

1 H.436

2 Introduced by Representatives Holcombe of Norwich, Buss of Woodstock,
3 and Masland of Thetford

4 Referred to Committee on

5 Date:

6 Subject: Public service; energy; residential building energy; data; renewable
7 energy

8 Statement of purpose of bill as introduced: This bill proposes to give
9 municipalities the authority to use home energy rating systems for compliance
10 with the residential building energy standards. It would also allow the
11 Department of Taxes to share data on the fuel tax with municipalities. It would
12 also direct the Department of Motor Vehicles to share data with municipalities
13 related to the tax on transportation fuels. The bill would also prohibit a
14 renewable energy project from being denied a certificate of public good solely
15 for aesthetic concerns.

16 An act relating to municipal flexibility to meet energy goals

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

18 Sec. 1. 30 V.S.A. § 51 is amended to read:

19 § 51. RESIDENTIAL BUILDING ENERGY STANDARDS; STRETCH

20 CODE

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(c) Revision and interpretation of energy standards. The Commissioner of Public Service shall amend and update the RBES by means of administrative rules adopted in accordance with 3 V.S.A. chapter 25. On or before January 1, 2011, the Commissioner shall complete rulemaking to amend the energy standards to ensure that, to comply with the standards, residential construction must be designed and constructed in a manner that complies with the 2009 edition of the IECC. After January 1, 2011, the Commissioner shall ensure that appropriate revisions are made promptly after the issuance of updated standards for residential construction under the IECC. The Department of Public Service shall provide technical assistance and expert advice to the Commissioner in the interpretation of the RBES and in the formulation of specific proposals for amending the RBES. Prior to final adoption of each required revision of the RBES, the Department of Public Service shall convene an Advisory Committee to include one or more mortgage lenders, builders, building designers, utility representatives, and other persons with experience and expertise, such as consumer advocates and energy conservation experts. The Advisory Committee may provide the Commissioner with additional recommendations for revision of the RBES.

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1 (4)(A) As the Model Energy Code is primarily a performance-based
2 code, the Department of Public Service shall develop and disseminate criteria
3 that builders may use, except as restricted by subdivision (f)(1) of this section,
4 in lieu of any computer software, calculations and trade-off worksheets, or
5 systems analysis to comply with the Code. An example package ~~which~~ that
6 complies with the Code shall be included in the rules and updated as
7 appropriate.

8 * * *

9 (f) Certification.

10 (1) Issuance; recording. A certification may be issued by a builder, a
11 licensed professional engineer, a licensed architect, or an accredited home
12 energy rating organization. If certification is not issued by a licensed
13 professional engineer, a licensed architect, or an accredited home energy rating
14 organization, it shall be issued by the builder. Municipalities shall have the
15 option to require certification of compliance with the RBES by an accredited
16 home energy rating organization, and this option shall be available for
17 adoption by municipalities under 24 V.S.A. chapter 117. Any certification
18 shall certify that residential construction meets the RBES. The Department of
19 Public Service will develop and make available to the public a certificate that
20 lists key features of the RBES. Any person certifying shall use this certificate
21 or one substantially like it to certify compliance with RBES. Certification

1 shall be issued by completing and signing a certificate and permanently
2 affixing it to the outside of the heating or cooling equipment, to the electrical
3 service panel located inside the building, or in a visible location in the vicinity
4 of one of these three areas. The certificate shall certify that the residential
5 building has been constructed in compliance with the requirements of the
6 RBES. The person certifying under this subsection shall provide a copy of
7 each certificate to the Department of Public Service and shall assure that a
8 certificate is recorded and indexed in the town land records. A builder may
9 contract with a licensed professional engineer, a licensed architect, or an
10 accredited home energy rating organization to issue certification and to
11 indemnify the builder from any liability to the owner of the residential
12 construction caused by noncompliance with the RBES.

13 * * *

14 Sec. 2. 32 V.S.A. § 3102 is amended to read:

15 § 3102. CONFIDENTIALITY OF TAX RECORDS

16 (a) No present or former officer, employee, or agent of the Department of
17 Taxes shall disclose any return or return information to any person who is not
18 an officer, employee, or agent of the Department of Taxes except in
19 accordance with the provisions of this section. A person who violates this
20 section shall be fined not more than \$1,000.00 or imprisoned for not more than
21 one year, or both; and if the offender is an officer or employee of this State, the

1 offender shall, in addition, be dismissed from office and be incapable of
2 holding any public office for a period of five years thereafter.

3 * * *

4 (d) The Commissioner shall disclose a return or return information:

5 * * *

6 (7) to the Joint Fiscal Office pursuant to subsection 10503(e) of this title
7 and subject to the conditions and limitations specified in that subsection; ~~and~~

8 (8) to the Attorney General; the Data Clearinghouse established in the
9 October 2017 Non-Participating Manufacturer Adjustment Settlement
10 Agreement, which the State of Vermont joined in 2018; the National
11 Association of Attorneys General; and counsel for the parties to the Agreement
12 as required by the Agreement and to the extent necessary to comply with the
13 Agreement and only as long as the State is a party to the Agreement; and

14 (9) to the legislative body of a municipality, provided that the disclosure
15 relates to the fuel tax under 33 V.S.A. chapter 25 related to that municipality
16 and is subject to any confidentiality requirements of the Internal Revenue
17 Service and the disclosure exemption provisions of 1 V.S.A. §317.

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19 Sec. 3. 23 V.S.A. § 102 is amended to read:

20 § 102. DUTIES OF COMMISSIONER

21 * * *

1 (c) The Commissioner shall provide the legislative body of a municipality
2 with any information related to the diesel fuel tax imposed under 23 V.S.A.
3 chapter 27 of this title, the gasoline tax imposed under chapter 28 of this title,
4 and the number of registered electric vehicles and miles travelled data related
5 to that municipality.

6 * * *

7 Sec. 4. 30 V.S.A. § 248 is amended to read:

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

10 * * *

11 (b) Before the Public Utility Commission issues a certificate of public good
12 as required under subsection (a) of this section, it shall find that the purchase,
13 investment, or construction:

14 * * *

15 (5) With respect to an in-state facility, will not have an undue adverse
16 effect on aesthetics, historic sites, air and water purity, the natural
17 environment, the use of natural resources, and the public health and safety,
18 with due consideration having been given to the criteria specified in 10 V.S.A.
19 §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K), impacts to primary
20 agricultural soils as defined in 10 V.S.A. § 6001, and greenhouse gas impacts.
21 However, with respect to a renewable energy generation facility, a certificate

1 of public good shall not be denied based solely on the criteria in 10 V.S.A.
2 § 6086(a)(8) related to aesthetics.

3 * * *

4 Sec. 5. EFFECTIVE DATE

5 This act shall take effect on passage.