

1 S.184

2 Introduced by Senator Illuzzi

3 Referred to Committee on

4 Date:

5 Subject: Public service; election of public service board

6 Statement of purpose: This bill proposes to change the selection of members
7 of the public service board from appointment to election.

8 An act relating to election of the public service board

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

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

11 § 3. PUBLIC SERVICE BOARD

12 (a) The public service board shall consist of ~~a chairperson and two~~ three
13 members, one of whom shall serve as chair of the board. The ~~chairperson~~
14 chair and each member shall not be required to be admitted to the practice of
15 law in this state.

16 (b) The ~~chairperson chair~~ shall be ~~nominated, appointed and confirmed in~~
17 the manner of a superior judge appointed by the governor from among the
18 members of the board, subject to confirmation by the senate. Notwithstanding
19 section 2004 of Title 3, or any other provision of law, the chair shall serve
20 from the date confirmed until the expiration of his or her elected office, and

1 may be removed as chair only for cause. Any earlier vacancy of the position
2 of chair shall be filled as soon as practicable pursuant to this subsection.

3 (c) ~~Members of the board other than the chairperson shall be appointed in~~
4 ~~accordance with this subsection. Whenever a vacancy occurs, public~~
5 ~~announcement of the vacancy shall be made. The governor shall submit at least~~
6 ~~five names of potential nominees to the judicial nominating board for review.~~
7 ~~The judicial nominating board shall review the candidates in respect to judicial~~
8 ~~criteria and standards only and shall recommend to the governor those~~
9 ~~candidates the board considers qualified. The governor shall make the~~
10 ~~appointment from the list of qualified candidates. The appointment shall be~~
11 ~~subject to the consent of the senate~~ shall be elected to office at a general
12 election held the first Tuesday next after the first Monday of November. The
13 secretary of state shall adopt rules necessary to implement this section
14 consistent with the requirements for elections of a state office under Title 17 of
15 the Vermont Statutes Annotated.

16 (d) The term of each member shall be ~~six years~~ four years beginning on the
17 first Wednesday next after the first Monday of January following election.
18 Any appointment to fill a vacancy shall be made by the governor subject to
19 confirmation by the senate for the unexpired portion of the term vacated. A
20 member ~~wishing to succeed himself or herself in office~~ may seek
21 ~~reappointment under the terms of this section~~ reelection.

1 (e) ~~Notwithstanding section 2004 of Title 3, or any other provision of law,~~
2 ~~members of the board may be removed only for cause~~ A member may be
3 removed from office only by impeachment pursuant to Chapter II, sections 57
4 and 58 of the Vermont Constitution. When a board member, who hears all or a
5 substantial part of a case, retires from office before such case is completed, he
6 or she shall remain a member of the board for the purpose of concluding and
7 deciding such case, and signing the findings, orders, decrees, and judgments
8 therein. A retiring ~~chairperson~~ chair shall also remain a member for the
9 purpose of certifying questions of law if appeal is taken. For such service, he
10 or she shall receive a reasonable compensation to be fixed by the remaining
11 members of the board and necessary expenses while on official business.

12 (f) A case shall be deemed completed when the board enters a final order
13 therein even though such order is appealed to the supreme court and the case
14 remanded by that court to the board. Upon remand, the board then in office
15 may in its discretion consider relevant evidence, including any part of the
16 transcript of testimony in the proceedings prior to appeal.

17 (g) The ~~chairperson~~ chair shall have general charge of the offices and
18 employees of the board.

19 Sec. 2. TRANSITION

20 Each current member of the public service board shall continue to serve in
21 his or her appointed office until his or her elected successor takes office

1 beginning on the first Wednesday next after the first Monday of January
2 following election, as follows:

3 (1) The successor to the office due to expire in 2011 shall be elected to a
4 four-year term in the 2010 general election.

5 (2) The successor to the office due to expire in 2013 shall be elected to a
6 four-year term in the 2012 general election.

7 (3) The successor to the office due to expire in 2015 shall be elected to a
8 four-year term in the 2014 general election.

9 Sec. 3. EFFECTIVE DATE

10 This act shall take effect upon passage.