

1 S.150

2 Introduced by Senator Perchlik

3 Referred to Committee on

4 Date:

5 Subject: Public service; public property and supplies; natural gas and oil; fossil  
6 fuels; pipeline; General Assembly

7 Statement of purpose of bill as introduced: This bill proposes to require that  
8 the General Assembly approve the construction of any fossil fuel pipeline.

9 An act relating to approval for fossil fuel pipelines

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

11 Sec. 1. 30 V.S.A. § 248 is amended to read:

12 § 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND  
13 FACILITIES; CERTIFICATE OF PUBLIC GOOD

14 (a)(1) No company, as defined in section 201 of this title, may:

15 \* \* \*

16 (3) No company, as defined in section 201 of this title, and no person, as  
17 defined in 10 V.S.A. § 6001(14), may in any way begin site preparation for or  
18 commence construction of any natural gas facility, except for the replacement  
19 of existing facilities with equivalent facilities in the usual course of business,  
20 unless the Public Utility Commission first finds that the same will promote the

1 general good of the State and issues a certificate to that effect, and the General  
2 Assembly has given approval, pursuant to this section.

3 (A) ~~For the purposes of~~ As used in this section, the term “natural gas  
4 facility” ~~shall mean~~ means any natural gas transmission line, storage facility,  
5 manufactured-gas facility, or other structure incident to any such line or  
6 facility. For purposes of this section, a “natural gas transmission line” shall  
7 include any feeder main or any pipeline facility constructed to deliver natural  
8 gas in Vermont directly from a natural gas pipeline facility that has been  
9 certified pursuant to the Natural Gas Act, 15 U.S.C. § 717 et seq.

10 \* \* \*

11 (e)(1) Before a certificate of public good is issued for the construction of a  
12 nuclear energy generating plant or a natural gas facility within the State, the  
13 Public Utility Commission shall obtain the approval of the General Assembly  
14 and the Assembly’s determination that the construction of the proposed facility  
15 will promote the general welfare. The Public Utility Commission shall advise  
16 the General Assembly of any petition submitted under this section for the  
17 construction of a nuclear energy generating plant or a natural gas facility  
18 within this State, by written notice delivered to the Speaker of the House of  
19 Representatives and to the President of the Senate. The Department of Public  
20 Service shall submit recommendations relating to the proposed plant or  
21 facility, and shall make available to the General Assembly all relevant

1 material. The requirements of this subsection shall be in addition to the  
2 findings set forth in subsection (b) of this section.

3 (2) No nuclear energy generating plant or natural gas facility within this  
4 State may be operated beyond the date permitted in any certificate of public  
5 good granted pursuant to this title, including any certificate in force as of  
6 January 1, 2006, unless the General Assembly approves and determines that  
7 the operation will promote the general welfare, and until the Public Utility  
8 Commission issues a certificate of public good under this section. If the  
9 General Assembly has not acted under this subsection by July 1, 2008, the  
10 Commission may commence proceedings under this section and under  
11 10 V.S.A. chapter 157, relating to the storage of radioactive material, but may  
12 not issue a final order or certificate of public good until the General Assembly  
13 determines that operation will promote the general welfare and grants approval  
14 for that operation.

15 \* \* \*

16 Sec. 2. 29 V.S.A. 567 is added to read:

17 § 567. FOSSIL FUEL PIPELINES

18 (a) A person shall not construct a fossil fuel pipeline in the State unless the  
19 General Assembly has given approval and determined that the construction of  
20 the proposed pipeline will promote the general welfare.

1        (b) This prohibition does not:

2            (1) apply to the construction or extension of a fossil fuel pipeline  
3        certified by the Federal Energy Regulatory Commission pursuant to 15 U.S.C.  
4        § 717f; or

5            (2) include the repair or maintenance of a fossil fuel pipeline in use as of  
6        the effective date of this section.

7        (c) As used in this section:

8            (1) “Fossil fuel” means an energy source formed in the Earth’s crust  
9        from decayed organic material and includes petroleum, coal, gasoline, and oil.

10          (2) “Fossil fuel pipeline” means a pipeline and ancillary facilities used  
11        to move fossil fuel from one location to another. The phrase does not include  
12        natural gas facilities as defined in 30 V.S.A. § 248(a)(3). The phrase does not  
13        include tanks or pipes located on the site of a motor vehicle service station, or  
14        pipes leading to a residential or commercial building from a fuel tank to which  
15        fuel is delivered by motor vehicle.

16        Sec. 3. EFFECTIVE DATE

17          This act shall take effect on July 1, 2019.