

Senate Calendar

WEDNESDAY, APRIL 02, 2014

SENATE CONVENES AT: 1:30 P.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

NEW BUSINESS

Third Reading

H. 543 An act relating to records and reports of the Auditor
of Accounts..... 1238

Second Reading

Favorable

H. 576 An act relating to applications for the Lifeline program
Health and Welfare Report - Sen. Lyons 1238

H. 631 An act relating to lottery commissions
Econ. Dev., Housing and General Affairs Report - Sen. Collins 1238

Favorable with Proposal of Amendment

H. 799 An act relating to the importation of firewood
Natural Resources and Energy Report - Sen. Rodgers 1238

NOTICE CALENDAR

Second Reading

Favorable

H. 347 An act relating to veterinary dentistry
Agriculture Report - Sen. Sirotkin 1240

Favorable with Recommendation of Amendment

S. 202 The energy efficiency charge
Natural Resources and Energy Report - Sen. MacDonald 1240
Appropriations Report - Sen. Snelling 1243

ORDERS OF THE DAY

ACTION CALENDAR

NEW BUSINESS

Third Reading

H. 543.

An act relating to records and reports of the Auditor of Accounts.

Second Reading

Favorable

H. 576.

An act relating to applications for the Lifeline program.

Reported favorably by Senator Lyons for the Committee on Health and Welfare.

(Committee vote: 5-0-0)

(No House amendments)

H. 631.

An act relating to lottery commissions.

Reported favorably by Senator Collins for the Committee on Economic Development, Housing and General Affairs.

(Committee vote: 5-0-0)

(For House amendments, see House Journal of February 28, 2014, page 518)

Favorable with Proposal of Amendment

H. 799.

An act relating to the importation of firewood.

Reported favorably with recommendation of proposal of amendment by Senator Rodgers for the Committee on Natural Resources and Energy.

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

First: In Sec. 1, in 10 V.S.A. § 2681, by inserting a subsection (c) to read:

(c) Penalties. Any person who violates a provision of this subchapter or the rules adopted under this subchapter shall be subject to a civil citation under section 8019 of this title.

Second: By striking out Sec. 2 in its entirety and inserting in lieu thereof 3 new sections to be Secs. 2, 3, and 4 to read:

Sec. 2. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes:

* * *

(17) 10 V.S.A. § 2625, relating to heavy cutting of timber;

* * *

(22) 10 V.S.A. chapter 164A, collection and disposal of mercury-containing lamps; ~~and~~

(23) 24 V.S.A. § 2202a, relating to a municipality's adoption and implementation of a solid waste implementation plan that is consistent with the State Solid Waste Plan; and

(24) 10 V.S.A. chapter 83, subchapter 8, relating to the importation of firewood.

* * *

Sec. 3. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

* * *

(L) section 2625 (regulation of heavy cutting).

* * *

(R) chapter 32 (flood hazard areas).

(S) chapter 83, subchapter 8 (importation of firewood).

(2) 29 V.S.A. chapter 11 (management of lakes and ponds).

(3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 11, 2014, page 545 and March 13, 2014, page 578)

NOTICE CALENDAR

Second Reading

Favorable

H. 347.

An act relating to veterinary dentistry.

Reported favorably by Senator Sirotkin for the Committee on Agriculture.

(Committee vote: 5-0-0)

(For House amendments, see House Journal of February 7, 2014, page 345)

Favorable with Recommendation of Amendment

S. 202.

An act relating to the energy efficiency charge.

Reported favorably with recommendation of amendment by Senator MacDonald for the Committee on Natural Resources and Energy.

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. 30 V.S.A. § 209 is amended to read:

§ 209. JURISDICTION; GENERAL SCOPE

* * *

(d) Energy efficiency.

* * *

(3) Energy efficiency charge; regulated fuels. In addition to its existing authority, the Board may establish by order or rule a volumetric charge to

customers for the support of energy efficiency programs that meet the requirements of section 218c of this title. The charge shall be known as the energy efficiency charge, shall be shown separately on each customer's bill, and shall be paid to a fund administrator appointed by the Board and deposited into an Electric Efficiency Fund. When such a charge is shown, notice as to how to obtain information about energy efficiency programs approved under this section shall be provided in a manner directed by the Board. This notice shall include, at a minimum, a toll-free telephone number, and to the extent feasible shall be on the customer's bill and near the energy efficiency charge.

(A) Balances in the Electric Efficiency Fund shall be ratepayer funds, shall be used to support the activities authorized in this subdivision, and shall be carried forward and remain in the Fund at the end of each fiscal year. These monies shall not be available to meet the general obligations of the State. Interest earned shall remain in the Fund. The Board will annually provide the General Assembly with a report detailing the revenues collected and the expenditures made for energy efficiency programs under this section.

(B) The charge established by the Board pursuant to this subdivision (3) shall be in an amount determined by the Board by rule or order that is consistent with the principles of least cost integrated planning as defined in section 218c of this title. As circumstances and programs evolve, the amount of the charge shall be reviewed for unrealized energy efficiency potential and shall be adjusted as necessary in order to realize all reasonably available, cost-effective energy efficiency savings. In setting the amount of the charge and its allocation, the Board shall determine an appropriate balance among the following objectives; provided, however, that particular emphasis shall be accorded to the first four of these objectives: reducing the size of future power purchases; reducing the generation of greenhouse gases; limiting the need to upgrade the State's transmission and distribution infrastructure; minimizing the costs of electricity; reducing Vermont's total energy expenditures; providing efficiency and conservation as a part of a comprehensive resource supply strategy; providing the opportunity for all Vermonters to participate in efficiency and conservation programs; and the value of targeting efficiency and conservation efforts to locations, markets, or customers where they may provide the greatest value. The Board, by rule or order, shall establish a process by which a customer who pays an average annual energy efficiency charge under this subdivision (3) of at least \$5,000.00 may apply to the Board to self-administer energy efficiency through the use of an energy savings account which shall contain a percentage of the customer's energy efficiency charge payments as determined by the Board. The remaining portion of the charge shall be used for systemwide energy benefits. The Board in its rules or order shall establish criteria for approval of these applications.

(C) The Board may authorize the use of funds raised through an energy efficiency charge on electric ratepayers to reduce the use of fossil fuels for heating by supporting electric technologies that may increase electric consumption, such as air source heat pumps if, after investigation, it finds that deployment of the technology:

(i) will be beneficial to electric ratepayers;

(ii) will result in cost-effective energy savings to the end-user and to the State as a whole;

(iii) will result in a net reduction in greenhouse gas emissions on a life-cycle basis and will not have a detrimental impact on the environment through other means such as release of refrigerants or disposal;

(iv) will be part of a comprehensive energy efficiency and conservation program that meets the requirements of subsections (d)–(g) of this section and that makes support for the technology contingent on the energy performance of the building in which the technology is to be installed. The building’s energy performance shall achieve or shall be improved to achieve an energy performance level that is approved by the Board and that is consistent with meeting or exceeding the goals of 10 V.S.A. § 581 (building efficiency);

(v) among the product models of the technology that are suitable for use in Vermont, will employ the product models that are the most efficient available;

(vi) will be promoted in conjunction with demand management strategies offered by the customer’s distribution utility to address any increase in peak electric consumption that may be caused by the deployment;

(vii) will be coordinated between the energy efficiency and distribution utilities, consistent with subdivision (f)(5) of this section; and

(viii) will be supported by an appropriate allocation of funds among the funding sources described in this subsection (d) and subsection (e) of this section. In the case of measures used to increase the energy performance of a building in which the technology is to be installed, the Board shall assume installation of the technology in the building and then determine the allocation according to the proportion of the benefits provided to the regulated fuel and unregulated fuel sectors. In this subdivision (viii), “regulated fuel” and “unregulated fuel” shall have the same meaning as under subsection (e) of this section.

* * *

(e) Thermal energy and process fuel efficiency funding.

* * *

(3) In this subsection:

(A) "Efficiency services" includes the establishment of a statewide information clearinghouse under subsection (g) of this section.

(B) "Regulated fuels" means electricity and natural gas delivered by a regulated utility.

(C) "Unregulated fuels" means fuels used by thermal energy and process fuel customers other than electricity and natural gas delivered by a regulated utility.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 4-0-1)

Reported favorably by Senator Snelling for the Committee on Appropriations.

The Committee recommends that the bill be amended as recommended by the Committee on Natural Resources and Energy and when so amended, ought to pass.

(Committee vote: 6-0-1)

PUBLIC HEARINGS

SENATE APPROPRIATIONS COMMITTEE

FY 2015 Budget

ADVOCATES TESTIMONY

On **Wednesday, April 9, 2014** beginning at **9:30 am**, the Senate Appropriations Committee will be taking testimony from advocates regarding the Fiscal Year 2015 Budget (H.885) in Room 10 of the State House. To schedule time before the Committee contact Becky Buck at the Legislative Joint Fiscal Office located at 1 Baldwin Street (phone: 828-5969).

NOTICE OF JOINT ASSEMBLY

Thursday, April 10, 2014 - 10:30 A.M. - Election of one (1) successor legislative Trustee of the University of Vermont and State Agricultural College.

Candidates for the position of trustee must notify the Secretary of State **in writing** not later than Thursday, April 3, 2014, by 5:00 P.M. pursuant to the provisions of 2 V.S.A. § 12(b). Otherwise their names will not appear on the ballots for this position.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

FOR INFORMATION ONLY

CROSSOVER DEADLINES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 14, 2014**, and filed with the Secretary of the Senate so that they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate** bills referred pursuant to Senate Rule 31 to the Committees on Appropriations and Finance must be reported out by the last of those committees on or before **Friday, March 21, 2014**, and filed with the Secretary of the Senate so that they may be placed on the Calendar for Notice the next legislative day.

These deadlines may be waived for any bill or committee only with the consent of the Committee on Rules.

Note: The deadlines were determined by the Joint Rules Committee. The Senate will not act on House bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, and Miscellaneous Tax Bill).