

1 H.322

2 Introduced by Representatives Masland of Thetford, Browning of Arlington,
3 Lucke of Hartford, Poirier of Barre City, Squirrell of Underhill,
4 and Sullivan of Burlington

5 Referred to Committee on

6 Date:

7 Subject: Energy; Public Service Board; board title

8 Statement of purpose of bill as introduced: This bill proposes to change the
9 name of the Public Service Board to the Public Utility Commission to avoid
10 confusion as to the role of the Public Service Board and the role of the
11 Department of Public Service.

12 An act relating to changing the name of the Public Service Board

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

14 Sec. 1. 30 V.S.A. § 3 is amended to read:

15 § 3. ~~PUBLIC SERVICE BOARD~~ UTILITY COMMISSION

16 (a) The Vermont Public Service Board Utility Commission shall consist of
17 a ~~Chair~~ chair and two members. The Chair and each member shall not be
18 required to be admitted to the practice of law in this State.

19 (b) The Chair shall be nominated, appointed, and confirmed in the manner
20 of a Superior judge.

1 (c) Members of the ~~Board~~ Commission other than the Chair shall be
2 appointed in accordance with this subsection. Whenever a vacancy occurs,
3 public announcement of the vacancy shall be made. The Governor shall
4 submit at least five names of potential nominees to the Judicial Nominating
5 Board for review. The Judicial Nominating Board shall review the candidates
6 in respect to judicial criteria and standards only and shall recommend to the
7 Governor those candidates the Board considers qualified. The Governor shall
8 make the appointment from the list of qualified candidates. The appointment
9 shall be subject to the consent of the Senate.

10 (d) The term of each member shall be six years. Any appointment to fill a
11 vacancy shall be for the unexpired portion of the term vacated. A member
12 wishing to succeed himself or herself in office may seek reappointment under
13 the terms of this section.

14 (e) Notwithstanding 3 V.S.A. § 2004, or any other provision of law,
15 members of the ~~Board~~ Commission may be removed only for cause. When a
16 ~~Board~~ Commission member who hears all or a substantial part of a case retires
17 from office before such case is completed, he or she shall remain a member of
18 the ~~Board~~ Commission for the purpose of concluding and deciding such case,
19 and signing the findings, orders, decrees, and judgments therein. A retiring
20 ~~Chair~~ chair shall also remain a member for the purpose of certifying questions
21 of law if appeal is taken. For such service, he or she shall receive a reasonable

1 compensation to be fixed by the remaining members of the ~~Board~~ Commission
2 and necessary expenses while on official business.

3 (f) A case shall be deemed completed when the ~~Board~~ Commission enters a
4 final order therein even though such order is appealed to the Supreme Court
5 and the case remanded by that court to the ~~Board~~ Commission. Upon remand
6 the ~~Board~~ Commission then in office may in its discretion consider relevant
7 evidence including any part of the transcript of testimony in the proceedings
8 prior to appeal.

9 (g) The Chair shall have general charge of the offices and employees of the
10 ~~Board~~ Commission.

11 Sec. 2. 30 V.S.A. § 7001(1) is amended to read:

12 (1) ~~“Board”~~ “Commission” means the Public ~~Service Board~~ Utility
13 Commission under section 3 of this title.

14 Sec. 3. 30 V.S.A. § 8002(1) is amended to read:

15 (1) ~~“Board”~~ “Commission” means the Public ~~Service Board~~ Utility
16 Commission under section 3 of this title, ~~except when used to refer to the~~
17 ~~Clean Energy Development Board~~.

18 Sec. 4. REVISION AUTHORITY

19 When preparing the Vermont Statutes Annotated for publication, the Office
20 of Legislative Council shall make the following revisions throughout the

1 statutes as needed for consistency with Secs. 1–3 of this act, as long as the
2 revisions have no other effect on the meaning of the affected statutes:

3 (1) replace “Public Service Board” with “Public Utility
4 Commission”; and

5 (2) replace “Board” with “Commission” when the existing term “Board”
6 refers to the Public Service Board.

7 Sec. 5. EFFECTIVE DATE

8 This act shall take effect on July 1, 2017.