Bill as Introduced

SB 376- AS INTRODUCED

2000 SESSION

00-2627
03/01

SENATE BILL ***376***

AN ACT relative to the jurisdiction of the public utilities commission to determine consequential damages.

SPONSORS: Sen. Disnard, Dist 8; Rep. Guay, Coos 6

COMMITTEE: Energy and Economic Development

ANALYSIS

This bill modifies the jurisdictional statement relative to consequential damages for municipal purchases of electric utility property.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 376- AS INTRODUCED

00-2627
03/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to the jurisdiction of the public utilities commission to determine consequential damages.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Municipal Electric, Gas, or Water Systems; Additional Provisions for Electric Systems; Consequential Damages; Jurisdiction. Amend RSA 38:33 to read as follows:

38:33 Consequential Damages. [~~To the extent that~~] ***In matters over which*** the Federal Energy Regulatory Commission does not have jurisdiction, the commission shall determine, to a just and reasonable extent, the consequential damages such as stranded investment in generation, storage, or supply arrangements resulting from the purchase of plant and property from a utility and shall establish an appropriate recovery mechanism for such damages. The commission need not make such a determination when the municipality and utility agree upon the sale of utility plant and property.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Rep. Bradley, Carr. 8.
Rep. Guay, Coos 6.
March 23, 2000
2000-3942h
03/09

Amendment to SB 376

NOT USED

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Section; Municipal Electric, Gas, or Water Systems; Aggregate Bonds. Amend RSA 38 by inserting after section 13 the following new section:

38:13-a Aggregate Bonds. In the event the commission shall order divestiture of generation facilities in the implementation of electric utility restructuring under RSA 374-F, a municipality which has voted to acquire any such generation facility as provided in RSA 38:13 may jointly issue with any other municipality which has also voted to acquire such a generation facility as provided in RSA 38:13 bonds and notes pursuant to RSA 33-B as may be necessary and expedient for the purpose of defraying the cost of purchasing or taking such generation facilities. Such bonds or notes may be in the aggregate of the total cost of purchasing or taking such generation facilities and may be issued in the joint names of any such municipalities in accordance with their respective interests therein. In all other respects, the provisions of RSA 33-B shall apply to the issuance of such bonds and notes.

2000-3942h

AMENDED ANALYSIS

This bill permits municipalities to jointly issue bonds to cover the cost of purchasing electric utility facilities in the event that the PUC orders divestiture of generation facilities as part of the electric utility restructuring process. This bill also modifies the jurisdictional statement relative to consequential damages for municipal purchases of electric utility property.

Rep. MacGillivray, Hills. 21
April 6, 2000
2000-4049h
03/01

Amendment to SB 376

Amend the title of the bill by replacing it with the following:

AN ACT relative to the jurisdiction of the public utilities commission to determine consequential damages, and authorizing municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that when a municipality acquires utility property, the utility should not be allowed to seek determination of consequential damages before both federal and state regulatory agencies, but instead shall be allowed to have consequential damages determined by exactly one regulatory agency, either federal or state, as provided by the federal regulatory agency.

2 New Section; Aggregate Municipal Revenue Bonds. Amend RSA 38 by inserting after section 13 the following new section:

38:13-a Aggregate Municipal Revenue Bonds. If the commission orders divestiture of generation facilities in the implementation of electric utility restructuring under RSA 374-F, any municipality which has voted to acquire a hydro-electric facility as provided in RSA 38 may jointly issue with any other municipality which has also voted to acquire a hydro-electric facility as provided in RSA 38 municipal revenue bonds and notes pursuant to RSA 33-B as may be necessary and expedient for the purpose of defraying the cost of purchasing or taking such hydro-electric generation facilities. Such municipal revenue bonds or notes may be in the aggregate of the total cost of purchasing or taking such generation facilities as set forth in RSA 33-B:3 and may be issued in the joint names of any such municipalities in accordance with their respective interests therein. In all other respects, the provisions of RSA 33-B shall apply to the issuance of such municipal revenue bonds and notes.

3 Amend RSA 38:33 to read as follows:

38:33 Consequential Damages. [~~To the extent that~~] ***In matters over which*** the Federal Energy Regulatory Commission does not have jurisdiction, ***or has jurisdiction but chooses to grant jurisdiction to the state,*** the commission shall determine, to a just and reasonable extent, the consequential damages such as stranded investment in generation, storage, or supply arrangements resulting from the purchase of plant and property from a utility and shall establish an appropriate recovery mechanism for such damages. The commission need not make such a determination when the municipality and utility agree upon the sale of utility plant and property.

4 Effective Date. This act shall take effect upon its passage.

2000-4049h

AMENDED ANALYSIS

This bill authorizes municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities. This bill clarifies the Federal Energy Regulatory Commission's authority to determine consequential damages in matters over which the commission does not have jurisdiction or has chosen to grant jurisdiction to the state.

Rep. MacGillivray, Hills. 21
April 6, 2000
2000-4049h
03/01

NOT USED

Amendment to SB 376

Amend the title of the bill by replacing it with the following:

AN ACT relative to the jurisdiction of the public utilities commission to determine consequential damages, and authorizing municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities.

Amend the bill by replacing all after the enacting clause with the following:

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38:13-a Aggregate Municipal Revenue Bonds. If the commission orders divestiture of generation facilities in the implementation of electric utility restructuring under RSA 374-F, any municipality which has voted to acquire a hydro-electric facility as provided in RSA 38 may jointly issue with any other municipality which has also voted to acquire a hydro-electric facility as provided in RSA 38 municipal revenue bonds and notes pursuant to RSA 33-B as may be necessary and expedient for the purpose of defraying the cost of purchasing or taking such hydro-electric generation facilities. Such municipal revenue bonds or notes may be in the aggregate of the total cost of purchasing or taking such generation facilities as set forth in RSA 33-B:3 and may be issued in the joint names of any such municipalities in accordance with their respective interests therein. In all other respects, the provisions of RSA 33-B shall apply to the issuance of such municipal revenue bonds and notes.

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4 Effective Date. This act shall take effect upon its passage.

2000-4049h

AMENDED ANALYSIS

This bill authorizes municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities. This bill clarifies the Federal Energy Regulatory Commission's authority to determine consequential damages in matters over which the commission does not have jurisdiction or has chosen to grant jurisdiction to the state.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 376 Date 3-28-00

Committee ST & E

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con

Hearing Minutes

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON SB 376

BILL TITLE: relative to the jurisdiction of the public utilities commission to determine consequential damages.

DATE: March 28, 2000

LOB ROOM: 304 **Time Public Hearing Called to Order:** 10:16 AM

Time Adjourned: 11:04 AM

(please circle if present)

Committee Members: Reps. J. Bradley, Guay, Rosen, Ham, Howard, Thomas, D. White, Maxfield, Tufts, Arnold, Eaton, Varrell, Grant, MacGillivray, Norelli, Lynde, Pitts, Kaen, Gilmore, Bergeron, Densmore and Moriarty.

Bill Sponsors: Sen. Disnard and Rep. Guay

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Disnard – Prime sponsor.

Rep. Guay – "The Expert". Co-sponsor.

***Rob Upton** – Represents several towns who are interested in procuring a hydro plant from PSNH. Has proposed amendment to provide economy of scale (easier to sell).

Jack Donovan, BFA – Asked to comment on amendment. Also specifies hydroelectric.

Sylvester Swierzy, GST – Supports. Would like to see other than hydro included.

Respectfully Submitted:

Ralph J. Rosen, Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON SB 376

BILL TITLE: relative to the jurisdiction of the public utilities commission to determine consequential damages.

DATE: March 28, 2000

LOB ROOM: 304 **Time Public Hearing Called to Order:** {Time} 1016

Time Adjourned: {Time} 1104

(please circle if present)

Committee Members: Reps. J. Bradley, Guay, Rosen, Ham, Howard, Thomas, D. White, Maxfield, Tufts, Arnold, Eaton, Varrell, Grant, MacGillivray, Norelli, Lynde, Pitts, Kaen, Gilmore, Bergeron, Densmore and Moriarty.

Bill Sponsors: Sen. Disnard and Rep. Guay

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen Disnard – prim sponsor

Rep. Guay – "The Expert" – co-sponsor

Rob Upton – Repr. several towns – who are interested in procuring a hydro plant from PSNH – has proposed amendment to provide economy of scale (easier to sell) – Jack Donovan of BFA Board ~~Council~~ – asked to comment Amend. also specifies ... hydro-electric ...

Sylvester Swierzy – Supports – would like to see other than hydro included.

Testimony

TITLE 3
Towns, Cities, Village Districts, and Unincorporated Places

CHAPTER 38
Municipal Electric, Gas, Or Water Systems

Additional Provisions for Electric Systems

SECTION 38:33

§ 38:33 Consequential Damages. – To the extent that the Federal Energy Regulatory Commission does not have jurisdiction, the commission shall determine, to a just and reasonable extent, the consequential damages such as stranded investment in generation, storage, or supply arrangements resulting from the purchase of plant and property from a utility and shall establish an appropriate recovery mechanism for such damages. The commission need not make such a determination when the municipality and utility agree upon the sale of utility plant and property.

Source. 1997, 206:1, eff. July 1, 1997.

Dartmouth College

Hanover, New Hampshire

Dartmouth College is a nationally recognized leader in energy efficiency programs. This Ivy League school, located in Hanover, New Hampshire, has participated with Granite State Electric through the Design 2000 and Energy Initiative programs since their inception. During the last ten years, Burke Hall (new Chemistry Department Building), Sudikoff Hall (new Computer Science Department Building), Collis Center (renovated student center), and Byrne Hall (renovated Tuck School Building) have benefitted from major energy efficiency projects. These projects have included energy efficient measures spanning the entire spectrum of the program offerings: lighting, motors, air conditioning systems, variable speed drives, as well as many custom applications.

- Improvements gained from comprehensive energy efficiency improvements in full building design and improvements in energy efficient lighting, building management controls, air conditioning systems, and premium efficient motors and drive technology.
- 2.2 million kWhs saved
- $176,000 annual savings
- $725,000 Granite State Electric incentive
- Environmental Benefits:

CO^2	1,958 tons	(emissions savings)
Coal	634 tons	(deferred fuel savings)
Oil	1,100 barrels	(deferred fuel savings)

Primary energy contact: Frank Roberts 603-646-3924

Granite State Electric
A NEES company

DARTMOUTH PRINTING COMPANY

Dartmouth Printing Company

Hanover, New Hampshire

Dartmouth Printing Company is a cutting-edge lithograph offset printer of high-quality periodicals and specialty journals having subscriptions of 50,000 copies or less. Their attractive, state-of-the-art facility is located in Hanover, New Hampshire, where they employ 260 highly skilled employees. An area leader in energy conservation, Dartmouth Printing Company has simultaneously undertaken several significant projects. These include the replacement of an aging steam absorption system with a high efficiency chiller, the incorporation of direct digital controls for more efficient air handling, and energy efficient fluorescent lighting. They also have installed power factor correction equipment through the NEES Premium Services program.

- Efficiency improvements gained from energy efficient lighting, air conditioning system upgrades, and custom system applications.
- 350,000 kWhs saved
- $28,000 annual savings
- $124,000 Granite State Electric incentive
- Environmental Benefits:

CO^2	311 tons	(emissions savings)
Coal	101 tons	(deferred fuel savings)
Oil	175 barrels	(deferred fuel savings)

Primary energy contact: Keith Ford 603-643-2220

Granite State Electric
A NEES company

Salem Athletic Club

Salem, New Hampshire

The Salem Athletic Club is a health, fitness, and recreational center that offers a wide variety of programs to meet the demands of a health-conscious public. In early 1996, the club's owners, Suzi Parker and Al Parchuk, were facing a major lighting replacement project. The present system was old, failing, and inefficient. Working with Granite State Electric's energy conservation programs, they were able to replace the older system with a highly efficient, state-of-the-art lighting system. Through financial assistance from Granite State Electric's program, the club was able to install the new system with no initial capital investment.

- Efficiency improvements gained from energy efficient lighting and air conditioning system upgrades.
- 84,000 kWhs saved
- $6,700 annual savings
- $10,000 Granite State Electric incentive
- Environmental Benefits:

CO^2	75 tons	(emissions savings)
Coal	24 tons	(deferred fuel savings)
Oil	42 barrels	(deferred fuel savings)

Primary energy contact: Al Parchuk 603-893-8612

Granite State Electric
A NEES company

Hubbard ISA

Hubbard Farms, Inc.

Walpole, New Hampshire

Hubbard ISA, LLC, formerly Hubbard Farms, Inc. of Walpole, New Hampshire, is one of the foremost, high-tech breeders of chickens, employing 225 people in Walpole and surrounding communities, and more than 800 worldwide. Through the NEES Farm Program and other technical assistance programs, Hubbard ISA has been striving to attain the healthiest bird environment possible at the lowest energy cost. Most of the energy initiatives at Hubbard ISA involve strict fluorescent lighting levels and stringent ventilation requirements. But from Hubbard ISA's perspective, the studies conducted to determine energy efficiencies had the added, important benefit of providing valuable operational and environmental information not previously known about how the different buildings perform. Today, Hubbard ISA is experiencing rapid growth adding many new farm buildings, an experimental hatchery, and a veterinary lab.

- Efficiency improvements gained from agriculture operations addressing lighting design and custom systems applications.
- 97,000 kWhs saved
- $7,700 annual savings
- $15,000 Granite State Electric incentive
- Environmental Benefits:

CO^2	86 tons	(emissions savings)
Coal	28 tons	(deferred fuel savings)
Oil	49 barrels	(deferred fuel savings)

Primary energy contact: John T. O'Brien 603-756-3311

Granite State Electric
A NEES company

LEBANON HOUSING AUTHORITY

The Lebanon Housing Authority

Lebanon, New Hampshire

The Lebanon Housing Authority operates four major facilities within the City of Lebanon. These provide nearly 165 residences for low-income families and senior citizens. In 1996, through Granite State Electric's Residential Multi-Family Program, the Lebanon Housing Authority performed a variety of measures at the Lebanon Towers, Maple Manor, Romano Circle, and Roger's House. These were the first major energy efficiency projects conducted by the Lebanon Housing Authority for these facilities.

- Efficiency improvements gained from energy efficient lighting design.
- 32,000 kWhs saved
- $2,500 annual savings
- $5,600 Granite State Electric incentive
- Environmental Benefits

CO^2	28 tons	(emissions savings)
Coal	9 tons	(deferred fuel savings)
Oil	16 barrels	(deferred fuel savings)

Primary energy contact: Jonathan Chaffee 603-298-5753

Granite State Electric
A NEES company

Precision Assembly Company

Charlestown, New Hampshire

Precision Assembly Company (PAC) manufactures safety equipment products for emergency vehicles. Their product lines are sold internationally from their Charlestown, New Hampshire, facility. In August of 1996, a fire destroyed their facility. John Olson, president and owner of PAC, immediately made the commitment to rebuild. Employees began the next day to clean up what was salvageable from the fire. Energy efficient lighting with extensive controls was a major part of the rebuilding plan. Today PAC is back. Their current production operations far exceed the levels before the fire. They continue to be the major employer in the Charlestown area, with over 250 employees.

- Efficiency improvements gained from custom systems applications and energy efficient lighting design.
- 624,000 kWhs saved
- $50,000 annual savings
- $94,000 Granite State Electric incentive
- Environmental Benefits:

CO^2	555 tons	(emissions savings)
Coal	180 tons	(deferred fuel savings)
Oil	312 barrels	(deferred fuel savings)

Primary energy contact: Scott Frizzell 603-826-4005

Granite State Electric
A NEES company

PROPOSED AMENDMENT

38:13-a **Aggregate Bonds.** In the event the Commission shall order divestiture of generation facilities in the implementation of electric utility restructuring under RSA 374-F, a municipality, which has voted to acquire a hydro-electric generation facility as provided in RSA 38:13, may jointly issue with any other municipality, which has also voted to acquire such a hydro-electric generation facility as provided in RSA 38:13, bonds and notes pursuant to RSA 33-B as may be necessary and expedient for the purpose of defraying the cost of purchasing or taking such generation facilities. Such bonds or notes may be in the aggregate of the total cost of purchasing or taking such generation facilities as set forth in RSA 33-B:3 and may be issued in the joint names of any such municipalities in accordance with their respective interests therein. In all other respects, the provisions of RSA 33-B shall apply to the issuance of such bonds and notes.

Rep. MacGillivray
April 5, 2000

Amendment to SB 376

Amend the title of the bill by replacing it with the following:

AN ACT relative to the jurisdiction of the public utilities commission to determine consequential damages, and authorizing municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that when a municipality acquires utility property, the utility should not be allowed to seek determination of consequential damages before both federal and state regulatory agencies, but instead shall be allowed to have consequential damages determined by exactly one regulatory agency, either federal or state, as provided by the federal regulatory agency.

2 Insert new section after RSA 38:13 as follows:

38:13-a Aggregate Municipal Revenue Bonds. If the commission orders divestiture of generation facilities in the implementation of electric utility restructuring under RSA 374-F, any municipality which has voted to acquire a hydro-electric facility as provided in RSA 38 may jointly issue with any other municipality which has also voted to acquire a hydro-electric facility as provided in RSA 38 municipal revenue bonds and notes pursuant to RSA 33-B as may be necessary and expedient for the purpose of defraying the cost of purchasing or taking such hydro-electric generation facilities. Such municipal revenue bonds or notes may be in the aggregate of the total cost of purchasing or taking such generation facilities asset forth in RSA 33-B:3 and may be issued in the joint names of any such municipalities in accordance with their respective interests therein. In all other respects, the provisions of RSA 33-B shall apply to the issuance of such municipal revenue bonds and notes.

3 Municipal Electric, Gas, or Water Systems; Additional Provisions for Electric Systems; Consequential Damages; Jurisdiction. Amend RSA 38:33 to read as follows:

38:33 Consequential Damages. [To the extent that] ***In matters over which*** the Federal Energy Regulatory Commission does not have jurisdiction***, or has jurisdiction but chooses to grant jurisdiction to the state,*** the commission shall determine, to a just and reasonable extent, the consequential damages such as stranded investment in generation, storage, or supply arrangements resulting from the purchase of plant and property from a utility and shall establish an appropriate recovery mechanism for such damages. The commission need not make such a determination when the municipality and utility agree upon the sale of utility plant and property.

4 Effective Date. This act shall take effect upon its passage.

Voting Sheets

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

FULL ~~SUB~~COMMITTEE WORK SESSION ON SB 376

BILL TITLE: relative to the jurisdiction of the public utilities commission to determine consequential damages.

DATE: April 18, 2000

Subcommittee Members: Reps. Grant, Kaen, MacGillivray, Rosen, Bradley, Lynde, White and Bergeron

Comments and Recommendations: Unanimous vote to pass amendment with an OTP recommendation to the full committee.

Amendments:

Sponsor: Rep. MacGillivray — OLS Document #: 2000 4049h

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: (OTP,) OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: (OTP,) OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Ralph J. Rosen
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

~~SUB~~FULL COMMITTEE WORK SESSION ON SB 376

BILL TITLE: relative to the jurisdiction of the public utilities commission to determine consequential damages.

DATE: ~~April 6~~, 2000 April 18, 2000 1:28 — Convene

Subcommittee Members: Reps. {Type NAMES} Grant, Kaan, MacGillivray, Rosen, Bradley, Lynde, White, Bergeron.

Comments and Recommendations:

Amendments:

Sponsor: Rep. MacGillivray OLS Document #: 4099h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP), OTP/A, ITL, Re-Refer, Interim Study (Please circle one.) Amendment. Unanimous.

Moved by Rep.

Seconded by Rep.

Vote: Recommend to Full Committee

Motions: (OTP), OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. {Ralph J. Rosen
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on SB 376

BILL TITLE: **relative to the jurisdiction of the public utilities commission to determine consequential damages.**

DATE: April 26, 2000

LOB ROOM: 304

Amendments:

Sponsor: Rep. Mac Gillivray	OLS Document #:	2000	4049h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: (OTP), OTP/A, ITL, Re-Refer, Interim Study (Please circle one.) AMENDMENT

Moved by Rep. Maxfield

Seconded by Rep. Lynde

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, (OTP/A), ITL, Re-Refer, Interim Study (Please circle one.) BILL

Moved by Rep. MacGillivray

Seconded by Rep. Kaen

Vote: 13-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Yes 13-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Ralph J. Rosen, Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on SB 376

BILL TITLE: **relative to the jurisdiction of the public utilities commission to determine consequential damages.**

DATE: 26 April 2000

LOB ROOM: 304

1235
1249
Blaisdell
MacGillivray

Amendments:

Sponsor: Rep. MacGillivray OLS Document #: 4049 Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Amended

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Marcfield

Seconded by Rep. Lynde

Vote: 13-0 (Please attach record of roll call vote.)

unan.

Bill

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Mac Gillivray

Seconded by Rep. Kaen

Vote: 13-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Yes 13-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. ~~Stephen~~ G. Avery, Clerk

OFFICE OF THE HOUSE CLERK

2000 SESSION

SCIENCE, TECHNOLOGY AND ENERGY

Bill #: SB376 Title:

PH Date: 3/1/00 Exec Session Date: 4/26/00

Motion: Bill SB376 Amendment #: 4049

MEMBER	YEAS	NAYS	YEAS	NAYS
	Yea	Nay	Yea	Nay
Bradley, Jeb E, Chairman	✓			
Guay, Lawrence J, V Chairman	✓			
Rosen, Ralph J, Clerk	✓			
Ham, Bonnie D				
Howard, Godfrey G				
Thomas, John H				
White, Donald B				
Maxfield, Roy D	✓			
Tufts, J Arthur				
Arnold, Thomas I	✓			
Eaton, Stephanie	✓			
Varrell, Thomas A				
Grant, Kenneth R	✓			
MacGillivray, Jeffrey C	✓			
Norelli, Terie T				
Lynde, Harold V	✓			
Pitts, Jacqueline A	✓			
Kaen, Naida L	✓			
Gilmore, Gary R				
Bergeron, Lucien G	✓			
Densmore, Jessica E				
Moriarty, Mary M	✓			

13 - 0

unanim

TOTAL VOTE:

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Science, Technology and Energy**

BILL NUMBER: **SB 376**

TITLE: relative to the jurisdiction of the public utilities commission to determine consequential damages.

DATE: April 26, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The bill as amended contains two provisions regarding municipal acquisitions of utility property. The original bill addressed a situation that occurs when a municipality acquires utility property and a determination of consequential damages (acquisition price of the utility property) must be made. The committee amendment clarifies that the utility shall be allowed to have consequential damages determined by federal regulators or by state regulators, but not both. The committee amendment also adds a provision requested by municipalities considering purchasing hydroelectric generation facilities within their borders. To reduce financing costs, this provision allows municipalities to jointly issue municipal revenue bonds or notes to finance the purchase of these hydroelectric generation facilities, if they choose.

Vote 13-0.

Rep. Jeffrey C. MacGillivray
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Science, Technology and Energy

SB 376, relative to the jurisdiction of the public utilities commission to determine consequential damages. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The bill as amended contains two provisions regarding municipal acquisitions of utility property. The original bill addressed a situation that occurs when a municipality acquires utility property and a determination of consequential damages (acquisition price of the utility property) must be made. The committee amendment clarifies that the utility shall be allowed to have consequential damages determined by federal regulators or by state regulators, but not both. The committee amendment also adds a provision requested by municipalities considering purchasing hydroelectric generation facilities within their borders. To reduce financing costs, this provision allows municipalities to jointly issue municipal revenue bonds or notes to finance the purchase of these hydroelectric generation facilities, if they choose. Vote 13-0.