

# Journal of the Senate

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THURSDAY, MARCH 31, 2016

The Senate was called to order by the President.

## Devotional Exercises

Devotional exercises were conducted by the Rabbi James Glazier of South Burlington.

## Message from the House No. 43

A message was received from the House of Representatives by Mr. Jeremy Weiss, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolution originating in the Senate of the following title:

**J.R.S. 49.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

## Committee Relieved of Further Consideration; Bill Committed

### H. 610.

On motion of Senator Bray, the Committee on Natural Resources & Energy was relieved of further consideration of House bill entitled:

An act relating to clarifying the Clean Water State Revolving Fund and Water Pollution Control Grant Programs,

and the bill was committed to the Committee on Institutions.

## Standing Committees Realigned

The President, on behalf of the Committee on Committees, and as a result of the resignation of Senator Diane B. Snelling and subsequent replacement by Senator Helen S. Riehle, reported realignments and new appointments for two of the standing committees, as follows:

**Appropriations**

Senator Kitchel, Chair  
Nitka, Vice-Chair  
McCormack  
Sears  
[Snelling, Clerk]  
Starr  
Campbell  
*Westman*

**Natural Resources and Energy**

Senator Bray, Chair  
Campion, *Vice-Chair*  
[Snelling, *Vice-Chair*]  
MacDonald  
Rodgers  
*Riehle*

**Message from the Governor  
Appointments Referred**

A message was received from the Governor, by Susan Allen, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

Snelling, Diane B. of Hinesburg - Chair of the Natural Resources Board, - from March 30, 2016, to serve at the Governor's Pleasure.

To the Committee on Natural Resources & Energy.

**Bill Amended; Bill Passed****S. 243.**

Senate bill entitled:

An act relating to combating opioid abuse in Vermont.

Was taken up.

Thereupon, pending third reading of the bill, Senator Ayer moved to amend the bill in Sec. 3, 18 V.S.A. chapter 93, by striking out subchapter 1, regional opioid addiction treatment system, in its entirety and inserting in lieu thereof the following:

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Subchapter 1. Regional Opioid Addiction Treatment System

## § 4751. PURPOSE

It is the purpose of this ~~chapter~~ subchapter to authorize the ~~department of health~~ Departments of Health and of Vermont Health Access to establish a regional system of opioid addiction treatment.

## § 4752. OPIOID ADDICTION TREATMENT SYSTEM

(a) The ~~department of health~~ Departments of Health and of Vermont Health Access shall establish by rule a regional system of opioid addiction treatment.

\* \* \*

~~(c) No later than January 15 of each year from 2013 through 2016, inclusive, the commissioner shall report to the house committees on human services and on health care and the senate committee on health and welfare regarding the regional system of opioid addiction treatment, including the system's effectiveness. [Repealed.]~~

Which was agreed to.

Thereupon, the bill was read the third time and passed.

**Senate Resolution Adopted****S.R. 9.**

Senate resolution of the following title was read the third time and adopted:

Senate resolution relating to the proposed Trans-Pacific Partnership Agreement.

**Recess**

On motion of Senator Campbell the Senate recessed until 2:30 P.M.

**Called to Order**

The Senate was called to order by the President.

**Recess**

On motion of Senator Campbell the Senate recessed until 2:45 P.M.

**Called to Order**

The Senate was called to order by the President.

**Bill Amended; Consideration Interrupted by Recess****S. 230.**

Senate bill entitled:

An act relating to improving the siting of energy projects.

Was taken up.

Thereupon, pending third reading of the bill, Senators Bray, Campbell, and Kitchel moved to amend the bill as follows:

First: In Sec. 7, 24 V.S.A. § 4352, after subsection (d), by inserting a new subsection (e) to read as follows:

(e) Appeal. A regional planning commission aggrieved by an act or decision of the Commissioner of Public Service under this section or a municipality aggrieved by an act or decision of a municipality under this section may appeal to a hearing officer. The hearing officer shall be one of five attorneys retained by the Commissioner for this purpose, none of whom shall be an employee of the Department of Public Service. The parties shall jointly select the hearing officer from among these retained attorneys. The hearing officer shall conduct a de novo hearing on the act or decision under appeal and shall proceed in accordance with the contested case requirements of the Vermont Administrative Procedure Act. The hearing officer shall have authority to decide the appeal. A hearing officer shall not conduct an appeal if the officer has a personal or pecuniary interest in the act or decision on appeal.

Second: In Sec. 8, 24 V.S.A. § 4382, in subsection (a), in the first sentence, by striking out the following: “~~may~~ shall” and inserting in lieu thereof the following: may

Third: In Sec. 12, 30 V.S.A. § 248(b), in subdivision (1), by striking out subparagraph (C) in its entirety and inserting in lieu thereof a new subparagraph (C) to read as follows:

(C) The Board shall apply the land conservation measures and specific policies contained in a duly adopted municipal or regional plan to an application for an in-state electric generation facility as follows:

(i) For an application filed before March 1, 2017, the Board shall defer to such a measure or policy and apply it in accordance with its terms unless a preponderance of the evidence demonstrates that other factors affecting the general good of the State outweigh the application of the measure or policy.

(ii) For an application filed on or after March 1, 2017:

(I) If the plan has received a certificate of energy compliance under 24 V.S.A. § 4352, the Board shall defer to such a measure or policy and apply it in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy.

(II) If the plan has not received a certificate of energy compliance under 24 V.S.A. § 4352, the Board shall give due consideration to such a measure or policy.

Fourth: After Sec. 23d, by inserting a new section to be numbered Sec. 23e to read as follows:

Sec. 23e. 30 V.S.A. § 248(y) is added to read:

(y) With respect to each in-state wind generation facility subject to a certificate of public good under this section, the Board shall retain a qualified acoustical engineer, at the cost of the certificate holder, to monitor continuously the sound produced by the facility and the facility's compliance with any requirements and conditions pertaining to sound generation included in the facility's certificate of public good. The engineer shall install equipment that allows such continuous monitoring. The engineer shall be responsible to the Board and independent of the certificate holder. The engineer shall report the monitoring results to the Board. Notwithstanding any contrary provision of 1 V.S.A. §§ 213 and 214, this subsection shall apply to all wind generation facilities subject to a certificate of public good under this section, regardless of the date on which the certificate was issued.

Fifth: By striking out Sec. 24 in its entirety and inserting in lieu thereof two new sections to be Secs. 24 and 24a to read as follows:

Sec. 24. SOUND STANDARDS DOCKET; COMPLETION

(a) On or before October 1, 2016, the Public Service Board (the Board) shall issue a final decision in its pending Docket 8167, Investigation into the potential establishment of standards related to sound levels from the operation of generation, transmission, and distribution equipment by entities subject to Public Service Board jurisdiction (the docket).

(b) Notwithstanding any contrary language in a prior Board order, the scope of this docket and the Board's final decision in the docket shall include the Board's recommendations on each of the following with respect to wind generation facilities and its plan for implementing those recommendations:

(1) The maximum allowable instantaneous audible sound levels for these facilities and the exterior and interior locations at which these levels

should apply. In this section, “audible sound” refers to sound at frequencies from 20 hertz through 20 kilohertz.

(2) The maximum allowable average audible sound levels for these facilities, the period over which these levels should be measured, and the exterior and interior locations at which these levels should apply. In reviewing this question, the Board shall consider whether the measurement period should be less than one hour.

(3) The release of sound monitoring data to the public, including the timeliness of the release, the release of raw data, and the availability of the data online. In reviewing this question, the Board shall consider the existence and validity, if any, of assertions that such data is proprietary or confidential.

(4) A minimum setback requirement for each wind turbine, measured from the tower to the nearest property line of the tract on which the turbine is located.

(c) Before issuing a final decision in the docket, the Board shall provide each of the following:

(1) Notice of the issues described in subsection (b) of this section in the same manner as the Board provided notice of its order opening the docket.

(2) Opportunity for the existing docket parties and members of the public to submit written information and request the conduct of a workshop on these issues. The Board shall hold such a workshop if requested and may hold one or more workshops on these issues on its own initiative.

#### Sec. 24a. INFRASOUND; REPORT

(a) On or before October 1, 2016, the Commissioner of Health shall submit a written report on whether there should be maximum allowable instantaneous or average levels, or both, for infrasound from wind generation and, if so, what they should be and how they should be measured. In this section, “infrasound” refers to sound at frequencies less than 20 hertz.

(b) The Commissioner shall submit this report to the House and Senate Committees on Natural Resources and Energy, the Senate Committee on Finance, and the Joint Energy Committee.

Sixth: In Sec. 27 (effective dates), after subdivision (5), by inserting a new subdivision (6) to read as follows:

(6) Secs. 12 (municipal and regional plans), 24 (sound standards docket; completion), and 24a (infrasound; report) shall take effect on passage.

Thereupon, pending the question, Shall the bill be amended as moved by the Senators, Bray, Campbell and Kitchel?, Senator Rodgers pursuant to

Rule 67 demanded that the *fourth* recommendation of amendment be voted on last.

Thereupon, pending the question, Shall the bill be amended as moved by the Senators, Bray, Campbell and Kitchel in the *first* through *third* and *fifth* through *sixth* recommendations of amendment?, Senator Ashe pursuant to Rule 67 demanded all of the instances be voted on separately.

Thereupon, the question Shall the bill be amended in the *first* recommendation of amendment?, Senator Ashe moved to amend the *first* recommendation of amendment in the second sentence by striking out the following: “or a municipality aggrieved by an act or decision of a municipality under this section”

Thereupon, pending the question, Shall the amendment of Senators Bray, Campbell and Kitchel be amended as recommended by Senator Ashe?, Senator Campbell moved that the Senate recess until 3:45 P.M.

#### **Called to Order**

The Senate was called to order by the President.

#### **Consideration Resumed; Consideration Interrupted by Recess**

##### **S. 230.**

Consideration was resumed on Senate bill entitled:

An act relating to improving the siting of energy projects.

Thereupon, pending the question, Shall the amendment of Senators Bray, Campbell and Kitchel be amended as recommended by Senator Ashe?, Senator Ashe requested and was granted leave to withdraw the recommendation of amendment.

#### **Recess**

On motion of Senator Campbell the Senate recessed until 4:00 P.M.

#### **Called to Order**

The Senate was called to order by the President.

#### **Consideration Resumed; Bill Amended**

##### **S. 230.**

Consideration was resumed on Senate bill entitled:

An act relating to improving the siting of energy projects.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators Bray, Campbell and Kitchel in the *first*

recommendation of amendment?, Senator Riehle moved to amend the *first* recommendation of amendment as follows:

In Sec. 7, 24 V.S.A. § 4352, by striking out subsection (e) in its entirety and inserting in lieu thereof a new subsection (e) to read:

(e) Appeal. A regional planning commission aggrieved by an act or decision of the Commissioner of Public Service under this section or a municipality aggrieved by an act or decision of a regional planning commission under this section may appeal to a hearing officer within 30 days of the act or decision. The hearing officer shall be one of five attorneys retained by the Commissioner for this purpose, none of whom shall be an employee of the Department of Public Service. Within 15 days of the filing of the appeal, the parties shall jointly select the hearing officer from among these retained attorneys. The hearing officer shall conduct a de novo hearing on the act or decision under appeal and shall proceed in accordance with the contested case requirements of the Vermont Administrative Procedure Act. The hearing officer shall have authority to decide the appeal and shall issue a final decision within 90 days of the filing of the appeal. A hearing officer shall not conduct an appeal if the officer has a personal or pecuniary interest in the act or decision on appeal.

Which was agreed to.

Thereupon, the *first* recommendation of amendment, as amended, was agreed to.

Thereupon, the *second* recommendation of amendment was agreed to.

Thereupon, the *third* recommendation of amendment was agreed to.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators Bray, Campbell and Kitchel in the *fifth* recommendation of amendment?, Senators Bray and MacDonald moved to amend the *fifth* recommendation of amendment by striking out sections 24 and 24a in their entirety and inserting in lieu thereof new Secs. 24 and 24a to read as follows:

#### Sec. 24. SOUND STANDARDS DOCKET; COMPLETION

(a) On or before October 1, 2016, the Public Service Board (the Board) shall issue a final decision in its pending Docket 8167, Investigation into the potential establishment of standards related to sound levels from the operation of generation, transmission, and distribution equipment by entities subject to Public Service Board jurisdiction (the docket). On issuance, the Board shall provide a copy of this final decision to the House and Senate Committees on



Natural Resources and Energy, the Senate Committee on Finance, and the Joint Energy Committee.

(b) Notwithstanding any contrary language in a prior Board order, the scope of this docket and the Board's final decision in the docket shall include the Board's recommendations on each of the following with respect to wind generation facilities and its plan for implementing those recommendations:

(1) The maximum allowable instantaneous audible sound levels for these facilities and the exterior and interior locations at which these levels should apply. In this section, "audible sound" refers to sound at frequencies from 20 hertz through 20 kilohertz.

(2) The maximum allowable average audible sound levels for these facilities, the period over which these levels should be measured, and the exterior and interior locations at which these levels should apply. In reviewing this question, the Board shall consider whether the measurement period should be less than one hour.

(3) The release of sound monitoring data to the public, including the timeliness of the release, the release of raw data, and the availability of the data online. In reviewing this question, the Board shall consider the existence and validity, if any, of assertions that such data is proprietary or confidential.

(4) A minimum setback requirement for each wind turbine, measured from the tower to the nearest property line of the tract on which the turbine is located.

(5) Whether there should be maximum allowable instantaneous or average levels, or both, for infrasound from wind generation and, if so, what they should be and how they should be measured. In this section, "infrasound" refers to sound at frequencies less than 20 hertz.

(c) Before issuing a final decision in the docket, the Board shall provide each of the following:

(1) Notice of the issues described in subsection (b) of this section in the same manner as the Board provided notice of its order opening the docket.

(2) Opportunity for the existing docket parties and members of the public to submit written information and request the conducting of a workshop on these issues. The Board shall hold such a workshop if requested and may hold one or more workshops on these issues on its own initiative.

Sec. 24a. [Deleted.]

Which was agreed to on a division of the Senate, Yeas 18, Nay 8.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators Bray, Campbell and Kitchel in the *sixth* recommendation of amendment?, Senators Bray and MacDonald moved to amend the *sixth* recommendation of amendment in Sec. 27 (effective dates), by striking out subdivision (6) in its entirety and inserting in lieu thereof a new subdivision (6) to read as follows:

(6) Secs. 12 (municipal and regional plans) and 24 (sound standards docket; completion) shall take effect on passage.

Which was agreed to.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators Bray, Campbell and Kitchel in the *fourth* recommendation of amendment?, Senator Rodgers moved to amend the *fourth* recommendation of amendment as follows:

In Sec. 23e, 30 V.S.A. § 248(y), in the first sentence, after the following: “each wind generation facility” by inserting the following: exceeding 200 feet in height

Which was agreed to.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators Bray, Campbell and Kitchel in the *fourth* recommendation of amendment?, Senator Campbell moved to amend the *fourth* recommendation of amendment in Sec. 23e, 30 V.S.A. § 248(y) by striking out the last sentence in its entirety.

Thereupon, pending the question, Shall the bill be amended as recommended by Senator Campbell?, Senator Campbell requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators Bray, Campbell and Kitchel in the *fourth* recommendation of amendment?, Senator Ashe moved to amend the *fourth* recommendation of amendment in Sec. 23e, 30 V.S.A. § 248(y) by striking out the last sentence in its entirety.

Which was agreed to on a division of the Senate, Yeas 19, Nays 7.

Thereupon, the question, Shall the bill be amended as recommended by Senators Bray, Campbell and Kitchel, as amended, in the *fourth* recommendation of amendment was disagreed to on a roll call, Yeas 8, Nays 18.

Senator Baruth having demanded the yeas and nays, they were taken and are as follows:

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**Roll Call**

**Those Senators who voted in the affirmative were:** Benning, Campbell, Collamore, Degree, Flory, Kitchel, Mullin, Rodgers.

**Those Senators who voted in the negative were:** Ashe, Ayer, Balint, Baruth, Bray, Campion, Cummings, Doyle, Lyons, MacDonald, Mazza, Nitka, Pollina, Riehle, Sirotkin, Westman, White, Zuckerman.

**Those Senators absent and not voting were:** McAllister (Suspended), McCormack, Sears, Starr.

Thereupon, pending third reading of the bill, Senator Mullin moved to amend the bill in Sec. 11b, planning support, by inserting a new subsection (d) to read as follows:

(d) For three fiscal years commencing on July 1, 2016, the Public Service Board (the Board) shall assess a fee on applications filed under 30 V.S.A. § 248, except for applications for electric generation facilities of 15 kilowatts or less.

(1) This fee shall be in addition to the fee assessed on such applications pursuant to 30 V.S.A. § 248b.

(2) Each fiscal year, the Commissioner of Public Service shall determine the amount of this additional fee, calculated in a manner to raise a total of \$300,000.00 annually.

(3) The applicant shall pay this additional fee into the State Treasury at the time the application for a certificate of public good under 30 V.S.A. § 248 is filed with the Board. The fee shall be credited to a special fund that shall be established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5.

(4) The amounts in the fund created under subdivision (3) of this subsection shall be used during fiscal years 2018 and 2019 by the Commissioner of Public Service, in consultation with the Commissioner of Housing and Community Development, solely for disbursements to municipalities and regional planning commissions for one or more of the purposes listed in subdivisions (a)(1)–(4) of this section.

Which was disagreed to on a division of the Senate Yeas 10, Nays 16.

Thereupon, pending third reading of the bill, Senators Bray and Campion moved to amend the bill as follows:

First: In Sec. 13, 30 V.S.A. § 8002(30), after subparagraph (F), by inserting two new subparagraphs (G) and (H) to read as follows:

(G) A site listed on the National Priorities List (NPL) established under the Comprehensive Environmental Response, Compensation, and

Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection Agency or the Agency of Natural Resources confirms each of the following:

(i) The site is listed on the NPL.

(ii) Development of the plant on the site will not compromise or interfere with remedial action on the site.

(iii) The site is suitable for development of the plant.

(H) A new hydroelectric generation facility at a dam in existence as of January 1, 2016 or a hydroelectric generation facility that was in existence but not in service for a period of at least 10 years prior to January 1, 2016 and that will be redeveloped for electric generation, if the facility has received approval or a grant of exemption from the U.S. Federal Energy Regulatory Commission.

And by redesignating the existing subgraph (G) to be subdivision (I)

Second: In Sec. 17, 30 V.S.A. § 8010, after the final ellipsis, by inserting a new subsection (e) to read as follows:

(e) This section does not confer authority to require a hydroelectric generation plant that is subject to licensing jurisdiction under the Federal Power Act, 16 U.S.C. chapter 12, subchapter 1, to obtain a certificate of public good under section 248 of this title.

Third: After Sec. 17, by inserting a new section to be numbered Sec. 17a to read as follows:

Sec. 17a. 30 V.S.A. § 248(a)(2) is amended to read:

(2) Except for the replacement of existing facilities with equivalent facilities in the usual course of business, and except for electric generation facilities that are operated solely for on-site electricity consumption by the owner of those facilities and for hydroelectric generation facilities subject to licensing jurisdiction under the Federal Power Act, 16 U.S.C. chapter 12, subchapter 1:

(A) no company, as defined in section 201 of this title, and no person, as defined in 10 V.S.A. § 6001(14), may begin site preparation for or construction of an electric generation facility or electric transmission facility within the State which is designed for immediate or eventual operation at any voltage; and

(B) no such company may exercise the right of eminent domain in connection with site preparation for or construction of any such transmission or generation facility, unless the Public Service Board first finds that the same will promote the general good of the State and issues a certificate to that effect.

Which was agreed to.

Thereupon, pending third reading of the bill, Senators Sirotkin, Ashe, Ayer, Bray, Lyons, MacDonald, and Westman moved to amend the bill by striking out Secs. 18 and 19 in their entirety and inserting in lieu thereof three new sections to be numbered Secs. 18, 18a, and 19 to read as follows:

Sec. 18. 30 V.S.A. § 3 is amended to read:

§ 3. PUBLIC SERVICE BOARD

(a) The ~~public service board~~ Public Service Board shall consist of a ~~chairperson~~ chair and two members. The ~~chairperson~~ Chair and each member shall not be required to be admitted to the practice of law in this ~~state~~ State.

\* \* \*

(g) The ~~chairperson~~ Chair shall have general charge of the offices and employees of the ~~board~~ Board.

(h) The Board shall employ a Public Assistance Officer (PAO) in accordance with this subsection.

(1) The PAO shall facilitate citizen participation in and provide guidance to and answer questions from parties and members of the public on all matters under this title concerning the siting and construction of facilities in the State that generate or transmit electricity, constitute a meteorological station as defined in section 246 of this title, or constitute a natural gas facility as defined in subdivision 248(a)(3) of this title. As used in this section:

(A) "Contested case" has the same meaning as in 3 V.S.A. § 801.

(B) "Matter" means any proceeding before or by the Board, including an application for a certificate of public good, a petition for condemnation, rulemaking, and the issuance of guidance or procedures.

(2) Guidance and information to be provided by the PAO shall include the following:

(A) An explanation of the proceeding, including its purpose; its type, such as rulemaking or contested case; and the restrictions or lack of restrictions applicable to the type of proceeding, such as whether ex parte communications are prohibited.

(B) Answers to procedural questions and direction to the statutes and rules applicable to the proceeding.

(C) How to participate in the proceeding including, if necessary for participation, how to file to a motion to intervene and how to submit prefiled testimony. The Board shall create forms and templates for motions to

intervene, prefiled testimony, and other types of documents commonly filed with the Board, which the PAO shall provide to a person on request. The Board shall post these forms and templates on the Board's website.

(D) The responsibilities of intervenors and other parties.

(E) The status of the proceeding. Examples of a proceeding's status include: a petition has been filed; the proceeding awaits scheduling a prehearing conference or hearing; parties are conducting discovery or submitting prefiled testimony; hearings are concluded and parties are preparing briefs; and the proceeding is under submission to the Board and awaits a decision. For each proceeding in which the next action constitutes the issuance of an order, decision, or proposal for decision by the Board or a hearing officer, the Chair or assigned hearing officer shall provide the PAO with an expected date of issuance and the PAO shall provide this expected date to requesting parties or members of the public.

(3) With respect to citizens representing themselves in proceedings within the scope of subdivision (1) of this subsection, the PAO shall:

(A) Provide neutral advice and assistance on process and procedures.

(B) Be available for in-person meetings.

(C) Assist them in obtaining access to and use of all files, records, and data of the Board and the Department of Public Service that would be available to an attorney representing a party in the proceeding. The PAO shall have the right to such access and use.

(4) The PAO shall conduct educational programs and produce educational materials to facilitate citizen participation in proceedings within the scope of subdivision (1) of this subsection.

(5) For each proceeding within the scope of subdivision (1) of this subsection, the Board shall post, on its website, electronic copies of all filings and submissions to the Board and all orders of the Board.

(6) The Board shall adopt rules or procedures to ensure that the communications of the PAO with the Board's members and other employees concerning contested cases do not contravene the requirements of the Administrative Procedure Act applicable to such cases.

(7) The PAO shall have a duty to provide requesting parties and members of the public with information that is accurate to the best of the PAO's ability. The Board and its other employees shall have a duty to transmit accurate information to the PAO. However, the Board and any assigned hearing officer shall not be bound by statements of the PAO.

(8) The PAO shall not be an advocate for any person before the Board and shall not have a duty to assist a person in the actual formation of the person's substantive position or arguments before the Board or the actions necessary to advance the person's position or arguments such as the actual preparation of motions, memoranda, or prefiled testimony.

(9) The Board may assign secondary duties to the PAO that do not conflict with the PAO's execution of his or her duties under this subsection.

#### Sec. 18a. PUBLIC ASSISTANCE OFFICER; REPORT

On or before January 1, 2018, the Public Assistance Officer (PAO) shall submit a written report to the House and Senate Committees on Natural Resources and Energy and the Senate Committee on Finance detailing the implementation of Sec. 18 of this act, including the number of persons assisted and the types of assistance rendered, the PAO's evaluation of the impact of this implementation on the ability of the persons assisted to participate effectively in Board proceedings, and the PAO's recommendations for future action to improve the ease of citizen participation in Board proceedings.

#### Sec. 19. POSITION; APPROPRIATION

The following classified position is created in the Public Service Board— one limited service, full-time Public Assistance Officer—for the purpose of Sec. 18 of this act. The position shall exist for two years following the date on which the Officer commences employment or until July 1, 2018, whichever is later. There is appropriated to the Public Service Board for fiscal year 2017 from the special fund described in 30 V.S.A. § 22 the amount of \$100,000.00 for the purpose of this position.

Which was agreed to.

Thereupon, pending third reading of the bill, Senators White and Balint moved to amend the bill after Sec. 26b, by inserting a Sec. 26c to read:

#### Sec. 26c. DAMS; CONNECTICUT AND DEERFIELD RIVERS; REVIEW OF POTENTIAL PURCHASE; RECOMMENDATION

The Commissioner of Public Service shall analyze the potential purchase of hydroelectric dams and related assets on the Connecticut and Deerfield Rivers and submit a written recommendation on whether to purchase some or all those dams and assets to the Governor, the Joint Energy Committee, the House Committee on Corrections and Institutions, the Senate Committees on Finance and on Institutions, and the House and Senate Committees on Government Operations and on Natural Resources and Energy. The written recommendation shall include the Commissioner's analysis of the potential

purchase and rationale for the course of action recommended. The Commissioner shall submit this recommendation on or before May 15, 2016.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators White and Balint?, Senator White requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, pending third reading of the bill, Senators Degree and Rodgers moved to amend the bill in Sec. 12. 30 V.S.A. § 248(b), by striking out subparagraph (C) and inserting in lieu thereof a new subparagraph (C) to read as follows:

(C) The Board shall apply the land conservation measures and specific policies contained in a duly adopted municipal or regional plan to an application for an in-state electric generation facility in accordance with their terms.

Which was disagreed to on a roll call, Yeas 6, Nays 19.

Senator Degree having demanded the yeas and nays, they were taken and are as follows:

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Benning, Collamore, Degree, Flory, Kitchel, Rodgers.

**Those Senators who voted in the negative were:** Ashe, Ayer, Balint, Baruth, Bray, Campbell, Campion, Cummings, Doyle, Lyons, MacDonald, Mazza, Nitka, Pollina, Riehle, Sirotkin, Westman, White, Zuckerman.

**Those Senators absent and not voting were:** McAllister (Suspended), McCormack, Mullin, Sears, Starr.

Thereupon, the bill was read the third time and passed on a roll call, Yeas 22, Nays 3.

Senator Campbell having demanded the yeas and nays, they were taken and are as follows:

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Balint, Baruth, Benning, Bray, Campbell, Campion, Collamore, Cummings, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, Nitka, Pollina, Riehle, Sirotkin, Westman, White.

**Those Senators who voted in the negative were:** Degree, Rodgers, Zuckerman.



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**Those Senators absent and not voting were:** McAllister (Suspended), McCormack, Mullin, Sears, Starr.

**Message from the House No. 44**

A message was received from the House of Representatives by Mr. Jeremy Weiss, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 853.** An act relating to setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes.

**H. 876.** An act relating to the transportation capital program and miscellaneous changes to transportation-related law.

**H. 877.** An act relating to transportation funding.

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

**Adjournment**

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