

The Vermont Statutes Online

The statutes were LAST updated in November 2018, and contain all actions of the 2018 legislative session. *ARL Note: No changes were made to 18 VSA 1700-1702 during the 2019 Legislative Session.*

ARL Note: This mark-up is intended for Panel discussion at the December 5, 2019 meeting of VT NDCAP. The red, italic text included throughout this mark-up describe reasons for the suggested changes herein.

Title 18: Health

Chapter 34: Nuclear Decommissioning Citizens Advisory Panel

(Cite as: 18 V.S.A. § 1700)

- **§ 1700. Creation; membership; officers; quorum**

(a) There is created the Nuclear Decommissioning Citizens Advisory Panel that shall consist of the following:

- (1) The Secretary of Human Services, ex officio, or designee.
- (2) The Secretary of Natural Resources, ex officio, or designee.
- (3) The Commissioner of Public Service, ex officio, or designee.
- (4) The Secretary of Commerce and Community Development, ex officio, or designee.

ARL Note: Eliminating this position from the Panel has been suggested. Identifying alternative agencies / organizations to replace VT Agency of Commerce and Community Development on the Panel and support VT NDCAP discussions on VT Yankee closure / site redevelopment economic impact has been suggested as an alternative. At the October 16, 2019 Panel meeting, the Brattleboro Development Credit Corporation (BDCC) was suggested as one alternative.

Based on a consensus reached at its November 21, 2019 meeting, the NDCAP Issues Committee recommends keeping Agency of Commerce and Community Development representation on the Panel.

(5) One member of the House Committee on Energy and Technology, chosen by the Speaker of the House.

(6) One member of the Senate Committee on Natural Resources and Energy, chosen by the Committee on Committees.

ARL Note: A prior mark-up resulting from the July 24, 2019 Issues Committee meeting erroneously added "ex officio" to the House and Senate member descriptions in 18 VSA 1700 (a)(5) and (a)(6). These have been removed from this version of the mark-up.

(7) One representative of the Windham Regional Commission or designee, selected by the Regional Commission.

(8) ~~One~~Two representatives of the Town of Vernon or designees, selected by the legislative body of that town.

ARL Note: Based on a consensus reached at its November 21, 2019 meeting, the NDCAP Issues Committee recommends increasing Town of Vernon representation on the Panel to two. The representative of the International Brotherhood of Electric Workers (IBEW) shall be eliminated from the Panel to keep the Panel's size at 19. (There are currently no IBEW members working at the Vermont Yankee site.)

(9) Six members of the public, two each selected by the Governor, the Speaker of the House, and the President Pro Tempore of the Senate. Under this subdivision, each appointing authority initially shall appoint a member for a three-year term and a member for a four-year term. Subsequent appointments under this subdivision shall be for terms of four years.

(10) Two representatives of ~~the~~ Vermont Yankee ~~Nuclear Power Station (VYNPS or Station)~~ selected by the ~~its~~ owner ~~of the Station~~. *ARL Note: minor wording change based on July 24, 2019 Issues Committee suggestion.*

(11) ~~A representative of the International Brotherhood of Electric Workers (IBEW) selected by the IBEW who shall be a present or former employee at the VYNPS.~~

ARL Note: Based on a consensus reached at its November 21, 2019 meeting, the NDCAP Issues Committee recommends eliminating this position from the Panel. No IBEW members currently work at Vermont Yankee, making elimination of this position reasonable. Eliminating this position will allow one additional representative from the Town of Vernon while keeping the overall size of the Panel at 19.

(12) One optional member who will represent collectively the Towns of Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, New Hampshire, when selected by the Governor of New Hampshire at the invitation of the Commissioner of Public Service. *ARL Note: Optional representation suggested at the July 24, 2019 Issues Committee meeting.*

(13) One optional member who will represent collectively the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts, when selected by the Governor of Massachusetts at the invitation of the Commissioner of Public Service. *ARL Note: Optional representation suggested at the July 24, 2019 Issues Committee meeting.*

(b) Ex officio members shall serve for the duration of their time in office or until a successor has been appointed. Members of the General Assembly shall be appointed for two years or until their successors are appointed, beginning on or before January 15 in the first year of the biennium. Representatives designated by ex officio members shall serve at the direction of the designating authority.

(c) The Commissioner of Public Service shall serve as the Chair until the Panel elects a chair or co-chairs under subsection (d) of this section.

ARL Note: Depending on what is recommended as a change in funding source for the Panel, the "default" Chair assignment could move to another State Agency Official.

(d) The Panel annually shall elect a chair or co-chairs, and a vice chair, for one-year terms commencing with its first meeting following the effective date of this section.

(e) A majority of the Panel's members shall constitute a quorum. The Panel shall act only by vote of a majority of its entire membership and only at meetings called by the Chair or Co-Chair or by any five of the members. The person or persons calling the meeting shall provide adequate notice to all its members.

(f) Members of the panel who are not ex officio members, employees of the State of Vermont, representatives of ~~the VYNPS~~[Vermont Yankee](#), or members representing towns outside Vermont, and who are not otherwise compensated or reimbursed for their attendance shall be entitled to \$50.00 per diem and their necessary and actual expenses. Funds for this purpose shall come from the monies collected under 30 V.S.A. § 22 for the purpose of maintaining the Department of Public Service. Legislative members shall not be entitled to a per diem under this section for meetings while the General Assembly is in session. *ARL Note: minor wording change based on July 24, 2019 Issues Committee suggestion.*

(g) The Commissioner of Public Service shall:

ARL Note: Depending on what is recommended as a change in funding source for the Panel, the assignment of these duties could move to another State Agency / State Official.

(1) manage the provision of administrative support to the Panel, including scheduling meetings and securing meeting locations, providing public notice of meetings, producing minutes of meetings, and assisting in the compilation and production of the Panel's annual report described in section 1701 of this title;

(2) keep the Panel informed of the status of matters within the jurisdiction of the Panel;

(3) notify members of the Panel in a timely manner upon receipt of information relating to matters within the jurisdiction of the Panel;

(4) upon request, provide to all members of the Panel all relevant information within the control of the Department of Public Service relating to subjects within the scope of the duties of the Panel;

(5) provide workshops or training for Panel members as may be appropriate; and

(6) hire experts, contract for services, and provide for materials and other reasonable and necessary expenses of the Panel as the Commissioner may consider appropriate on request of the Panel from time to time. **Funds for this purpose shall come from the monies collected under 30 V.S.A. § 22 for the purpose of maintaining the Department of Public Service and such other sources as may be or become available.** (Added 1997, No. 147 (Adj. Sess.), § 271, eff. April 29, 1998; amended 2009, No. 135 (Adj. Sess.), § 7; 2013, No. 179 (Adj. Sess.), § E.233, eff. June 9, 2014; 2017, No. 113 (Adj. Sess.), § 63a.)

ARL Note: At its November 21, 2019 meeting, the Issues Committee did not reach consensus on changing the Panel's funding source. The Committee requested additional information on NDCAP expenditures to date. Having the Legislature appropriate some amount of annual

funding to defray NDCAP expenses was suggested as an option at prior Panel and Issues Committee meetings.

Title 18: Health

Chapter 34: Nuclear Decommissioning Citizens Advisory Panel

(Cite as: 18 V.S.A. § 1701)

- **§ 1701. Duties**

ARL Note: At the October 16, 2019 Panel meeting, the Issues Committee was directed to consider whether Panel duties should include discussing economic impacts of Vermont Yankee's closure and the economic redevelopment of the Vermont Yankee site. At its November 21, 2019 meeting, the Issues Committee reached consensus that the Panel's duties should not include such economic impact / site redevelopment language.

The Panel shall serve in an advisory capacity only and shall not have authority to direct decommissioning of the [VYNPS Vermont Yankee site](#). The duties of the Panel shall be:

ARL Note: Reducing the minimum number of yearly meetings from 4 to 3 has been suggested by several Panel members.

(1) To hold a minimum of ~~four~~ three public meetings each year for the purpose of discussing issues relating to the decommissioning of ~~the VYNPS~~ [Vermont Yankee](#). The Panel may hold additional meetings.

ARL Note: Adding the "Vermont Yankee owner" to the list of advisees was suggested at the July 24, 2019 Issues Committee meeting. Since the duty described in 18 VSA 1701(2) relates to the Panel's Annual Report, it is unclear whether adding "Vermont Yankee owner" to the advisees listed here is appropriate.

(2) To advise the Governor, the General Assembly, the agencies of the State, and the public on issues related to the decommissioning of ~~the VYNPS~~ [Vermont Yankee](#), with a written report being provided annually to the Governor and to the energy committees of the General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of reports) shall not apply to this report.

ARL Note: Two different rewordings of Part (3) have been received. The first (from Corey Daniels) is noted as Option 1. The second (from Laura Sibilis) is noted as Option 2. (Options are listed in the chronological order in which they were received.)

(3) OPTION 1:

To serve as a conduit for public information and education on and to encourage community involvement ~~in matters related to the decommissioning of the VYNPS of stakeholders with the owners of Vermont Yankee and appropriate State agencies regarding the decommissioning and restoration of the Vermont Yankee site. and to receive written reports and presentations on the decommissioning of the Station at its regular meetings.~~

(3) OPTION 2:

~~To serve as a conduit for public information and education on and to encourage community involvement in matters related to the decommissioning of the VYNPS and to receive written reports and presentations on the decommissioning of the Station at its regular meetings provide information and education to the public regarding the decommissioning of the Vermont Yankee site and to encourage public participation in the decommissioning process.~~

(4) To periodically receive reports such as those mandated by PUC Docket 8880 on the Decommissioning Trust Fund status and other funds associated with decommissioning of or site restoration at ~~the~~ VYNPS Vermont Yankee, including fund balances, expenditures made, and reimbursements received.

(5) To receive reports and presentations at regular meetings regarding the decommissioning progress and plans for the VYNPS Vermont Yankee, including any site assessments and post-shutdown decommissioning assessment reports; provide a forum for receiving public comment on these plans and reports; and to provide comment on these plans and reports as the Panel may consider appropriate to State agencies and the owner of ~~the~~ VYNPS Vermont Yankee and in the annual report described in subdivision (2) of this subsection. (Added 1997, No. 147 (Adj. Sess.), § 271, eff. April 29, 1998; amended 2009, No. 135 (Adj. Sess.), § 8; 2013, No. 179 (Adj. Sess.), § E.233, eff. June 9, 2014.)

Title 18 : Health

Chapter 34 : Nuclear Decommissioning Citizens Advisory Panel

(Cite as: 18 V.S.A. § 1702)

- **§ 1702. Assistance**

The Department of Public Service, the Agency of Human Services, and the Agency of Natural Resources shall furnish administrative support to the Panel, with assistance from the owners of ~~the~~ VYNPS Vermont Yankee as the Commissioner of Public Service may consider appropriate. (Added 1997, No. 147 (Adj. Sess.), § 271, eff. April 29, 1998; amended 2013, No. 179 (Adj. Sess.), § E.233, eff. June 9, 2014.)

ARL Note: At its November 21, 2019 meeting, the Issues Committee did not reach consensus on changing the Panel's funding source. The Committee requested additional information on NDCAP expenditures to date. (Having the Legislature appropriate some amount of annual funding to defray NDCAP expenses was suggested as an option at prior Panel and Issues Committee meetings.) Identifying a specific funding source for the Panel could also require changes to the Assistance / Administration language in the Panel's enabling legislation.