

Journal of the Senate

THURSDAY, FEBRUARY 28, 2013

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

Rules Suspended; Bill Committed

S. 30.

Appearing on the Calendar for notice, on motion of Senator Hartwell the rules were suspended and Senate bill entitled:

An act relating to siting of electric generation plants.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Natural Resources and Energy, Senator Hartwell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Finance with the report of the Committee on Natural Resources and Energy *intact*,

Which was agreed to.

Committee Relieved of Further Consideration; Bill Committed

S. 123.

On motion of Senator Ayer, the Committee on Health and Welfare was relieved of further consideration of Senate bill entitled:

An act relating to safe patient handling,

and the bill was committed to the Committee on Economic Development, Housing and General Affairs.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 144.

By the Committee on Institutions,

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

Joint Resolution Referred**J.R.H. 6.**

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution relating to the Sandy Hook shootings and the public education environment in Vermont

Whereas, following the mass shootings at the Sandy Hook Elementary School in Newtown, Connecticut, we, as a nation, have had time to reflect collectively on who we are and how best to respond to the slaughter of the innocents, and

Whereas, the General Assembly rejects the singular response of meeting force with force, and

Whereas, alternatively, the General Assembly embraces a Vermont commitment that the mental, physical, and nutritional health of our students and their caregivers is addressed with the same level of attention and concern as is our students' academic and cognitive achievement, and

Whereas, Vermont schools must offer a learning environment that encourages all students to attain mastery of academic content, to practice generosity, to experience belonging, and to realize independence in their daily lives, now therefore be it

Resolved by the Senate and House of Representatives:

That the tears of Sandy Hook and our nation will not fall on fallow ground but will give rise to a rededication to our goal of maintaining safe and healthy schools, and be it further

Resolved: That the General Assembly declares Vermont to be a state in which equity, caring, and safety, both emotional and physical, are evident in all of our schools' practices.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Education.

Third Reading Ordered**H. 41.**

Senator French, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to civil forfeiture of retirement payments to public officials convicted of certain crimes.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered**S. 25.**

Senator Hartwell, for the Committee on Finance, to which was referred Senate bill entitled:

An act relating to public advocacy in utility matters.

Reported recommending 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. § 2 is amended to read:

§ 2. DEPARTMENT OF PUBLIC SERVICE; POWERS

(a) The ~~department of public service~~ Department of Public Service shall supervise and direct the execution of all laws relating to public service corporations and firms and individuals engaged in such business, including the:

(1) ~~Formation~~ formation, organization, ownership, and acquisition of facilities of public service corporations under chapter 3 of this title;

(2) ~~Participation~~ participation in planning for proper utility service as provided in section 202 of this title through the ~~director for regulated utility planning~~ Director for Regulated Utility Planning;

(3) ~~Supervision~~ supervision and evaluation under chapters 5 and 77 of this title of the quality of service of public utility companies;

(4) ~~Interconnection~~ interconnection and interchange of facilities of electric companies under sections 210, 213, and 214 of this title;

(5) ~~Representation~~ representation of the ~~state~~ State in the negotiations and proceedings for the procurement of electric energy from any source outside of this ~~state~~ State and from any generation facility inside the ~~state~~ State under sections 211 and 212 of this title;

(6) ~~Review~~ review of proposed changes in rate schedules and petition to the ~~public service board~~ Public Service Board, and representation of the interests of the consuming public in proceedings to change rate schedules of public service companies under chapter 5 of this title;

(7) ~~Siting~~ siting of electric generation and transmission facilities under section 248 of this title;

(8) ~~Consolidations~~ consolidations and mergers of public service corporations under chapter 7 of this title;

(9) ~~Supervision~~ supervision and regulation of cable television systems under chapter 13 of this title;

(10) ~~Supervision~~ supervision and regulation of telegraph and telephone companies under chapters 71, 73, and 75 of this title;

(11) ~~Supervision~~ supervision and regulation of the organization and operation of municipal plants under chapter 79 of this title;

(12) ~~Supervision~~ supervision and regulation of the organization and operation of electric cooperatives under chapter 81 of this title.

(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.

(c) The ~~department~~ Department may bring proceedings on its own motion before the ~~public service board~~ Public Service Board, with respect to any matter within the jurisdiction of the ~~public service board~~ Board, and may initiate rule-making proceedings before ~~that board~~ the Board. The ~~public service board~~ Public Service Board, with respect to any matter within its jurisdiction, may issue orders on its own motion and may initiate rule-making proceedings.

(d) In any proceeding where the ~~decommissioning fund~~ Decommissioning Fund for the Vermont Yankee nuclear facility is involved, the ~~department~~ Department shall represent the consuming public in a manner that acknowledges that the general public interest requires that the consuming public, rather than either the ~~state's~~ State's future consumers who never obtain benefits from the facility or the ~~state's~~ State's taxpayers, ought to provide for all costs of decommissioning. The ~~department~~ Department shall seek to have

the ~~decommissioning fund~~ Decommissioning Fund be based on all reasonably expected costs.

(e) In performing its duties under this section, the Department shall affirmatively represent the interests of ratepayer classes who are not independently represented parties in proceedings before the Board, including residential, low-income, and small business consumers.

Sec. 2. DEPARTMENT OF PUBLIC SERVICE; REPORT ON CONSUMER REPRESENTATION

On or before July 1, 2014, the Commissioner shall submit a report to the General Assembly which includes an analysis of how the Department, in performing its duties under 30 V.S.A. § 2, determines the interests of the consuming public and of the State and ensures adequate representation of the interests of those consumers whose interests might not otherwise be adequately represented in matters before the Board, including residential, low income, and small business consumers. The report shall include a description of how the Department assesses whether the interests of different ratepayer classes – such as residential, low income, and small business – are in conflict and, if so, how such conflicts are resolved. In addition, the Commissioner shall evaluate how representation of the interests of residential, low income, and small business consumers has occurred in past proceedings and describe ways in which the Department might more effectively represent those interests in future proceedings. The report also shall describe improvements in the Department’s processes related to the integration of the roles and responsibilities of the Director for Public Advocacy and the Director for Consumer Protection and Education, particularly with respect to representation of the consuming public and the interests of the State. In conducting this analysis, the Commissioner shall consult with residential and small business ratepayers, advocacy groups for low income, residential, and small business ratepayers, and any other person or entity as determined by the Commissioner.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Message from the House No. 24

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

S. 2. An act relating to sentence calculations.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

Adjournment

On motion of Senator Baruth, the Senate adjourned until eleven o'clock and thirty minutes in the morning.