House Calendar

Thursday, February 22, 2024

51st DAY OF THE ADJOURNED SESSION

House Convenes at 3:00 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Committee Bill for Second Reading

H. 861

An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone

(Rep. Carpenter of Hyde Park will speak for the Committee on Health Care.**)**

Favorable with Amendment

H. 132

An act relating to establishing a homeless bill of rights and prohibiting discrimination against persons without homes

Rep. Stevens of Waterbury, for the Committee on General and Housing, recommends the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

* * *

(12)(A) "Harass" means to engage in unwelcome conduct that detracts from, undermines, or interferes with a person's:

(i) use of a place of public accommodation or any of the accommodations, advantages, facilities, or privileges of a place of public accommodation because of the person's race, creed, color, national origin, housing status, marital status, sex, sexual orientation, gender identity, or disability; or

(ii) terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person's race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.

* * *

(13) "Housing status" means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 2. 9 V.S.A. § 4502 is amended to read:

§ 4502. PUBLIC ACCOMMODATIONS

(a) An owner or operator of a place of public accommodation or an agent or employee of ~~such~~ an owner or operator shall not, because of the race, creed, color, national origin, housing status, marital status, sex, sexual orientation, or gender identity of any person, refuse, withhold from, or deny to that person any of the accommodations, advantages, facilities, and privileges of the place of public accommodation.

* * *

Sec. 3. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

(a) It shall be unlawful for any person:

(1) To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or other real estate to any person because of the race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(2) To discriminate against, or to harass, any person in the terms, conditions, privileges, and protections of the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling or other real estate that indicates any preference, limitation, or discrimination based on race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national

origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(4) To represent to any person because of the race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking, that any dwelling or other real estate is not available for inspection, sale, or rental when the dwelling or real estate is in fact so available.

* * *

(7) To engage in blockbusting practices, for profit, ~~which~~ that may include inducing or attempting to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(8) To deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

* * *

(12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, or because a person is a victim of abuse, sexual assault, or stalking, except as otherwise provided by law.

* * *

Sec. 4. 10 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

The following words and terms, unless the context clearly indicates a different meaning, ~~shall~~ have the following meaning:

* * *

(11) "Persons and families of low and moderate income" means persons and families irrespective of race, creed, national origin, sex, sexual orientation, housing status, or gender identity deemed by the Agency to require such assistance as is made available by this chapter on account of insufficient personal or family income, taking into consideration, without limitation, such factors as:

* * *

(20) "Housing status" means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 5. 21 V.S.A. § 495 is amended to read:

§ 495. UNLAWFUL EMPLOYMENT PRACTICE

(a) It shall be unlawful employment practice, except where a bona fide occupational qualification requires persons of a particular race, color, religion, national origin, housing status, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition:

(1) For any employer, employment agency, or labor organization to harass or discriminate against any individual because of race, color, religion, ancestry, national origin, housing status, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability.

(2) For any person seeking employees or for any employment agency or labor organization to cause to be printed, published, or circulated any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination based upon race, color, religion, ancestry, national origin, housing status, sex, sexual orientation, gender identity, place of birth, crime victim status, age, or disability.

(3) For any employment agency to fail or refuse to classify properly or refer for employment or to otherwise harass or discriminate against any individual because of race, color, religion, ancestry, national origin, housing

status, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability.

(4) For any labor organization to limit, segregate, or qualify its membership with respect to any individual because of race, color, religion, ancestry, national origin, housing status, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability.

* * *

Sec. 6. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

(16) "Harass" means to engage in unwelcome conduct based on an employee's race, color, religion, national origin, housing status, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition that interferes with the employee's work or creates a work environment that is intimidating, hostile, or offensive. In determining whether conduct constitutes harassment:

* * *

(17) "Housing status" means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 7. 33 V.S.A. § 101 is amended to read:

§ 101. POLICY

It is the policy of the State of Vermont that:

* * *

(3)(A) Assistance and benefits shall be administered promptly, with due regard for the preservation of family life, and without restriction of individual rights or discrimination on account of race, religion, political affiliation, housing status, or place of residence within the State.

(B) As used in this subdivision (3), "housing status" means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

* * *

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

and that after passage the title of the bill be amended to read: "An act relating to prohibiting discrimination against persons without homes"

(Committee Vote: 12-0-0)

H. 745

An act relating to the Vermont Parentage Act

Rep. Goslant of Northfield, for the Committee on Judiciary, recommends the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 15C V.S.A. § 102 is amended to read:

§ 102. DEFINITIONS

As used in this title:

(1) "Acknowledged parent" means a person who has established a parent-child relationship under chapter 3 of this title.

(2) "Adjudicated parent" means a person who has been adjudicated by a court of competent jurisdiction to be a parent of a child.

(3) "Alleged genetic parent" means a person who is alleged to be, or alleges that the person is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. The term includes an alleged genetic father and alleged genetic mother. The term does not include:

(A) a presumed parent;

(B) a person whose parental rights have been terminated or declared not to exist; or

(C) a donor.

(4) "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse and includes:

(A) intrauterine, intracervical, or vaginal insemination;

(B) donation of gametes;

(C) donation of embryos;

(D) in vitro fertilization and transfer of embryos; and

(E) intracytoplasmic sperm injection.

(5) "Birth" includes stillbirth.

(6) "Child" means a person of any age whose parentage may be determined under this title.

(7) "Domestic assault" includes any offense as set forth in 13 V.S.A. chapter 19, subchapter 6 (domestic assault).

(8) "Donor" means a person who contributes a gamete or gametes or an embryo or embryos to another person for assisted reproduction or gestation, whether or not for consideration. This term does not include:

(A) a person who gives birth to a child conceived by assisted reproduction except as otherwise provided in chapter 8 of this title; or

(B) a parent under chapter 7 of this title or an intended parent under chapter 8 of this title.

(9) "Embryo" means a cell or group of cells containing a diploid complement of chromosomes or a group of such cells, not including a gamete, that has the potential to develop into a live born human being if transferred into the body of a person under conditions in which gestation may be reasonably expected to occur.

(10) "Gamete" means a sperm~~, an egg, or any part of a sperm~~ or egg.

(11) "Genetic population group" means, for purposes of genetic testing, a recognized group that a person identifies as all or part of the person's ancestry or that is so identified by other information.

(12) "Gestational carrier" means an adult person who is not an intended parent and who enters into a gestational carrier agreement to bear a child conceived using the gametes of other persons and not the gestational carrier's own, except that a person who carries a child for a family member using the gestational carrier's own gametes and who fulfills the requirements of chapter 8 of this title is a gestational carrier.

(13) "Gestational carrier agreement" means a contract between an intended parent or parents and a gestational carrier intended to result in a live birth.

(14) "Intended parent" means a person, whether married or unmarried, who manifests the intent to be legally bound as a parent of a child resulting from assisted reproduction or a gestational carrier agreement.

(15) "Marriage" includes civil union and any legal relationship that provides substantially the same rights, benefits, and responsibilities as

marriage and is recognized as valid in the state or jurisdiction in which it was entered.

(16) "Parent" means a person who has established parentage that meets the requirements of this title.

(17) "Parentage" means the legal relationship between a child and a parent as established under this title.

(18) "Presumed parent" means a person who is recognized as the parent of a child under section 401 of this title.

(19) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(20) "Sexual assault" includes sexual assault as provided in 13 V.S.A. § 3252(a), (b), (d), and (e); aggravated sexual assault as provided in 13 V.S.A. § 3253; aggravated sexual assault of a child as provided in 13 V.S.A. § 3253a; lewd and lascivious conduct with a child as provided in 13 V.S.A. § 2602; and similar offenses in other jurisdictions.

(21) "Sexual exploitation" includes sexual exploitation of an inmate as provided in 13 V.S.A. § 3257, sexual exploitation of a minor as provided in 13 V.S.A. § 3258, sexual abuse of a vulnerable adult as provided in 13 V.S.A. § 1379, and similar offenses in other jurisdictions.

(22) "Sign" means, with the intent to authenticate or adopt a record, to:

(A) execute or adopt a tangible symbol; or

(B) attach to or logically associate with the record an electronic symbol, sound, or process.

(23) "Signatory" means a person who signs a record and is bound by its terms.

(24) "Spouse" includes a partner in a civil union or a partner in a legal relationship that provides substantially the same rights, benefits, and responsibilities as marriage and is recognized as valid in the state or jurisdiction in which it was entered.

Sec. 2. 15C V.S.A. § 104 is amended to read:

§ 104. PARENTAGE PROCEEDING

(a) Proceeding authorized. A proceeding to adjudicate the parentage of a child shall be maintained in accordance with this title and with the Vermont Rules for Family Proceedings, except that proceedings for birth orders under

sections 708 and 804 of this title shall be maintained in accordance with the Vermont Rules of Probate Procedure.

(b) Actions brought by the Office of Child Support. If the complaint is brought by the Office of Child Support, the complaint shall be accompanied by an affidavit of the parent whose rights have been assigned. In cases where the assignor is not a genetic parent or is a genetic parent who refuses to provide an affidavit, the affidavit may be submitted by the Office of Child Support, but the affidavit alone shall not support a default judgment on the issue of parentage.

(c) Original actions. Original actions to adjudicate parentage may be commenced in the Family Division of the Superior Court, except that proceedings for birth orders under sections 708 and 804 of this title shall be commenced in the Probate Division of the Superior Court.

(d) No right to jury. There shall be no right to a jury trial in an action to determine parentage.

(e) Disclosure of Social Security numbers. A person who is a party to a parentage action shall disclose that person's Social Security number, if the person has one, to the court. The Social Security number of a person subject to a parentage adjudication shall be placed in the court records relating to the adjudication. The court shall disclose a person's Social Security number to the Office of Child Support.

Sec. 3. 15C V.S.A. § 206 is amended to read:

§ 206. ADJUDICATING COMPETING CLAIMS OF PARENTAGE

(a) Competing claims of parentage. Except as otherwise provided in section 616 of this title, in a proceeding to adjudicate competing claims of parentage or challenges to a child's parentage by two or more persons, the court shall adjudicate parentage in the best interests of the child, based on the following factors:

(1) the age of the child;

(2) the length of time during which each person assumed the role of parent of the child;

(3) the nature of the relationship between the child and each person;

(4) the harm to the child if the relationship between the child and each person is not recognized;

(5) the basis for each person's claim to parentage of the child; and

(6) other equitable factors arising from the disruption of the relationship between the child and each person or the likelihood of other harm to the child.

(b) Preservation of parent-child relationship. Consistent with the establishment of parentage under this chapter, a court may determine that a child has more than two parents if the court finds that it is in the best interests of the child to do so. A finding of best interests of the child under this subsection does not require a finding of unfitness of any parent or person seeking an adjudication of parentage. A determination of best interests may include consideration of evidence of prebirth intent to parent the child.

Sec. 4. 15C V.S.A. § 402 is amended to read:

§ 402. CHALLENGE TO PRESUMED PARENT

(a) Except as provided in ~~subsection (b)~~ subsections (b) – (d) of this section, a proceeding to challenge the parentage of a person whose parentage is presumed under section 401 of this title shall be commenced within two years after the birth of the child.

(b) A proceeding to challenge the parentage of a person whose parentage is presumed under section 401 of this title may be commenced two years or more after the birth of the child in any of the following circumstances:

(1) ~~A presumed parent who is not the genetic parent of a child and who could not reasonably have known about the birth of the child may commence a proceeding under this section within two years after learning of the child's birth~~ The presumed parent is not a genetic parent, never resided with the child, and never held out the child as the presumed parent's child.

(2) An alleged genetic parent who did not know of the potential genetic parentage of a child and who could not reasonably have known on account of material misrepresentation or concealment may commence a proceeding under this section within two years after discovering the potential genetic parentage. If the person is adjudicated to be the genetic parent of the child, the court shall not disestablish a presumed parent.

(3) The child has more than one presumed parent.

(c) Subject to the limitations set forth in this section and in section 401 of this title, if in a proceeding to adjudicate a presumed parent's parentage of a child another person in addition to the person who gave birth to the child asserts a claim to parentage of the child, the court shall adjudicate parentage pursuant to subsections 206(a) and (b) of this title.

(d) Regarding a presumption under subdivision 401(a)(4) of this title, another parent of the child may challenge a presumption of parentage if that

parent openly held out the child as the presumptive parent's child due to duress, coercion, or threat of harm. Evidence of duress, coercion, or threat of harm may include whether within the prior ~~ten~~ 10 years~~,~~ the person presumed to be a parent pursuant to subdivision 401(a)(4) of this title has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child~~,~~; was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child~~,~~; or was substantiated for abuse against the child or another parent of the child pursuant to 33 V.S.A. chapter 49 or 33 V.S.A. chapter 69.

Sec. 5. 15C V.S.A. § 402a is added to read:

§ 402a. ADJUDICATION OF PARENTAGE IF BIRTH PARENT ONLY OTHER PARENT

The following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth is the only other person with a claim to parentage of the child:

(1) If no party to the proceeding challenges the presumed parent's parentage of the child, the court shall adjudicate the presumed parent to be a parent of the child.

(2) If the presumed parent is identified under subsection 604(a) of this title as a genetic parent of the child and that identification is not successfully challenged under said subsection, the court shall adjudicate the presumed parent to be a parent of the child.

(3) If the presumed parent is not identified under subsection 604(a) of this title as a genetic parent of the child and the presumed parent or another party challenges the presumed parent's parentage of the child, the court shall adjudicate the parentage of the child in the best interests of the child, based on the factors listed in subsections 206(a) and (b) of this title. Challenges regarding the parentage of a child born through assisted reproduction must be resolved under chapter 7 of this title.

Sec. 6. 15C V.S.A. § 501 is amended to read:

§ 501. STANDARD; ADJUDICATION

(a)(1) In a proceeding to adjudicate the parentage of a person who claims to be a de facto parent of the child, if there is only one other person who is a parent or has a claim to parentage of the child, the court shall adjudicate the person who claims to be a de facto parent to be a parent of the child if the person demonstrates by clear and convincing evidence that:

(A) the person resided with the child as a regular member of the child's household for a significant period of time;

(B) the person engaged in consistent caretaking of the child;

(C) the person undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;

(D) the person held out the child as the person's child;

(E) the person established a bonded and dependent relationship with the child that is parental in nature;

(F) the person and another parent of the child fostered or supported the bonded and dependent relationship required under subdivision (E) of this subdivision (1); and

(G) continuing the relationship between the person and the child is in the best interests of the child.

(2) A parent of the child may use evidence of duress, coercion, or threat of harm to contest an allegation that the parent fostered or supported a bonded and dependent relationship as provided in subdivision (1)(F) of this subsection. Such evidence may include whether within the prior ~~ten~~ 10 years, the person seeking to be adjudicated a de facto parent has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child pursuant to 33 V.S.A. chapter 49 or 33 V.S.A. chapter 69.

(b) In a proceeding to adjudicate the parentage of a person who claims to be a de facto parent of the child, if there is more than one other person who is a parent or has a claim to parentage of the child and the court determines that the requirements of subsection (a) of this section are met by clear and convincing evidence, the court shall adjudicate parentage under ~~section 206~~ subsection 206(b) of this title, subject to other applicable limitations in this title.

(c) The adjudication of a person as a de facto parent under this chapter does not disestablish the parentage of any other parent.

Sec. 7. 15C V.S.A. § 704 is amended to read:

§ 704. CONSENT TO ASSISTED REPRODUCTION

(a)~~(1)~~ A person who intends to be a parent of a child born through assisted reproduction shall consent ~~to such in a signed record that is executed by each intended parent and provides that the signatories consent to the use of assisted reproduction to conceive a child with the intent to parent the child.~~:

(1) in a record, signed before, on, or after the birth of the child by the person who gave birth to the child and by a person who intends to be a parent of the child; or

(2) ~~Consent pursuant to subdivision (1) of this subsection, executed via a form made available by the Department of Health, shall be accepted and relied upon for purposes of issuing a birth record~~ in an oral agreement entered into before conception that the person who gave birth to the child and the person who intends to be a parent of the child intend that they will be parents of the child.

(b) In the absence of ~~a record~~ evidence pursuant to subsection (a) of this section, a court may adjudicate a person as the parent of a child if it finds by a preponderance of the evidence that~~:~~

~~(1) prior to conception or birth of the child, the parties entered into an agreement that they both intended to be the parents of the child; or~~

~~(2)~~ the person resided with the child after birth and undertook to develop a parental relationship with the child.

Sec. 8. 15C V.S.A. § 705(a) is amended to read:

(a) Except as otherwise provided in subsection (b) of this section, a spouse may commence a proceeding to challenge ~~his or her~~ the spouse's parentage of a child born by assisted reproduction during the marriage within two years after the birth of the child if the court finds that the spouse did not consent to the assisted reproduction before, on, or after the birth of the child or that the spouse withdrew consent pursuant to section 706 of this title.

Sec. 9. 15C V.S.A. § 706 is amended to read:

§ 706. EFFECT OF DISSOLUTION OF MARRIAGE OR WITHDRAWAL OF CONSENT

(a)(1) If a marriage is dissolved before transfer or implantation of gametes or embryos, the former spouse is not a parent of the resulting child unless the former spouse consented in a signed record with notice to the other spouse and the person giving birth that, if assisted reproduction were to occur after a divorce, the former spouse would be a parent of the child.

(2) A person who has petitioned for divorce, or a person who has been served with a complaint for divorce, may proceed with assisted reproduction pursuant to this subsection, provided at least 60 days have elapsed since service of the complaint. In such case, the spouse shall not be a parent of any child born as a result of the assisted reproduction unless both parties consent in writing to be parents of that child after commencement of the divorce action. A married person proceeding with assisted reproduction pursuant to this section shall not utilize gametes of the person's spouse unless the spouse consents in writing to the use of the spouse's gametes for assisted reproduction by the married person after filing of the divorce petition.

(b) Consent of a person to assisted reproduction pursuant to section 704 of this title may be withdrawn by that person in a signed record with notice to the person giving birth and any other intended parent before transfer or implantation of gametes or embryos. A person who withdraws consent under this subsection is not a parent of the resulting child.

Sec. 10. 15C V.S.A. § 708 is amended to read:

§ 708. BIRTH AND PARENTAGE ORDERS

(a) A party consenting to assisted reproduction, a person who is a parent pursuant to sections 702–704 of this title, an intended parent or parents, or the person giving birth may commence a proceeding in the Probate Division of the Superior Court to obtain an order and judgment of parentage doing any of the following:

(1) declaring that the intended parent or parents are the parent or parents of the resulting child and ordering that parental rights and responsibilities vest exclusively in the intended parent or parents immediately upon the birth of the child;

(2) except as provided in subsection (d) of this section, sealing the record from the public to protect the privacy of the child and the parties;

(3) designating the contents of the birth certificate and directing the Department of Health to designate the intended parent or parents as the parent or parents of the child; or

(4) for any relief that the court determines necessary and proper.

(b) A proceeding under this section may be commenced before or after the birth of the child. If the court determines a person is a parent of the child either because the person gave birth to the child or the person is a consenting intended parent, the court shall adjudicate the person to be a parent of the child.

(c) Neither the donor, the State, nor the Department of Health is a necessary party to a proceeding under this section.

(d) The Probate Division of the Superior Court shall forward a certified copy of the order issued pursuant to this section to the Department of Health and to the intended parents or their representative.

(e) The intended parent or parents and any resulting child shall have access to the court records relating to the proceeding at any time.

(f) An uncontested petition for a judgment of parentage pursuant to this section shall be resolved by the court promptly.

Sec. 11. 15C V.S.A. § 801 is amended to read:

§ 801. ELIGIBILITY TO ENTER GESTATIONAL CARRIER AGREEMENT

(a) In order to execute an agreement to act as a gestational carrier, a person shall:

(1) be at least 21 years of age;

(2) have completed a medical evaluation that includes a mental health consultation;

(3) have had independent legal representation of the person's own choosing and paid for by the intended parent or parents regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement; and

(4) not have contributed gametes that will ultimately result in an embryo that the gestational carrier will attempt to carry to term, unless the gestational carrier is entering into an agreement with a family member.

(b) Prior to executing a gestational carrier agreement, a person or persons intending to become a parent or parents, whether genetically related to the child or not, shall:

(1) be at least 21 years of age;

(2) have completed ~~a medical evaluation and mental health consultation~~ psychosocial education and counseling related to the gestational carrier agreement; and

(3) have retained independent legal representation regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

Sec. 12. 15C V.S.A. § 803 is amended to read:

§ 803. PARENTAGE; PARENTAL RIGHTS AND RESPONSIBILITIES

(a)(1) If a gestational carrier agreement satisfies the requirements of this chapter, the intended parent or parents are the parent or parents of the resulting child immediately upon the birth of the child, and the resulting child is considered the child of the intended parent or parents immediately upon the birth of the child. Neither the gestational carrier nor the gestational carrier's spouse, if any, is the parent of the resulting child.

(2) A person who is determined to be a parent of the resulting child is obligated to support the child. The breach of the gestational carrier agreement by the intended parent or parents does not relieve the intended parent or parents of the obligation to support the resulting child.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, if genetic testing indicates a genetic relationship between the gestational carrier who is not a known family member and the child, parentage shall be determined by the Family Division of the Superior Court pursuant to chapters 1 through 6 of this title.

(b) Parental rights and responsibilities shall vest exclusively in the intended parent or parents immediately upon the birth of the resulting child.

(c) If due to a laboratory error, the resulting child is not genetically related to either the intended parent or parents or any donor who donated to the intended parent or parents, the intended parent or parents are considered the parent or parents of the child unless otherwise determined by the court.

Sec. 13. 15C V.S.A. § 804 is amended to read:

§ 804. BIRTH AND PARENTAGE ORDERS

(a) Before or after the birth of a resulting child, a party to a gestational carrier agreement may commence a proceeding in the Probate Division of the Superior Court to obtain an order and judgment of parentage doing any of the following:

(1) Declaring that the intended parent or parents are the parent or parents of the resulting child and ordering that parental rights and responsibilities vest exclusively in the intended parent or parents immediately upon the birth of the child.

(2) Declaring that the gestational carrier or ~~her~~ the carrier's spouse, if any, are not the parents of the resulting child.

(3) Designating the contents of the birth certificate and directing the Department of Health to designate the intended parent or parents as the parent or parents of the child. The Department of Health may charge a reasonable fee for the issuance of a birth certificate.

(4) Sealing the record from the public to protect the privacy of the child and the parties.

(5) Providing any relief the court determines necessary and proper.

(b) Neither the State nor the Department of Health is a necessary party to a proceeding under subsection (a) of this section.

(c) The Probate Division of the Superior Court shall forward a certified copy of the order issued pursuant to this section to the Department of Health and to the intended parents or their representative.

(d) The intended parent or parents and any resulting child shall have access to their court records at any time.

(e) An uncontested petition for a judgment of parentage pursuant to this section shall be resolved by the court promptly.

Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

(Committee Vote: 9-0-2)

NOTICE CALENDAR

Favorable with Amendment

H. 289

An act relating to the Renewable Energy Standard

Rep. Sibilia of Dover, for the Committee on Environment and Energy, recommends the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 30 V.S.A. § 218d is amended to read:

§ 218d. ALTERNATIVE REGULATION OF ELECTRIC AND NATURAL GAS COMPANIES

* * *

(n)(1) Notwithstanding subsection (a) of this section and sections 218, 225, 226, 227, and 229 of this title, a municipal company formed under local

charter or under chapter 79 of this title and an electric cooperative formed under chapter 81 of this title shall be authorized to change its rates for service to its customers if the rate change is:

(A) applied to all customers equally;

(B) not more than ~~two~~ three percent during any twelve-month period;

(C) cumulatively not more than 10 percent from the rates last approved by the Commission; and

(D) not going to take effect more than 10 years from the last approval for a rate change from the Commission.

* * *

Sec. 2. 30 V.S.A. § 8002 is amended to read:

§ 8002. DEFINITIONS

As used in this chapter:

* * *

(8) "Existing renewable energy" means renewable energy produced by a plant that came into service prior to or on ~~June 30, 2015~~ December 31, 2009.

* * *

(10) "Group net metering system" means a net metering system serving more than one customer, or a single customer with multiple electric meters, located within the service area of the same retail electricity provider. Various buildings owned by municipalities, including water and wastewater districts, fire districts, villages, school districts, and towns, may constitute a group net metering system. A union or district school facility may be considered in the same group net metering system with buildings of its member schools that are located within the service area of the same retail electricity provider. A system that files a complete application for a certificate of public good on or after January 1, 2026 shall not qualify for group net metering, unless the plant will be located on the same parcel, or a parcel adjacent to, the parcel where the energy is utilized.

* * *

(15) "Net metering" means measuring the difference between the electricity supplied to a customer and the electricity fed back by the customer's net metering system during the customer's billing period:

(A) ~~using~~ Using a single, non-demand meter or ~~such~~ other meter that would otherwise be applicable to the customer's usage but for the use of net metering~~; or~~.

(B) ~~if~~ If the system serves more than one customer, using multiple meters. The calculation shall be made by converting all meters to a non-demand, non-time-of-day meter, and equalizing them to the tariffed kWh rate.

(16) "Net metering system" means a plant for generation of electricity that:

(A) is of ~~no~~ not more than 500 kW capacity;

(B) operates in parallel with facilities of the electric distribution system;

(C) is intended primarily to offset the customer's own electricity requirements and does not primarily supply electricity to electric vehicle supply equipment, as defined in section 201 of this title, for the resale of electricity to the public by the kWh or for other retail sales to the public, including those based in whole or in part on a flat fee per charging session or a time-based fee for occupying a parking space while using electric vehicle supply equipment; ~~and~~

(D)(i) employs a renewable energy source; or

(ii) is a qualified micro-combined heat and power system of 20 kW or fewer that meets the definition of combined heat and power in subsection 8015(b) of this title and uses any fuel source that meets air quality standards; and

(E)(i) for a system that files a complete application for a certificate of public good after December 31, 2024, except for systems as provided for in subdivision (ii) of this subdivision (E), generates energy that will be used on the same parcel as, or a parcel adjacent to, the parcel where the plant is located;

(ii) for a system that files a complete application for a certificate of public good after December 31, 2025, if the system serves a multifamily building containing qualified rental units serving low-income tenants, as defined under 32 V.S.A. § 5404a(a)(6), generates energy that will be used on the same parcel as, or a parcel adjacent to, the parcel where the plant is located; and

(iii) for purposes of this subdivisions (10) and (16), two parcels shall be adjacent if they share a property boundary or are adjacent and

separated only by a river, stream, railroad line, private road, public highway, or similar intervening landform.

(17) "New renewable energy" means renewable energy capable of delivery in New England and produced by a specific and identifiable plant coming into service on or after ~~June 30, 2015~~ January 1, 2010, but excluding energy generated by a hydroelectric generation plant with a capacity of 200 MW or greater.

(A) Energy from within a system of generating plants that includes renewable energy shall not constitute new renewable energy, regardless of whether the system includes specific plants that came or come into service on or after ~~June 30, 2015~~ January 1, 2010.

(B) Except as provided in subdivision 8005(c)(3) of this title, "~~New~~ new renewable energy" also ~~may include~~ includes the additional energy from an existing renewable energy plant retrofitted with advanced technologies or otherwise operated, modified, or expanded to increase the kWh output of the plant in excess of ~~an~~ a historical baseline established by calculating the average output of that plant for the 10-year period that ended ~~June 30, 2015~~ January 1, 2010. If the production of new renewable energy through changes in operations, modification, or expansion involves combustion of the resource, the system also must result in an incrementally higher level of energy conversion efficiency or significantly reduced emissions.

* * *

(31) "Load" means the total amount of electricity utilized by a retail electricity provider over a 12-month calendar year period, including its retail electric sales, any use by the provider itself not included in retail sales, and transmission and distribution line losses associated with and allocated to the retail electricity provider.

(32) "Load growth" means the increase above a baseline year in a retail electricity provider's load.

Sec. 3. 30 V.S.A. § 8004 is amended to read:

§ 8004. SALES OF ELECTRIC ENERGY; RENEWABLE ENERGY STANDARD (RES)

* * *

(d) Alternative compliance payment. In lieu of purchasing renewable energy or tradeable renewable energy credits or supporting energy transformation projects to satisfy the requirements of this section and section 8005 of this title, a retail electricity provider in this State may pay to the

Vermont Clean Energy Development Fund established under section 8015 of this title an alternative compliance payment at the applicable rate set forth in section 8005. The administrator of the Vermont Clean Energy Development Fund shall use the payment from a retail electricity provider electing to make an alternative compliance payment to satisfy its obligations under subdivisions 8005(a)(1), 8005(a)(2), 8005(a)(4), and 8005(a)(5) of this title for the development of renewable energy plants that are intended to serve and benefit customers with low income of the retail electricity provider that has made the payment. Such plants shall be located within the provider's service territory, if feasible. In the event that such a payment is insufficient to enable the development of a renewable energy plant, the administrator may use the payment for other initiatives allowed under section 8015 of this title that will benefit customers with low income of the retail electricity provider that has made the payment. As used in this subsection (d), "customer with low income" means a person purchasing energy from a retail electricity provider and with an income that is less than or equal to 80 percent of area median income, adjusted for family size, as published annually by the U.S. Department of Housing and Urban Development.

* * *

Sec. 4. 30 V.S.A. § 8005 is amended to read:

§ 8005. RES CATEGORIES

(a) Categories. This section specifies ~~three~~ five categories of required resources to meet the requirements of the RES established in section 8004 of this title: total renewable energy, distributed renewable generation, ~~and~~ energy transformation, new renewable energy, and load growth renewable energy. In order to support progress toward Vermont's climate goals and requirements, a provider may, but shall not be required to, exceed the statutorily required amounts under this section.

(1) Total renewable energy.

* * *

(B) Required amounts. The amounts of total renewable energy required by this subsection (a) shall be ~~55~~ 63 percent of each retail electricity provider's annual ~~retail electric sales~~ load during the year beginning on January 1, ~~2017~~ 2025, increasing by at least an additional four percent each third January 1 thereafter~~,~~ until reaching ~~75~~ 100 percent:

(i) on and after January 1, ~~2032~~ 2035 for a retail electricity provider who serves a single customer that takes service at 115 kilovolts and

each municipal retail electricity provider formed under local charter or chapter 79 of this title; and

(ii) on and after January 1, 2030, for all other retail electricity providers.

(C) Relationship to other categories. Distributed renewable generation used to meet the requirements of subdivision (2) of this subsection (a), new renewable energy under subdivision (4) of this subsection (a), and load growth renewable generation under subdivision (5) of this subsection (a) shall also count toward the requirements of this subdivision. However, an energy transformation project under subdivision (3) of this subsection (a) shall not count toward the requirements of this subdivision.

(D) Municipal providers; petition. On petition by a provider that is a municipal electric utility serving not more than ~~6,000~~ 7,000 customers, the Commission may reduce the provider's required amount under this subdivision (1) for a period of up to three years. The Commission may approve one such period only for a municipal provider. The Commission may reduce this required amount if it finds that:

* * *

(2) Distributed renewable generation.

* * *

(B) Definition. As used in this section, "distributed renewable generation" means ~~one of the following~~:

(i) ~~a~~ A renewable energy plant that ~~is new renewable energy;~~ has a plant capacity of five MW or less~~; and~~.

(ii) Is one of the following:

(I) new renewable energy;

(II) a hydroelectric renewable energy plant that is, on or before January 1, 2024, owned and operated by a municipal electric utility formed under local charter or chapter 79 of this title, as of January 1, 2020, including future plant modifications that do not cause the capacity of such a plant to exceed five MW; or

(III) a hydroelectric renewable energy plant that is, on or before January 1, 2024, owned and operated by a retail electricity provider that is not a municipal electric utility, provided such plant is and continues to be certified by the Low Impact Hydropower Institute. Plants owned by such utilities on or before January 1, 2024, which are later certified by the Low

Impact Hydropower Institute, and continue to be certified shall be eligible under this subdivision (2) from the date of certification. Any future modifications that do not cause the capacity of such a plant to exceed five MW shall also be eligible under this subdivision (2); and

(iii) Is one of the following:

(I) is directly connected to the subtransmission or distribution system of a Vermont retail electricity provider; ~~or~~

(II) is directly connected to the transmission system of an electric company required to submit a Transmission System Plan under subsection 218c(d) of this title, if the plant is part of a plan approved by the Commission to avoid or defer a transmission system improvement needed to address a transmission system reliability deficiency identified and analyzed in that Plan; or

~~(ii)~~(III) is a net metering system approved under the former section 219a or under section 8010 of this title if the system is new renewable energy and the interconnecting retail electricity provider owns and retires the system's environmental attributes.

(C) Required amounts. The required amounts of distributed renewable generation shall be ~~one~~ 5.8 percent of each retail electricity provider's annual ~~retail electric sales~~ load during the year beginning on January 1, ~~2017, increasing by an additional three-fifths of a percent~~ 2025, increasing by at least an additional:

(i) one and a half percent each subsequent January 1 until reaching ~~10~~ 20 percent on and after January 1, 2035 for a retail electricity provider who serves a single customer that takes service at 115 kilovolts and each municipal electric utility formed under local charter or chapter 79 of this title; and

(ii) two percent each subsequent January 1 until reaching 20 percent on and after January 1, 2032 for all other retail electricity providers.

(D) Distributed generation greater than five MW. On petition of a retail electricity provider, the Commission may for a given year allow the provider to employ energy with environmental attributes attached or tradeable renewable energy credits from a renewable energy plant with a plant capacity greater than five MW to satisfy the distributed renewable generation requirement if the plant would qualify as distributed renewable generation but for its plant capacity ~~and~~ when the provider demonstrates either that:

(i) it is unable during ~~that~~ a given year to meet the requirement solely with qualifying renewable energy plants of five MW or less. To

demonstrate this inability, the provider shall issue one or more requests for proposals, and show that it is unable to obtain sufficient ownership of environmental attributes to meet its required amount under this subdivision (2) for that year from:

~~(i)~~(I) the construction and interconnection to its system of distributed renewable generation that is consistent with its approved least-cost integrated resource plan under section 218c of this title at a cost less than or equal to the sum of the applicable alternative compliance payment rate and the applicable rates published by the Department under the Commission's rules implementing subdivision 209(a)(8) of this title; and

~~(ii)~~(II) purchase of tradeable renewable energy credits for distributed renewable generation at a cost that is less than the applicable alternative compliance rate; or

(ii) it has only one retail electricity customer who takes service at 115 kilovolts on property owned or controlled by the customer as of January 1, 2024. Such a provider may seek leave under this subdivision (D) for a period greater than a given year.

(3) Energy transformation.

* * *

(B) Required amounts. For the energy transformation category, the required amounts shall be ~~two~~ 7.33 percent of each retail electricity provider's annual ~~retail electric sales~~ load during the year beginning January 1, ~~2017~~ 2025, increasing by at least an additional two-thirds of a percent each subsequent January 1 until reaching 12 percent on and after January 1, 2032. However, in the case of a provider that is a municipal electric utility serving not more than ~~6,000~~ 7,000 customers, the required amount shall be ~~two~~ six percent of the provider's ~~annual retail sales~~ load beginning on January 1, ~~2019~~ 2025, increasing by an additional two-thirds of a percent each subsequent January 1 until reaching 10 and two-thirds percent on and after January 1, 2032. Prior to January 1, 2019, such a municipal electric utility voluntarily may engage in one or more energy transformation projects in accordance with this subdivision (3). In order to support progress toward Vermont's climate goals and requirements, a retail electricity provider may, but shall not be required to, exceed the statutorily required amounts, up to and including procuring all available energy transformation category projects and measures available at or below the relevant alternative compliance payment rate.

* * *

(4) New renewable energy.

(A) Purpose; establishment. This subdivision (4) establishes a new regional renewable energy category for the RES. This category encourages the use of new renewable generation to support the reliability of the regional ISO-NE electric system. To satisfy this requirement, a provider shall use new renewable energy with environmental attributes attached or any class of tradeable renewable energy credits generated by any renewable energy plant coming into service after January 1, 2010 whose energy is capable of delivery in New England.

(B) Required amounts and exemption. A retail electricity provider that is 100 percent renewable under subdivision (b)(1) of this section shall be exempt from any requirement for new renewable energy under this subdivision (4). For all other retail electricity providers, the amount of new renewable energy required by this subsection (a) shall be:

(i) For a retail electricity provider with 75,000 or more customers, the following percentages of each provider's annual load:

(I) Four percent beginning on January 1, 2027.

(II) 10 percent on and after January 1, 2030.

(III) 15 percent on and after January 1, 2032.

(IV) 20 percent on and after January 1, 2035. If the Commission determines in the report required under subdivision 8005b(b)(4) of this title that it is reasonable to expect that there will be sufficient new regional renewable resources available for a provider to meet its requirement under this subdivision (4) at or below the alternative compliance payment rate established in subdivision (6)(C) of this subsection (a) during a year beginning prior to January 1, 2035, the Commission shall require that provider to meet its requirement under this subdivision (4) in the earliest year the Commission determines it can, provided that the provider shall not be required to meet that requirement prior to the year starting January 1, 2032.

(ii) For a retail electricity provider with less than 75,000 customers, the following percentages of each provider's annual load:

(I) five percent beginning on January 1, 2030; and

(II) 10 percent on and after January 1, 2035.

(C) Relationship to other categories. Distributed renewable generation used to meet the requirements of subdivision (2) of this subsection (a) shall not also count toward the requirements of this subdivision (4). An energy transformation project under subdivision (3) of this subsection (a) shall not count toward the requirements of this subdivision (4).

(D) Single-customer provider. If a retail electricity provider with one customer taking service at 115 kilovolts has not satisfied the distributed renewable generation requirements of subdivision (2) of this subsection (a) on property owned or controlled by the customer as of January 1, 2024, and the cost of additional distributed renewable generation would be at or above the alternative compliance payment rate for the distributed renewable generation category or meeting that requirement with new renewable energy on its property would be economically infeasible, that provider may satisfy the requirements of subdivision (2) of this subsection (a) with an equivalent amount of increased new renewable energy as defined in this subdivision (4).

(5) Load growth; retail electricity providers; 100 percent renewable.

(A) For any retail electricity provider that is 100 percent renewable under subdivision (b)(1) of this section, that provider shall meet its load growth above its 2024 calendar year load, with at least the following percentages of new renewable energy or any renewable energy eligible under subdivision (2) of this subsection (a):

(i) 50 percent beginning on January 1, 2025;

(ii) 75 percent on and after January 1, 2026;

(iii) 90 percent on and after January 1, 2027;

(iv) 100 percent on and after January 1, 2028 until the provider's annual load exceeds 135 percent of the provider's 2022 annual load, at which point the provider shall meet its additional load growth with at least 50 percent new renewable energy until 2035; and

(v) 75 percent on and after January 1, 2035.

(B) For a retail electricity provider with 75,000 or more customers, and for each provider, excluding any provider that is 100 percent renewable under subdivision (b)(1) of this section, that is a member of the Vermont Public Power Supply Authority or its successor, that provider shall meet its load growth above its 2035 calendar year load with 100 percent new renewable energy, which shall include the required amounts of distributed renewable generation as applicable to the provider under subdivision (2) of this subsection (a).

(C) On petition of a retail electricity provider subject to the load growth requirements in subdivision (A) of this subdivision (a)(5), the Commission may for a given year allow the provider to employ existing renewable energy with environmental attributes attached or tradeable renewable energy credits from an existing renewable energy plant to satisfy part or all of the load growth requirement if the provider demonstrates that,

after making every reasonable effort, it is unable during that year to meet the requirement with energy with environmental attributes attached or tradeable renewable energy credits from qualifying new renewable energy plants.

(i) To demonstrate this inability, the provider shall at a minimum timely issue one or more subsequent requests for proposals or transactions and any additional solicitations as necessary to show that it is unable to obtain sufficient ownership of environmental attributes from new renewable energy to meet its required amount under this subdivision at a cost that is less than or equal to the applicable alternative compliance rate for the load growth category.

(ii) In the event the provider is able to meet a portion, but not all, of its load growth requirement in a calendar year with attributes from new renewable energy at a cost that is less than or equal to the applicable alternative compliance rate for the load growth category, the Commission shall allow the provider to use existing renewables only for that portion of its requirement that it is unable to meet with new renewable energy.

(iii) In the event that the provider is unable to meet its load growth requirement with a combination of attributes from new renewable energy and existing renewable energy at a cost that is less than or equal to the alternative compliance rate laid out in subdivision (6) in this subsection (a), the Commission shall require the provider to meet the remainder of its requirement under this subdivision (5) by paying the alternative compliance rate for the load growth category.

(D) Notwithstanding any provision of law to the contrary, any additional energy available to a retail electricity provider that is 100 percent renewable under subdivision (b)(1) of this section under agreements approved or authorized by the Public Utility Commission in its April 15, 2011 Order issued in Docket No. 7670, Petition of twenty Vermont utilities and Vermont Public Power Supply Authority requesting authorization for the purchase of 218 MW to 225 MW of electricity shall also be eligible to meet the requirements laid out in subdivision (A) of this subdivision (a)(5), provided that such additional energy does not exceed two MW, and further provided that a retail electricity provider exercises its right to such energy on or before January 1, 2028 and for no longer than through December 31, 2038.

(6) Alternative compliance rates.

(A) The alternative compliance payment rates for the categories established by subdivisions (1)–(3) of this subsection (a) shall be:

(i) total renewable energy requirement — $0.01 per kWh; and

(ii) distributed renewable generation and energy transformation requirements — $0.06 per kWh.

(B) The Commission shall adjust these rates for inflation annually commencing January 1, 2018, using the CPI.

(C) For the new renewable energy and load growth requirements, it shall be $0.04 per kWh annually commencing on January 1, 2025, with calculations for inflation beginning on January 1, 2023.

(D) The Commission shall have the authority to adjust the alternative compliance payment rate for the new renewable energy and load growth requirements differently than the rate of inflation in order to minimize discrepancies between this rate and alternative compliance payments for similar classes in other New England states and to increase the likelihood that Vermont retail electricity providers cost-effectively achieve these requirements, if it determines doing so is consistent with State energy policy under section 202a of this title.

(b) Reduced amounts; providers; 100 percent renewable.

(1) The provisions of this subsection shall apply to a retail electricity provider that:

(A) as of January 1, 2015, was entitled, through contract, ownership of energy produced by its own generation plants, or both, to an amount of renewable energy equal to or more than 100 percent of its anticipated total retail electric sales in 2017, regardless of whether the provider owned the environmental attributes of that renewable energy; and

(B) annually each July 1 commencing in 2018, owns and has retired tradeable renewable energy credits monitored and traded on the New England Generation Information System or otherwise approved by the Commission equivalent to 100 percent of the provider's total retail sales of electricity for the previous calendar year.

* * *

(c) Biomass.

(1) Distributed renewable generation that employs biomass to produce electricity shall be eligible to count toward a provider's distributed renewable generation or energy transformation requirement only if the plant satisfies the requirements of subdivision (3) of this subsection and produces both electricity and thermal energy from the same biomass fuel and the majority of the energy recovered from the plant is thermal energy.

(2) Distributed renewable generation and energy transformation projects that employ forest biomass to produce energy shall comply with renewability standards adopted by the Commissioner of Forests, Parks and Recreation under 10 V.S.A. § 2751. Energy transformation projects that use wood feedstock, except for noncommercial applications, that are eligible at the time of project commissioning to meet the renewability standards adopted by the Commissioner of Forests, Parks and Recreation do not lose eligibility due to a subsequent change in the renewability standards after the project commissioning date.

(3) No new wood biomass electricity generation facility or wood biomass combined heat and power facility coming into service after January 1, 2023 shall be eligible to satisfy any requirements of this section and section 8004 of this title unless that facility achieves 60 percent overall efficiency and at least a 50 percent net lifecycle greenhouse gas emissions reduction relative to the lifecycle emissions from the combined operation of a new combined-cycle natural gas plant using the most efficient commercially available technology. Any energy generation using wood feedstock from an existing wood biomass electric generation facility placed in service prior to January 1, 2023 remains eligible to satisfy any requirements of this section and section 8004 of this title. Changes to wood biomass electric facilities that were placed in service prior to January 1, 2023, including converting to a combined heat and power facility, adding or modifying a district energy system, replacing electric generation equipment, or repowering the facility with updated or different electric generation technologies, do not change the in service date for the facility, or affect its eligibility to satisfy the requirements of this section and section 8004 of this title, or qualify it as new renewable energy.

(d) Hydropower. A hydroelectric renewable energy plant, that is not owned by a retail electricity provider, shall be eligible to satisfy the distributed renewable generation or energy transformation requirement only if, in addition to meeting the definition of distributed renewable generation, the plant:

(1) is and continues to be certified by the Low-impact Hydropower Institute; or

(2) after January 1, 1987, received a water quality certification pursuant to 33 U.S.C. § 1341 from the Agency of Natural Resources.

(e) Intent. Nothing in this section and section 8004 of this title is intended to relieve, modify, or in any manner affect a renewable energy plant's on-going obligation to not have an undue adverse effect on air and water purity, the natural environment and the use of natural resources, and to comply with required environmental laws and rules.

Sec. 5. 30 V.S.A. § 8006a is amended to read:

§ 8006a. GREENHOUSE GAS REDUCTION CREDITS

(a) Standard offer adjustment. In accordance with this section, greenhouse gas reduction credits generated by an eligible ratepayer shall result in an adjustment of the standard offer under subdivision 8005a(c)(1) of this title (cumulative capacity; pace) or may be utilized by a retail electricity provider that serves a single customer that takes service at 115 kilovolts to meet the energy transformation requirements under subdivision 8005(a)(3)(D) of this title. For the purpose of adjusting the standard offer under subdivision 8005a(c)(1) of this title or energy transformation requirements under subdivision 8005(a)(3)(D) of this title, the amount of a year's greenhouse gas reduction credits shall be the lesser of the following:

(1) The amount of greenhouse gas reduction credits created by ~~the~~ an eligible ~~ratepayers~~ ratepayer served by ~~all providers~~ an eligible provider.

(2) The ~~providers'~~ eligible provider's annual ~~retail electric sales~~ load during that year to those eligible ratepayers creating greenhouse gas reduction credits.

(b) Definitions. ~~In~~ As used in this section:

(1) "Eligible ratepayer" means a customer of a Vermont retail electricity provider who takes service at 115 kilovolts and has demonstrated to the Commission that it has a comprehensive energy and environmental management program. Provision of the customer's certification issued under standard 14001 (environmental management systems) of the International Organization for Standardization (ISO) shall constitute such a demonstration.

(2) "Eligible provider" means a Vermont retail electricity provider who serves a single customer that takes service at 115 kilovolts.

(3) "Eligible reduction" means a reduction in non-energy-related greenhouse gas emissions from manufacturing processes at an in-state facility of an eligible ratepayer, provided that each of the following applies:

(A) The reduction results from a specific project undertaken by the eligible ratepayer at the in-state facility after January 1, ~~2012~~ 2023.

(B) The specific project reduces or avoids greenhouse gas emissions above and beyond any reductions of such emissions required by federal and State statutes and rules.

(C) The reductions are quantifiable and verified by an independent third party as approved by the Agency of Natural Resources and the Commission. Such independent third parties shall be certified by a body

accredited by the American National Standards Institute (ANSI) as having a certification program that meets the ISO standards applicable to verification and validation of greenhouse gas assertions. The independent third party shall use methodologies specified under 40 C.F.R. part 98 and U.S. Environmental Protection Agency greenhouse gas emissions factors and global warming potential figures to quantify and verify reductions in all cases where those factors and figures are available.

~~(3)~~(4) "Greenhouse gas" ~~shall be as defined under~~ has the same meaning as in 10 V.S.A. § 552.

~~(4)~~(5) "Greenhouse gas reduction credit" means a credit for eligible reductions, calculated in accordance with subsection (c) of this section and expressed as a ~~kWh~~ credit eligible under subdivision 8005a(c)(1) of this title, or as a credit eligible under subdivision 8005(a)(3)(D) of this title.

(c) Calculation. Greenhouse gas reduction credits shall be calculated as follows:

(1) Eligible reductions shall be quantified in metric tons of CO2 equivalent, in accordance with the methodologies specified under 40 C.F.R. part 98, and using U.S. Environmental Protection Agency greenhouse gas emissions factors and global warming potential figures, and ~~may~~ shall be counted annually for the life of the specific project that resulted in the reduction. A project that converts a gas with a high global warming potential into a gas with relatively lower global warming potential shall be eligible if the conversion produces a CO2 equivalent reduction on an annual basis.

(2) Metric tons of CO2 equivalent quantified under subdivision (1) of this subsection shall be converted into units of energy through calculation of the equivalent number of kWh of generation by renewable energy plants, other than biomass, that would be required to achieve the same level of greenhouse gas emission reduction through the displacement of market power purchases. For the purpose of this subdivision, the value of the avoided greenhouse gas emissions shall be based on the aggregate greenhouse gas emission characteristics of system power in the regional transmission area overseen by the Independent System Operator of New England (ISO-NE).

(d) Reporting. An eligible ~~ratepayer~~ provider shall report to the Commission annually on each specific project undertaken by an eligible ratepayer to create eligible reductions. The Commission shall specify the required contents of such reports, which shall be publicly available.

~~(e) Savings. A provider shall pass on savings that it realizes through greenhouse gas reduction credits proportionally to the eligible ratepayers generating the credits.~~

Sec. 6. 30 V.S.A. § 8010 is amended to read:

§ 8010. SELF-GENERATION AND NET METERING

* * *

(c) In accordance with this section, the Commission shall adopt and implement rules that govern the installation and operation of net metering systems.

(1) The rules shall establish and maintain a net metering program that:

* * *

(E) ~~ensures that all customers who want to participate in net metering have the opportunity to do so;~~ [Repealed.]

* * *

(H) allows a customer to retain ownership of the environmental attributes of energy generated by the customer's net metering system and of any associated tradeable renewable energy credits or to transfer those attributes and credits to the interconnecting retail provider, and:

(i) if the customer retains the attributes, reduces the value of the credit provided under this section for electricity generated by the customer's net metering system by an appropriate amount; ~~and~~

(ii) if the customer transfers the attributes to the interconnecting provider, requires the provider to retain them for application toward compliance with sections 8004 and 8005 of this title unless the provider has fewer than 75,000 customers, in which case the attributes do not need to be applied toward compliance obligations under sections 8004 and 8005 of this title; and

(iii) if a retail electricity provider that is 100 percent renewable under subdivision 8005(b)(1) of this title does not retire the transferred attributes under sections 8004 and 8005 of this title, requires that the provider apply an equivalent amount of attributes from distributed renewable generation that qualifies under subdivision 8005(a)(2) of this title toward its compliance obligations under sections 8004 and 8005 of this title.

(2) The rules shall include provisions that govern:

* * *

(F) the amount of the credit to be assigned to each kWh of electricity generated by a net metering customer in excess of the electricity supplied by the interconnecting provider to the customer, the manner in which the customer's credit will be applied on the customer's bill, and the period during which a net metering customer must use the credit, after which the credit shall revert to the interconnecting provider.

(i) ~~When assigning an amount of credit under this subdivision (F), the Commission shall consider making multiple lengths of time available over which a customer may take a credit and differentiating the amount according to the length of time chosen. For example, a monthly credit amount may be higher if taken over 10 years and lower if taken over 20 years. Factors relevant to this consideration shall include the customer's ability to finance the net metering system, the cost of that financing, and the net present value to all ratepayers of the net metering program.~~ [Repealed.]

(ii) ~~In~~ As used in this subdivision (ii), "existing net metering system" means a net metering system for which a complete application was filed before January 1, 2017.

(I) Commencing 10 years from the date on which an existing net metering system was installed, the Commission may apply to the system the same rules governing bill credits and the use of those credits on the customer's bill that it applies to net metering systems for which applications were filed on or after January 1, 2017, other than any adjustments related to siting and tradeable renewable energy credits.

(II) The amount of excess generation, as defined in the Commission's rules, from existing net metering systems, may be applied to reduce the provider's statutory requirements under:

(aa) subdivision 8005(a)(2) of this title for a provider with fewer than 75,000 customers, not including one that is 100 percent renewable under subdivision 8005(b)(1) of this title, and

(bb) subdivision 8005(a)(5) of this title for a provider that is 100 percent renewable under subdivision 8005(b)(1) of this title.

(III) This subdivision (ii) shall apply to existing net metering systems notwithstanding any contrary provision of 1 V.S.A. § 214 and 2014 Acts and Resolves No. 99, Sec. 10.

(3) The rules shall establish standards and procedures governing application for and issuance or revocation of a certificate of public good for net metering systems under the provisions of section 248 of this title. In establishing these standards and procedures:

* * *

(C) The rules shall seek to simplify the application and review process as appropriate~~, including simplifying the application and review process to encourage group net metering systems when the system is at least 50 percent owned by the customers who receive the bill credits for the electricity generated by the system~~.

* * *

(d) ~~Commencing in 2021 and biennially thereafter, the Department shall submit to the Commission its evaluation of the current state of net metering in Vermont, which shall be included within the Department's Annual Energy Report required under subsection 202b(e) of this title and shall also be submitted to the Committees listed under subdivision 202b(e)(2) of this title. The evaluation shall:~~

~~(1) analyze the current pace of net metering deployment, both statewide and within the service territory of each retail electricity provider;~~

~~(2) after considering the goals and policies of this chapter, of 10 V.S.A. § 578 (greenhouse gas reduction), of section 202a (State energy policy) of this title, and of the Electrical Energy and Comprehensive Energy Plans under sections 202 and 202b of this title, recommend the future pace of net metering deployment statewide and within the service territory of each provider;~~

~~(3) analyze the existence and degree of cross-subsidy between net metering customers and other customers on a statewide and on an individual provider basis;~~

~~(4) evaluate the effect of net metering on retail electricity provider infrastructure and revenue;~~

~~(5) evaluate the benefits to net metering customers of connecting to the provider's distribution system;~~

~~(6) analyze the economic and environmental benefits of net metering, and the short- and long-term impacts on rates, both statewide and for each provider;~~

~~(7) analyze the reliability and supply diversification costs and benefits of net metering;~~

~~(8) evaluate the ownership and transfer of the environmental attributes of energy generated by net metering systems and of any associated tradeable renewable energy credits; and~~

~~(9) examine and evaluate best practices for net metering identified from other states.~~ [Repealed.]

* * *

Sec. 7. 30 V.S.A. § 202b is amended to read:

§ 202b. STATE COMPREHENSIVE ENERGY PLAN

* * *

(b) In developing or updating the Plan's recommendations, the Department of Public Service shall seek public comment by holding public hearings in at least five different geographic regions of the State on at least three different dates, and by providing and maintaining notice ~~through publication once a week and at least seven days apart for two or more successive weeks in a newspaper or newspapers of general circulation in the regions where the hearings will be held, and by delivering notices to all licensed commercial radio and television stations with transmitting facilities within the State, plus Vermont Public Radio and Vermont Educational Television~~ on the Department's website for at least 21 days before the day of each hearing and providing and maintaining reasonable notice consistent with best practices for public engagement. The notice shall include an internet address where more information regarding the hearings may be viewed.

* * *

(e) The Commissioner of Public Service (Commissioner) shall file an annual report on progress in meeting the goals of the Plan. The report shall address each of the following sectors of energy consumption in the State: electricity, nonelectric fuels for thermal purposes, and transportation. In preparing the report, the Commissioner shall consult with the Secretaries of Administration, of Agriculture, Food and Markets, of Natural Resources, and of Transportation and the Commissioner of Buildings and General Services.

(1) The Commissioner shall file the report on or before January 15 of each year, commencing in 2019. The provisions of 2 V.S.A. § 20(d) shall not apply to this report.

(2) The Commissioner shall file the report with the House ~~Committees~~ Committee on Environment and Energy ~~and Technology and on Natural Resources, Fish, and Wildlife~~ and with the Senate Committees on Finance and on Natural Resources and Energy.

(3) For each sector, the report shall provide:

(A) In millions of British thermal units (MMBTUs) for the most recent calendar year for which data are available, the total amount of energy

consumed, the amount of renewable energy consumed, and the percentage of renewable energy consumed. For the electricity sector, the report shall also state the amounts in megawatt hours (MWH) of retail sales and load for Vermont as well as for each retail electricity provider and the Vermont and New England summer and winter peak electric demand, including the hour and day of peak demand.

(B) Projections of the energy reductions and shift to renewable energy expected to occur under existing policies, technologies, and markets. The most recent available data shall be used to inform these projections and shall be provided as a supplement to the data described in subdivision (A) of this subdivision (3).

(C) Recommendations of policies to further the renewable energy requirements and goals set forth in statute and the Plan, along with an evaluation of the relative cost-effectiveness and equity-related impacts of different policy approaches.

(4) The report shall include ~~a supplemental~~ an analysis setting forth how progress toward the goals of the Plan is supported by complementary work in avoiding or reducing energy consumption through efficiency and demand reduction. In this subdivision (4), "demand reduction" includes dispatchable measures, such as controlling appliances that consume energy, and nondispatchable measures, such as weatherization.

(5) The report shall include recommendations on methods to enhance the process for planning, tracking, and reporting progress toward meeting statutory energy ~~goals~~ requirements and the goals of the Plan. Such recommendations may include the consolidation of one or more periodic reports filed by the Department or other State agencies relating to renewable energy, with proposals for amending the statutes relevant to those reports.

(6) The report shall include a summary of the following information for each sector:

(A) major changes in relevant markets, technologies, and costs;

(B) average Vermont prices compared to the other New England states, based on the most recent available data; and

(C) significant Vermont and federal incentive programs that are relevant to one or more of the sectors.

(7) The report shall include ~~any activity that occurs under the Vermont Small Hydropower Assistance Program, the Vermont Village Green Program, and the Fuel Efficiency Fund.~~ the following information on progress toward meeting the Renewable Energy Standard (RES):

(A) An assessment of the costs and benefits of the RES based on the most current available data, including rate and economic impacts, customer savings, technology deployment, greenhouse gas emission reductions achieved both relative to 10 V.S.A § 578 requirements and societally, fuel price stability, effect on transmission and distribution upgrade costs, and any recommended changes based on this assessment.

(i) For the most recent calendar year for which data is available, each retail electricity provider's retail sales and load, in MWh; required amounts of renewable energy for each category of the RES as set forth in section 8005 of this title; and amounts of renewable energy and tradeable renewable energy credits eligible to satisfy the requirements of sections 8004 and 8005 of this title actually owned by the Vermont retail electricity providers, expressed as a percentage of retail sales and total load.

(ii) The report shall summarize the energy transformation projects undertaken pursuant to section 8005 of this title, their costs and benefits, their avoided fossil fuel consumption and greenhouse gas emissions, and, if applicable, energy savings.

(iii) The report shall summarize statewide progress toward achieving each of the categories set forth in section 8005 of this title.

(iv) The report shall assess how costs and benefits of the RES are being distributed across State, to the extent possible given available data, by retail electricity service territory, municipality, and environmental justice focus populations, as defined by 3 V.S.A. § 6002. Such an assessment shall consider metrics to monitor affordability of electric rates.

(B) Projections, looking at least 10 years ahead, of the impacts of the RES.

(i) The Department shall consider at least three scenarios based on high, mid-range, and low energy price forecasts.

(ii) The Department shall provide an opportunity for public comment on the model during its development and make the model and associated documents available on the Department's website.

(iii) The Department shall project, for the State, the impact of the RES in each of the following areas: electric utility rates, total energy consumption, electric energy consumption, fossil fuel consumption, and greenhouse gas emissions. The report shall compare the amount or level in each of these areas with and without the program.

(C) An assessment of whether the requirements of the RES have been met to date, and any recommended changes needed to achieve those requirements.

(D) A summary of the activities of distributed renewable generation programs that support the achievement of the RES, including:

(i) Standard Offer Program under section 8005a of this title, including the number of plants participating in the Program, the prices paid by the Program, and the plant capacity and average annual energy generation of the participating plants. The report shall present this information as totals for all participating plants and by category of renewable energy technology. The report also shall identify the number of applications received, the number of participating plants under contract, and the number of participating plants actually in service.

(ii) the net metering program, including: the current pace of net metering deployment, both statewide and within the service territory of each retail electricity provider; the ownership and transfer of the environmental attributes of energy generated by net metering systems and of any associated tradeable renewable energy credits; and any other information relevant to the costs and benefits of net metering.

(8) The report shall include any recommendations for statutory change related to sections 8004, 8005, 8005a, 8010, and 8011 of this title.

(9) For the report due in 2029, the Commission as shall issue a report on whether it is reasonable to expect that there will be sufficient new regional renewable resources available for a retail electricity provider with 75,000 or more customers to meet its requirement under subdivision 8005(a)(4)(B)(i)(IV) of this title at or below the alternative compliance payment rate for the new renewable generation category of section 8005 of this title during the year beginning on January 1, 2032, or during the years beginning on January 1, 2033 or January 1, 2034. The Commission shall not be required to issue this report in a contested case under 3 V.S.A. chapter 25 but shall conduct a proceeding on the issue with opportunities for participation by the retail electricity providers, Vermont Public Power Supply Authority, Renewable Energy Vermont, and other members of the public. Notwithstanding the timeline specified in subdivision (e)(1) of this section, the Commission shall file this annual report on or before December 15, 2028.

(d) During the preparation of reports under this section, the Department shall provide an opportunity for the public to submit relevant information and recommendations.

Sec. 8. REPORT

On or before January 15, 2025, the Department of Public Service, after consultation with the Public Utility Commission, the Vermont Housing Finance Agency, Vermont Housing and Conservation Board, Evernorth, Green Mountain Power, Vermont Electric Cooperative, the Vermont Public Power Supply Authority, other electric utilities that wish to participate, and the Office of Racial Equity, shall submit a report to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy. The goal of this report is to develop a replacement program for group net metering to reduce operating costs, reduce resident energy burdens, and encourage electrification and decarbonization of buildings and enhance the financial capacity of housing providers to electrify the buildings developed or rehabilitated and provide relief to residents of manufactured home communities from their energy burdens. This report shall:

(1) Discuss and prioritize recommendations for replacement programs based on how they would impact Vermont's impacted and frontline communities and identify opportunities for these communities to benefit from investments in renewables to adapt to climate and economic change within the framework of a replacement of the net-metering program.

(2) Discuss current programs electric utilities have in place to serve income-eligible customers, the number of participants in those programs, and their trends over time.

(3) Discuss progress affordable housing funders and developers have made to date in connecting projects with solar resources, as well as any barriers to this, and the comparison of the availability and cost of net metered installations on single-family dwelling units.

(4) List funding sources available for solar and other energy-related projects benefiting affordable housing and customers with low-income, including if it is federal or time-limited.

(5) Propose comparable successor programs to group net-metering for connecting affordable housing developments and income-eligible residents of manufactured home communities with solar projects in order to reduce operating costs, reduce resident energy burdens, and encourage electrification and decarbonization of buildings. Programs that meet the intent of this section shall include the following:

(A) a process to bring additional solar or other renewable energy projects online that could be owned by affordable housing developers;

(B) a process to enroll eligible customers, including property owners of qualified rental units; and

(C) if connecting directly to customers, a bill credit process to allocate a customer's kWh solar share on a monthly basis.

Sec. 9. REPEAL

30 V.S.A. § 8005b (renewable energy programs; reports) is repealed.

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

(Committee Vote: 9-1-1)

Rep. Demrow of Corinth, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Environment and Energy.

(Committee Vote: 8-4-0)

H. 629

An act relating to changes to property tax abatement and tax sales

Rep. Demrow of Corinth, for the Committee on Ways and Means, recommends the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Municipal Tax Abatement * * *

Sec. 1. 24 V.S.A. § 1535 is amended to read:

§ 1535. ABATEMENT

(a) The board may abate in whole or part taxes, water charges, sewer charges, interest, or collection fees, or any combination of those, other than those arising out of a corrected classification of homestead or nonhomestead property, accruing to the town in the following cases:

(1) taxes or charges of persons who have died insolvent;

(2) taxes or charges of persons who have moved from the State;

(3) taxes or charges of persons who are unable to pay their taxes or charges, interest, and collection fees;

(4) taxes in which there is manifest error or a mistake of the listers;

(5) taxes or charges upon real or personal property lost or destroyed during the tax year;

(6) the exemption amount available under 32 V.S.A. § 3802(11) to persons otherwise eligible for exemption who file a claim on or after May 1 but before October 1 due to the claimant's sickness or disability or other good cause as determined by the board of abatement; but that exemption amount shall be reduced by 20 percent of the total exemption for each month or portion of a month the claim is late filed;

(7) [Repealed.]

(8) [Repealed.]

(9) taxes or charges upon a mobile home moved from the town during the tax year as a result of a change in use of the mobile home park land or parts thereof or closure of the mobile home park in which the mobile home was sited, pursuant to 10 V.S.A. § 6237; or

(10) de minimis amounts of taxes for purposes of reconciling municipal accounts according to generally accepted accounting practices.

(b) The board's abatement of an amount of tax or charge shall automatically abate any uncollected interest and fees relating to that amount.

(c) The board shall, in any case in which it abates taxes or charges, interest, or collection fees accruing to the town or denies an application for abatement, state in detail in writing the reasons for its decision. The written decision shall provide sufficient explanation to indicate to the parties what was considered and what was decided. The decision shall address the arguments raised by the applicant.

(d)(1) The board may order that any abatement as to an amount or amounts already paid be in the form of a refund or in the form of a credit against the tax or charge for the next ensuing tax year or charge billing cycle and for succeeding tax years or billing cycles if required to use up the amount of the credit.

(2) Whenever a municipality votes to collect interest on overdue taxes pursuant to 32 V.S.A. § 5136, interest in a like amount shall be paid by the municipality to any person for whom an abatement has been ordered.

(3) Interest on taxes or charges paid and subsequently abated shall accrue from the date payment was due or made, whichever is later. However, abatements issued pursuant to subdivision (a)(5) of this section need not include the payment of interest.

(4) When a refund has been ordered, the board shall draw an order on the town treasurer for payment of the refund.

(e)(1) The board may hear a group of similar requests for abatement as a class, provided that:

(A) the requests shall arise from the same cause or event;

(B) the requests relate to the bases for abatement in subdivision (a)(4), (5), or (9) of this section;

(C) the board shall group requests based on property classification;

(D) the board shall provide notice to each taxpayer of the taxpayer's status as a member of the class; and

(E) a taxpayer shall have the right to decline the taxpayer's status as a member of the class and pursue the taxpayer's request as a separate action before the board.

(2) The board shall provide notice to each taxpayer at minimum 21 days before the scheduled hearing for the class. The notice shall include a description of the class and the board's reasons for grouping the requests, an explanation of the taxpayer's status as a member of the class, the procedure for appealing a board decision, the taxpayer's right to decline class membership and pursue a separate action, and any deadlines that the taxpayer must meet in order to participate as a member of the class or pursue a separate action.

(3) A taxpayer shall notify the board of the taxpayer's intent to pursue a separate action, pursuant to subdivision (1)(E) of this subsection, a minimum of seven days before the board's hearing to consider a class request.

(4) A board may preserve and take notice of any evidence supporting the basis for abatement for a class and use that evidence for purposes of a later, separate action pursued by an individual taxpayer.

(5) In instances where a board abates in part taxes, charges, interest, or collection fees for a class, the board shall not render a decision that results in disproportionate rates of abatement for taxpayers within the class.

(f) A municipality shall provide clear notice to a taxpayer of the ability to request tax abatement, and how to request abatement, at the same time as a municipality attempts to collect a municipal fee or interest for delinquent taxes, water charges, sewer charges, or tax collection.

Sec. 2. 24 V.S.A. § 5144 is amended to read:

§ 5144. UNIFORM NOTICE FORM

The notice form required under section 5143 of this chapter, shall be clearly printed on a pink colored sheet of paper, and shall be according to the following form:

* * *

ABATEMENT AND POSSIBLE REDUCTION IN CHARGES—You may be able to receive a reduction of charges, penalties, or interest through municipal abatement. To seek this reduction in charges from the Board of Abatement, contact the municipal clerk by mail or phone:

(Name of Clerk of Board of Abatement)

(Name of Town, City, or Village)

(Address of Office)

(Mailing Address)

or by calling:

(Telephone Number)

* * * Property Tax Credit * * *

Sec. 3. 32 V.S.A. § 6065 is amended to read:

§ 6065. FORMS; TABLES; NOTICES

(a) In administering this chapter, the Commissioner shall provide suitable claim forms with tables of allowable claims, instructions, and worksheets for claiming a homestead property tax credit.

(b) Prior to June 1, the Commissioner shall also prepare and supply to each town in the State notices describing the homestead property tax credit~~,~~ for inclusion in property tax bills. The notice shall be in simple, plain language and shall explain how to file for a property tax credit, where to find assistance filing for a credit, and any other related information as determined by the Commissioner. The notice shall direct taxpayers to a resource where they can find versions of the notice translated into the five most common non-English languages in the State. A town shall include such notice in each tax bill and notice of delinquent taxes that it mails to taxpayers who own in that town a residential property that could be a homestead as defined in subdivision 5401(7) of this title, without regard for whether the property was declared a homestead.

(c) Notwithstanding the provisions of subsection (b) of this section, towns that use envelopes or mailers not able to accommodate notices describing the homestead tax credit may distribute such notices in an alternative manner.

* * * Tax Sale of Real Property * * *

Sec. 4. 32 V.S.A. § 5252 is amended to read:

§ 5252. LEVY AND NOTICE OF SALE; SECURING PROPERTY

(a) When the collector of taxes of a town or of a municipality within it has for collection a tax assessed against real estate in the town and the taxpayer is delinquent for a period longer than one year, the collector may extend a warrant on such land. However, no warrant shall be extended until a delinquent taxpayer is given an opportunity to enter a written reasonable repayment plan pursuant to subsection (c) of this section. If a collector receives notice from a mobile home park owner pursuant to 10 V.S.A. § 6248(b), the collector shall, within 15 days after the notice, commence tax sale proceedings to hold a tax sale within 60 days after the notice. If the collector fails to initiate such proceedings, the town may initiate tax sale proceedings only after complying with 10 V.S.A. § 6249(f). If the tax collector extends the warrant, the collector shall:

(1) File in the office of the town clerk for record a true and attested copy of the warrant and so much of the tax bill committed to the collector for collection as relates to the tax against the delinquent taxpayer, a sufficient description of the land so levied upon, and a statement in writing that by virtue of the original tax warrant and tax bill committed to the collector for collection, the collector has levied upon the described land.

(2) Advertise forthwith such land for sale at public auction in the town where it lies three weeks successively in a newspaper circulating in the vicinity, the last publication to be at least 10 days before such sale.

(3) Give the delinquent taxpayer written notice by certified mail requiring a return receipt directed to the last known address of the delinquent of the date and place of such sale at least ~~10~~ 30 days prior thereto if the delinquent is a resident of the town and ~~20~~ 30 days prior thereto if the delinquent is a nonresident of the town. If the notice by certified mail is returned unclaimed, notice shall be provided to the taxpayer by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure, except that if the last known address of the delinquent taxpayer is in Vermont, the collector shall resend the notice by first-class mail and make one attempt at personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure. If the last known address of the delinquent taxpayer is in Vermont, and an attempt at personal service fails, the collector shall affix the notice to the exterior door of the property subject to tax sale.

(4) Give to the mortgagee or lien holder of record written notice of such sale at least ~~10~~ 30 days prior thereto if a resident of the town and, if a nonresident, ~~20~~ 30 days' notice to the mortgagee or lien holder of record or ~~his or her~~ the mortgagee's or lien holder's agent or attorney by certified mail requiring a return receipt directed to the last known address of such person. If the notice by certified mail is returned unclaimed, notice shall be provided by

resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(5) Post a notice of such sale in some public place in the town.

(6) Enclose the following statement, with directions to a resource translating the notice into the five most common non-English languages used in this State, with the notices required under subdivisions (3) and (4) of this subsection and with every delinquent tax notice:

Warning: There are unpaid property taxes at (address of property), which you may own, have a legal interest, or may be contiguous to your property. The property will be sold at public auction on (date set for sale) unless the overdue taxes, fees, and interest in the amount of (dollar amount due) is paid. To make payment or receive further information, contact (name of tax collector) immediately at (office address), (mailing address), (e-mail address), or (telephone number).

(7) The resource for translation of the notice required under subdivision (6) of this subsection shall be made available to all municipalities by the Vermont Department of Taxes.

(b) If the warrant and levy for delinquent taxes has been recorded pursuant to subsection (a) of this section, the municipality in which the real estate lies may secure the property against illegal activity and potential fire hazards after giving the mortgagee or lien holder of record written notice at least 10 days prior to such action.

(c)(1) A municipality shall not initiate a tax sale proceeding until it has offered a delinquent taxpayer a written reasonable repayment plan and the taxpayer has either denied the offer, failed to respond within 30 days, or has failed to make a payment under the plan within the time frame established by the collector. When establishing a plan under this subsection, the municipality shall consider the following:

(A) the income and income schedule of the taxpayer, if offered by the taxpayer;

(B) the taxpayer's tax payment history with the municipality;

(C) the amount of tax debt owed to the municipality;

(D) the amount of time tax has been delinquent; and

(E) the taxpayer's reason for the delinquency.

(2) A collector is only required to offer one payment plan per delinquency, without regard for whether it is agreed to by the delinquent taxpayer.

(3) A collector may void a payment plan and proceed to tax sale if a delinquent taxpayer agrees to a payment plan under this subsection and fails to make a timely payment.

Sec. 5. 32 V.S.A. § 5253 is amended to read:

§ 5253. FORM OF ADVERTISEMENT AND NOTICE OF SALE

The form of advertisement and notice of sale provided for in section 5252 of this title shall be substantially in the following form:

The resident and nonresident owners, lien holders, and mortgagees of lands in the town of _____ in the county of _____ are hereby notified that the taxes assessed by such town for the years _____ (insert years the taxes are unpaid) _____ remain, either in whole or in part, unpaid on the following described lands in such town, to wit,

_____

_____

(insert description of lands)

and so much of such lands will be sold at public auction at _____ a public place in such town, on the _____ day of _____ (month), _____ (year) at _____ o'clock ____ (am/pm), as shall be requisite to discharge such taxes with costs and fees, unless previously paid.

Be advised that the owner or mortgagee, or the owner's or mortgagee's representatives or assigns, of lands sold for taxes shall have a right to redemption for a period of one year from the date of sale pursuant to 32 V.S.A. § 5260.

Dated at _____, Vermont, this _____ day of _____ (month), ____ (year).

_____

Collector of Town Taxes

Sec. 6. 32 V.S.A. § 5260 is amended to read:

§ 5260. REDEMPTION

(a) When the owner or mortgagee of lands sold for taxes, ~~his or her~~ the owner's or mortgagee's representatives or assigns, within one year from the day of sale, pays or tenders to the collector who made the sale or in the case of

~~his or her~~ the collector's death or removal from the town where the land lies, to the town clerk of such town, the sum for which the land was sold with interest thereon calculated at a rate of ~~one~~ 0.5 percent per month ~~or fraction thereof~~ from the day of sale to the day of payment, a deed of the land shall not be made to the purchaser, but the money paid or tendered by the owner or mortgagee or ~~his or her~~ the owner's or mortgagee's representatives or assigns to the collector or town clerk shall be paid over to such purchaser on demand. In the event that a municipality purchases contaminated land pursuant to section 5259 of this title, the cost to redeem shall include all costs expended for assessment and remediation, including expenses incurred or authorized by any local, State, or federal government authority.

(b) During the redemption period, the tax collector shall:

(1) Serve the delinquent taxpayer with the written notice required under subsection (c) of this section between 90 and 120 days prior to the end of the redemption period using certified mail requiring a return receipt, directed to the last known address of the delinquent taxpayer. If the notice by certified mail is returned unclaimed, notice shall be provided by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(2) Post the notice in some public place in the municipality between 90 and 120 days prior to the end of redemption period.

(c) The tax collector shall enclose the following statement, with directions to a resource translating the notice into the five most common non-English languages used in this State, with every notice required under this section:

Warning: There are unpaid property taxes at (address of property), which you may own, have a legal interest in, or may be contiguous to your property. The property was sold at public auction on (date). Unless the overdue taxes, fees, and interest are paid by (last day of redemption period), the deed to the property will transfer to purchaser. To redeem the property and avoid losing your legal interest, you must pay (dollar amount due for redemption). The amount you must pay to redeem the property increases every month due to interest, mailing costs, and other costs. To make payment or receive further information, contact (name of tax collector) immediately at (office address), (mailing address), (e-mail address), and (telephone number).

(d) The resource for translation of the notice required under subsection (c) of this section shall be made available to all municipalities by the Vermont Department of Taxes.

Sec. 7. WORKING GROUP ON VERMONT'S ABATEMENT AND TAX

SALE PROCESSES

(a) Creation. There is created the Working Group on Vermont's Abatement and Tax Sale Processes to assess how Vermont may balance fairness for delinquent taxpayers with the needs of municipalities.

(b) Membership. The Working Group shall be composed of the following members:

(1) a representative, appointed by Vermont Legal Aid;

(2) a representative, appointed by the Vermont League of Cities and Towns;

(3) a representative, appointed by the Vermont Banker's Association;

(4) a representative, appointed by the Vermont Housing Finance Agency;

(5) a representative, appointed by the Vermont Municipal Clerk and Treasurer Association;

(6) a representative, appointed by the Neighborworks Alliance of Vermont;

(7) a representative, appointed by the Champlain Valley Office of Economic Opportunity Mobile Home Project; and

(8) a representative, appointed by the Vermont Assessors and Listers Association.

(c) Powers and duties. The Working Group shall offer recommendations relating to the following:

(1) establishing a process so that delinquent taxpayers whose properties are transferred via tax collector's deed, or a tax-lien foreclosure sale, can fairly recoup equity in their property in excess of the tax debt, fees, and interest for which their property is sold;

(2) standardizing and ensuring fairness in the abatement process across Vermont municipalities;

(3) requiring a minimum amount of tax debt before a tax sale can be initiated;

(4) allowing a tax sale to be initiated for blighted or dilapidated real estate that has been abandoned when taxes are delinquent for less than one year; and

(5) whether a 0.5 percent rate of monthly interest paid by delinquent taxpayers for purchasers during the redemption period causes a reduction in municipalities' ability to receive bids on properties at tax sales.

(d) Report. On or before December 15, 2024, the Working Group shall submit a written report to the House Committee on Ways and Means with its findings and any recommendations for legislative action, including proposed legislative language.

(e) Meetings.

(1) The representative appointed by Vermont Legal Aid shall call the first meeting of the Working Group to occur on or before August 1, 2024.

(2) The Working Group shall elect a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Working Group shall cease to exist on June 30, 2025.

Sec. 8. APPLICATION OF CHANGES MADE BY THIS ACT

(a) The amendments to 32 V.S.A. § 5252 made by Sec. 4 of this act (notice of sale) shall not apply to a property that was subject to a notice of sale prior to effective date of this act.

(b) The amendments to 32 V.S.A. § 5260 made by Sec. 6 of this act (redemption) shall not apply to a property that has been sold at tax sale prior to the effective date of this act, except that, notwithstanding any provision of 1 V.S.A. § 214 to the contrary, the provisions of 32 V.S.A. § 5260(b) and (c) shall apply if, on the effective date of this act, 90 days or more remain until the end of the redemption period.

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 9-3-0)

CONSENT CALENDAR

Concurrent Resolutions for Adoption Under Joint Rules 16a - 16d

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration in that member's chamber prior to

adjournment of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Senate Secretary's Office or the House Clerk's Office, as applicable. For text of resolutions, see Addendum to House Calendar.

H.C.R. 160

House concurrent resolution in memory of veteran Pownal firefighter Kenneth Carlton O'Dell

H.C.R. 161

House concurrent resolution honoring Newport City Council Chair John Wilson for his national and municipal public service

H.C.R. 162

House concurrent resolution honoring Sergeant at Arms Janet Miller for her stellar public service for the General Assembly

H.C.R. 163

House concurrent resolution recognizing Public Schools Week in Vermont

For Informational Purposes

NOTICE OF CROSSOVER DATES

The Committee on Joint Rules adopted the following Crossover dates:

(1) All **House/Senate** bills must be reported out of the last committee of reference (including the Committees on Appropriations and on Ways and Means/Finance, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 15, 2024** and filed with the Clerk/Secretary so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by **Friday, March 15, 2024.**

(2) All **House/Senate** bills referred pursuant to House Rule 35(a) or Senate Rule 31 to the Committees on Appropriations and on Ways and Means/Finance must be reported out by the last of those committees on or before **Friday, March 22, 2024** and filed with the Clerk/Secretary so they may be placed on the Calendar for Notice the next legislative day.

Exceptions the foregoing deadlines include the major money bills (the general Appropriations bill ("The Big Bill"), the Transportation Capital bill, the Capital Construction bill, the Pay Act, and the Fee and miscellaneous tax bills).

NOTICE OF JOINT ASSEMBLY

Friday, March 1, 2024 – 10:30 A.M. – House Chamber – Election of a Sergeant at Arms.

Candidates for the position of Sergeant at Arms, must notify the Secretary of State **in writing** of their candidacies not later than Friday, February 23, 2023, by 4:00 P.M., pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of this election:

First: All nominations for this office will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

H.C.R. DRAFTING REQUEST DEADLINE

For a House Concurrent Resolution (H.C.R.) to be available for presentation during the Town Meeting Week break, it must be adopted pursuant to the Consent Calendar published not later than the preceding week (Thurs., Feb. 29 and Fri., March 1, 2024).

It was requested that any Member who wishes to present an H.C.R. during the Town Meeting Week break should submit a drafting request to Michael Chernick, Legislative Counsel, **not later than Friday, February 16, 2024 at 4:30 P.M.** to ensure adequate time for the drafting and Consent Calendar adoption process. That deadline has passed. Any H.C.R. drafting request received after that deadline cannot be guaranteed to be adopted in time for Town Meeting Week presentation.

JOINT FISCAL COMMITTEE NOTICES

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)(D):

JFO #3186: $4,525,801.81 to the Agency of Agriculture, Food and Markets from the U.S. Department of Agriculture. The majority of funds to be sub-awards to Vermont's agricultural businesses and organizations to build resilience in the middle of the food supply chain and to support market development for small farms and food businesses. Includes full funding for one (1) limited-service position, Agriculture Development Specialist II and 50% support for one (1) limited-service position, Contracts and Grants Specialist I. The other 50% for the position will come from already approved JFO #2982.

[Received February 8, 2024]

JFO #3185: $70,000.00 to the Attorney General's Office from the Sears Consumer Protection and Education Fund to improve accessibility and outreach of the Vermont Consumer Assistance Program to underserved populations in Vermont.

[Received January 31, 2024]

JFO #3184: Three (3) limited-service positions to the Agency of Human Services, Department of Health. One (1) Substance Abuse Program Evaluator, funded through 8/31/28; and one (1) Public Health Specialist II, and one (1) Family Service Specialist both funded through 9/29/2024. The positions are fully funded by previously approved JFO requests #3036 and #1891. These positions will support Vermont's Overdose Data to Action program and the Maternal Mortality Review Panel.

[Received January 31, 2024]

JFO #3183: $182,500.00 to the Agency of Natural Resources, Department of Forests, Parks and Recreation. Funds will be used to complete the purchase of a conservation easement on a 183-acre parcel of land in Townshend, Vermont (Peterson Farm). [*Note: Remainder of the easement ($82,500) is supported by a State appropriation agreement between the department and the VHCB. Closing costs, including department staff time, is funded by already budgeted federal funds. Ongoing enforcement costs are managed by the department's Lands and Facilities Trust Fund. A $15,000.00 stewardship contribution to this fund will be made by the landowner at the time of the sale.*]

[Received January 31, 2024]

JFO #3182: $125,000.00 to Agency of Natural Resources, Department of Environmental Conservation from the New England Interstate Water Pollution Control Commission to expand current monitoring of cyanotoxins in Lake Champlain and Vermont inland lakes.

[Received January 31, 2024]

JFO #3181: $409,960.00 to the Agency of Commerce and Community Development, Department of Housing and Community Development from the U.S. Department of the Interior/National Park Service. Funds will be used for the preservation, repair, and restoration of the Old Constitution House, located in Windsor, Vermont. The first Constitution of Vermont was adopted on this site, then known as Elijah West's Tavern, on July 8, 1777. *[Note: A State match of $53,714.00 is accomplished within the agency budget through the reduction of a fraction of an existing position base and existing capital bill funds.]*

[Received January 31, 2024]

JFO #3180: One (1) limited-service position, Administrative Services Director III, to the Agency of Administration, Recovery Office. Position will ensure that flood recovery projects are integrated with existing state and federal programs. Will also ensure compliance and tracking of already awarded grants as well as those anticipated in the wake of the July 2023 flooding event. Position is funded through already approved JFO Request #3165 as well as Acts 74 (2021) and 185 (2022). The position is fully funded through 7/31/2027.

[Received January 31, 2024]

JFO #3179: Two (2) limited-service positions. One (1) to the Department of Mental Health, Project AWARE Lead Coordinator and one (1) to the Agency of Education, Project AWARE Co-Coordinator. The positions will liaison to coordinate and expand the state's efforts to develop sustainable infrastructure for school-based mental health. Both positions are fully funded through 9/29/28 from previous SAMHSA grant award JFO #2934.

[Received January 26, 2024]

JFO #3178: $456,436.00 to the Agency of Natural Resources, Secretary's Office from the U.S. Environmental Protection Agency. Funds will support (1) limited-service position, Environmental Analyst IV. This position will serve as administrative lead developing the updated Climate Action Plan with the Vermont Climate Council and perform added work required by the EPA grant. Position is funded through 6/30/2027.

[Received January 11, 2024]

JFO #3177: $2,543,564.00 to the Agency of Natural Resources, Secretary's Office from the U.S. Environmental Protection Agency. Funding is phase one of a two-phase funding opportunity aimed to support Vermont with climate change mitigation planning efforts. A comprehensive climate action plan will be developed, to overlap with and be synonymous to the required update to Vermont's Climate Action Plan in 2025.

[Received January 12, 2024]

JFO #3176: $250,000.00 to the Agency of Human Services, Department of Mental Health from the National Association of State Mental Health Program Directors. These funds will increase rapid access to behavioral health care by supporting the peer service component of the mental health urgent care clinic being established in Chittenden County. This clinic will offer an alternative to seeking mental health care in emergency departments

[Received January 11, 2024]