

Vermont Legislative Council

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This chart compares S.230 with draft bill 16-1051 (v 2.1) on the issues on which the Governor’s veto message alleges concern. Bold indicates language not in S.230. Date: 6/7/16

S.230 as Passed	Gov. Concern	D.R. 16-1051 (draft 2.1)
<p><i>Sec. 12(b)(1): Wind Sound, Temporary Rules</i></p> <p><u>(1) Rules issued pursuant to this subsection (b) shall be deemed to meet the standard under 3 V.S.A. § 844(a).</u></p>	<p>The bill would “declare a public health emergency”</p>	<p><i>Sec. 12(b)(1): Wind Sound, Temporary Rules</i></p> <p><u>(1) The standard under 3 V.S.A. § 844(a) regarding imminent peril to public health, safety, or welfare shall not apply to the rules to be adopted under this subsection. This subsection employs the process set forth in 3 V.S.A. § 844 solely for the purpose of using an existing rulemaking procedure to adopt temporary rules in a short time frame.</u></p>
<p><i>Sec. 12(b)(3): Wind Sound, Temporary Rules</i></p> <p><u>(3) These rules shall not allow sound levels that exceed the lowest maximum decibel levels authorized in any certificate of public good that contains limits on decibel levels issued by the Board for a wind generation facility before the effective date of this section.</u></p>	<p>The bill “unintentionally relies on a standard used in a small 150 kilowatt project”</p>	<p><i>Sec. 12(b)(3): Wind Sound, Temporary Rules</i></p> <p><u>(3) These rules shall not allow sound levels from a wind generation facility that exceed the lowest maximum decibel levels authorized in any certificate of public good that contains limits on decibel levels issued by the Board for the same category of wind generation facility before the effective date of this section. For the purpose of this subdivision (3), there shall be two categories of wind generation facilities:</u></p> <p><u>(A) facilities with a plant capacity as defined in 30 V.S.A. § 8002 of 500 kilowatts (kW) or less; and</u></p> <p><u>(B) facilities with a plant capacity as defined in 30 V.S.A. § 8002 greater than 500 kW.</u></p>
<p><i>Sec. 11, 30 V.S.A. § 248(b)(7):</i></p> <p><u>(7) When a certificate of public good under this section or amendment to such a certificate is issued for an in-state electric generation facility, the certificate holder within 45 days shall record a notice of the certificate or</u></p>	<p>“Could create problems for residential homeowners”</p>	<p><i>Sec. 11, 30 V.S.A. § 248(b)(7):</i></p> <p><u>(7) When a certificate of public good under this section or amendment to such a certificate is issued for an in-state electric generation facility with a capacity that is greater than 15 kilowatts, the certificate holder within 45 days</u></p>

S.230 as Passed	Gov. Concern	D.R. 16-1051 (draft 2.1)
<p><u>amended certificate, on a form prescribed by the Board, in the land records of each municipality in which a facility subject to the certificate is located and shall submit proof of this recording to the Board. The recording under this subsection shall be indexed as though the certificate holder were the grantor of a deed. The prescribed form shall not exceed one page and shall require identification of the land on which the facility is to be located by reference to the conveyance to the current landowner, the number of the certificate, and the name of each person to which the certificate was issued, and shall include information on how to contact the Board to view the certificate and supporting documents.</u></p>		<p><u>shall record a notice of the certificate or amended certificate, on a form prescribed by the Board, in the land records of each municipality in which a facility subject to the certificate is located and shall submit proof of this recording to the Board. The recording under this subsection shall be indexed as though the certificate holder were the grantor of a deed. The prescribed form shall not exceed one page and shall require identification of the land on which the facility is to be located by reference to the conveyance to the current landowner, the number of the certificate, and the name of each person to which the certificate was issued, and shall include information on how to contact the Board to view the certificate and supporting documents.</u></p>
<p><i>Sec. 10a (planning support; allocation of costs) inadvertently omitted from S.230 conference report</i></p>	<p>“300,000 in planning funds was unintentionally left out of the bill”</p>	<p>Sec. 10a. PLANNING SUPPORT; ALLOCATION OF COSTS <u>(a) During fiscal year 2017, the Commissioner of Public Service, in consultation with the Commissioner of Housing and Community Development, shall award the amount of \$300,000.00 to regional planning commissions established under 24 V.S.A. chapter 117 and to municipalities for the purpose of providing training under Sec. 10 (training) of this act or assisting municipalities in the implementation of this act.</u> <u>(b) In awarding funds under this section, the Commissioners shall consider the need and size of a municipality or region and the availability, if any, of other assistance, expertise, or funds to a municipality or region to implement this act.</u> <u>(c) The Commissioner of Public Service shall allocate costs under subsection (a) of this section to the electric distribution utilities subject to its supervision under Title 30 of the Vermont Statutes Annotated based on their pro rata share of total Vermont retail kilowatt-hour sales for the previous fiscal year. Each of these utilities shall pay its allocation into the State Treasury at such time and in such manner as the Commissioner may direct.</u></p>