explicitly authorized to access such confidential documents.

(5) “Electronic issuance” means:

(A) the transmission by electronic means of a document that the Board has issued, including an order, proposal for decision, or notice; or

(B) the transmission of a message from the Board by electronic means informing the recipients that the Board has issued a document, including an order, proposal for decision, or notice, and that it is available for viewing and retrieval from an electronic filing system.

(6) “Electronic means” means any Board-authorized method of electronic transmission of a document.

(b) The Board by order, rule, procedure, or practice may:

(1) provide for electronic issuance of any notice, order, proposal for decision, or other process issued by the Board, notwithstanding any other service requirements set forth in this title or in 10 V.S.A. chapter 43;

(2) require electronic filing of documents with the Board;

(3) for any filing or submittal to the Board for which the filing or submitting entity is required to provide notice or a copy to another state agency under this title or under 10 V.S.A. chapter 43, waive such requirement if the state agency will receive notice of and access to the filing or submittal through an electronic filing system; and

(4) for any filing, order, proposal for decision, notice, or other process required to be served or delivered by first-class mail or personal delivery under this title or under 10 V.S.A. chapter 43, waive such requirement to the extent the required recipients will receive the filing, order, proposal of decision, notice, or other process by electronic means or will receive notice of and access to the filing, order, proposal for decision, notice, or other process through an electronic filing system.

(c) Any order, rule, procedure, or practice issued under subsection (b) of this section shall include exceptions to accommodate parties and other participants who are unable to file or receive documents by electronic means.

(d) Subsection (b) of this section shall not apply to the requirements for service of citations and notices in writing as set forth in sections 111(b), 111a(i), and 2804 of this title.

Sec. 3. 30 V.S.A. § 20(a) is amended to read:

(a)(1) The ~~board or department~~ Board or Department may authorize or retain legal counsel, ~~official stenographers~~, expert witnesses, advisors, temporary employees, and other research services:

\* \* \*

(4) The Board or Department may authorize or retain official stenographers in any proceeding within their jurisdiction, including proceedings listed in subsection (b) of this section.

\* \* \* Condemnation Hearing: Service of Citation \* \* \*

Sec. 4. 30 V.S.A. § 111(b) is amended to read:

(b) The citation shall be served upon each person having any legal interest in the property, ~~including each municipality and each planning body where the property is situate like a summons,~~ or on absent persons in such manner as the ~~supreme court~~ Supreme Court may by rule provide for service of process in civil actions. The Board shall also give notice of the hearing to each municipality and each planning body where the property is located. ~~The board~~ Board, in its discretion, may schedule a joint hearing of some or all petitions relating to the same project and concerning properties or rights located in the same town or abutting towns.

\* \* \* Filing Rate Schedules with the Board \* \* \*

Sec. 5. 30 V.S.A. § 225 is amended to read:

§ 225. RATE SCHEDULES

(a) Within a time to be fixed by the board, each company subject to the provisions of this chapter shall file with the ~~department~~ Department and the Board, with separate filings to the ~~directors for regulated utility planning and public advocacy~~ Directors for Regulated Utility Planning and for Public Advocacy, schedules which shall be open to public inspection, showing all rates including joint rates for any service performed or any product furnished by it within the ~~state~~ State, and as a part thereof shall file the rules and regulations that in any manner affect the tolls or rates charged or to be charged for any such service or product. Those schedules, or summaries of the schedules approved by the ~~department~~ Department, shall be published by the company in two newspapers with general circulation in the ~~state~~ State within 15 days after such filing. A change shall not thereafter be made in any such schedules, including schedules of joint rates or in any such rules and regulations, except upon 45 days notice to the ~~board and to the department of public service~~ Board and the Department, and such notice to parties affected by such schedules as the ~~board~~ Board shall direct. The ~~board~~ Board shall consider the ~~department's~~ Department's recommendation and take action pursuant to sections 226 and 227 of this title before the date on which the changed rate is to become effective. All such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof 45 days prior to the time the same are to take effect. Subject only to temporary increases, rates may not thereafter be raised without strictly complying with the notice and filing requirements set forth in this section. In no event may a company amend, supplement, or alter an existing filing or substantially revise the proof in support of such filing in order to increase, decrease, or substantiate a pending

rate request, unless, upon opportunity for hearing, the company demonstrates that such a change in filing or proof is necessary for the purpose of providing adequate and efficient service. However, upon application of any company subject to the provisions of this chapter, and with the consent of the ~~department of public service~~ Department, the ~~board~~ Board may for good cause shown prescribe a shorter time within which such change may be made; but a change which in effect decreases such tolls or rates may be made upon five days' notice to the ~~board and the department of public service~~ Board and the Department and such notice to parties affected as the ~~board~~ Board shall direct.

(b) Immediately upon receipt of notice of a change in a rate schedule filed by a company, the ~~department~~ Department shall investigate the justness and reasonableness of that change. At least 15 days prior to the date on which the change is to become effective, the ~~department~~ Department shall either report to the ~~board~~ Board the results of its investigations together with its recommendation for acceptance of the change, or it shall notify the ~~board~~ Board and other parties that it opposes the change. If the ~~department of public service~~ Department reports its acceptance of the change in rates, the ~~board~~ Board may accept the change, or it may on its own motion conduct an investigation into the justness and reasonableness of the change, or it may order the ~~department~~ Department to appear before it to justify its recommendation to accept the change. In no event shall a change go into effect without the approval of the ~~board~~ Board, except when a rate change is suspended and temporary or permanent rates are allowed to go into effect pursuant to subsection 226(a) or 227(a) of this title. The ~~board~~ Board shall consider the ~~department's~~ Department's recommendation and take action pursuant to sections 226 and 227 of this title before the date on which the changed rate is to become effective. In the event that the ~~department~~ Department opposes the change, the ~~board~~ Board shall hear evidence on the matter and make such orders as justice and law require. In any hearing on a change in rates, whether or not opposed by the ~~department~~ Department, the ~~board~~ Board may request the appearance of the ~~attorney general~~ Attorney General or appoint a member of the Vermont ~~bar~~ Bar to represent the public or the ~~state~~ State.

\* \* \* CPG: Recommendations of Municipal and Regional Planning  
Commissions \* \* \*

Sec. 6. 30 V.S.A. § 248 is amended to read:

§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND FACILITIES; CERTIFICATE OF PUBLIC GOOD

\* \* \*

(f) However, the plans for the construction of such a facility within the ~~state~~ State ~~must~~ shall be submitted by the petitioner to the municipal and regional planning commissions no less than 45 days prior to application for a certificate of public good under this section, unless the municipal and regional planning commissions shall waive such requirement. Such municipal or regional planning commission may hold a public hearing on the proposed plans. Such commissions ~~shall~~ may make recommendations, ~~if any,~~ to the ~~public service board~~ Public Service Board and to the petitioner ~~at least seven days prior to filing of the petition~~ within 21 days after the date the petition is filed with the public service board Board.

\* \* \*

\* \* \* Participation in Federal Proceedings \* \* \*

Sec. 7. 30 V.S.A. § 2(b) is amended to read:

(b) In cases requiring hearings by the ~~board~~ Board, the ~~department~~ Department, through the ~~director for public advocacy~~ Director for Public Advocacy, shall represent the interests of the people of the ~~state~~ State, unless otherwise specified by law. In any hearing, the ~~board~~ Board may, if it determines that the public interest would be served, request the ~~attorney general~~ Attorney General or a member of the Vermont ~~bar~~ Bar to represent the public or the ~~state~~ State. In addition, the Department may intervene, appear, and participate in Federal Energy Regulatory Commission proceedings, Federal Communications Commission proceedings, or other federal administrative proceedings on behalf of the Vermont public.

\* \* \* Coordination of Energy Planning \* \* \*

Sec. 8. 30 V.S.A. § 202 is amended to read:

§ 202. ELECTRICAL ENERGY PLANNING

(a) The ~~department of public service~~ Department of Public Service, through the ~~director for regulated utility planning~~ Director for Regulated Utility Planning, shall constitute the responsible utility planning agency of the ~~state~~ State for the purpose of obtaining for all consumers in the ~~state~~ State proper utility service at minimum cost under efficient and economical management consistent with other public policy of the ~~state~~ State. The ~~director~~ Director shall be responsible for the provision of plans for meeting emerging trends related to electrical energy demand, supply, safety, and conservation.

(b) The ~~department~~ Department, through the ~~director~~ Director, shall prepare an electrical energy plan for the ~~state~~ State. The plan shall be for a 20-year period and shall serve as a basis for state electrical energy policy. The electric energy plan shall be based on the principles of “least cost integrated planning”

set out in and developed under section 218c of this title. The plan shall include at a minimum:

(1) an overview, looking 20 years ahead, of statewide growth and development as they relate to future requirements for electrical energy, including patterns of urban expansion, statewide and service area economic growth, shifts in transportation modes, modifications in housing types and design, conservation and other trends and factors which, as determined by the ~~director~~ Director, will significantly affect state electrical energy policy and programs;

(2) an assessment of all energy resources available to the ~~state~~ State for electrical generation or to supply electrical power, including, among others, fossil fuels, nuclear, hydro-electric, biomass, wind, fuel cells, and solar energy and strategies for minimizing the economic and environmental costs of energy supply, including the production of pollutants, by means of efficiency and emission improvements, fuel shifting, and other appropriate means;

(3) estimates of the projected level of electrical energy demand;

(4) a detailed exposition, including capital requirements and the estimated cost to consumers, of how such demand shall be met based on the assumptions made in subdivision (1) of this subsection and the policies set out in subsection (c) of this section; and

(5) specific strategies for reducing electric rates to the greatest extent possible in Vermont over the most immediate ~~five-year~~ six-year period, for the next succeeding ~~five-year~~ six-year period, and long-term sustainable strategies for achieving and maintaining the lowest possible electric rates over the full 20-year planning horizon consistent with the goal of maintaining a financially stable electric utility industry in Vermont.

(c) In developing the plan, the ~~department~~ Department shall take into account the protection of public health and safety; preservation of environmental quality; the potential for reduction of rates paid by all retail electricity customers; the potential for reduction of electrical demand through conservation, including alternative utility rate structures; use of load management technologies; efficiency of electrical usage; utilization of waste heat from generation; and utility assistance to consumers in energy conservation.

(d) In establishing plans, the ~~director~~ Director shall:

(1) Consult with:

(A) the public;

(B) Vermont municipal utilities;

- (C) Vermont cooperative utilities;
- (D) Vermont investor-owned utilities;
- (E) Vermont electric transmission companies;
- (F) environmental and residential consumer advocacy groups active in electricity issues;
- (G) industrial customer representatives;
- (H) commercial customer representatives;
- (I) the ~~public service board~~ Public Service Board;
- (J) an entity designated to meet the public's need for energy efficiency services under subdivision 218c(a)(2) of this title;
- (K) other interested state agencies; and
- (L) other energy providers.

(2) To the extent necessary, include in the plan surveys to determine needed and desirable plant improvements and extensions and coordination between utility systems, joint construction of facilities by two or more utilities, methods of operations, and any change that will produce better service or reduce costs. To this end, the ~~director~~ Director may require the submission of data by each company subject to supervision, of its anticipated electrical demand, including load fluctuation, supplies, costs, and its plan to meet that demand and such other information as the ~~director~~ Director deems desirable.

(e) The ~~department~~ Department shall conduct public hearings on the final draft and shall consider the evidence presented at such hearings in preparing the final plan. The plan shall be adopted no later than January 1, ~~2004~~ 2016 and readopted in accordance with this section by every sixth January 1 thereafter, and shall be submitted to the ~~general assembly~~ General Assembly each time the plan is adopted or readopted. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the submission to be made under this subsection.

(f) After adoption by the ~~department~~ Department of a final plan, any company seeking ~~board~~ Board authority to make investments, to finance, to site or construct a generation or transmission facility or to purchase electricity or rights to future electricity, shall notify the ~~department~~ Department of the proposed action and request a determination by the ~~department~~ Department whether the proposed action is consistent with the plan. In its determination whether to permit the proposed action, the ~~board~~ Board shall consider the ~~department's~~ Department's determination of its consistency with the plan along with all other factors required by law or relevant to the ~~board's~~ Board's

decision on the proposed action. If the proposed action is inconsistent with the plan, the ~~board~~ Board may nevertheless authorize the proposed action if it finds that there is good cause to do so. The ~~department~~ Department shall be a party to any proceeding on the proposed action, except that this section shall not be construed to require a hearing if not otherwise required by law.

(g) The ~~director~~ Director shall annually review that portion of a plan extending over the next ~~five~~ six years. The ~~department~~ Department, through the ~~director~~ Director, shall ~~annually~~ biennially extend the plan by ~~one~~ two additional ~~year~~ years; and from time to time, ~~but in no~~ and in any event ~~less than every five years~~ sixth year, institute proceedings to review a plan and make revisions, where necessary. The ~~five-year~~ six-year review and any interim revisions shall be made according to the procedures established in this section for initial adoption of the plan. The six-year review and any revisions made in connection with that review shall be performed contemporaneously with readoption of the comprehensive energy plan under section 202b of this title.

(h) The plans adopted under this section ~~shall be submitted to the energy committees of the general assembly and~~ shall become the electrical energy portion of the state energy plan.

(i) It shall be a goal of the electrical energy plan to assure, by 2028, that at least 60 MW of power are generated within the ~~state~~ State by combined heat and power (CHP) facilities powered by renewable fuels ~~or by nonqualifying SPEED resources~~, as defined in section 8002 of this title. In order to meet this goal, the plan shall include incentives for development and strategies to identify locations in the ~~state~~ State that would be suitable for CHP. The plan shall include strategies to assure the consideration of CHP potential during any process related to the expansion of natural gas services in the ~~state~~ State.

Sec. 9. 30 V.S.A. § 202b is amended to read:

§ 202b. STATE COMPREHENSIVE ENERGY PLAN

(a) The ~~department of public service~~ Department of Public Service, in conjunction with other state agencies designated by the ~~governor~~ Governor, shall prepare a comprehensive state energy plan covering at least a 20-year period. The plan shall seek to implement the state energy policy set forth in section 202a of this title. The plan shall include:

(1) A comprehensive analysis and projections regarding the use, cost, supply, and environmental effects of all forms of energy resources used within Vermont.

(2) Recommendations for ~~state~~ State implementation actions, regulation, legislation, and other public and private action to carry out the comprehensive energy plan.

(b) In developing or updating the plan's recommendations, the ~~department of public service~~ Department of Public Service shall seek public comment by holding public hearings in at least five different geographic regions of the ~~state~~ State on at least three different dates, and by providing notice through publication once a week and at least seven days apart for two or more successive weeks in a newspaper or newspapers of general circulation in the regions where the hearings will be held, and by delivering notices to all licensed commercial radio and television stations with transmitting facilities within the ~~state~~ State, plus Vermont Public Radio and Vermont Educational Television.

(c) The ~~department~~ Department shall adopt a state energy plan by ~~no later than~~ January 1, 1994 2016 and shall readopt the plan by every sixth January 1 thereafter. On adoption or readoption, the plan shall be submitted to the General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to such submission.

(1) Upon adoption of the plan, analytical portions of the plan may be updated ~~annually~~ and published biennially.

(2) Every fourth year after the adoption or readoption of a plan under this section, the Department shall publish the manner in which the Department will engage the public in the process of readopting the plan under this section.

(3) The publication requirements of subdivisions (1) and (2) of this subsection may be met by inclusion of the subject matter in the Department's biennial report.

(4) The plan's implementation recommendations shall be updated by the ~~department~~ Department no less frequently than every ~~five~~ six years. These recommendations shall be updated prior to the expiration of ~~five~~ six years if the ~~general assembly~~ General Assembly passes a joint resolution making a request to that effect. If the ~~department~~ Department proposes or the ~~general assembly~~ General Assembly requests the revision of implementation recommendations, the ~~department~~ Department shall hold public hearings on the proposed revisions.

(d) ~~Any distribution~~ Distribution of the plan to members of the ~~general assembly~~ General Assembly shall be in accordance with the provisions of 2 V.S.A. § 20 ~~(a)-(c)~~.

Sec. 10. INTENT; RETROACTIVE APPLICATION

In enacting Secs. 2 (20-year electric plan) and 3 (comprehensive energy plan) of this act, the General Assembly intends to set the readoption of these plans by the Department of Public Service on a regular six-year cycle.

\* \* \* Smart Meter Report \* \* \*

Sec. 11. 30 V.S.A. § 2811(c) is amended to read:

(c) Reports.

(1) On January 1, 2014 and again on January 1, 2016, the ~~commissioner of public service~~ Commissioner of Public Service shall publish a report on:

(A) ~~the savings realized through the use of smart meters, as well as on;~~

(B) the occurrence of any breaches to a company's cyber-security infrastructure;

(C) the number of customers who have chosen not to have a wireless smart meter installed on their premises or who have had one removed; and

(D) the number of complaints received by the Department related to smart meters beginning in calendar year 2012, including a brief description of each complaint, its status, and action taken by the Department in response, if any.

(2) The reports shall be based on electric company data requested by and provided to the ~~commissioner of public service~~ Commissioner of Public Service and shall be in a form and in a manner the ~~commissioner~~ Commissioner deems necessary to accomplish the purposes of this subsection. The reports shall be submitted to the ~~senate committees on finance~~ Senate Committees on Finance and on ~~natural resources and energy~~ Natural Resources and Energy and the ~~house committees on commerce and economic development~~ House Committees on Commerce and Economic Development and on ~~natural resources and energy~~ Natural Resources and Energy.

\* \* \* Joint Energy and Utility Committee \* \* \*

Sec. 12. 2 V.S.A. chapter 17 is amended to read:

#### CHAPTER 17. JOINT ENERGY AND UTILITY COMMITTEE

##### § 601. CREATION OF COMMITTEE; MEETINGS

(a) There is created a ~~joint energy committee~~ Joint Energy and Utility Committee whose membership shall be appointed each biennial session of the ~~general assembly~~ General Assembly. The ~~committee~~ Committee shall consist of ~~four representatives, at least one from each major party, appointed by the speaker of the house, and four members of the senate, at least one from each~~

major party, appointed by the committee on committees five Representatives representing at least two major parties and five members of the Senate representing at least two major parties. The Representatives shall be appointed by the Speaker of the House and the members of the Senate by the Committee on Committees. Of the appointed Representatives from the House, two shall be members of the House Committee on Commerce and Economic Development and two shall be members of the House Committee on Natural Resources and Energy. Of the appointed members from the Senate, two shall be members of the Senate Committee on Finance and two shall be members of the Senate Committee on Natural Resources and Energy.

(b) ~~The committee~~ Committee shall elect a chair, ~~vice chair~~ vice chair, and clerk and shall adopt rules of procedure. The ~~chair~~ Chair shall rotate biennially between the ~~house~~ House and the ~~senate~~ Senate members. The ~~committee~~ Committee may meet during a session of the ~~general assembly~~ General Assembly at the call of the ~~chair~~ Chair or a majority of the members of the ~~committee~~ Committee. The ~~committee~~ Committee may meet no more than four times during adjournment ~~subject to approval of the speaker of the house and the president pro tempore of the senate,~~ except that the Speaker of the House and the President Pro Tempore of the Senate may approve one or more additional meetings of the Committee during adjournment.

(c) A majority of the membership shall constitute a quorum. Committee action shall be taken only if there is a quorum and the proposed action is approved by majority vote of those members physically present and voting.

#### § 602. ~~EMPLOYEES; RULES SUPPORT; PER DIEMS; MINUTES~~

(a) ~~The joint energy committee shall meet following the appointment of its membership to organize and begin the conduct of its business.~~

(b) ~~The staff of the legislative council~~ Office of Legislative Council shall provide professional and clerical assistance to the ~~joint committee~~ Joint Energy and Utility Committee.

~~(e)~~(b) For attendance at a meeting when the ~~general assembly~~ General Assembly is not in session, members of the ~~joint energy committee~~ Committee shall be entitled to the same per diem compensation and reimbursement for necessary expenses as provided members of standing committees under section 406 of this title.

~~(d)~~(c) The ~~joint energy committee~~ Committee shall keep minutes of its meetings and maintain a file thereof.

#### § 603. ~~FUNCTIONS DUTIES~~

(a) The ~~joint energy committee~~ Joint Energy and Utility Committee shall:

(1) carry on a continuing review of all energy and utility matters in the ~~state~~ State and energy matters in the northeast region of the United States, including energy sources, energy distribution, energy costs, energy planning, energy conservation, and ~~pertinent~~ related subjects;

(2) work with, assist, and advise other committees of the ~~general assembly~~ General Assembly, the ~~executive~~ Executive Branch, and the public in energy-related energy- and utility-related matters within their respective responsibilities;

(3) provide a continuing review of State energy and utility policies.

(b) In conducting its tasks, the Committee may consult the following:

(1) the Public Service Board;

(2) the Commissioner of Public Service;

(3) ratepayers and advocacy groups;

(4) public service companies subject to regulation by the Public Service Board;

(5) the Vermont State Nuclear Advisory Panel created under chapter 34 of Title 18; and

(6) any other person or entity as determined by the Committee.

(c) On or before December 15 of each year, the Committee shall report its activities, together with its recommendations, if any, to the General Assembly. The Committee may submit more than one report in any given year.

\* \* \*

\* \* \* Department of Public Service Report on Siting of New Electric  
Transmission Facilities \* \* \*

### Sec. 13. REPORT; NEW ELECTRIC TRANSMISSION FACILITIES

(a) Report; proposed legislation. On or before November 15, 2013, the Department of Public Service shall submit a report to the Joint Energy and Utility Committee under 2 V.S.A. chapter 17, the House and Senate Committees on Natural Resources and Energy, the House Committee on Commerce and Economic Development, and the Senate Committee on Finance that contains each of the following:

(1) An assessment of:

(A) setback requirements on electric transmission facilities adopted by other jurisdictions in and outside the United States;

(B) methods to integrate state energy planning with local and regional land use planning as they apply to new electric transmission facilities; and

(C) the relative merits of “intervenor funding” and possible methods to fund intervenors in the siting review process for new electric transmission facilities.

(2) The Department’s findings resulting from each assessment under this section.

(3) The Department’s recommendations resulting from its findings under this section and proposed legislation, if necessary, to carry out those recommendations.

(b) The Department shall have the assistance of the Agencies of Commerce and Community Development and of Natural Resources in completing its tasks under this section.

\* \* \* Public Service Board Ratemaking \* \* \*

Sec. 14. 30 V.S.A. § 218(h) is added to read:

(h) When the Public Service Board has authorized an increase in rates expressly to prevent the bankruptcy or financial instability of a utility, any excess rates incurred above what ordinarily would have been incurred under a traditional cost-of-service methodology shall be returned to ratepayers in the form of a credit or refund, in a manner to be determined by the Board, and shall not be recoverable in future rates charged to ratepayers.

Sec. 15. APPLICATION

Sec. 14 of this act shall not apply to or alter any Public Service Board order issued prior to the effective date of this act.

\* \* \* Effective Date \* \* \*

Sec. 16. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 6-0-1)

(For House amendments, see House Journal for February 14, 2013, page 151.)

## House Proposal of Amendment

### S. 159.

An act relating to various amendments to Vermont's land use control law and related statutes.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 1, 10 V.S.A. § 6001, in subdivision (3)(D)(vii), by striking unless the chair of the district commission, after notice and opportunity for hearing, determines that action has been taken to circumvent the requirements of this chapter, and

Second: By striking Sec. 6 (repeal of 10 V.S.A. § 6001e) in its entirety and inserting in lieu thereof [Deleted.]

Third: In Sec. 14, 10 V.S.A. § 6089, in the last sentence, by striking 6001(3)(D)(vii) and inserting in lieu thereof 6001e

Fourth: In Sec. 21, 10 V.S.A. § 8020(c) and (d), in subsection (d), in the first sentence, after document, by striking and and inserting in lieu thereof or

### CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Patrick Berry of Middlebury – Commissioner, Fish and Wildlife – By Sen. Hartwell for the Committee on Natural Resources and Energy. (3/27/13)

Ron Shems of Moretown – Chair of the Natural Resources Board – By Sen. Hartwell for the Committee on Natural Resources and Energy. (4/3/13)

## **PUBLIC HEARINGS**

**Tuesday, April 16, 2013** – House Chamber – 5:30 – 7:30 P.M. – Re: S.77 – Patient Choice and Control at End of Life – House Committee on Human Services and House Committee on Judiciary.

**Wednesday, April 17, 2013** – Room 11 – 5:30 – 7:30 P.M. – Re: H.225 - Statewide Policy on Training Requirements for Electronic Control Devices (Tasers) - House Committee on Government Operations.

**Thursday, April 18, 2013** - Room 11 - 6:00 - 8:00 P.M. Re: H. 208 - Earned Sick Days - House Committee on General, Housing and Military Affairs.

## **REPORTS ON FILE**

### **Reports 2013**

Pursuant to the provisions of 2 V.S.A. §20(c), one (1) hard copy of the following reports is on file in the office of the Secretary of the Senate. Effective January 2010, pursuant to Act No. 192, Adj. Sess. (2008) §5.005(g) some reports will automatically be sent by electronic copy only and can be found on the State of Vermont Legislative webpage.

1. Report by Secretary of Administration pursuant to Act 156, Adj. Sess. (2012), Sec. 8 regarding supervisory union size and structure.