

1 H.411

2 Senator Rodgers moves that the Senate proposal of amendment be further
3 amended after Sec. 8 by inserting four new sections to be numbered Secs. 9,
4 10, 11, and 12 and reader assistances thereto to read:

5 * * * Determination of Energy Compliance; Regional Plans; Renewable
6 Technologies * * *

7 Sec. 9. 24 V.S.A. § 4352(a) is amended to read:

8 (a) Regional plan. A regional planning commission may submit its adopted
9 regional plan to the Commissioner of Public Service appointed under
10 30 V.S.A. § 1 for a determination of energy compliance. The Commissioner
11 shall issue an affirmative determination on finding that the regional plan meets
12 the requirements of subsection (c) of this section ~~and allows for the siting in~~
13 ~~the region of all types of renewable generation technologies.~~

14 * * * Determination of Energy Compliance; Transportation Planning * * *

15 Sec. 10. 24 V.S.A. § 4352(c) is amended to read:

16 (c) Enhanced energy planning; requirements. To obtain an affirmative
17 determination of energy compliance under this section, a plan must:

18 (1) in the case of a regional plan, include the energy element as
19 described in subdivision 4348a(a)(3) of this title;

20 (2) in the case of a municipal plan, include an energy element that has
21 the same components as described in subdivision 4348a(a)(3) of this title for a

1 regional plan other than transportation and be confirmed under section 4350 of
2 this title;

3 * * *

4 * * * Substantial Deference for Five Years * * *

5 Sec. 11. 30 V.S.A. § 248(b)(1) is amended to read:

6 (1) With respect to an in-state facility, will not unduly interfere with the
7 orderly development of the region with due consideration having been given to
8 the recommendations of the municipal and regional planning commissions, the
9 recommendations of the municipal legislative bodies, and the land
10 conservation measures contained in the plan of any affected municipality.

11 However:

12 * * *

13 (C) With respect to an in-state electric generation facility, the Board
14 shall give substantial deference to the land conservation measures and specific
15 policies contained in a duly adopted regional and municipal plan that has
16 received an affirmative determination of energy compliance under 24 V.S.A.
17 § 4352. In this subdivision (C), “substantial deference” means that a land
18 conservation measure or specific policy shall be applied in accordance with its
19 terms unless there is a clear and convincing demonstration that other factors
20 affecting the general good of the State outweigh the application of the measure
21 or policy. The term shall not include consideration of whether the

1 determination of energy compliance should or should not have been
2 affirmative under 24 V.S.A. § 4352.

3 (D) With respect to an application for an electric generation facility
4 filed before July 1, 2023, the Board shall give substantial deference as defined
5 in subdivision (C) of this subdivision (1) to the recommendations of the
6 municipal and regional planning commissions, the recommendations of the
7 municipal legislative bodies, and the land conservation measures contained in
8 the plan of any affected municipality. This subdivision (D) shall apply
9 regardless of whether the duly adopted plan of the municipality or region has
10 obtained an affirmative determination of energy compliance pursuant to
11 24 V.S.A. § 4352.

12 Sec. 12. PROSPECTIVE REPEAL

13 30 V.S.A. § 248(b)(1)(D) is repealed effective on July 1, 2023.

14 and by renumbering the remaining section to be numerically correct.