

1 H.577

2 Introduced by Representative Sullivan of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Public service; municipal electric departments; electric cooperatives;  
6 voter approval; out-of-state electricity purchases

7 Statement of purpose of bill as introduced: This bill proposes to modify the  
8 statutory provisions that require voter approval before a municipal electric  
9 department or electric cooperative purchases electricity from outside Vermont.

10 An act relating to voter approval of electricity purchases by municipalities  
11 and electric cooperatives

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

13 Sec. 1. 30 V.S.A. § 2924 is amended to read:

14 § 2924. APPROVAL BY VOTERS OF MUNICIPALITY

15 (a) With respect to matters not subject to section 248 of this title, ~~before~~ a  
16 municipal department established under this chapter or local charter ~~may~~ shall  
17 obtain the approval of the voters of the municipality before in any way;

18 (1) ~~purchase~~ purchasing electric capacity or energy from outside the  
19 state, ~~for a period exceeding five years, that represents more than one percent~~  
20 ~~of its historic peak demand, or~~ State:

1           (A) for a period exceeding five years, that represents more than three  
2           percent of its historic peak demand, unless the purchase is from a plant that  
3           produces electricity from renewable energy; or

4           (B) for a period exceeding ten years, that represents more than ten  
5           percent of its historic peak demand, if the purchase is from a plant that  
6           produces electricity from renewable energy;

7           (2) ~~invest~~ investing in an electric generation or transmission facility  
8           located outside this ~~state~~ State; or

9           (3) ~~begin~~ beginning site preparation for or construction of an electric  
10          generation facility within the ~~state~~ State, or an electric transmission facility  
11          within the ~~state which~~ State that is designed for immediate or eventual  
12          operation at any voltage or ~~exercise~~ exercising the right of eminent domain in  
13          connection with site preparation for or construction of any such transmission or  
14          generation facility, except for the replacement of existing facilities with  
15          equivalent facilities in the usual course of business;

16          (b) ~~that~~ A municipal department shall obtain the approval required by  
17          subsection (a) of this section by a vote of a majority of the voters of the  
18          municipality voting upon the question at a duly warned annual or special  
19          meeting to be held for that purpose. Prior to the meeting, ~~a~~ the municipal  
20          department may provide to the voters an assessment of any risks and benefits  
21          of the proposed action.

1        (c) In this section, “plant” and “renewable energy” have the same meaning  
2        as in section 8002 of this title.

3        Sec. 2. 30 V.S.A. § 3044 is amended to read:

4        § 3044. APPROVAL BY MEMBERS OF COOPERATIVE

5        (a) With respect to matters not subject to section 248 of this title, before a  
6        cooperative established under this chapter may shall obtain the approval of the  
7        voters of the cooperative before in any way;

8            (1) purchase purchasing electric capacity or energy from outside the  
9        state, for a period exceeding five years, that represents more than one percent  
10       of its historic peak demand, or State:

11           (A) for a period exceeding five years, that represents more than three  
12       percent of its historic peak demand, unless the purchase is from a plant that  
13       produces electricity from renewable energy; or

14           (B) for a period exceeding ten years, that represents more than ten  
15       percent of its historic peak demand, if the purchase is from a plant that  
16       produces electricity from renewable energy;

17           (2) invest investing in an electric generation or transmission facility  
18       located outside this state State; or

19           (3) begin beginning site preparation for or construction of an electric  
20       generation facility within the state State, or an electric transmission facility  
21       within the state which State that is designed for immediate or eventual

1 operation at any voltage or ~~exercise~~ exercising the right of eminent domain in  
2 connection with site preparation for or construction of any such transmission or  
3 generation facility, except for the replacement of existing facilities with  
4 equivalent facilities in the usual course of business,.

5 (b) that A cooperative shall obtain the approval required by subsection (a)  
6 of this section by a vote of a majority of the voters of the cooperative voting  
7 upon the question at a duly warned annual or special meeting to be held for  
8 that purpose. Prior to the meeting, a the cooperative may provide to the voters  
9 an assessment of any risks and benefits of the proposed action.

10 (c) In this section, “plant” and “renewable energy” have the same meaning  
11 as in section 8002 of this title.

12 Sec. 3. EFFECTIVE DATE

13 This act shall take effect on July 1, 2016.