

Journal of the House

Tuesday, March 10, 2015

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rabbi Jan Salzman of the Ohavi Zedek Synagogue, Burlington, Vt.

Pledge of Allegiance

Page Levi Mulligan of Calais led the House in the Pledge of Allegiance.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 362

By Reps. Smith of New Haven, Fiske of Enosburgh, Graham of Williamstown, Hebert of Vernon, Shaw of Derby and Viens of Newport City,

House bill, entitled

An act relating to freezing appraisal values for taxpayers 65 years of age or older until subsequent transfer;

To the committee on Ways & Means.

H. 363

By Rep. Marcotte of Coventry,

House bill, entitled

An act relating to the Petroleum Cleanup Fund;

To the committee on Fish, Wildlife & Water Resources.

H. 364

By Rep. Lanpher of Vergennes,

House bill, entitled

An act relating to underwriting motor vehicle insurance and credit history;

To the committee on Commerce & Economic Development.

H. 365

By Reps. Condon of Colchester, Greshin of Warren, Olsen of Londonderry and Young of Glover,

House bill, entitled

An act relating to a homestead property tax exemption;

To the committee on Ways & Means.

H. 366

By Reps. Macaig of Williston and McCullough of Williston,

House bill, entitled

An act relating to updating Vermont law regarding federal law enforcement officers in accordance with federal Homeland Security law;

To the committee on Government Operations.

H. 367

By Rep. Ellis of Waterbury,

House bill, entitled

An act relating to miscellaneous revisions to the municipal plan adoption, amendment, and update process;

To the committee on Government Operations.

H. 368

By Rep. Burditt of West Rutland,

House bill, entitled

An act relating to making the sixth conviction of the same misdemeanor punishable as a felony;

To the committee on Judiciary.

H. 369

By Reps. Hubert of Milton, Batchelor of Derby, Branagan of Georgia, Cole of Burlington, Graham of Williamstown, Juskiewicz of Cambridge, Komline of Dorset, LaClair of Barre Town, Lewis of Berlin, Martel of Waterford, Shaw of Derby, Strong of Albany and Viens of Newport City,

House bill, entitled

An act relating to health care and labor relations for school employees;

To the committee on General, Housing & Military Affairs.

H. 370

By Reps. Hebert of Vernon, Beyor of Highgate, Burditt of West Rutland, Cupoli of Rutland City, Dickinson of St. Albans Town, Fiske of Enosburgh, Helm of Fair Haven, Juskiewicz of Cambridge, Morrissey of Bennington, Murphy of Fairfax, Parent of St. Albans City, Savage of Swanton, Shaw of Derby, Smith of New Haven, Tate of Mendon, Viens of Newport City and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to a fiscal year reserve;

To the committee on Appropriations.

H. 371

By Reps. Sweaney of Windsor, Cole of Burlington, Higley of Lowell, Hubert of Milton, LaClair of Barre Town, Martin of Wolcott, Scheuermann of Stowe, Townsend of South Burlington, Young of Glover and Zagar of Barnard,

House bill, entitled

An act relating to creating a Joint Legislative Information Technology Oversight Committee;

To the committee on Government Operations.

H. 372

By Reps. Ellis of Waterbury, Chesnut-Tangerman of Middletown Springs, Potter of Clarendon, Bissonnette of Winooski, Burke of Brattleboro, Eastman of Orwell, McCormack of Burlington and Russell of Rutland City,

House bill, entitled

An act relating to allowing the selling of carbon offsets from State land in regulatory carbon markets;

To the committee on Natural Resources & Energy.

H. 373

By Reps. Woodward of Johnson, Burditt of West Rutland, Gage of Rutland City, Juskiewicz of Cambridge, Martin of Wolcott, Partridge of Windham, Poirier of Barre City, Toleno of Brattleboro and Troiano of Stannard,

House bill, entitled

An act relating to co-payment parity for chiropractors and physical therapists;

To the committee on Health Care.

H. 374

By Reps. Komline of Dorset, Wright of Burlington, Burditt of West Rutland, Clarkson of Woodstock and O'Sullivan of Burlington,

House bill, entitled

An act relating to prohibiting the confinement of gestating sows;

To the committee on Agriculture & Forest Products.

H. 375

By Rep. Zagar of Barnard,

House bill, entitled

An act relating to the permitting of ecological toilets and greywater systems;

To the committee on Fish, Wildlife & Water Resources.

H. 376

By Reps. Zagar of Barnard, Bartholomew of Hartland, Berry of Manchester, Bissonnette of Winooski, Christie of Hartford, Deen of Westminster, French of Randolph, McCormack of Burlington, Sullivan of Burlington, Till of Jericho and Townsend of South Burlington,

House bill, entitled

An act relating to the limitation of food and beverage advertising on public elementary school grounds;

To the committee on Education.

H. 377

By Reps. Lenes of Shelburne, Zagar of Barnard, Browning of Arlington and Fields of Bennington,

House bill, entitled

An act relating to Public Service Board siting review and to "community" generation facilities;

To the committee on Natural Resources & Energy.

H. 378

By Reps. Scheuermann of Stowe, Clarkson of Woodstock, Conquest of Newbury, McCormack of Burlington, Baser of Bristol, Beyor of Highgate, Branagan of Georgia, Brennan of Colchester, Briglin of Thetford, Burditt of West Rutland, Carr of Brandon, Connor of Fairfield, Corcoran of Bennington, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Eastman of Orwell, Grad of Moretown, Greshin of Warren, Hebert of Vernon, Krebs of South Hero, LaClair of Barre Town, Myers of Essex, Olsen of Londonderry, Parent of St. Albans City, Shaw of Pittsford, Sibia of Dover, Tate of Mendon, Toll of Danville, Trieber of Rockingham, Van Wyck of Ferrisburgh, Viens of Newport City, Willhoit of St. Johnsbury, Woodward of Johnson, Wright of Burlington and Young of Glover,

House bill, entitled

An act relating to independent contractors;

To the committee on General, Housing & Military Affairs.

H. 379

By Reps. Woodward of Johnson and Martin of Wolcott,

House bill, entitled

An act relating to limiting the Department for Children and Families' ability to seek child support from parents;

To the committee on Human Services.

H. 380

By Reps. Scheuermann of Stowe, Donahue of Northfield, Komline of Dorset, LaClair of Barre Town and Shaw of Pittsford,

House bill, entitled

An act relating to changing the structure of education governance and funding through the creation of 15 Consolidated Administrative Districts;

To the committee on Education.

H. 381

By Rep. Buxton of Tunbridge,

House bill, entitled

An act relating to installation of security cameras at the Randolph park and ride;

To the committee on Transportation.

H. 382

By Rep. Toll of Danville,

House bill, entitled

An act relating to driver's license reinstatement decisions related to medical fitness to drive;

To the committee on Transportation.

H. 383

By Rep. Lanpher of Vergennes,

House bill, entitled

An act relating to crossing double yellow lines on Vermont highways;

To the committee on Transportation.

H. 384

By Reps. Woodward of Johnson, Dame of Essex, Donahue of Northfield, Gage of Rutland City, Martin of Wolcott, Partridge of Windham, Patt of Worcester, Poirier of Barre City, Townsend of South Burlington and Troiano of Stannard,

House bill, entitled

An act relating to equal reimbursement for chiropractic physicians;

To the committee on Health Care.

H. 385

By Rep. Botzow of Pownal,

House bill, entitled

An act relating to liability insurance and transportation network companies;

To the committee on Commerce & Economic Development.

H. 386

By Reps. Krowinski of Burlington and French of Randolph,

House bill, entitled

An act relating to services and providers of services for Vermont elders;

To the committee on Human Services.

H. 387

By Reps. Dame of Essex and Troiano of Stannard,
House bill, entitled
An act relating to dispensing ibogaine for substance abuse treatment;
To the committee on Human Services.

H. 388

By Reps. Helm of Fair Haven, Branagan of Georgia, Brennan of Colchester,
Eastman of Orwell, Fiske of Enosburgh, Hebert of Vernon, Pearce of Richford
and Savage of Swanton,
House bill, entitled
An act relating to limiting seller liability in products liability actions;
To the committee on Commerce & Economic Development.

H. 389

By Reps. Russell of Rutland City, Burditt of West Rutland, Canfield of Fair
Haven, Chesnut-Tangerman of Middletown Springs, Cupoli of Rutland City,
Devereux of Mount Holly, Fagan of Rutland City, Gage of Rutland City, Helm
of Fair Haven, Shaw of Pittsford, Tate of Mendon and Terenzini of Rutland
Town,
House bill, entitled
An act relating to rental assistance;
To the committee on General, Housing & Military Affairs.

H. 390

By Reps. Marcotte of Coventry, Viens of Newport City, Burditt of West
Rutland, Conquest of Newbury, Grad of Moretown and Lalonde of South
Burlington,
House bill, entitled
An act relating to creating a Truancy Prevention Working Group;
To the committee on Education.

H. 391

By Reps. Mrowicki of Putney, Bissonnette of Winooski, Burke of
Brattleboro, Donovan of Burlington, Kitzmiller of Montpelier, Masland of
Thetford, McCormack of Burlington, Miller of Shaftsbury, Patt of Worcester,

Potter of Clarendon, Stevens of Waterbury, Toleno of Brattleboro and Zagar of Barnard,

House bill, entitled

An act relating to increasing expanded learning opportunities;

To the committee on Education.

H. 392

By Reps. Parent of St. Albans City, Bancroft of Westford, Baser of Bristol, Hebert of Vernon, Tate of Mendon and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to the transfer of funds between the Departments of Mental Health and of Health;

To the committee on Appropriations.

H. 393

By Reps. Jerman of Essex, Christie of Hartford, Evans of Essex, Head of South Burlington, Juskiewicz of Cambridge, Komline of Dorset, Potter of Clarendon, Russell of Rutland City and Scheuermann of Stowe,

House bill, entitled

An act relating to creating a financial literacy commission;

To the committee on Government Operations.

H. 394

By Reps. Parent of St. Albans City, Baser of Bristol, Hebert of Vernon, Scheuermann of Stowe, Tate of Mendon, Viens of Newport City and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to a federal fund planning report;

To the committee on Appropriations.

H. 395

By Reps. Pearson of Burlington, Burke of Brattleboro, McCormack of Burlington and McCullough of Williston,

House bill, entitled

An act relating to establishing a carbon pollution tax;

To the committee on Natural Resources & Energy.

H. 396

By Reps. Scheuermann of Stowe, Hebert of Vernon and Krebs of South Hero,

House bill, entitled

An act relating to various reforms of the environmental permitting process;
To the committee on Natural Resources & Energy.

H. 397

By Rep. Dame of Essex,

House bill, entitled

An act relating to immunity from liability for health care professionals providing volunteer health care services;

To the committee on Health Care.

H. 398

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to the Human Services Board;
To the committee on Human Services.

H. 399

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to the Department for Children and Families' Registry Review Unit;

To the committee on Human Services.

H. 400

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to various changes to judicial procedure;
To the committee on Judiciary.

H. 401

By Reps. Ram of Burlington, Burke of Brattleboro, Buxton of Tunbridge,

Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Donovan of Burlington, French of Randolph, Gonzalez of Winooski, Krowinski of Burlington, Lalonde of South Burlington, Martin of Wolcott, McCormack of Burlington, O'Sullivan of Burlington, Stuart of Brattleboro, Toleno of Brattleboro, Townsend of South Burlington and Zagar of Barnard,

House bill, entitled

An act relating to creating a first-time home buyer down payment assistance program;

To the committee on General, Housing & Military Affairs.

H. 402

By Reps. Marcotte of Coventry, Botzow of Pownal, Pearson of Burlington, Olsen of Londonderry, Baser of Bristol, Batchelor of Derby, Carr of Brandon, Condon of Colchester, Dakin of Colchester, Donovan of Burlington, French of Randolph, Higley of Lowell, Lawrence of Lyndon, O'Sullivan of Burlington, Parent of St. Albans City, Poirier of Barre City, Quimby of Concord, Scheuermann of Stowe, Shaw of Derby, Sibia of Dover, Strong of Albany, Stuart of Brattleboro, Viens of Newport City and Young of Glover,

House bill, entitled

An act relating to authorizing the Vermont ABLE savings program;

To the committee on Commerce & Economic Development.

H. 403

By Reps. Donahue of Northfield, Batchelor of Derby, Bissonnette of Winooski, Burditt of West Rutland, Canfield of Fair Haven, Christie of Hartford, Donovan of Burlington, Frank of Underhill, Gage of Rutland City, Gamache of Swanton, Hebert of Vernon, McCormack of Burlington, Poirier of Barre City, Strong of Albany, Sullivan of Burlington and Till of Jericho,

House bill, entitled

An act relating to funding the Traumatic Brain Injury Fund;

To the committee on Transportation.

H. 404

By Reps. Christie of Hartford, Zagar of Barnard, Bissonnette of Winooski, Burditt of West Rutland, Buxton of Tunbridge, Clarkson of Woodstock, Connor of Fairfield, Conquest of Newbury, Dakin of Chester, Eastman of Orwell, Fields of Bennington, Gage of Rutland City, Krowinski of Burlington, Martin of Wolcott, McCormack of Burlington, Morris of Bennington, Parent

of St. Albans City, Sibia of Dover, Sweaney of Windsor, Tate of Mendon, Till of Jericho, Troiano of Stannard and Young of Glover,

House bill, entitled

An act relating to serving wine and beer during special events at a retail store;

To the committee on General, Housing & Military Affairs.

H. 405

By Reps. Manwaring of Wilmington and Buxton of Tunbridge,

House bill, entitled

An act relating to commissioning a study on Vermont's current practices of paying tuition;

To the committee on Education.

H. 406

By Reps. Connor of Fairfield, Branagan of Georgia, Burditt of West Rutland, Lenex of Shelburne, Macaig of Williston, Martin of Wolcott and Toleno of Brattleboro,

House bill, entitled

An act relating to the renewal of tax liens;

To the committee on Ways & Means.

H. 407

By Reps. Ram of Burlington, Burke of Brattleboro and McCormack of Burlington,

House bill, entitled

An act relating to yielding to public transit buses;

To the committee on Transportation.

H. 408

By Reps. Lawrence of Lyndon, Graham of Williamstown, Higley of Lowell, Partridge of Windham, Purvis of Colchester and Smith of New Haven,

House bill, entitled

An act relating to the retrieval of domestic animals from the real property of another owner;

To the committee on Judiciary.

H. 409

By Reps. Martin of Wolcott, Buxton of Tunbridge, Komline of Dorset, Parent of St. Albans City, Woodward of Johnson and Wright of Burlington,

House bill, entitled

An act relating to lobbying disclosures;

To the committee on Government Operations.

H. 410

By Reps. Burditt of West Rutland and Viens of Newport City,

House bill, entitled

An act relating to increasing penalties for fish and wildlife violations;

To the committee on Fish, Wildlife & Water Resources.

H. 411

By Reps. Bartholomew of Hartland, Poirier of Barre City, Ryerson of Randolph, Till of Jericho and Zagar of Barnard,

House bill, entitled

An act relating to assessing legal remedies against the manufacturers of processed foods and beverages that contain added sugar;

To the committee on Human Services.

H. 412

By Reps. Deen of Westminster, Sullivan of Burlington, Bartholomew of Hartland, Berry of Manchester, Burke of Brattleboro, Donovan of Burlington, French of Randolph, Gonzalez of Winooski, Grad of Moretown, Hooper of Montpelier, Jewett of Ripton, Kitzmiller of Montpelier, Krowinski of Burlington, Lalonde of South Burlington, Lenex of Shelburne, Masland of Thetford, McCormack of Burlington, McCullough of Williston, Mrowicki of Putney, O'Sullivan of Burlington, Rachelson of Burlington, Ram of Burlington, Sheldon of Middlebury, Stevens of Waterbury, Stuart of Brattleboro, Sweaney of Windsor and Townsend of South Burlington,

House bill, entitled

An act relating to establishing a carbon pollution tax;
To the committee on Natural Resources & Energy.

H. 413

By Rep. Pugh of South Burlington,
House bill, entitled
An act relating to food and lodging establishments;
To the committee on General, Housing & Military Affairs.

H. 414

By Reps. Lewis of Berlin, Cole of Burlington, Devereux of Mount Holly,
Higley of Lowell, LaClair of Barre Town, Sweaney of Windsor and Townsend
of South Burlington,

House bill, entitled
An act relating to creating a Cold Case Unit;
To the committee on Government Operations.

H. 415

By Reps. Morrissey of Bennington, Bancroft of Westford, Batchelor of
Derby, Beck of St. Johnsbury, Beyor of Highgate, Branagan of Georgia,
Brennan of Colchester, Browning of Arlington, Burditt of West Rutland,
Canfield of Fair Haven, Corcoran of Bennington, Cupoli of Rutland City,
Dame of Essex, Devereux of Mount Holly, Dickinson of St. Albans Town,
Donahue of Northfield, Eastman of Orwell, Fagan of Rutland City, Gage of
Rutland City, Gamache of Swanton, Graham of Williamstown, Hebert of
Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Juskiewicz
of Cambridge, LaClair of Barre Town, Lawrence of Lyndon, Lewis of Berlin,
Marcotte of Coventry, Martel of Waterford, McFaun of Barre Town, Myers of
Essex, Parent of St. Albans City, Pearce of Richford, Purvis of Colchester,
Quimby of Concord, Savage of Swanton, Shaw of Pittsford, Shaw of Derby,
Smith of New Haven, Strong of Albany, Tate of Mendon, Terenzini of Rutland
Town, Van Wyck of Ferrisburgh, Viens of Newport City, Willhoit of St.
Johnsbury and Wright of Burlington,

House bill, entitled
An act relating to establishing a public database of health care contracts;
To the committee on Health Care.

H. 416

By Rep. McCormack of Burlington,
House bill, entitled
An act relating to smoking outside places of public access;
To the committee on General, Housing & Military Affairs.

H. 417

By Reps. Browning of Arlington, Dickinson of St. Albans Town, Gage of Rutland City, Gamache of Swanton, Hebert of Vernon, Higley of Lowell and Morrissey of Bennington,

House bill, entitled
An act relating to measuring quality in payment reform initiatives;
To the committee on Health Care.

H. 418

By Reps. Eastman of Orwell, Buxton of Tunbridge and Smith of New Haven,

House bill, entitled
An act relating to requiring a town to conduct an additional audit when its town clerk and treasurer are the same individual;
To the committee on Government Operations.

H. 419

By Reps. Burditt of West Rutland, Bancroft of Westford, Baser of Bristol, Beck of St. Johnsbury, Beyor of Highgate, Brennan of Colchester, Buxton of Tunbridge, Canfield of Fair Haven, Carr of Brandon, Christie of Hartford, Condon of Colchester, Connor of Fairfield, Cupoli of Rutland City, Devereux of Mount Holly, Donahue of Northfield, Eastman of Orwell, Fagan of Rutland City, Fiske of Enosburgh, Frank of Underhill, Gage of Rutland City, Gamache of Swanton, Graham of Williamstown, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Huntley of Cavendish, Komline of Dorset, LaClair of Barre Town, Lawrence of Lyndon, Manwaring of Wilmington, Martin of Wolcott, McFaun of Barre Town, Morrissey of Bennington, Mrowicki of Putney, Murphy of Fairfax, Myers of Essex, Parent of St. Albans City, Potter of Clarendon, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, Shaw of Derby, Sibilis of Dover, Smith of New Haven, Strong of Albany, Tate of Mendon, Toll of Danville, Trieber of Rockingham, Van Wyck of

Ferrisburgh, Viens of Newport City, Willhoit of St. Johnsbury, Woodward of Johnson, Young of Glover and Zagar of Barnard,

House bill, entitled

An act relating to an expedited Act 250 permitting process for counties with high unemployment;

To the committee on Natural Resources & Energy.

H. 420

By Reps. Lewis of Berlin, Beyor of Highgate, Devereux of Mount Holly, Donahue of Northfield, Fagan of Rutland City, Fiske of Enosburgh, Grad of Moretown, Hebert of Vernon, Higley of Lowell, Jerman of Essex, Morrissey of Bennington, Savage of Swanton, Shaw of Pittsford, Tate of Mendon and Wright of Burlington,

House bill, entitled

An act relating to the qualifications for candidates for Adjutant and Inspector General;

To the committee on General, Housing & Military Affairs.

H. 421

By Reps. Devereux of Mount Holly, Christie of Hartford, Manwaring of Wilmington, Branagan of Georgia, Browning of Arlington, LaClair of Barre Town, Lewis of Berlin and Savage of Swanton,

House bill, entitled

An act relating to collective bargaining and health insurance for public employees;

To the committee on Government Operations.

H. 422

By Rep. Clarkson of Woodstock,

House bill, entitled

An act relating to verifying residency, eliminating “bill-backs,” and permitting elementary school designation in school districts that pay tuition;

To the committee on Education.

H. 423

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to portability of Vermont Student Assistance Corporation grants and scholarships;

To the committee on Education.

H. 424

By Rep. Turner of Milton,

House bill, entitled

An act relating to establishing a joint committee on State employee compensation;

To the committee on Government Operations.

H. 425

By Rep. Turner of Milton,

House bill, entitled

An act relating to imposing a modified hiring freeze in State government;

To the committee on Government Operations.

H. 426

By Reps. Zagar of Barnard, Ancel of Calais, Bartholomew of Hartland, Baser of Bristol, Berry of Manchester, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Conquest of Newbury, Dakin of Chester, Davis of Washington, Deen of Westminster, Donahue of Northfield, Eastman of Orwell, Frank of Underhill, French of Randolph, Gonzalez of Winooski, Graham of Williamstown, Head of South Burlington, Hooper of Montpelier, Huntley of Cavendish, Jewett of Ripton, Kitzmiller of Montpelier, Klein of East Montpelier, Komline of Dorset, Krowinski of Burlington, Lenes of Shelburne, Lewis of Berlin, Lippert of Hinesburg, Manwaring of Wilmington, Martin of Wolcott, Masland of Thetford, McCormack of Burlington, McCullough of Williston, Mrowicki of Putney, Nuovo of Middlebury, Patt of Worcester, Pearson of Burlington, Potter of Clarendon, Ryerson of Randolph, Stevens of Waterbury, Strong of Albany, Tate of Mendon, Toleno of Brattleboro, Townsend of South Burlington, Willhoit of St. Johnsbury, Woodward of Johnson and Yantacka of Charlotte,

House bill, entitled

An act relating to the expansion of raw milk sales;

To the committee on Agriculture & Forest Products.

H. 427

By Reps. Bartholomew of Hartland, Chesnut-Tangerman of Middletown Springs, Deen of Westminster, Eastman of Orwell, McCormack of Burlington, Partridge of Windham, Ryerson of Randolph and Zagar of Barnard,

House bill, entitled

An act relating to energy conservation standards for incandescent lamps;

To the committee on Natural Resources & Energy.

H. 428

By Reps. Turner of Milton and Beyor of Highgate,

House bill, entitled

An act relating to an environmental impact fee on utilities and the Vermont Clean Water Fund;

To the committee on Natural Resources & Energy.

H. 429

By Reps. Browning of Arlington and Strong of Albany,

House bill, entitled

An act relating to prevention of driving under the influence;

To the committee on Judiciary.

H. 430

By Reps. Rachelson of Burlington and Ram of Burlington,

House bill, entitled

An act relating to independent investigation of a death or serious injury involving a law enforcement officer;

To the committee on Government Operations.

H. 431

By Reps. Tate of Mendon, Parent of St. Albans City and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to requiring that the Attorney General propose a State false claims act and creating an incentive program to report waste and fraud in State government programs, contracts, and services;

To the committee on Government Operations.

H. 432

By Reps. Tate of Mendon, Fiske of Enosburgh, Higley of Lowell, LaClair of Barre Town, Parent of St. Albans City, Purvis of Colchester, Savage of Swanton and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to reduction of the General Assembly weekly salary;

To the committee on Government Operations.

H. 433

By Reps. Parent of St. Albans City, Tate of Mendon and Russell of Rutland City,

House bill, entitled

An act relating to creating a landlord-tenant decision database;

To the committee on Judiciary.

H. 434

By Reps. Marcotte of Coventry and Botzow of Pownal,

House bill, entitled

An act relating to law enforcement and fire service training safety;

To the committee on Government Operations.

H. 435

By Reps. Toleno of Brattleboro, Briglin of Thetford, Browning of Arlington, Christie of Hartford, Conquest of Newbury and Manwaring of Wilmington,

House bill, entitled

An act relating to creating an Office of Public Policy;

To the committee on Government Operations.

H. 436

By Reps. Donovan of Burlington, Buxton of Tunbridge, Christie of Hartford, Cole of Burlington, Hooper of Montpelier, Krowinski of Burlington, Lenex of Shelburne, Macaig of Williston, McCormack of Burlington, O'Sullivan of Burlington, Pearson of Burlington, Poirier of Barre City, Rachelson of Burlington, Stevens of Waterbury, Sullivan of Burlington,

Toleno of Brattleboro and Wright of Burlington,

House bill, entitled

An act relating to implementing changes related to the renter's rebate;

To the committee on Ways & Means.

H. 437

By Rep. Turner of Milton,

House bill, entitled

An act relating to lowering the cap for income sensitivity adjustments;

To the committee on Ways & Means.

H. 438

By Rep. French of Randolph,

House bill, entitled

An act relating to reducing the capital gains exclusion;

To the committee on Ways & Means.

H. 439

By Reps. Beck of St. Johnsbury, Batchelor of Derby, Cupoli of Rutland City, Gage of Rutland City, Juskiewicz of Cambridge, LaClair of Barre Town, Lawrence of Lyndon, Myers of Essex, Tate of Mendon and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to eliminating the Vermont sales and use tax;

To the committee on Ways & Means.

H. 440

By Reps. Gage of Rutland City, Gamache of Swanton, Higley of Lowell, Savage of Swanton and Strong of Albany,

House bill, entitled

An act relating to requiring parental notification prior to performing an abortion on an unemancipated minor;

To the committee on Human Services.

H. 441

By Reps. Morrissey of Bennington, Batchelor of Derby, Beyor of Highgate, Branagan of Georgia, Browning of Arlington, Canfield of Fair Haven, Devereux of Mount Holly, Gage of Rutland City, Gamache of Swanton, Graham of Williamstown, Hebert of Vernon, Higley of Lowell, Hubert of Milton, LaClair of Barre Town, Lawrence of Lyndon, Lewis of Berlin, Martel of Waterford, Myers of Essex, Parent of St. Albans City, Purvis of Colchester, Quimby of Concord, Shaw of Pittsford, Shaw of Derby, Smith of New Haven, Strong of Albany, Tate of Mendon, Van Wyck of Ferrisburgh, Viens of Newport City and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to medical malpractice actions;

To the committee on Judiciary.

H. 442

By Reps. Parent of St. Albans City, Tate of Mendon, Chesnut-Tangerman of Middletown Springs and Russell of Rutland City,

House bill, entitled

An act relating to trustee process of income tax refunds and renter rebates;

To the committee on Ways & Means.

H. 443

By Reps. Bancroft of Westford, Lefebvre of Newark, Viens of Newport City and Woodward of Johnson,

House bill, entitled

An act relating to maintenance of class 4 town highways and public trails;

To the committee on Transportation.

H. 444

By Rep. Burditt of West Rutland,

House bill, entitled

An act relating to helmet and seating capacity requirements for snowmobile and ATV operation;

To the committee on Transportation.

H. 445

By Reps. Tate of Mendon and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to eight-year driver's licenses and identification cards;

To the committee on Transportation.

H. 446

By Reps. Higley of Lowell, Gage of Rutland City, Bancroft of Westford, Batchelor of Derby, Beyor of Highgate, Canfield of Fair Haven, Dickinson of St. Albans Town, Fagan of Rutland City, Graham of Williamstown, Hebert of Vernon, Hubert of Milton, LaClair of Barre Town, Lawrence of Lyndon, Myers of Essex, Purvis of Colchester, Quimby of Concord, Savage of Swanton, Smith of New Haven, Viens of Newport City and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to combining health insurance risk pools with other states;

To the committee on Health Care.

H. 447

By Rep. McFaun of Barre Town,

House bill, entitled

An act relating to the Vermont Hospital Security Plan;

To the committee on Health Care.

H. 448

By Reps. Krowinski of Burlington, Botzow of Pownal, Buxton of Tunbridge, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Donovan of Burlington, French of Randolph, Haas of Rochester, Long of Newfane, McCormack of Burlington, Miller of Shaftsbury, O'Sullivan of Burlington, Olsen of Londonderry, Pearson of Burlington, Potter of Clarendon, Pugh of South Burlington, Rachelson of Burlington, Till of Jericho, Toleno of Brattleboro, Troiano of Stannard, Yantachka of Charlotte and Zagar of Barnard,

House bill, entitled

An act relating to creating the Vermont Universal Children's Savings Account Program;

To the committee on Education.

H. 449

By Reps. Tate of Mendon, Parent of St. Albans City, Buxton of Tunbridge, Fiske of Enosburgh, Lucke of Hartford, Morrissey of Bennington, Savage of Swanton, Trieber of Rockingham, Walz of Barre City and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to scholarships for active duty members of the Vermont National Guard;

To the committee on Education.

H. 450

By Reps. Tate of Mendon, Chesnut-Tangerman of Middletown Springs, Cupoli of Rutland City, Morrissey of Bennington, Parent of St. Albans City, Russell of Rutland City and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to residential rental agreements;

To the committee on General, Housing & Military Affairs.

H. 451

By Reps. Buxton of Tunbridge and Zagar of Barnard,

House bill, entitled

An act relating to nano breweries;

To the committee on General, Housing & Military Affairs.

H. 452

By Rep. Turner of Milton,

House bill, entitled

An act relating to increasing the voting requirements for school budgets that exceed the cap on education spending;

To the committee on Education.

H. 453

By Rep. Young of Glover,
House bill, entitled
An act relating to permitting registered marijuana testing facilities;
To the committee on Human Services.

H. 454

By Reps. Tate of Mendon and Willhoit of St. Johnsbury,
House bill, entitled
An act relating to the definition of “blighted area”;
To the committee on Government Operations.

H. 455

By Rep. Hooper of Montpelier,
House bill, entitled
An act relating to the siting process for facilities subject to Public Service Board review;
To the committee on Natural Resources & Energy.

H. 456

By Rep. Ram of Burlington,
House bill, entitled
An act relating to residential rental agreements;
To the committee on General, Housing & Military Affairs.

H. 457

By Rep. Tate of Mendon,
House bill, entitled
An act relating to increasing the penalties for dispensing and trafficking heroin and methamphetamine;
To the committee on Human Services.

H. 458

By Rep. Pearson of Burlington,

House bill, entitled

An act relating to automatic voter registration through motor vehicle driver's license applications;

To the committee on Transportation.

H. 459

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to drug testing of law enforcement employees;

To the committee on Government Operations.

H. 460

By Rep. Jewett of Ripton,

House bill, entitled

An act relating to prohibiting the use of lead ammunition for the taking of wildlife;

To the committee on Fish, Wildlife & Water Resources.

H. 461

By Rep. Jewett of Ripton,

House bill, entitled

An act relating to requiring massage therapy registration;

To the committee on Government Operations.

H. 462

By Rep. Gage of Rutland City,

House bill, entitled

An act relating to automobile insurance;

To the committee on Commerce & Economic Development.

H. 463

By Rep. Fagan of Rutland City,

House bill, entitled

An act relating to creating separate positions for social workers conducting investigations and assessments;

To the committee on Human Services.

H. 464

By Reps. O'Brien of Richmond, Burke of Brattleboro, Cole of Burlington, Krowinski of Burlington and Mrowicki of Putney,

House bill, entitled

An act relating to gender equality on State boards, commissions, and similar entities;

To the committee on General, Housing & Military Affairs.

H. 465

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to designation of new town centers and Act 250 exemption in designated growth centers;

To the committee on Natural Resources & Energy.

H. 466

By Rep. Tate of Mendon,

House bill, entitled

An act relating to recognizing the rescue dog as the State Dog;

To the committee on Government Operations.

H. 467

By Reps. Strong of Albany, Batchelor of Derby, Beck of St. Johnsbury, Beyor of Highgate, Bissonnette of Winooski, Brennan of Colchester, Burditt of West Rutland, Christie of Hartford, Cupoli of Rutland City, Donahue of Northfield, Donovan of Burlington, Gage of Rutland City, Gamache of Swanton, Hebert of Vernon, Higley of Lowell, LaClair of Barre Town, Lawrence of Lyndon, Lewis of Berlin, Martel of Waterford, Morrissey of Bennington, Parent of St. Albans City, Poirier of Barre City, Purvis of Colchester, Savage of Swanton, Shaw of Pittsford, Shaw of Derby, Tate of Mendon, Terenzini of Rutland Town, Van Wyck of Ferrisburgh, Viens of Newport City, Willhoit of St. Johnsbury and Yantachka of Charlotte,

House bill, entitled

An act relating to the dissemination of adoption information materials at health care facilities;

To the committee on Human Services.

H. 468

By Rep. Davis of Washington,

House bill, entitled

An act relating to making records of first offense DUI convictions eligible for expungement;

To the committee on Judiciary.

H. 469

By Rep. Fagan of Rutland City,

House bill, entitled

An act relating to fees paid to deputy sheriffs and their assistants for transport;

To the committee on Corrections & Institutions.

H. 470

By Rep. Fagan of Rutland City,

House bill, entitled

An act relating to the authority of municipalities to regulate town highways;

To the committee on Government Operations.

H. 471

By Rep. Krowinski of Burlington,

House bill, entitled

An act relating to ending child homelessness in Vermont;

To the committee on Human Services.

H. 472

By Reps. Davis of Washington, Clarkson of Woodstock, Donovan of Burlington, Pearson of Burlington and Till of Jericho,

House bill, entitled

An act relating to an occupancy fee;

To the committee on Ways & Means.

H. 473

By Reps. Krowinski of Burlington and Lippert of Hinesburg,

House bill, entitled

An act relating to gender-neutral facilities in State buildings;

To the committee on Corrections & Institutions.

H. 474

By Rep. Olsen of Londonderry,

House bill, entitled

An act relating to mandatory mediation in divorce proceedings;

To the committee on Judiciary.

H. 475

By Reps. Davis of Washington, Burke of Brattleboro, Christie of Hartford, Donahue of Northfield, Fields of Bennington, Gonzalez of Winooski, Krowinski of Burlington, McCormack of Burlington and McCullough of Williston,

House bill, entitled

An act relating to establishing the financing mechanisms for Green Mountain Care;

To the committee on Health Care.

Message from the Senate No. 27

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 7. An act relating to bail determinations concerning a defendant charged with lewd and lascivious conduct with a child.

S. 13. An act relating to the Vermont Sex Offender Registry.

S. 71. An act relating to governance of the Vermont State Colleges.

S. 97. An act relating to taxation of prewritten software.

In the passage of which the concurrence of the House is requested.

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

H. 194. An act relating to approval of amendments to the charter of the Town of St. Johnsbury.

And has passed the same in concurrence.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 17. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Bill Referred to Committee on Ways and Means

H. 35

House bill, entitled

An act relating to improving the quality of State waters

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations

H. 117

House bill, entitled

An act relating to creating a Division for Telecommunications and Connectivity within the Department of Public Service

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

House Resolution Referred to Committee

H.R. 6

House resolution, entitled

House resolution relating to creating an Education Financing Committee in the House of Representatives

Offered by: Representatives McFaun of Barre Town, Bancroft of Westford, Batchelor of Derby, Berry of Manchester, Canfield of Fair Haven, Devereux of Mount Holly, Graham of Williamstown, Higley of Lowell, LaClair of Barre Town, Lawrence of Lyndon, Lefebvre of Newark, Lewis of Berlin, Martel of Waterford, Morrissey of Bennington, Purvis of Colchester, Quimby of Concord, Shaw of Pittsford, Shaw of Derby, Smith of New Haven, Strong of Albany, Terenzini of Rutland Town, and Viens of Newport City

Whereas, it is the intent of the General Assembly to replace the education funding system currently in law with a new system of education financing for Fiscal Year 2018 and budgets voted for the 2018–2019 school year, and

Whereas, the new system shall focus on:

- (1) creating an equitable, fair, less-complex funding system that ensures equal educational opportunities;
- (2) continuing to improve and expand educational opportunities for students; and
- (3) raising funds to support the system in a manner that ensures that the homestead property tax rate is substantially lower than it is in current law, and

Whereas, a new standing Committee on Education Finance in this legislative body is critical in order to:

- (1) develop and propose to the General Assembly a new education financing system on or before January 1, 2016, and
- (2) facilitate the transition in FY 2018 to the new education financing system enacted into law, and

Whereas, the members of the Committee on Education Finance should have experience serving on the Committees on Appropriations, on Education, or on Ways and Means, and

Whereas, the members of the Committee on Education Finance should be appointed to serve beginning in January 2015, now therefore be it

Resolved by the House of Representatives:

That this legislative body moves to amend Rule 25 of the House of Representatives to read:

25. At the beginning of each regular session, standing committees shall be appointed having the following names, number of members, and duties:

Committee Relating to	Member	To Consider Matters
* * *		
Appropriations	119	Appropriating money from the state treasury <u>State</u> <u>Treasury</u> .
* * *		

Education	11 9	<p>The educational needs of the Vermonters, including the arts, libraries, and literary and scientific subjects; the amount of revenue required to satisfy the educational needs; and the manner of raising necessary revenue <u>Arts, libraries, literary and scientific subjects, and education.</u></p>
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<u>Education Finance</u>	6	<u>Education finance</u>
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* * *

<p style="text-align: center;">Ways and Means 11 9</p>	<p>The revenue of the state <u>State</u>, and which shall inquire into the state of the treasury <u>Treasury</u>; ascertain the amount of debt due the state <u>State</u>, and the claims against it; report the amount of taxes necessary to be raised for the support of the government and inquire what measures, if any, ought to be adopted, the better to equalize the public burdens, secure the accountability of public agents, and otherwise improve the financial concerns of the state <u>State</u>, including all matters relating to taxation, local or otherwise, and all matters relating to the grand list <u>Grand List</u>.</p>
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Which was read and referred to the committee on Rules.

Consideration Interrupted by Recess

H. 40

House bill, entitled

An act relating to establishing a renewable energy standard and energy transformation program

Was taken up and pending third reading of the bill, **Rep. Branagan of Georgia** moved to amend the bill as follows:

In Sec. 6, 30 V.S.A. § 8005b (reports), in subsection (c) (biennial report), after subdivision (7), by inserting a new subdivision (8) to read:

(8) Projections, looking at least 10 years ahead, of the impacts of the RESET Program. The Department shall employ an economic model to make these projections and shall consider at least three scenarios based on high, mid-range, and low energy price forecasts. The Department shall project, for the State, the RESET Program's impact in each of the following areas: electric utility rates; total energy consumption; electric energy consumption; fossil fuel consumption; and greenhouse gas emissions. The report shall compare the amount or level in each of these areas with and without the Program.

and by renumbering the remaining subdivision to be numerically correct

Recess

At ten o'clock and twenty-seven minutes in the forenoon, the Speaker declared a recess until eleven o'clock and thirty minutes in the forenoon.

At one o'clock in the afternoon, the Speaker called the House to order.

Consideration Resumed; Bill Amended, Read Third Time and Passed

H. 40

Consideration resumed on House bill, entitled

An act relating to establishing a renewable energy standard and energy transformation program

Thereupon, the recommendation of amendment offered by Rep. Branagan of Georgia was agreed to.

Pending third reading of the bill, **Rep. Turner of Milton** moved to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Renewable Energy Standard * * *

Sec. 1. 30 V.S.A. § 8002 is amended to read:

§ 8002. DEFINITIONS

As used in this chapter:

* * *

(7) “Existing renewable energy” means renewable energy produced by a plant that came into service prior to or on ~~December 31, 2004~~ June 30, 2015.

* * *

(13) “New renewable energy” means renewable energy produced by a specific and identifiable plant coming into service after ~~December 31, 2004~~ June 30, 2015.

(A) Energy from within a system of generating plants that includes renewable energy shall not constitute new renewable energy, regardless of whether the system includes specific plants that came or come into service after ~~December 31, 2004~~ June 30, 2015.

(B) “New renewable energy” also may include the additional energy from an existing renewable energy plant retrofitted with advanced technologies or otherwise operated, modified, or expanded to increase the kWh output of the plant in excess of an historical baseline established by calculating the average output of that plant for the 10-year period that ended ~~December 31, 2004~~ June 30, 2015. If the production of new renewable energy through changes in operations, modification, or expansion involves combustion of the resource, the system also must result in an incrementally higher level of energy conversion efficiency or significantly reduced emissions.

* * *

(17) “Renewable energy” means energy produced using a technology that relies on a resource that is being consumed at a harvest rate at or below its natural regeneration rate.

(A) For purposes of this subdivision (17), methane gas and other flammable gases produced by the decay of sewage treatment plant wastes or landfill wastes and anaerobic digestion of agricultural products, byproducts, or wastes, or of food wastes, shall be considered renewable energy resources, but no other form of solid waste, other than ~~agricultural or~~ silvicultural waste, shall be considered renewable.

(B) For purposes of this subdivision (17), no form of nuclear fuel shall be considered renewable.

(C) The only portion of electricity produced by a system of generating resources that shall be considered renewable is that portion generated by a technology that qualifies as renewable under this subdivision (17).

(D) The Board by rule may add technologies or technology categories to the definition of “renewable energy,” provided that technologies using the following fuels shall not be considered renewable energy supplies: coal, oil, propane, and natural gas.

(E) In this chapter, renewable energy refers to either “existing renewable energy” or “new renewable energy.”

* * *

(19) “Retail electricity provider” or “provider” means a company engaged in the distribution or sale of electricity directly to the public.

(20) ~~“SPEED Standard Offer Facilitator”~~ means an entity appointed by the Board pursuant to ~~subdivision 8005(b)(1)~~ subsection 8005a(a) of this title.

(21) ~~“SPEED resources” means contracts for resources in the SPEED program established under section 8005 of this title that meet the definition of renewable energy under this section, whether or not environmental attributes are attached. [Repealed.]~~

(22) “Tradeable renewable energy credits” means all of the environmental attributes associated with a single unit of energy generated by a renewable energy source where:

(A) those attributes are transferred or recorded separately from that unit of energy;

(B) the party claiming ownership of the tradeable renewable energy credits has acquired the exclusive legal ownership of all, and not less than all, the environmental attributes associated with that unit of energy; and

(C) exclusive legal ownership can be verified through an auditable contract path or pursuant to the system established or authorized by the Board or any program for tracking and verification of the ownership of environmental attributes of energy legally recognized in any state and approved by the Board.

* * *

(24) “Customer” means a retail electric consumer.

(25) “RES” means the Renewable Energy Standard established under sections 8004 and 8005 of this title.

Sec. 2. 30 V.S.A. § 8004 is amended to read:

§ 8004. ~~RENEWABLE PORTFOLIO STANDARDS FOR SALES OF ELECTRIC ENERGY; RENEWABLE ENERGY STANDARD~~

(a) ~~Except as otherwise provided in section 8005 of this title, in order for Vermont retail electricity providers to achieve the goals established in section 8001 of this title, no Establishment; requirements. The RES is established. Under this standard, a retail electricity provider shall not sell or otherwise provide or offer to sell or provide electricity in the State of Vermont without ownership of sufficient energy produced by renewable resources as described in this chapter, energy plants or sufficient tradeable renewable energy credits from plants whose energy is capable of delivery in New England that reflect the required amounts of renewable energy as provided for in subsection (b) of this section set forth in section 8005 of this title. In the case of members of the Vermont Public Power Supply Authority, the requirements of this chapter may be met in the aggregate.~~

(b) ~~Each retail electricity provider in Vermont shall provide a certain amount of new renewable resources in its portfolio. Subject to subdivision 8005(d)(1) of this title each retail electricity provider in Vermont shall supply an amount of energy equal to its total incremental energy growth between January 1, 2005 and January 1, 2012 through the use of electricity generated by new renewable resources. The A retail electricity provider may meet this requirement the required amounts of renewable energy through eligible new tradeable renewable energy credits, new eligible renewable energy resources with renewable energy credits environmental attributes still attached, or a combination of those credits and resources. No retail electricity provider shall be required to provide in excess of a total of 10 percent of its calendar year 2005 retail electric sales with electricity generated by new renewable resources.~~

(c) ~~The requirements of subsection (b) of this section shall apply to all retail electricity providers in this State, unless the retail electricity provider demonstrates and the Board determines that compliance with the standard would impair the provider's ability to meet the public's need for energy services after safety concerns are addressed, at the lowest present value life cycle cost, including environmental and economic costs.~~

(d)(b) Rules; procedures. The Board shall provide, by order or rule, adopt the regulations and rules or procedures that are necessary to allow the Board and the Department to implement and supervise further the implementation and maintenance of a renewable portfolio standard the RES.

(c) RECS; banking. The Board shall allow a provider that has met the required amount of renewable energy in a given year, commencing with 2017, to retain tradeable renewable energy credits created or purchased in excess of that amount for application to the provider's required amount of renewable energy in one of the following three years.

~~(e)(d) Alternative compliance payment.~~ In lieu of, ~~or in addition to~~ purchasing renewable energy or tradeable renewable energy credits to satisfy the ~~portfolio~~ requirements of this section and section 8005 of this title, a retail electricity provider in this State may pay to the Vermont Clean Energy Development Fund established under section 8015 of this title ~~an amount per kWh as established by the Board~~ an alternative compliance payment at the applicable rate set forth in section 8005. ~~As an alternative, the Board may require any proportion of this amount to be paid to the Energy Conservation Fund established under subsection 209(d) of this title.~~

(e) VPPSA members. In the case of members of the Vermont Public Power Supply Authority, the requirements of this chapter may be met in the aggregate.

(f) Joint efforts. Retail electricity providers may engage in joint efforts to meet one or more categories within the RES.

~~(f) Before December 30, 2007 and biennially thereafter through December 30, 2013, the Board shall file a report with the Senate Committees on Finance and on Natural Resources and Energy and the House Committees on Commerce and on Natural Resources and Energy. The report shall include the following:~~

~~(1) the total cumulative growth in electric energy usage in Vermont from 2005 through the end of the year that precedes the date on which the report is due;~~

~~(2) a report on the market for tradeable renewable energy credits, including the prices at which credits are being sold;~~

~~(3) a report on the SPEED program, and any projects using the program;~~

~~(4) a summary of other contracts held or projects developed by Vermont retail electricity providers that are likely to be eligible under the provisions of subsection 8005(d) of this title;~~

~~(5) an estimate of potential effects on rates, economic development, and jobs, if the target established in subsection 8005(d) of this section is met, and if it is not met;~~

~~(6) an assessment of the supply portfolios of Vermont retail electricity providers, and the resources available to meet new supply requirements likely to be triggered by the expiration of major power supply contracts;~~

~~(7) an assessment of the energy efficiency and renewable energy markets and recommendations to the legislature regarding strategies that may be necessary to encourage the use of these resources to help meet upcoming supply requirements;~~

~~(8) any recommendations for statutory change related to this section, including recommendations for rewarding utilities that make substantial investments in SPEED resources; and~~

~~(9) the Board's recommendations on how the State might best continue to meet the goals established in section 8001 of this title, including whether the State should meet its growth in energy usage over the succeeding 10 years by a continuation of the SPEED program.~~

Sec. 3. 30 V.S.A. § 8005 is amended to read:

§ 8005. ~~SUSTAINABLY PRICED ENERGY ENTERPRISE DEVELOPMENT (SPEED) PROGRAM;~~ RES CATEGORIES

~~(a) Creation. To achieve the goals of section 8001 of this title, there is created the Sustainably Priced Energy Enterprise Development (SPEED) program.~~

~~(b) Board; powers and duties. The SPEED program shall be established, by rule, order, or contract, by the Board. As part of the SPEED program, the Board may, and in the case of subdivisions (1), (2), and (5) of this subsection, shall:~~

~~(1) Name one or more entities to become engaged in the purchase and resale of electricity generated within the State by means of SPEED resources. An entity appointed under this subdivision shall be known as a SPEED Facilitator.~~

~~(2) Issue standard offers for SPEED resources in accordance with section 8005a of this title.~~

~~(3) Maximize the benefit to rate payers from the sale of tradeable renewable energy credits or other credits that may be developed in the future, especially with regard to those plants that accept the standard offer issued under subdivision (2) of this subsection.~~

~~(4) Encourage retail electricity provider and third party developer sponsorship and partnerships in the development of renewable energy projects.~~

~~(5) In accordance with section 8005a of this section, require all Vermont retail electricity providers to purchase from the SPEED Facilitator the power generated by the plants that accept the standard offer required to be issued under section 8005a. For the purpose of this subdivision (5), the Board and the SPEED Facilitator constitute instrumentalities of the State.~~

~~(6) Establish a method for Vermont retail electrical providers to obtain beneficial ownership of the renewable energy credits associated with any SPEED projects, in the event that a renewable portfolio standard comes into effect under the provisions of section 8004 of this title. It shall be a condition of a standard offer required to be issued under subdivision (2) of this subsection that tradeable renewable energy credits associated with a plant that accepts the standard offer are owned by the retail electric providers purchasing power from the plant, except that in the case of a plant using methane from agricultural operations, the plant owner shall retain such credits to be sold separately at the owner's discretion.~~

~~(7) [Repealed.]~~

~~(8) Provide that in any proceeding under subdivision 248(a)(2)(A) of this title for the construction of a renewable energy plant, a demonstration of compliance with subdivision 248(b)(2) of this title, relating to establishing need for the plant, shall not be required if the plant is a SPEED resource and if no part of the plant is financed directly or indirectly through investments, other than power contracts, backed by Vermont electricity ratepayers.~~

~~(9) Take such other measures as the Board finds necessary or appropriate to implement SPEED.~~

~~(c) VEDA; eligible facilities. Developers of in-state SPEED resources shall be entitled to classification as an eligible facility under 10 V.S.A. chapter 12, relating to the Vermont Economic Development Authority.~~

~~(d) Goals and targets. To advance the goals stated in section 8001 of this title, the following goals and targets are established:~~

~~(1) 2012 SPEED goal. The Board shall meet on or before January 1, 2012 and open a proceeding to determine the total amount of SPEED resources that have been supplied to Vermont retail electricity providers or have been issued a certificate of public good. If the Board finds that the amount of SPEED resources coming into service or having been issued a certificate of public good after January 1, 2005 and before July 1, 2012 equals or exceeds total statewide growth in electric retail sales during that time, and in addition,~~

~~at least five percent of the 2005 total statewide electric retail sales is provided by SPEED resources or would be provided by SPEED resources that have been issued a certificate of public good, or if it finds that the amount of SPEED resources equals or exceeds 10 percent of total statewide electric retail sales for calendar year 2005, the portfolio standards established under this chapter shall not be in force. The Board shall make its determination by January 1, 2013. If the Board finds that the goal established has not been met, one year after the Board's determination the portfolio standards established under subsection 8004(b) of this title shall take effect.~~

~~(2) 2017 SPEED goal. A State goal is to assure that 20 percent of total statewide electric retail sales during the year commencing January 1, 2017 shall be generated by SPEED resources that constitute new renewable energy. On or before January 31, 2018, the Board shall meet and open a proceeding to determine, for the calendar year 2017, the total amount of SPEED resources that were supplied to Vermont retail electricity providers and the total amount of statewide retail electric sales.~~

~~(3) Determinations. For the purposes of the determinations to be made under subdivisions (1) and (2) of this subsection (d), the total amount of SPEED resources shall be the amount of electricity produced at SPEED resources owned by or under long term contract to Vermont retail electricity providers that is new renewable energy.~~

~~(a) Categories. This section specifies two categories of required resources to meet the requirements of the RES established in section 8004 of this title: total renewable energy and distributed renewable generation.~~

~~(4)(1) Total renewables targets renewable energy. This~~

~~(A) Purpose; establishment. To encourage the economic and environmental benefits of renewable energy, this subdivision establishes, as percentages of annual electric sales, target for the RES, minimum total amounts of total renewable energy within the supply portfolio of each retail electricity provider. To satisfy this requirement, a provider may use renewable energy with environmental attributes attached or any class of tradeable renewable energy credits generated by any renewable energy plant whose energy is capable of delivery in New England.~~

~~(A)(B) Required amounts. The target amounts of total renewable energy established required by this subsection shall be 55 percent of each retail electricity provider's annual retail electric sales during the year beginning on January 1, 2017, increasing by an additional four percent each third January 1 thereafter, until reaching 75 percent on and after January 1, 2032.~~

~~(B) Each retail electricity provider shall manage its supply portfolio to be reasonably consistent with the target amounts established by this subdivision (4). The Board shall consider such consistency during the course of reviewing a retail electricity provider's charges and rates under this title, integrated resource plans under section 218c of this title, and petitions under section 248 (new gas and electric purchases, investments, and facilities) of this title.~~

(C) Relationship between categories. Distributed renewable generation used to meet the requirements of subdivision (2) of this subsection shall also count toward the requirements of this subdivision.

(2) Distributed renewable generation.

(A) Purpose; establishment. This subsection establishes a distributed renewable generation category for the RES. This category encourages the use of distributed generation to support the reliability of the State's electric system; reduce line losses; contribute to avoiding or deferring improvements to that system necessitated by transmission or distribution constraints; and diversify the size and type of resources connected to that system. This category requires the use of renewable energy for these purposes to reduce environmental and health impacts from air emissions that would result from using other forms of generation.

(B) Definition. As used in this section, "distributed renewable generation" means one of the following:

(i) a renewable energy plant that is new renewable energy; has a plant capacity of five MW or less; and

(I) is directly connected to the subtransmission or distribution system of a Vermont retail electricity provider; or

(II) is directly connected to the transmission system of an electric company required to submit a Transmission System Plan under subsection 218c(d) of this title, if the plant is part of a plan approved by the Board to avoid or defer a transmission system improvement needed to address a transmission system reliability deficiency identified and analyzed in that Plan; or

(ii) a net metering system approved under the former section 219a or under section 8010 of this title if the system is new renewable energy and the interconnecting retail electricity provider owns and retires the system's environmental attributes.

(C) Required amounts. The required amounts of distributed renewable generation shall be one percent of each retail electricity provider's annual retail electric sales during the year beginning January 1, 2017, increasing by an additional three-fifths of a percent each subsequent January 1 until reaching 10 percent on and after January 1, 2032.

(D) Distributed generation greater than five MW. On petition of a retail electricity provider, the Board may for a given year allow the provider to employ energy with environmental attributes attached or tradeable renewable energy credits from a renewable energy plant with a plant capacity greater than five MW to satisfy the distributed renewable generation requirement if the plant would qualify as distributed renewable generation but for its plant capacity and the provider demonstrates that it is unable during that year to meet the requirement solely with qualifying renewable energy plants of five MW or less. To demonstrate this inability, the provider shall issue one or more requests for proposals, and show that it is unable to obtain sufficient ownership of environmental attributes to meet its required amount under this subdivision (2) from:

(i) the construction and interconnection to its system of distributed renewable generation that is consistent with its approved least-cost integrated resource plan under section 218c of this title at a cost less than or equal to the sum of the applicable alternative compliance payment rate and the applicable rates published by the Department under the Board's rules implementing subdivision 209(a)(8) of this title; and

(ii) purchase of tradeable renewable energy credits for distributed renewable generation at a cost that is less than the applicable alternative compliance rate.

(3) Alternative compliance rates.

(A) The alternative compliance payment rates for the categories established by this subsection (a) shall be:

(i) total renewable energy requirement – \$0.01 per kWh; and

(ii) distributed renewable generation requirement – \$0.06 per kWh.

(B) The Board shall adjust these rates for inflation annually commencing January 1, 2018, using the CPI.

(b) Reduced amounts; providers; 100 percent renewable.

(1) The provisions of this subsection shall apply to a retail electricity provider that:

(A) as of January 1, 2015, was entitled, through contract, ownership of energy produced by its own generation plants, or both, to an amount of renewable energy equal to or more than 100 percent of its anticipated total retail electric sales in 2017, regardless of whether the provider owned the environmental attributes of that renewable energy; and

(B) commencing on January 1, 2017, owns and has retired tradeable renewable energy credits monitored and traded on the New England Generation Information System or otherwise approved by the Board equivalent to 100 percent of the provider's total retail sales of electricity, calculated as an average on an annual basis.

(2) A provider meeting the requirements of subdivision (1) of this subsection may satisfy the distributed renewable generation requirement of this section by accepting net metering systems within its service territory pursuant to the provisions of this title that govern net metering; and

(c) Biomass.

(1) Distributed renewable generation that employs biomass to produce electricity shall be eligible to count toward a provider's distributed renewable generation requirement only if the plant produces both electricity and thermal energy from the same biomass fuel and the majority of the energy recovered from the plant is thermal energy.

(2) Distributed renewable generation that employs forest biomass to produce energy shall comply with renewability standards adopted by the Commissioner of Forests, Parks and Recreation under 10 V.S.A. § 2751.

(d) Hydropower. A hydroelectric renewable energy plant shall be eligible to satisfy the distributed renewable generation requirement only if, in addition to meeting the definition of distributed renewable generation, the plant:

(1) is and continues to be certified by the Low-impact Hydropower Institute; or

(2) after January 1, 1987, received a water quality certification pursuant to 33 U.S.C. § 1341 from the Agency of Natural Resources.

~~(e) Regulations and procedures. The Board shall provide, by order or rule, the regulations and procedures that are necessary to allow the Board and the Department to implement, and to supervise further the implementation and maintenance of the SPEED program. These rules shall assure that decisions with respect to certificate of public good applications for construction of SPEED resources shall be made in a timely manner.~~

~~(f) Preapproval. In order to encourage joint efforts on the part of regulated companies to purchase power that meets or exceeds the SPEED standards and to secure stable, long-term contracts beneficial to Vermonters, the Board may establish standards for pre-approving the recovery of costs incurred on a SPEED project that is the subject of that joint effort.~~

~~(g) State; nonliability. The State and its instrumentalities shall not be liable to a plant owner or retail electricity provider with respect to any matter related to SPEED, including costs associated with a standard offer contract under this section or section 8005a of this title or any damages arising from breach of such a contract, the flow of power between a plant and the electric grid, or the interconnection of a plant to that grid.~~

~~(h) (n) [Repealed.]~~

Sec. 4. 30 V.S.A. § 8005a is amended to read:

§ 8005a. ~~SPEED~~; STANDARD OFFER PROGRAM

(a) Establishment. A standard offer program is established ~~within the SPEED program~~. To achieve the goals of section 8001 of this title, the Board shall issue standard offers for renewable energy plants that meet the eligibility requirements of this section. The Board shall implement these standard offers ~~through the SPEED facilitator~~ by rule, order, or contract and shall appoint a Standard Offer Facilitator to assist in this implementation. For the purpose of this section, the Board and the Standard Offer Facilitator constitute instrumentalities of the State.

* * *

(k) Executed standard offer contracts; transferability; allocation of benefits and costs. With respect to executed contracts for standard offers under this section:

(1) A contract shall be transferable. The contract transferee shall notify the ~~SPEED~~ Standard Offer Facilitator of the contract transfer within 30 days of transfer.

(2) The ~~SPEED~~ Standard Offer Facilitator shall distribute the electricity purchased to the Vermont retail electricity providers at the price paid to the plant owners, allocated to the providers based on their pro rata share of total Vermont retail kWh sales for the previous calendar year, and the Vermont retail electricity providers shall accept and pay the ~~SPEED~~ Standard Offer Facilitator for the electricity. However, during any given calendar year:

(A) Calculation of pro rata shares under this subdivision (2) shall include an adjustment in the allocation to a provider if one or more of the

provider's customers created greenhouse gas reduction credits under section 8006a of this title that are used to reduce the size of the annual increase under subdivision (c)(1)(C)(adjustment; greenhouse gas reduction credits) of this section. The adjustment shall ensure that any and all benefits or costs from the use of such credits flow to the provider whose customers created the credits. The savings that a provider realizes as a result of this application of greenhouse gas reduction credits shall be passed on proportionally to the customers that created the credits.

(B) A retail electricity provider shall be exempt and wholly relieved from the requirements of this subdivision ~~and subdivision 8005(b)(5) (requirement to purchase standard offer power)~~ of this title if, during the immediately preceding 12-month period ending October 31, the amount of renewable energy supplied to the provider by generation owned by or under contract to the provider, regardless of whether the provider owned the energy's environmental attributes, was not less than the amount of energy sold by the provider to its retail customers.

(3) The ~~SPEED~~ Standard Offer Facilitator shall transfer the environmental attributes, including any tradeable renewable energy credits, of electricity purchased under standard offer contracts to the Vermont retail electricity providers in accordance with their pro rata share of the costs for such electricity as determined under subdivision (2) of this subsection (k), except that in the case of a plant using methane from agricultural operations, the plant owner shall retain such attributes and credits to be sold separately at the owner's discretion. It shall be a condition of a standard offer issued under this section that tradeable renewable energy credits associated with a plant that accepts the standard offer are owned by the retail electricity providers purchasing power from the plant, except in the case of a plant using methane from agricultural operations.

(4) The ~~SPEED~~ Standard Offer Facilitator shall transfer all capacity rights attributable to the plant capacity associated with the electricity purchased under standard offer contracts to the Vermont retail electricity providers in accordance with their pro rata share of the costs for such electricity as determined under subdivision (2) of this subsection (k).

(5) All reasonable costs of a Vermont retail electricity provider incurred under this subsection shall be included in the provider's revenue requirement for purposes of ratemaking under sections 218, 218d, 225, and 227 of this title. In including such costs, the Board shall appropriately account for any credits received under subdivisions (3) and (4) of this subsection (k). Costs included

in a retail electricity provider's revenue requirement under this subdivision ~~(5)~~ shall be allocated to the provider's ratepayers as directed by the ~~board~~ Board.

(1) ~~SPEED Standard Offer~~ Facilitator; expenses; payments. With respect to standard offers under this section, the Board shall ~~by rule or order~~:

(1) ~~Determine~~ determine a ~~SPEED Standard Offer~~ Facilitator's reasonable expenses arising from its role and the allocation of the expenses among plant owners and Vermont retail electricity providers;

(2) ~~Determine~~ determine the manner and timing of payments by a ~~SPEED Standard Offer~~ Facilitator to plant owners for energy purchased under an executed contract for a standard offer;

(3) ~~Determine~~ determine the manner and timing of payments to the ~~SPEED Standard Offer~~ Facilitator by the Vermont retail electricity providers for energy distributed to them under executed contracts for standard offers;

(4) ~~Establish~~ establish reporting requirements of a ~~SPEED Standard Offer~~ Facilitator, a plant owner, and a Vermont retail electricity provider.

* * *

(n) Wood biomass. ~~Wood~~ In addition to the other requirements of this section, wood biomass resources that would otherwise constitute qualifying ~~SPEED resources~~ may receive a standard offer under this section only if they have a design system efficiency (the sum of full load design thermal output and electric output divided by the heat input) of at least 50 percent.

* * *

(q) Allocation of regulatory costs. The Board and Department may authorize or retain legal counsel, official stenographers, expert witnesses, advisors, temporary employees, and research services in conjunction with implementing their responsibilities under this section. In lieu of allocating such costs pursuant to subsection 21(a) of this title, the Board or Department may allocate the expense in the same manner as the ~~SPEED Standard Offer~~ Facilitator's costs under subdivision (1)(1) of this section.

(r) State; nonliability. The State and its instrumentalities shall not be liable to a plant owner or retail electricity provider with respect to any matter related to the standard offer program, including costs associated with a standard offer contract or any damages arising from the breach of such a contract, the flow of power between a plant and the electric grid, or the interconnection of a plant to that grid.

Sec. 5. INTENT; AMENDMENT OF 30 V.S.A. § 8005a

The General Assembly's intent in the amendments to 30 V.S.A. § 8005a set forth in Sec. 4 of this act is to clarify the text because of the repeal of the Sustainably Priced Energy Enterprise Development Program in Sec. 3 of this act and to move provisions relating to the standard offer program from 30 V.S.A. § 8005 into section 8005a. The General Assembly does not intend any provision of this act to be interpreted as a substantive change to the standard offer program. The Standard Offer Facilitator described in Sec. 4 of this act shall be the successor to the SPEED Facilitator under 30 V.S.A. §§ 8005 and 8005a as they existed prior to this act.

Sec. 6. 30 V.S.A. § 8005b is amended to read:

§ 8005b. RENEWABLE ENERGY PROGRAMS; ~~BIENNIAL REPORT~~
REPORTS

~~(a) On or before January 15, 2013 and no later than every second January 15 thereafter through January 15, 2033, the Board~~ The Department shall file a report ~~reports~~ with the General Assembly in accordance with this section. ~~The Board shall prepare the report in consultation with the Department.~~

(1) The House Committee on Commerce and Economic Development, the Senate Committee on Finance, and the House and Senate Committees on Natural Resources and Energy each shall receive a copy of these reports.

(2) The Department shall file the report under subsection (b) of this section annually each January 15 commencing in 2018 through 2033.

(3) The Department shall file the report under subsection (c) of this section biennially each March 1 commencing in 2017 through 2033.

(4) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the reports to be made under this section.

(b) The annual report under this section shall include at least each of the following:

(1) An assessment of the costs and benefits of the RES based on the most current available data, including rate and economic impacts, customer savings, technology deployment, greenhouse gas emission reductions achieved, fuel price stability, and effect on transmission and distribution upgrade costs, and any recommended changes based on this assessment.

(2) An assessment of whether the requirements of the RES have been met to date, and any recommended changes needed to achieve those requirements.

(c) The biennial report under this section shall include at least each of the following:

(1) The retail sales, in kWh, of electricity in Vermont during the two preceding calendar year years. The report shall include the statewide total and the total sold by each retail electricity provider.

~~(2) The amount of SPEED resources~~ Commencing with the report to be filed in 2019, each retail electricity provider's required amount of renewable energy during the two preceding calendar years for each category of the RES as set forth in section 8005 of this title.

~~(3) For the two preceding calendar years, the amounts of renewable energy and tradeable renewable energy credits eligible to satisfy the requirements of sections 8004 and 8005 of this title actually owned by the Vermont retail electricity providers, expressed as a percentage of retail kWh sales. The report shall include the statewide total and the total owned by each retail electricity provider for each of these amounts and shall discuss the progress of each provider toward achieving the goals and targets of subsection 8005(d)(SPEED) each of the categories set forth in section 8005 of this title. The report to be filed under this subsection on or before January 15, 2019 shall discuss and attach the Board's determination under subdivision 8005(d)(2)(2017 SPEED goal) of this title.~~

~~(3) A summary of the activities of the SPEED program under section 8005 of this title, including the name, location, plant capacity, and average annual energy generation, of each SPEED resource within the program.~~

(4) A summary of the activities of the standard offer program under section 8005a of this title, including the number of plants participating in the program, the prices paid by the program, and the plant capacity and average annual energy generation of the participating plants. The report shall present this information as totals for all participating plants and by category of renewable energy technology. The report also shall identify the number of applications received, the number of participating plants under contract, and the number of participating plants actually in service.

(5) An assessment of the energy efficiency and renewable energy markets and recommendations to the General Assembly regarding strategies that may be necessary to encourage the use of these resources to help meet upcoming supply requirements.

(6) An assessment of whether Vermont retail electric rates are rising faster than inflation as measured by the CPI, and a comparison of Vermont's electric rates with electric rates in other New England states and in New York. If statewide average rates have risen ~~more than 0.2 percentage points per year~~ faster than inflation over the preceding two or more years, the report shall include an assessment of the contributions to rate increases from various sources, such as the costs of energy and capacity, costs due to construction of transmission and distribution infrastructure, and costs due to compliance with the requirements of sections 8004 and 8005 (RES) and section 8005a (SPEED program; standard offer) of this title. Specific consideration shall be given to the price of renewable energy and the diversity, reliability, availability, dispatch flexibility, and full life cycle cost, including environmental benefits and greenhouse gas reductions, on a net present value basis of renewable energy resources available from suppliers. The report shall include any recommendations for statutory change that arise from this assessment. If electric rates have increased primarily due to cost increases attributable to nonrenewable sources of electricity or to the electric transmission or distribution systems, the report shall include a recommendation regarding whether to increase the size of the annual increase described in subdivision 8005a(c)(1)(standard offer; cumulative capacity; pace) of this title.

(7)(A) ~~An~~ Commencing with the report to be filed in 2019, an assessment of whether strict compliance with the requirements of sections 8004 and 8005 (RES) and section 8005a (SPEED program; standard offer) of this title:

(i) has caused one or more providers to raise its retail rates faster over the preceding two or more years than statewide average retail rates have risen over the same time period;

(ii) will cause retail rate increases particular to one or more providers; or

(iii) will impair the ability of one or more providers to meet the public's need for energy services in the manner set forth under subdivision 218c(a)(1) of this title (least-cost integrated planning).

(B) Based on this assessment, consideration of whether statutory changes should be made to grant providers additional flexibility in meeting requirements of sections 8004 and 8005 or section 8005a of this title.

(8) Any recommendations for statutory change related to sections 8004, 8005, and 8005a of this title.

(d) During the preparation of reports under this section, the Department shall provide an opportunity for the public to submit relevant information and recommendations.

Sec. 7. 30 V.S.A. § 8006 is amended to read:

§ 8006. TRADEABLE CREDITS; ENVIRONMENTAL ATTRIBUTES; RECOGNITION, MONITORING, AND DISCLOSURE

(a) The Board shall establish or adopt a system of tradeable renewable energy credits for renewable resources that may be earned by electric generation qualifying for the ~~renewables portfolio standard~~ RES. The system shall ~~be designed to~~ recognize tradeable renewable energy credits monitored and traded on the New England Generation Information System (GIS); shall provide a process for the recognition, approval, and monitoring of environmental attributes attached to renewable energy that are eligible to satisfy the requirements of sections 8004 and 8005 of this title but are not monitored and traded on the GIS; and shall otherwise be consistent with regional practices.

(b) The Board shall ensure that all electricity provider and provider-affiliate disclosures and representations made with regard to a provider's portfolio are accurate and reasonably supported by objective data. Further, the Board shall ensure that providers disclose the types of generation used ~~and whether the energy is Vermont-based~~, and shall clearly distinguish between energy or tradeable energy credits provided from renewable and nonrenewable energy sources and existing and new sources renewable energy.

Sec. 8. PUBLIC SERVICE BOARD RULEMAKING

(a) On or before August 1, 2015, the Public Service Board (the Board) shall commence a rulemaking proceeding to adopt initial rules to implement Secs. 2 (sales of electric energy; RES), 3 (RES categories), and 7 (tradeable renewable energy credits) of this act.

(b) On or before April 1, 2016, the Board shall submit final proposed rules under this section to the Secretary of State and the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 841.

(c) On or before July 1, 2016, the Board shall finally adopt initial rules to implement Secs. 2, 3, and 7 of this act to take effect on January 1, 2017. If the Board is unable to finally adopt these rules by July 1, 2016, the Board may issue an order by that date stating the requirements of the initial rules for the RES to take effect on January 1, 2017, if that order is followed by final adoption of those initial rules for this standard prior to January 1, 2017. Initial rules finally adopted under this subsection (c) shall not be subject to the

requirement of 3 V.S.A. § 843(c) to finally adopt rules within eight months of the initial filing.

(d) The Board and the Department of Public Service may retain experts and other personnel to assist them with the rulemaking under this section and allocate the costs of these personnel to the electric distribution utilities in accordance with the process under 30 V.S.A. § 21.

* * * Harvesting and Procurement * * *

Sec. 9. 10 V.S.A. § 2751 is added to read:

§ 2751. BIOMASS RENEWABILITY STANDARDS; RES

(a) Definitions. As used in this section:

(1) “Commissioner” means the Commissioner of Forests, Parks and Recreation.

(2) “Distributed renewable generation” shall have the same meaning as in 30 V.S.A. § 8005.

(3) “Renewability” means capable of being replaced by natural ecological processes or sound management practices.

(4) “RES” shall have the same meaning as in 30 V.S.A. § 8002.

(b) Rules. The Commissioner shall adopt rules that set renewability standards for forest products used to generate energy by distributed renewable generation awithin the RES. The Commissioner shall design the standards to ensure long-term forest health and sustainability. These standards may requirements for harvesting and procurement. In developing these rules, the Commissioner shall consider differentiating the standards by type of forest product and scale of forest product consumption.

Sec. 10. FOREST, PARKS AND RECREATION RULEMAKING

On or before July 1, 2016, the Commissioner of Forests, Parks and Recreation shall adopt initial rules under 10 V.S.A. § 2751.

* * * Environmental Attributes, Net Metering Systems * * *

Sec. 11. 30 V.S.A. § 219a(h) is amended to read:

(h)(1) An electric company:

* * *

(I) ~~At the option of a net metering customer of the company, may~~ Shall receive ownership of the environmental attributes of electricity generated by the customer’s net metering system, including ownership of any associated

tradeable renewable energy credits, unless at the time of application for the system the customer elects not to transfer ownership of those attributes to the company. If a customer elects this option, the The company shall retain ownership of and shall retire the attributes and credits received from ~~the customer~~ its net metering customers, which shall apply toward compliance with ~~any statutes enacted or rules adopted by the State requiring the company to own the environmental attributes of renewable energy~~ sections 8004 and 8005 of this title.

* * *

Sec. 12. 30 V.S.A. § 8010(c) is amended to read:

(c) In accordance with this section, the Board shall adopt and implement rules that govern the installation and operation of net metering systems.

(1) The rules shall establish and maintain a net metering program that:

* * *

(F) balances, over time, the pace of deployment and cost of the program with the program's impact on rates; ~~and~~

(G) accounts for changes over time in the cost of technology; and

(H) allows a customer to retain ownership of the environmental attributes of energy generated by the customer's net metering system and of any associated tradeable renewable energy credits or to transfer those attributes and credits to the interconnecting retail provider, and:

(i) if the customer retains the attributes, reduces the value of the credit provided under this section for electricity generated by the customer's net metering system by an appropriate amount; and

(ii) if the customer transfers the attributes to the interconnecting provider, requires the provider to retain them for application toward compliance with sections 8004 and 8005 of this title.

(2) The rules shall include provisions that govern:

* * *

(E) the formation of group net metering systems, the resolution of disputes between group net metering customers and the interconnecting provider, and the billing, crediting, and disconnection of group net metering customers by the interconnecting provider; and

(F) the amount of the credit to be assigned to each kWh of electricity generated by a net metering customer in excess of the electricity supplied by

the interconnecting provider to the customer, the manner in which the customer's credit will be applied on the customer's bill, and the period during which a net metering customer must use the credit, after which the credit shall revert to the interconnecting provider; ~~and~~

~~(G) the ownership and transfer of the environmental attributes of energy generated by net metering systems and of any associated tradeable renewable energy credits. When assigning an amount of credit under this subdivision (F), the Board shall consider making multiple lengths of time available over which a customer may take a credit and differentiating the amount according to the length of time chosen. For example, a credit amount may be higher if taken over 10 years and lower if taken over 20 years. Factors relevant to this consideration shall include the customer's ability to finance the net metering system, the cost of that financing, and the net present value to all ratepayers of the net metering program.~~

* * *

* * * Clean Energy Development Fund * * *

Sec. 13. 30 V.S.A. § 8015 is amended to read:

§ 8015. VERMONT CLEAN ENERGY DEVELOPMENT FUND

* * *

(d) Expenditures authorized.

* * *

~~(3) A grant in lieu of a solar energy tax credit in accordance with 32 V.S.A. § 5930z(f). Of any Fund monies unencumbered by such grants, the first \$2.3 million shall fund the Small scale Renewable Energy Incentive Program described in subdivision (1)(E)(ii) of this subsection.~~

~~(4) A sum equal to the cost for the 2010 and preceding tax years of the business solar energy income tax credits authorized in 32 V.S.A. §§ 5822(d) and 5930z(a), net of any such costs for which a transfer has already been made under this subdivision and of the cost of any credits in lieu of which the taxpayer elects to receive a grant, shall be transferred from the Clean Energy Development Fund to the General Fund. Notwithstanding any contrary provision of this section, the Clean Energy Development Fund shall use all of the monies from alternative compliance payments under sections 8004 and 8005 of this title for projects that constitute distributed renewable generation under section 8005 of this title. The Fund shall implement projects in the service territory of the retail electricity provider or providers making the alternative compliance payments used to support the projects. A provider shall~~

not count, toward its required amounts under section 8005 of this title, support provided by the Fund for distributed renewable generation.

* * *

* * * Other Provisions * * *

Sec. 14. 10 V.S.A. § 212(6)(M) is amended to read:

(M) ~~Sustainably Priced Energy Enterprise Development (SPEED) resources~~ a renewable energy plant, as defined in 30 V.S.A. § 8002, if the construction of the plant requires a certificate of public good under 30 V.S.A. § 248 and all or part of the electricity generated by the plant will be under contract to a Vermont electric distribution utility;

Sec. 14a. 30 V.S.A. § 209(d) is amended to read:

(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. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

(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.

(i) 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 demand, consumption, and 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 targeting efficiency and conservation efforts to locations, markets, or customers where they may provide the greatest value. However, in no event shall an energy efficiency charge imposed prior to February 1, 2018 exceed the following rates:

(I) residential customer – \$0.01173 per kilowatt hour (kWh);

(II) commercial customer, no demand charge – \$0.0108 per kWh;

(III) commercial customer, demand charge – \$0.00648 per kWh plus \$1.0543 per kilowatt (kW);

(IV) industrial customer, no demand charge – \$0.00719 per kWh; and

(V) industrial customers, demand charge – \$0.00484 per kWh plus \$1.1344 per kW.

(ii) 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.

Sec. 14b. JOINT ENERGY COMMITTEE; RECOMMENDATION

(a) On or before February 15, 2016, the Joint Energy Committee under 2 V.S.A. chapter 17 shall submit a recommendation to the House Committee on Commerce and Economic Development, Senate Committee on Finance,

House Committee on Ways and Means, and House and Senate Committees on Natural Resources and Energy on whether the General Assembly should make permanent or revise the cap on energy efficiency charge rates adopted under Sec. 14a of this act, 30 V.S.A. § 209(d), or allow that cap to expire in 2018.

(b) Prior to submitting its recommendation under this section, the Joint Energy Committee shall offer an opportunity for comment by affected State agencies; utilities; appointed energy efficiency entities; advocates for business, consumer, and environmental interests; and members of the public.

(c) For the purpose of this section, the Joint Energy Committee may meet no more than four times during adjournment without prior approval of the Speaker of the House and the President Pro Tempore of the Senate.

Sec. 15. 30 V.S.A. § 209(j) is amended to read:

(j) Self-managed energy efficiency programs.

* * *

(4) All of the following shall apply to a class of programs under this subsection:

(A) A member of the transmission or industrial electric rate classes shall be eligible to apply to participate in the self-managed energy efficiency program class if the charges to the applicant, or to its predecessor in interest at the served property, under subdivision (d)(3) of this section were a minimum of \$1.5 million during calendar year 2008.

* * *

Sec. 16. 30 V.S.A. § 218(f) is amended to read:

(f) Regulatory incentives for renewable generation.

(1) Notwithstanding any other provision of law, an electric distribution utility subject to rate regulation under this chapter shall be entitled to recover in rates its prudently incurred costs in applying for and seeking any certificate, permit, or other regulatory approval issued or to be issued by federal, State, or local government for the construction of new renewable energy to be sited in Vermont, regardless of whether the certificate, permit, or other regulatory approval ultimately is granted.

(2) The Board is authorized to provide to an electric distribution utility subject to rate regulation under this chapter an incentive rate of return on equity or other reasonable incentive on any capital investment made by such utility in a renewable energy generation facility sited in Vermont.

(3) To encourage joint efforts on the part of electric distribution utilities to support renewable energy and to secure stable, long-term contracts beneficial to Vermonters, the Board may establish standards for preapproving the recovery of costs incurred on a renewable energy plant that is the subject of that joint effort, if the construction of the plant requires a certificate of public good under section 248 of this title and all or part of the electricity generated by the plant will be under contract to the utilities involved in that joint effort.

(4) ~~For the purpose of~~ In this subsection, “plant,” “renewable energy,” and “new renewable energy” shall be as defined in section 8002 of this title.

Sec. 17. 30 V.S.A. § 218c(b) is amended to read:

(b) Each regulated electric or gas company shall prepare and implement a least cost integrated plan for the provision of energy services to its Vermont customers. At least every third year on a schedule directed by the Public Service Board, each such company shall submit a proposed plan to the Department of Public Service and the Public Service Board. The Board, after notice and opportunity for hearing, may approve a company’s least cost integrated plan if it determines that the company’s plan complies with the requirements of subdivision (a)(1) of this section and ~~is reasonably consistent with achieving the goals and targets of subsection 8005(d)(2017 SPEED goal; total renewables targets)~~ of sections 8004 and 8005 of this title.

Sec. 18. 30 V.S.A. § 219a(m) and (n) are amended to read:

(m)(1) A facility for the generation of electricity to be consumed primarily by the Military Department established under 3 V.S.A. § 212 and 20 V.S.A. § 361(a) or the National Guard as defined in 32 U.S.C. § 101(3), and installed on property of the Military Department or National Guard located in Vermont, shall be considered a net metering system for purposes of this section if it has a capacity of 2.2 MW or less and meets the provisions of subdivisions (a)(6)(B)-(D) of this section.

(2) If the interconnecting electric company agrees, a solar facility or group of solar facilities for the generation of electricity, to be installed by or on behalf of one or more municipalities on a closed landfill, shall be considered a net metering system for purposes of this section if the facility or group of facilities has a total capacity of 5 MW or less and meets the provisions of subdivisions (a)(6)(B)-(D) of this section. The facilities or group of facilities may serve as a group net metering system that includes and is limited to each participating municipality. In this subdivision (2), “municipality” shall have the same meaning as under 24 V.S.A. § 4551.

* * *

(n) ~~As a pilot project, an~~ An electric cooperative under chapter 81 of this title may ~~construct~~ engage in a pilot project involving a solar generation facility or group of solar generation facilities to produce power to be consumed by the company or its customers and to be installed on land owned or leased by the company.

* * *

(3) ~~Under this pilot project, the electric cooperative may seek siting approval for the~~ A facility or group of facilities participating in this pilot project may seek siting approval pursuant to the Board's order issued under subsection 8007(b) of this title, notwithstanding that subsection's limitation to plants with a plant capacity greater than 150 kW and 2.2 MW or less.

* * *

Sec. 19. 30 V.S.A. § 248(b) is amended to read:

(b) Before the Public Service Board issues a certificate of public good as required under subsection (a) of this section, it shall find that the purchase, investment or construction:

* * *

(9) with respect to a waste to energy facility;

(A) is included in a solid waste management plan adopted pursuant to 24 V.S.A. § 2202a, which is consistent with the State Solid Waste Management Plan; and

(B) is included in a solid waste management plan adopted pursuant to 24 V.S.A. § 2202a for the municipality and solid waste district from which a substantial portion of the waste is to originate, if that municipality or district already beneficially uses a portion of the waste;

Sec. 20. 30 V.S.A. § 248(r) is added to read:

(r) The Board may provide that in any proceeding under subdivision (a)(2)(A) of this section for the construction of a renewable energy plant, a demonstration of compliance with subdivision (b)(2) of this section, relating to establishing need for the plant, shall not be required if all or part of the electricity to be generated by the plant is under contract to one or more Vermont electric distribution companies and if no part of the plant is financed directly or indirectly through investments, other than power contracts, backed by Vermont electricity ratepayers. In this subsection, "plant" and "renewable energy" shall be as defined in section 8002 of this title.

Sec. 21. 30 V.S.A. § 8001(b) is amended to read:

(b) The Board shall ~~provide, by order or rule,~~ adopt the regulations rules and procedures that are necessary to allow the Board and the Department to implement and supervise programs pursuant to subchapter 1 of this chapter.

* * * Technical Amendments * * *

Sec. 22. 30 V.S.A. § 2(g) is amended to read:

(g) In all forums affecting policy and decision making for the New England region's electric system, including matters before the Federal Energy Regulatory Commission and the Independent System Operator of New England, the Department of Public Service shall advance positions that are consistent with the statutory policies and goals set forth in 10 V.S.A. §§ 578, 580, and 581 and sections 202a, 8001, 8004, and 8005 of this title. In those forums, the Department also shall advance positions that avoid or minimize adverse consequences to Vermont and its ratepayers from regional and inter-regional cost allocation for transmission projects. This subsection shall not compel the Department to initiate or participate in litigation and shall not preclude the Department from entering into agreements that represent a reasonable advance to these statutory policies and goals.

Sec. 23. 30 V.S.A. § 219a(e)(3)(C) is amended to read:

(C) Any accumulated credits shall be used within 12 months, or shall revert to the electric company, without any compensation to the customer. ~~Power reverting to the electric company under this subdivision (3) shall be considered SPEED resources under section 8005 of this title.~~

Sec. 24. REPEAL

30 V.S.A. § 219b(a)(5) (net metering systems; SPEED resources) is repealed.

Sec. 25. CONFORMING AMENDMENTS; RENEWABLE ENERGY DEFINITIONS

(a) In 2014 Acts and Resolves No. 99, Sec. 3, in 30 V.S.A. § 8002(8) (existing renewable energy) and (17) (new renewable energy), each occurrence of "December 31, 2004" is amended to "June 30, 2015." The Office of Legislative Council shall implement these amendments during statutory revision.

(b) 2014 Acts and Resolves No. 99, Sec. 3 is amended to read:

Sec. 3. 30 V.S.A. § 8002 is amended to read:

§ 8002. DEFINITIONS

As used in this chapter:

* * *

(21) “Renewable energy” means energy produced using a technology that relies on a resource that is being consumed at a harvest rate at or below its natural regeneration rate.

(A) For purposes of this subdivision (21), methane gas and other flammable gases produced by the decay of sewage treatment plant wastes or landfill wastes and anaerobic digestion of agricultural products, byproducts, or wastes, or of food wastes shall be considered renewable energy resources, but no other form of solid waste, other than ~~agricultural or silvicultural~~ waste, shall be considered renewable.

* * *

(24) “~~SPEED~~ Standard Offer Facilitator” means an entity appointed by the Board pursuant to ~~subdivision 8005(b)(1)~~ subsection 8005a(a) of this title.

(25) “~~SPEED resources~~” ~~means contracts for resources in the SPEED program established under section 8005 of this title that meet the definition of renewable energy under this section, whether or not environmental attributes are attached.~~ [Repealed.]

* * *

(28) “RES” means the Renewable Energy Standard established under sections 8004 and 8005 of this title.

Sec. 26. 30 V.S.A. § 8009 is amended to read:

§ 8009. BASELOAD RENEWABLE POWER PORTFOLIO REQUIREMENT

* * *

(f) With respect to a plant used to satisfy the baseload renewable power portfolio requirement:

(1) The ~~SPEED~~ Standard Offer Facilitator shall purchase the baseload renewable power, and shall allocate the electricity purchased and any associated costs ~~shall be allocated by the SPEED Facilitator~~ to the Vermont retail electricity providers based on their pro rata share of total Vermont retail kWh sales for the previous calendar year, and the Vermont retail electricity providers shall accept and pay those costs.

* * *

(i) The State and its instrumentalities shall not be liable to a plant owner or retail electricity provider with respect to any matter related to the baseload renewable power portfolio requirement or a plant used to satisfy such requirement, including costs associated with a contract related to such a plant or any damages arising from the breach of such a contract, the flow of power between a plant and the electric grid, or the interconnection of a plant to that grid. For the purpose of this section, the Board and the ~~SPEED~~ Standard Offer Facilitator constitute instrumentalities of the State.

* * * Severability and Effective Dates * * *

Sec. 27. SEVERABILITY

The provisions of this act are severable. If any provision of this act is invalid, or if any application of this act to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

Sec. 28. EFFECTIVE DATES

(a) This section and Secs. 8 (Public Service Board rulemaking), 10 (Forests, Parks and Recreation rulemaking), 14a (energy efficiency charge), 14b (joint energy committee; recommendation), 18 (net metering pilot project), and 27 (severability) shall take effect on passage. Notwithstanding 1 V.S.A. § 214, Sec. 18 shall apply to facilities for which an application for a certificate of public good is pending as of its effective date.

(b) Secs. 1 through 7, 9, 11, 13, 14, 15 through 17, and 19 through 26 shall take effect on July 1, 2015. Sec. 11 (net metering systems; environmental attributes) shall not apply to complete applications filed prior to its effective date.

(c) Sec. 12 (net metering systems; environmental attributes) shall amend 30 V.S.A. § 8010 as added effective January 1, 2017 by 2014 Acts and Resolves No. 99, Sec. 4. Sec. 12 shall take effect on January 2, 2017, except that, notwithstanding 1 V.S.A. § 214, the section shall apply to the Public Service Board process under 2014 Acts and Resolves No. 99, Sec. 5.

Pending the question, Shall the bill be amended as recommended by Rep. Turner of Milton? **Rep. Turner of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by Rep. Turner of Milton? was decided in the negative. Yeas, 42. Nays, 99.

Those who voted in the affirmative are:

Bancroft of Westford	Gage of Rutland City	Parent of St. Albans City
Baser of Bristol	Graham of Williamstown	Purvis of Colchester
Beck of St. Johnsbury	Helm of Fair Haven	Savage of Swanton
Beyor of Highgate	Higley of Lowell	Shaw of Pittsford
Brennan of Colchester	Hubert of Milton	Shaw of Derby
Browning of Arlington	Komline of Dorset	Smith of New Haven
Burditt of West Rutland	LaClair of Barre Town	Strong of Albany
Canfield of Fair Haven	Lawrence of Lyndon	Tate of Mendon
Cupoli of Rutland City	Lefebvre of Newark	Terenzini of Rutland Town
Dame of Essex	Lewis of Berlin	Turner of Milton *
Devereux of Mount Holly	Marcotte of Coventry	Van Wyck of Ferrisburgh
Dickinson of St. Albans Town	Martel of Waterford	Viens of Newport City
Eastman of Orwell	McCoy of Poultney	Willhoit of St. Johnsbury
Fiske of Enosburgh	Morrissey of Bennington	
	Myers of Essex	

Those who voted in the negative are:

Ancel of Calais	Feltus of Lyndon	Masland of Thetford
Bartholomew of Hartland	Fields of Bennington	McCormack of Burlington
Batchelor of Derby	Forguites of Springfield	McCullough of Williston
Berry of Manchester	French of Randolph	McFaun of Barre Town
Bissonnette of Winooski	Gamache of Swanton *	Miller of Shaftsbury
Botzow of Pownal	Gonzalez of Winooski	Morris of Bennington
Branagan of Georgia	Grad of Moretown	Mrowicki of Putney
Briglin of Thetford	Greshin of Warren	Murphy of Fairfax
Burke of Brattleboro	Haas of Rochester	Nuovo of Middlebury
Carr of Brandon	Head of South Burlington	Partridge of Windham
Chesnut-Tangerman of Middletown Springs	Hebert of Vernon	Patt of Worcester
Christie of Hartford	Hooper of Montpelier	Pearce of Richford
Clarkson of Woodstock	Huntley of Cavendish	Pearson of Burlington
Cole of Burlington	Jerman of Essex	Poirier of Barre City
Condon of Colchester	Jewett of Ripton	Potter of Clarendon
Connor of Fairfield	Johnson of South Hero	Pugh of South Burlington
Copeland-Hanzas of Bradford	Juskiewicz of Cambridge	Rachelson of Burlington
Corcoran of Bennington	Keenan of St. Albans City	Ram of Burlington
Dakin of Chester	Kitzmiller of Montpelier	Russell of Rutland City
Dakin of Colchester	Klein of East Montpelier	Ryerson of Randolph
Davis of Washington	Krebs of South Hero	Scheuermann of Stowe
Deen of Westminster	Krowinski of Burlington	Sharpe of Bristol
Donahue of Northfield	Lalonde of South Burlington	Sheldon of Middlebury
Donovan of Burlington	Lenes of Shelburne	Sibilia of Dover
Ellis of Waterbury	Lippert of Hinesburg	Stevens of Waterbury
Emmons of Springfield	Long of Newfane	Stuart of Brattleboro
Evans of Essex	Lucke of Hartford	Sullivan of Burlington
Fagan of Rutland City	Macaig of Williston	Sweaney of Windsor
	Manwaring of Wilmington	Till of Jericho
	Martin of Wolcott	Toleno of Brattleboro

Toll of Danville	Troiano of Stannard	Wright of Burlington
Townsend of South Burlington	Walz of Barre City Webb of Shelburne	Yantachka of Charlotte Young of Glover
Trieber of Rockingham	Woodward of Johnson	Zagar of Barnard

Those members absent with leave of the House and not voting are:

Buxton of Tunbridge	Lanpher of Vergennes	O'Sullivan of Burlington
Conquest of Newbury	O'Brien of Richmond	Quimby of Concord
Frank of Underhill	Olsen of Londonderry	

Rep. Gamache of Swanton explained her vote as follows:

“Mr. Speaker:

While I appreciate the concerns expressed in this amendment, these issues have been addressed in the H.40 legislation.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

This amendment resolves the \$50 million REC problem facing our utility companies and rate payers without taking on an expansive new program. Tier 3, a program that makes far too many assumptions, is counter-productive to our pursuit of efficiency and will likely increase the efficiency charges on rate payers’ electric bills for years to come. Increased usage at a fixed rate still equates to higher bills for our constituents. Thank you.”

Pending third reading of the bill, **Rep. Browning of Arlington** moved to amend the bill as follows:

First: In Sec. 2, 30 V.S.A. § 8004 (sales of electric energy; Renewable Energy Standard and Energy Transformation (RESET) Program), after subsection (f) (joint efforts), by inserting a subsection (g) to read:

(g) Interests of customers. In all decision making regarding the RESET Program, including adoption of rules and policies, the Board and the Department shall place the interests of customers above the energy efficiency, greenhouse gas emission, and renewable energy goals of Title 10 and this title.

Second: In Sec. 3, 30 V.S.A. § 8005 (RESET Program categories), in subsection (a) (categories), in subdivision (3) (energy transformation), after subdivision (G), by inserting a subdivision (H) to read:

(H) Costs of financing. Notwithstanding any contrary provision of this title, a retail electricity provider shall not include in rate base or earn a return on the cost of indebtedness or any other financing costs it may incur with

respect to an energy transformation project. The persons to whom the project provides goods or services shall bear the cost of any such financing.

Which was disagreed to.

Pending third reading of the bill, **Rep. Browning of Arlington** moved to amend the bill as follows:

After Sec. 20, 30 V.S.A. § 248(r), by inserting a section 20a to read:

Sec. 20a. 30 V.S.A. § 248(s) is added to read:

(s) This subsection concerns proceedings under this section on renewable energy plants as defined in section 8002 of this title. In these proceedings, when giving due consideration to a land conservation measure in the plan of an affected municipality or to a recommendation of the legislative body or planning commission of an affected municipality, the Board shall find in favor of the measure or recommendation unless it concludes that the measure or recommendation lacks a rational basis or that a factor affecting the general good of the State clearly outweighs the measure or recommendation. The Board shall apply the same standard to testimony and concerns raised by a landowner whose property adjoins or is affected by the proposed plant.

Pending the question, Shall the bill be amended as recommended by Rep. Browning of Arlington? **Rep. Browning of Arlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by Rep. Browning of Arlington? was decided in the negative. Yeas, 53. Nays, 90.

Those who voted in the affirmative are:

Bancroft of Westford	Eastman of Orwell	Murphy of Fairfax
Baser of Bristol	Fagan of Rutland City	Myers of Essex
Batchelor of Derby	Fiske of Enosburgh	Parent of St. Albans City
Beck of St. Johnsbury	Graham of Williamstown	Pearce of Richford
Berry of Manchester	Helm of Fair Haven	Potter of Clarendon
Beyor of Highgate	Higley of Lowell	Purvis of Colchester
Branagan of Georgia	Hubert of Milton	Savage of Swanton
Brennan of Colchester	Komline of Dorset	Scheuermann of Stowe
Browning of Arlington	LaClair of Barre Town	Shaw of Pittsford
Burditt of West Rutland	Lawrence of Lyndon	Shaw of Derby
Canfield of Fair Haven	Lefebvre of Newark	Smith of New Haven
Cupoli of Rutland City	Lewis of Berlin	Strong of Albany
Dame of Essex	Marcotte of Coventry	Tate of Mendon
Devereux of Mount Holly	Martel of Waterford	Terenzini of Rutland Town
Dickinson of St. Albans Town	McCoy of Poultney	Turner of Milton
Donahue of Northfield	McFaun of Barre Town	Viens of Newport City
	Morrissey of Bennington	Willhoit of St. Johnsbury

Wright of Burlington

Young of Glover

Zagar of Barnard

Those who voted in the negative are:

Ancel of Calais

Gamache of Swanton

Morris of Bennington

Bartholomew of Hartland

Gonzalez of Winooski

Mrowicki of Putney

Bissonnette of Winooski

Grad of Moretown

Nuovo of Middlebury

Botzow of Pownal

Greshin of Warren

Partridge of Windham

Briglin of Thetford

Haas of Rochester

Patt of Worcester

Burke of Brattleboro

Head of South Burlington

Pearson of Burlington

Carr of Brandon

Hebert of Vernon

Poirier of Barre City

Chesnut-Tangerman of

Hooper of Montpelier

Pugh of South Burlington

Middletown Springs

Huntley of Cavendish

Rachelson of Burlington

Christie of Hartford

Jerman of Essex

Ram of Burlington

Clarkson of Woodstock

Jewett of Ripton

Russell of Rutland City

Cole of Burlington

Johnson of South Hero

Ryerson of Randolph

Condon of Colchester

Juskiewicz of Cambridge

Sharpe of Bristol

Connor of Fairfield

Keenan of St. Albans City

Sheldon of Middlebury

Conquest of Newbury

Kitzmiller of Montpelier

Sibilia of Dover

Copeland-Hanzas of

Klein of East Montpelier

Stevens of Waterbury

Bradford

Krebs of South Hero

Stuart of Brattleboro

Corcoran of Bennington

Krowinski of Burlington

Sullivan of Burlington

Dakin of Chester

Lalonde of South Burlington

Sweaney of Windsor

Dakin of Colchester

Lanpher of Vergennes

Till of Jericho

Davis of Washington

Lenes of Shelburne

Toleno of Brattleboro

Deen of Westminster

Lippert of Hinesburg

Toll of Danville

Donovan of Burlington

Long of Newfane

Townsend of South

Ellis of Waterbury

Lucke of Hartford

Burlington

Emmons of Springfield

Macaig of Williston

Trieber of Rockingham

Evans of Essex

Manwaring of Wilmington

Troiano of Stannard

Feltus of Lyndon

Martin of Wolcott

Van Wyck of Ferrisburgh

Fields of Bennington

Masland of Thetford

Walz of Barre City

Forguites of Springfield

McCormack of Burlington

Webb of Shelburne

French of Randolph

McCullough of Williston

Woodward of Johnson

Gage of Rutland City

Miller of Shaftsbury

Yantachka of Charlotte

Those members absent with leave of the House and not voting are:

Buxton of Tunbridge

O'Brien of Richmond

O'Sullivan of Burlington

Frank of Underhill

Olsen of Londonderry

Quimby of Concord

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Savage of Swanton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass? was decided in the affirmative. Yeas, 121. Nays, 24.

Those who voted in the affirmative are:

Ancel of Calais	Forguites of Springfield	Murphy of Fairfax
Bancroft of Westford	French of Randolph	Myers of Essex
Bartholomew of Hartland	Gage of Rutland City	Nuovo of Middlebury
Baser of Bristol	Gamache of Swanton	O'Sullivan of Burlington
Beck of St. Johnsbury	Gonzalez of Winooski	Partridge of Windham
Berry of Manchester	Grad of Moretown	Patt of Worcester
Beyor of Highgate	Greshin of Warren	Pearce of Richford
Bissonnette of Winooski	Haas of Rochester	Pearson of Burlington
Botzow of Pownal	Head of South Burlington	Poirier of Barre City
Branagan of Georgia	Hebert of Vernon	Potter of Clarendon
Brennan of Colchester	Helm of Fair Haven	Pugh of South Burlington
Briglin of Thetford	Hoooper of Montpelier	Purvis of Colchester *
Burke of Brattleboro	Huntley of Cavendish	Rachelson of Burlington
Buxton of Tunbridge	Jerman of Essex	Ram of Burlington
Canfield of Fair Haven	Jewett of Ripton	Russell of Rutland City
Carr of Brandon	Johnson of South Hero	Ryerson of Randolph
Chesnut-Tangerman of Middletown Springs	Juskiewicz of Cambridge	Savage of Swanton
Christie of Hartford	Keenan of St. Albans City	Scheuermann of Stowe
Clarkson of Woodstock	Kitzmiller of Montpelier	Sharpe of Bristol
Cole of Burlington	Klein of East Montpelier	Shaw of Pittsford
Condon of Colchester	Krebs of South Hero	Sheldon of Middlebury
Connor of Fairfield	Krowinski of Burlington	Sibilia of Dover
Conquest of Newbury	LaClair of Barre Town	Stevens of Waterbury
Copeland-Hanzas of Bradford	Lalonde of South Burlington	Stuart of Brattleboro
Corcoran of Bennington	Lanpher of Vergennes	Sullivan of Burlington
Dakin of Chester	Lawrence of Lyndon	Sweaney of Windsor
Dakin of Colchester	Lenes of Shelburne	Till of Jericho
Davis of Washington	Lewis of Berlin	Toleno of Brattleboro
Deen of Westminster	Lippert of Hinesburg	Toll of Danville
Devereux of Mount Holly	Long of Newfane	Townsend of South Burlington
Donahue of Northfield	Lucke of Hartford	Trieber of Rockingham
Donovan of Burlington	Macaig of Williston	Troiano of Stannard
Eastman of Orwell	Manwaring of Wilmington	Walz of Barre City
Ellis of Waterbury	Marcotte of Coventry	Webb of Shelburne
Emmons of Springfield	Martin of Wolcott	Woodward of Johnson
Evans of Essex	Masland of Thetford	Wright of Burlington
Fagan of Rutland City	McCormack of Burlington	Yantachka of Charlotte
Feltus of Lyndon	McCullough of Williston	Young of Glover
Fields of Bennington	McFaun of Barre Town	Zagar of Barnard
Fiske of Enosburgh	Miller of Shaftsbury	
	Morris of Bennington	
	Mrowicki of Putney	

Those who voted in the negative are:

Batchelor of Derby	Cupoli of Rutland City	Dickinson of St. Albans Town
Browning of Arlington *	Dame of Essex	Graham of Williamstown
Burditt of West Rutland		

Higley of Lowell	Morrissey of Bennington	Terenzini of Rutland Town
Hubert of Milton	Parent of St. Albans City	Turner of Milton
Komline of Dorset	Shaw of Derby	Van Wyck of Ferrisburgh
Lefebvre of Newark	Smith of New Haven	Viens of Newport City
Martel of Waterford	Strong of Albany	Willhoit of St. Johnsbury
McCoy of Poultney	Tate of Mendon	

Those members absent with leave of the House and not voting are:

Frank of Underhill	Olsen of Londonderry
O'Brien of Richmond	Quimby of Concord

Rep. Browning of Arlington explained her vote as follows:

“Mr. Speaker:

I vote no because this well-intentioned bill is unbalanced. In launching an ambitious new project it fails to fully protect ratepayers from higher costs and higher rates in the pursuit of those ambitions. In requiring significant new renewable energy facilities it fails to protect the interests of towns and neighbors.”

Rep. Purvis of Colchester explained his vote as follows:

‘Mr. Speaker:

I voted yes on H.40, however I’m concerned with the constant increases with Efficiency Vermont budget. I’m also concerned with rate payers in Vermont paying higher electric bills. Most importantly, we must keep power cost low so companies like IBM/Global Foundries can continue to do business in Vermont”.

Bill Amended; Third Reading Ordered

H. 18

Rep. Hubert of Milton, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to Public Records Act exemptions

Reported in favor of its passage when amended as follows:

By striking Secs. 20–21 and the reader assistance thereto in their entirety and inserting in lieu thereof the following:

* * * Human Rights Commission Exemption * * *

Sec. 20. 9 V.S.A. § 4555(a) is amended to read:

(a)(1) ~~The~~ Except as provided in this subsection, the Human Rights Commission's complaint files and investigative files shall be confidential ~~except that the~~.

(2) The Commission shall make the investigative file available to the charging party, the respondent, their attorneys, and any State or federal law enforcement agency seeking to enforce anti-discrimination statutes, upon reasonable request. ~~The, except that the Commission may refuse to disclose:~~

(A) ~~the identities of nonparty witnesses to the investigation may be revealed as part of the investigative file, upon request, unless if~~ good cause is shown to protect the witness's confidentiality; and

(B) records or information the release of which may be prohibited under State or federal law absent court order.

(3) A party or entity denied information or records under subdivision (2)(A) or (B) of this subsection may seek the information or records by subpoena. The Commission and any affected person may contest the subpoena in court.

(4) Any records or information described in subdivision (2)(A) or (B) of this subsection made available to a party or entity pursuant to a confidentiality agreement or court order requiring confidentiality shall be kept confidential in accordance with the agreement or order, unless disclosure is otherwise authorized by law or court order.

* * * Personal Records Exemption * * *

Sec. 21. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

* * *

(7) Personal documents relating to an individual, including:

(A) ~~information~~ Information in any files maintained to hire, evaluate, promote, or discipline any employee of a public agency;. However, such information shall be made available to that individual employee or his or her designated representative unless otherwise exempt from public inspection and copying.

(B) ~~information~~ Information in any files relating to personal finances;.

(C) Individually identifying medical or psychological ~~facts~~ concerning ~~any individual or corporation; provided, however, that all~~

~~information in personnel files of an individual employee of any public agency shall be made available to that individual employee or his or her designated representative information.~~

* * *

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Government Operations agreed to and third reading ordered.

Adjournment

At two o'clock and thirty-five minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.