Journal of the House

Wednesday, March 20, 2024

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Brian Cina of Burlington.

House Bill Introduced

H. 881

By Reps. Hooper of Burlington, Bluemle of Burlington, Cina of Burlington, Headrick of Burlington, Logan of Burlington, Mulvaney-Stanak of Burlington, Ode of Burlington, Rachelson of Burlington, Stebbins of Burlington, and Stone of Burlington,

House bill, entitled

An act relating to approval of an amendment to the charter of the City of Burlington

Was read the first time and referred to the Committee on Government Operations and Military Affairs.

Senate Bill Referred

S. 197

Senate bill, entitled

An act relating to restricting perfluoroalkyl and polyfluoroalkyl substances in consumer products

Was read the first time and referred to the Committee on Human Services.

Bill Referred to Committee on Appropriations

H. 585

House bill, entitled

An act relating to amending the pension system for sheriffs and certain deputy sheriffs

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Pending Entry on the Notice Calendar
Bills Referred to the Committee on Appropriations

House bills of the following titles were severally taken up, and pursuant to House Rule 35(a), carrying an appropriation, were referred to the Committee on Appropriations, pending entry on the Notice Calendar:

H. 630

House bill, entitled

An act relating to boards of cooperative education services

H. 871

House bill, entitled

An act relating to the development of an updated State aid to school construction program

H. 874

House bill, entitled

An act relating to miscellaneous changes in education laws

Joint Resolution Adopted in Concurrence

J.R.S. 49

By Senator Baruth,

J.R.S. 49. Joint resolution relating to weekend adjournment on March 22, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 22, 2024, it be to meet again no later than Tuesday, March 26, 2024.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading

H.C.R. 180

House concurrent resolution recognizing July 2024 as Park and Recreation Month in Vermont and designating July 19, 2024 as Vermont Park and Recreation Professionals Day in Vermont

Offered by: Representatives Krasnow of South Burlington, LaLonde of South Burlington, Hyman of South Burlington, Minier of South Burlington, and Nugent of South Burlington

House concurrent resolution recognizing July 2024 as Park and Recreation Month in Vermont and designating July 19, 2024 as Vermont Park and Recreation Professionals Day in Vermont

Offered by: Representatives Krasnow of South Burlington, LaLonde of South Burlington, Hyman of South Burlington, Minier of South Burlington, and Nugent of South Burlington

Whereas, Vermont's park and recreation programs are an integral part of our State and local communities, and

Whereas, their presence in a community promotes an active lifestyle, offers environmental protection, and serves as an economic resource, and

Whereas, park and recreation programs support the effectiveness of therapeutic recreational services for persons with disabilities, and

Whereas, in 1985, the National Recreation and Park Association established July as Park and Recreation Month, and, in 2009, the U.S. House of Representatives adopted a resolution endorsing this national celebration of our nation's parks, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes July 2024 as Park and Recreation Month in Vermont and designates July 19, 2024 as Vermont Park and Recreation Professionals Day, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Recreation and Parks Association.

Having been adopted in concurrence on Friday, March 15, 2024 in accord with Joint Rule 16b, was read.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 173

House bill, entitled

An act relating to prohibiting manipulating a child for the purpose of sexual contact

H. 233

House bill, entitled

An act relating to pharmacy benefit management and Medicaid wholesale drug distribution

H. 279

House bill, entitled

An act relating to the Uniform Trust Decanting Act

H. 350

House bill, entitled

An act relating to the Uniform Directed Trust Act

H. 606

House bill, entitled

An act relating to professional licensure and immigration status

H. 614

House bill, entitled

An act relating to land improvement fraud and timber trespass

H. 644

House bill, entitled

An act relating to access to records by individuals who were in foster care

H. 664

House bill, entitled

An act relating to designating a State Mushroom

H. 667

House bill, entitled

An act relating to the creation of the Vermont-Ireland Trade Commission

H. 741

House bill, entitled

An act relating to health insurance coverage for colorectal cancer screening

Bill Amended; Third Reading; Bill Passed

H. 794

House bill, entitled

An act relating to services provided by the Vermont Veterans' Home

Was taken up and, pending third reading of the bill, **Rep. Hooper of Burlington** moved to amend the bill as follows:

In Sec. 2, 20 V.S.A. § 1717, in subdivision (b)(2), by striking out the following: "1714(13), (14), and (15)" and inserting in lieu thereof the following: "1714(5), (13), (14), and (15)"

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 867

House bill, entitled

An act relating to miscellaneous amendments to the laws governing alcoholic beverages and the Board of Liquor and Lottery

H. 868

House bill, entitled

An act relating to the fiscal year 2025 Transportation Program and miscellaneous changes to laws related to transportation

Committee Bill; Second Reading; Third Reading Ordered

H. 872

Rep. McCarthy of St. Albans City spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to miscellaneous updates to the powers of the Vermont Criminal Justice Council and the duties of law enforcement officers

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 10

Rep. Marcotte of Coventry, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to amending the Vermont Employment Growth Incentive Program

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 32 V.S.A. § 3325 is amended to read:

§ 3325. VERMONT ECONOMIC PROGRESS COUNCIL

(a) Creation. The Vermont Economic Progress Council is created to exercise the authority and perform the duties assigned to it, including its authority and duties relating to:

(1) the Vermont Employment Growth Incentive Program pursuant to subchapter 2 of this chapter; and

(2) tax increment financing districts pursuant to 24 V.S.A. chapter 53, subchapter 5 and section 5404a of this title.

(b) Membership.

(1) The Council shall have 11 voting members:

(A) nine residents of the State appointed by the Governor with the advice and consent of the Senate who are knowledgeable and experienced in the subjects of community development and planning, education funding requirements, economic development, State fiscal affairs, property taxation, or entrepreneurial ventures and represent diverse geographical areas of the State and municipalities of various sizes;

(B) one member of the Vermont House of Representatives appointed by the Speaker of the House; and

(C) one member of the Vermont Senate appointed by the Senate Committee on Committees.

(2)(A) The Council shall have two regional members from each region of the State, one appointed by the regional development corporation of the region and one appointed by the regional planning commission of the region.

(B) A regional member shall be a nonvoting member and shall serve during consideration by the Council of an application from ~~his or her~~ the member's region.

(3) The Council shall provide not less than 30 days' notice of a vacancy to the relevant appointing authority, which shall appoint a replacement not later than 30 days after receiving notice.

* * *

(e) Operation.

(1) The Governor shall appoint a chair from the Council's members.

(2) The Council shall receive administrative support from the Agency of Commerce and Community Development and the Department of Taxes.

(3) The Council shall have:

(A) an executive director appointed by the Governor with the advice and consent of the Senate who is knowledgeable in subject areas of the Council's jurisdiction and who is an exempt State employee; and

(B) administrative staff.

(4) The Council shall adopt and make publicly available a policy governing conflicts of interest that meets or exceeds the requirements of the State Code of Ethics and shall include:

(A) clear standards for when a member of the Council may participate or must be recused when an actual or perceived conflict of interest exists; and

(B) a provision that requires a witness who is an officer of the State or its political subdivision or instrumentality to disclose a conflict of interest related to an application.

(5) The Council shall not enter into executive session to discuss applications or other matters pertaining to the Vermont Employment Growth Incentive Program under subchapter 2 of this chapter unless the Executive Branch State economist is present and has been provided all relevant materials concerning the session.

* * *

Sec. 2. 32 V.S.A. § 3326 is amended to read:

§ 3326. COST-BENEFIT MODEL

(a) The Council shall adopt and maintain a cost-benefit model for assessing and measuring the projected net fiscal cost and benefit to the State of proposed economic development activities.

(b) The Council shall not modify the cost-benefit model without the prior approval of the Joint Fiscal Committee.

(c)(1) The Council shall contract with the Executive Branch State economist to perform the cost-benefit analysis using the cost-benefit model when considering an application for incentives under subchapter 2 of this chapter.

(2) The Executive Branch State economist shall consult with the Joint Fiscal Office or its agent concerning the performance of the cost-benefit analysis and the operation of the cost-benefit model for each application in which the value of potential incentives an applicant may earn equals or exceeds $1,000,000.00.

Sec. 3. 32 V.S.A. § 3340 is amended to read:

§ 3340. REPORTING

(a) On or before September 1 of each year, the Vermont Economic Progress Council and the Department of Taxes shall submit a joint report on the incentives authorized in this subchapter to the House Committees on Ways and Means, on Commerce and Economic Development, and on Appropriations, to the Senate Committees on Finance, on Economic Development, Housing and General Affairs, and on Appropriations, and to the Joint Fiscal Committee.

(b) The Council and the Department shall include in the joint report:

(1) the total amount of incentives authorized during the preceding year and the amount per business;

(2) with respect to each business with an approved application:

(A) the date and amount of authorization;

(B) the calendar year or years in which the authorization is expected to be exercised;

(C) whether the authorization is active; ~~and~~

(D) the date the authorization will expire; ~~and~~

(E) the aggregate number of new qualifying jobs anticipated to be created;

(F) Vermont gross wages and salaries for new qualifying jobs, sorted by groups in $25,000.00 increments;

(G) the aggregate amount of new full-time payroll anticipated to be created; and

(H) NAICS code; and

(3) the following aggregate information for claims processed:

(A) the number of claims and incentive payments made in the current and prior claim years;

(B) the number of qualifying jobs for each approved claim; and

(C) the amount of new payroll and capital investment for each approved claim.

(c)(1) The Council and the Department shall present data and information in the joint report in a searchable format.

(2) Notwithstanding a provision of this section to the contrary, when reporting data and information pursuant to this section, the Council and Department shall take steps necessary to avoid disclosing any information that would enable the identification of an individual employee or the employee's compensation.

(d) Notwithstanding any provision of law to the contrary, an incentive awarded pursuant to this subchapter shall be treated as a tax expenditure for purposes of chapter 5 of this title.

Sec. 4. 32 V.S.A. § 3341 is amended to read:

§ 3341. CONFIDENTIALITY OF PROPRIETARY BUSINESS INFORMATION

(a) The Vermont Economic Progress Council and the Department of Taxes shall use measures to protect proprietary financial information, including reporting information in an aggregate form.

(b) Information and materials submitted by a business concerning its application, income taxes, and other confidential financial information shall not be subject to public disclosure under the State's public records law in 1 V.S.A. chapter 5, but shall be available to the Joint Fiscal Office or its agent upon request of a legislative member of the Council or upon authorization of the Joint Fiscal Committee or a standing committee of the General Assembly, and shall also be available to the Auditor of Accounts in connection with the performance of duties under section 163 of this title; provided, however, that the Joint Fiscal Office or its agent and the Auditor of Accounts shall not disclose, directly or indirectly, to any person any proprietary business information or any information that would identify a business except in accordance with a judicial order or as otherwise specifically provided by law.

(c) Nothing in this section shall be construed to prohibit the publication of statistical information, rulings, determinations, reports, opinions, policies, or other information so long as the data are disclosed in a form that cannot identify or be associated with a particular business.

Sec. 5. 2016 Acts and Resolves No. 157, Sec. H.12, as amended by 2022 Acts and Resolves No. 164, Sec. 5, is further amended to read:

Sec. H.12. VEGI; REPEAL OF AUTHORITY TO AWARD INCENTIVES

Notwithstanding any provision of law to the contrary, the Vermont Economic Progress Council shall not accept or approve an application for a

Vermont Employment Growth Incentive under 32 V.S.A. chapter 105, subchapter 2 on or after January 1, ~~2024~~ 2026.

Sec. 6. ECONOMIC DEVELOPMENT INCENTIVES; STUDY

(a) Creation. There is created the Task Force on Economic Development Incentives composed of the following five members:

(1) one member of the House Committee on Commerce and Economic Development and one at-large member with experience in business and economic development appointed by the Speaker of the House of Representatives;

(2) one member of the Senate Committee on Economic Development, Housing and General Affairs and one at-large member with experience in business and economic development appointed by the Senate Committee on Committees; and

(3) one at-large member appointed jointly by the Speaker of the House of Representatives and the Senate Committee on Committees.

(b) Powers and duties. The Task Force shall conduct hearings, receive testimony, and review and consider:

(1) the purpose and performance of current State-funded economic development incentive programs; and

(2) models and features of economic development incentive programs from other jurisdictions, including:

(A) the structure, management, and oversight features of the program;

(B) the articulated purpose, goals, and benefits of the program, and the basis of measuring success; and

(C) the mechanism for providing an economic incentive, whether through a loan, grant, equity investment, or other approach.

(c) Assistance.

(1) The Task Force shall have the administrative, fiscal, and legal assistance of the Office of Legislative Operations, the Joint Fiscal Office, and the Office of Legislative Counsel.

(2) The Task Force may direct the Joint Fiscal Office to issue a request for proposals and enter into one or more agreements for consulting services.

(d) Report. On or before January 15, 2024, the Task Force shall submit a report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General

Affairs with its findings and any recommendations for legislative action, including whether and how any proposed program addition, revision, or other legislative action would:

(1) integrate with and further advance the current workforce development and economic development systems in this State; and

(2) advance the four principles of economic development articulated in 10 V.S.A. § 3.

(e) Meetings.

(1) The member of the House Committee on Commerce and Economic Development shall call the first meeting of the Task Force to occur on or before September 1, 2023.

(2) The Committee shall select a chair from among its members at the first meeting.

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

(4) The Task Force shall cease to exist on January 15, 2024.

(f) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six meetings.

(2) Other members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.

(g) Appropriation. The amount of $250,000.00 is appropriated from the General Fund in fiscal year 2024 for per diem compensation and reimbursement of expenses for members of the Task Force and for consulting services approved by the Task Force pursuant to this section.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommended that the report of the Committee on Commerce and Economic Development be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 32 V.S.A. chapter 105 is amended to read:

CHAPTER 105. VERMONT EMPLOYMENT GROWTH INCENTIVE PROGRAM

§ 3325. VERMONT ECONOMIC PROGRESS COUNCIL

* * *

(b) Membership.

(1) The Council shall have ~~11~~ nine voting members~~:~~

~~(A) nine~~ who are residents of the State ~~appointed by the Governor with the advice and consent of the Senate~~ and who are knowledgeable and experienced in the subjects of community development and planning, education funding requirements, economic development, State fiscal affairs, property taxation, or entrepreneurial ventures and represent diverse geographical areas of the State and municipalities of various sizes~~;~~, appointed as follows:

(A) five members, appointed by the Governor with the advice and consent of the Senate;

(B) two members, appointed by the Speaker of the House; and

(C) two members, appointed by the Senate Committee on Committees

~~(B) one member of the Vermont House of Representatives appointed by the Speaker of the House; and~~

~~(C) one member of the Vermont Senate appointed by the Senate Committee on Committees~~.

(2)(A) The Council shall have two regional members from each region of the State, one appointed by the regional development corporation of the region and one appointed by the regional planning commission of the region.

(B) A regional member shall be a nonvoting member and shall serve during consideration by the Council of an application from ~~his or her~~ the member's region.

(3) The Council shall provide not less than 30 days' notice of a vacancy to the relevant appointing authority, which shall appoint a replacement not later than 30 days after receiving notice.

(c) Terms.

(1) Members of the Council appointed by the Governor shall serve initial staggered terms with five members serving four-year terms, and four members serving two-year terms.

(2) After the initial term expires, a member's term is four years and a member may be reappointed.

(3) A term commences on April 1 of each odd-numbered year.

(d) Compensation.

(1) For attendance at a meeting and for other official duties, a member appointed by the Governor shall be entitled to compensation for services and reimbursement of expenses as provided in section 1010 of this title, except that a member who is a member of the General Assembly shall be entitled to compensation for services and reimbursement of expenses as provided in 2 V.S.A. § 23.

(2) A regional member who does not otherwise receive compensation and reimbursement of expenses from ~~his or her~~ the member's regional development or planning organization shall be entitled to compensation and reimbursement of expenses for attendance at meetings and for other official duties as provided in section 1010 of this title.

(e) Operation.

(1) The Governor shall appoint a chair from the Council's members.

(2) The Council shall receive administrative support from the Agency of Commerce and Community Development and the Department of Taxes.

(3) The Council shall have:

(A) an executive director appointed by the Governor with the advice and consent of the Senate who is knowledgeable in subject areas of the Council's jurisdiction and who is an exempt State employee; and

(B) administrative staff.

(4) The Council shall adopt and make publicly available a policy governing conflicts of interest that meets or exceeds the requirements of the State Code of Ethics and shall include:

(A) clear standards for when a member of the Council may participate or must be recused when an actual or perceived conflict of interest exists; and

(B) a provision that requires a witness who is an officer of the State or its political subdivision or instrumentality to disclose a conflict of interest related to an application.

(5) The Council shall not enter into executive session to discuss applications or other matters pertaining to the Vermont Employment Growth Incentive Program under subchapter 2 of this chapter unless the Executive Branch State economist is present and has been provided all relevant materials concerning the session.

* * *

§ 3326. COST-BENEFIT MODEL

(a) The Council shall adopt and maintain a cost-benefit model for assessing and measuring the projected net fiscal cost and benefit to the State of proposed economic development activities.

(b) The Council shall not modify the cost-benefit model without the prior approval of the Joint Fiscal Committee.

(c)(1) The Council shall contract with the Executive Branch State economist to perform the cost-benefit analysis using the cost-benefit model when considering an application for incentives under subchapter 2 of this chapter.

(2) The Executive Branch State economist shall consult with the Joint Fiscal Office or its agent concerning the performance of the cost-benefit analysis and the operation of the cost-benefit model for each application in which the value of potential incentives an applicant may earn equals or exceeds $1,000,000.00.

§ 3327. ECONOMIC PROGRESS AND PERFORMANCE REPORTING

(a) Each year, the Council shall engage in a strategic planning process and produce a report on the purposes and performance of current State-funded economic development incentive programs.

(b) In furtherance of producing the report, the Council shall consult with representatives of:

(1) regional development corporations;

(2) regional chambers of commerce; and

(3) business and development organizations identified by the Vermont Sustainable Jobs Fund to be geographically and demographically diverse, in reviewing and considering:

(A) the purpose and performance of current State-funded economic development incentive programs; and

(B) appropriate incentives during low employment and during high employment.

(c) On or before December 15 of each year, the Council shall submit the report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action, including whether and how any proposed program addition, revision, or other legislative action would:

(1) integrate with and further advance the current workforce development and economic development systems in this State; and

(2) advance the four principles of economic development articulated in 10 V.S.A. § 3.

* * *

§ 3340. REPORTING

(a) On or before September 1 of each year, the Vermont Economic Progress Council and the Department of Taxes shall submit a joint report on the incentives authorized in this subchapter to the House Committees on Ways and Means, on Commerce and Economic Development, and on Appropriations, to the Senate Committees on Finance, on Economic Development, Housing and General Affairs, and on Appropriations, and to the Joint Fiscal Committee.

(b) The Council and the Department shall include in the joint report:

(1) the total amount of incentives authorized during the preceding year and the amount per business;

(2) with respect to each business with an approved application:

(A) the date and amount of authorization;

(B) the calendar year or years in which the authorization is expected to be exercised;

(C) whether the authorization is active; ~~and~~

(D) the date the authorization will expire; ~~and~~

(E) the aggregate number of new qualifying jobs anticipated to be created;

(F) Vermont gross wages and salaries for new qualifying jobs, sorted by groups in $25,000.00 increments;

(G) the aggregate amount of new full-time payroll anticipated to be created; and

(H) NAICS code; and

(3) the following aggregate information for claims processed:

(A) the number of claims and incentive payments made in the current and prior claim years;

(B) the number of qualifying jobs for each approved claim; and

(C) the amount of new payroll and capital investment for each approved claim.

(c)(1) The Council and the Department shall present data and information in the joint report in a searchable format.

(2) Notwithstanding a provision of this section to the contrary, when reporting data and information pursuant to this section, the Council and Department shall take steps necessary to avoid disclosing any information that would enable the identification of an individual employee or the employee's compensation.

(d) Notwithstanding any provision of law to the contrary, an incentive awarded pursuant to this subchapter shall be treated as a tax expenditure for purposes of chapter 5 of this title.

§ 3341. CONFIDENTIALITY OF PROPRIETARY BUSINESS INFORMATION

(a) The Vermont Economic Progress Council and the Department of Taxes shall use measures to protect proprietary financial information, including reporting information in an aggregate form.

(b) Information and materials submitted by a business concerning its application, income taxes, and other confidential financial information shall not be subject to public disclosure under the State's public records law in 1 V.S.A. chapter 5, but shall be available to the Joint Fiscal Office or its agent upon request of a legislative member of the Council or upon authorization of the Joint Fiscal Committee or a standing committee of the General Assembly, and shall also be available to the Auditor of Accounts in connection with the performance of duties under section 163 of this title; provided, however, that the Joint Fiscal Office or its agent and the Auditor of Accounts shall not disclose, directly or indirectly, to any person any proprietary business

information or any information that would identify a business except in accordance with a judicial order or as otherwise specifically provided by law.

(c) Nothing in this section shall be construed to prohibit the publication of statistical information, rulings, determinations, reports, opinions, policies, or other information so long as the data are disclosed in a form that cannot identify or be associated with a particular business.

* * *

Sec. 2. 2016 Acts and Resolves No. 157, Sec. H.12, as amended by 2022 Acts and Resolves No. 164, Sec. 5 and 2023 Acts and Resolves No. 72, Sec. 39, is further amended to read:

Sec. H.12. VEGI; REPEAL OF AUTHORITY TO AWARD INCENTIVES

Notwithstanding any provision of law to the contrary, the Vermont Economic Progress Council shall not accept or approve an application for a Vermont Employment Growth Incentive under 32 V.S.A. chapter 105, subchapter 2 on or after January 1, ~~2025~~ 2026.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, reported in favor of its passage when amended as recommended by the Committee on Commerce and Economic Development and when further amended as recommended by the Committee on Ways and Means.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Commerce and Economic Development amended as recommended by the Committee on Ways and Means. The report of the Committee on Commerce and Economic Development, as amended, agreed to and third reading ordered.

Action on Bill Postponed

H. 121

House bill, entitled

An act relating to enhancing consumer privacy

Was taken up and, pending second reading of the bill, on motion of **Rep. Priestley of Bradford**, action on the bill was postponed until March 21, 2024.

Second Reading; Bill Amended; Third Reading Ordered

H. 621

Rep. Carpenter of Hyde Park, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to health insurance coverage for diagnostic breast imaging

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4100a is amended to read:

§ 4100a. MAMMOGRAMS AND OTHER BREAST IMAGING SERVICES; COVERAGE REQUIRED

(a)(1) Insurers shall provide coverage for screening ~~by~~ mammography and for other medically necessary breast imaging services upon recommendation of a health care provider as needed to detect the presence of breast cancer and other abnormalities of the breast or breast tissue. In addition, insurers shall provide coverage for screening by ultrasound or another appropriate imaging service for a patient for whom the results of a screening mammogram were inconclusive or who has dense breast tissue, or both.

(2) Benefits provided shall cover the full cost of the mammography, ~~service or~~ ultrasound~~, as applicable~~, and other breast imaging services and shall not be subject to any co-payment, deductible, coinsurance, or other cost-sharing requirement or additional charge, except to the extent that such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223.

(b) [Repealed.]

(c) This section shall apply only to ~~screening~~ procedures conducted by test facilities accredited by the American College of Radiologists.

(d) As used in this subchapter:

(1) "Insurer" means any insurance company that provides health insurance as defined in subdivision 3301(a)(2) of this title, nonprofit hospital and medical service corporations, and health maintenance organizations. The term does not apply to coverage for specified diseases or other limited benefit coverage.

(2) "Mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and digital detector. The term includes breast tomosynthesis.

(3) "Other breast imaging services" means diagnostic mammography, ultrasound, and magnetic resonance imaging services that enable health care providers to detect the presence or absence of breast cancer and other abnormalities affecting the breast or breast tissue.

(4) "Screening" includes the mammography or ultrasound test procedure and a qualified physician's interpretation of the results of the procedure, including additional views and interpretation as needed.

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2026 and shall apply to all health insurance plans issued on and after January 1, 2026 on such date as a health insurer offers, issues, or renews the health insurance plan, but in no event later than January 1, 2027.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Health Care agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 639

Rep. Chesnut-Tangerman of Middletown Springs, for the Committee on General and Housing, to which had been referred House bill, entitled

An act relating to disclosure of flood history of real property subject to sale

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Flood Risk Disclosure * * *

Sec. 1. 27 V.S.A. § 380 is added to read:

§ 380. DISCLOSURE OF INFORMATION; CONVEYANCE OF REAL ESTATE

(a) Prior to or as part of a contract for the conveyance of real property, the seller shall provide the buyer with the following information:

(1) whether the real property is located in a Federal Emergency Management Agency mapped special flood hazard area;

(2) whether the real property is located in a Federal Emergency Management Agency mapped moderate flood hazard area;

(3) whether the real property was subject to flooding or flood damage while the seller possessed the property, including flood damage from inundation or from flood-related erosion or landslide damage; and

(4) whether the seller maintains flood insurance on the real property.

(b) The failure of the seller to provide the buyer with the information required under subsection (a) of this section is grounds for the buyer to terminate the contract prior to transfer of title or occupancy, whichever occurs earlier.

(c) A buyer of real estate who fails to receive the information required to be disclosed by a seller under subsection (a) of this section may bring an action to recover from the seller the amount of the buyer's damages and reasonable attorney's fees. The buyer may also seek punitive damages when the seller knowingly failed to provide the required information.

(d) A seller shall not be liable for damages under this section for any error, inaccuracy, or omission of any information required to be disclosed to the buyer under subsection (a) of this section when the error, inaccuracy, or omission was based on information provided by a public body or by another person with a professional license or special knowledge who provided a written report that the seller reasonably believed to be correct and that was provided by the seller to the buyer.

(e) Noncompliance with the requirements of this section shall not affect the marketability of title of a real property.

Sec. 2. 9 V.S.A. § 4466 is added to read:

§ 4466. REQUIRED DISCLOSURE; MODEL FORM

(a) A landlord shall disclose in advance of entering a rental agreement with a tenant whether any portion of the premises offered for rent is located in a Federal Emergency Management Agency mapped special flood hazard area. This notice shall be provided to the tenant at or before execution of the lease in a separate written document substantially in the form prescribed by the Department of Housing and Community Development pursuant to subsection (b) of this section.

(b) The Department of Housing and Community Development shall develop a model form for the notice provided under this section that shall include the information required under subsection (a) of this section.

Sec. 3. 10 V.S.A. § 6236(e) is amended to read:

(e) All mobile home lot leases shall contain the following:

* * *

(8)(A) Notice that the mobile home park is in a flood hazard area if any lot within the mobile home park is wholly or partially located in a flood hazard area according to the flood insurance rate map effective for the mobile home

park at the time the proposed lease is furnished to a prospective leaseholder. This notice shall be provided in a clear and conspicuous manner in a separate written document substantially in the form prescribed by the Department of Housing and Community Development pursuant to subdivision (B) of this subdivision (8) and attached as an addendum to the proposed lease.

(B) The Department of Housing and Community Development shall develop a model form for the notice provided under this section that shall include the information required under subdivision (A) of this subdivision (8).

Sec. 4. 10 V.S.A. § 6201 is amended to read:

§ 6201. DEFINITIONS

As used in this chapter~~, unless the context requires otherwise~~:

(1) "Mobile home" means:

(A) a structure or type of manufactured home, including the plumbing, heating, air-conditioning, and electrical systems contained in the structure, that is:

(i) built on a permanent chassis;

(ii) designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities;

(iii) transportable in one or more sections; and

(iv)(I) at least eight feet wide, 40 feet long, or when erected has at least 320 square feet; or

(II) if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or

(B) any structure that meets all the requirements of this subdivision (1) except the size requirements, and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the construction and safety standards established under Title 42 of the U.S. Code.

(C) [Repealed.]

(2) "Mobile home park" means any parcel of land under single or common ownership or control that contains, or is designed, laid out, or adapted to accommodate, more than two mobile homes. "Mobile home park" does not mean premises used solely for storage or display of mobile homes. Mobile home park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or

condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.

* * *

(13) "Flood hazard area" has the same meaning as in section 752 of this title.

(14) "Flood insurance rate map" means, for any mobile home park, the official flood insurance rate map describing that park published by the Federal Emergency Management Agency on its website.

Sec. 5. 9 V.S.A. § 2602 is amended to read:

§ 2602. SALE OR TRANSFER; PRICE DISCLOSURE; MOBILE HOME UNIFORM BILL OF SALE

(a) Appraisal; disclosure. When a mobile home is sold or offered for sale:

(1) If a mobile home is appraised, the appraisal shall include a cover sheet that itemizes the value of the unsited mobile home, the value of any adjacent or attached structures located on the site and the value of the sited location, if applicable, and valuations of sales of comparable properties.

(2) In the case of a new mobile home, the seller shall provide to a prospective buyer a written disclosure that states the retail price of the unsited mobile home, any applicable taxes, the set-up and transportation costs, and the value of the sited location, if applicable.

(3) In the case of a mobile home as defined in 10 V.S.A. § 6201, the seller shall provide to a prospective buyer a written disclosure of any flooding history or flood damage to the mobile home known to the seller, including flood damage from inundation or from flood-related erosion or landslide damage.

(4) A legible copy of the disclosure required in subdivision (2) of this subsection shall be prominently displayed on a new mobile home in a location that is clearly visible to a prospective buyer from the exterior.

* * *

* * * Accessibility Standards * * *

Sec. 6. 20 V.S.A. chapter 174 is amended to read:

CHAPTER 174. ACCESSIBILITY STANDARDS FOR PUBLIC BUILDINGS ~~AND~~, PARKING, AND STATE-FUNDED RESIDENTIAL BUILDINGS

Subchapter 1. Public Buildings and Parking

§ 2900. DEFINITIONS

* * *

Subchapter 2. State-Funded Residential Construction

§ 2910. DEFINITIONS

As used in this subchapter:

(1) "Adaptable" means a residential unit that complies with the requirements for a Type A Unit or a Type B Unit set forth in section 1103 or 1104, respectively, of the 2017 ICC Standard for Accessible and Useable Buildings and Facilities or a similar standard adopted by the Access Board by rule pursuant to section 2901 of this chapter.

(2) "ICC" means the International Code Council.

(3) "State-funded residential building" means a building that is designed or intended for occupancy as a residence by one or more individuals the construction of which is funded in whole or in part by State funds.

(4) "Visitable" means a residential unit that complies with the requirements for a Type C Unit set forth in section 1105 of the 2017 ICC Standard for Accessible and Useable Buildings and Facilities or a similar standard adopted by the Access Board by rule pursuant to section 2901 of this chapter.

§ 2911. STATE-FUNDED RESIDENTIAL CONSTRUCTION; ACCESSIBILITY REQUIREMENTS

(a) Any State-funded residential building that is constructed in Vermont on or after July 1, 2025 shall comply with the following requirements:

(1) All residential units that are located partially or wholly on the ground floor or are accessible by an elevator or lift shall be adaptable units.

(2) Any residential unit that is not located on the ground floor and is not accessible by an elevator or a lift shall be a visitable unit.

(b) A State-funded residential building constructed in accordance with the requirements of this section shall not be modified in any way that would reduce its compliance with the requirements of subsection (a) of this section, as applicable, during any subsequent repairs, renovations, alterations, or additions.

(c) The Access Board shall adopt rules as necessary to implement the provisions of this section.

Sec. 7. 24 V.S.A. § 4010 is amended to read:

§ 4010. DUTIES

(a) In the operation ~~of~~ or management of housing projects, an authority shall at all times observe the following duties with respect to rentals and tenant selection:

* * *

(6) When renting or leasing accessible dwelling accommodations, it shall give priority to tenants with a disability. As used in this subdivision, "accessible" means a dwelling that complies with the requirements for an accessible unit set forth in section 1102 of the 2017 ICC Standard for Accessible and Useable Buildings and Facilities or a similar standard adopted by the Access Board by rule pursuant to 20 V.S.A. § 2901.

* * *

* * * Housing Accountability * * *

Sec. 8. VERMONT STATEWIDE AND REGIONAL HOUSING TARGETS PROGRESS; REPORT

(a) Upon publication of the Statewide Housing Needs Assessment setting out the statewide and regional housing targets required pursuant to 24 V.S.A. § 4348a, the Department of Housing and Community Development, in coordination with regional planning commissions, shall develop metrics for measuring progress toward the statewide and regional housing targets, including:

(1) for any housing target, a timeline separating the target into discrete steps with specific deadlines; and

(2) for any regional housing target:

(A) a rate measuring progress toward the total needed housing investment published in the regional plan for a region subject to the regional housing target by separate measure for each of price, quality, unit size or type, and zoning district, as applicable; and

(B) steps taken to achieve any actions recommended to satisfy the regional housing needs published in the regional plan for a region subject to the regional housing target.

(b) The Department shall employ the metrics developed under subsection (a) of this section to set annual goals for achieving the statewide and regional housing targets required pursuant to 24 V.S.A. § 4348a.

(c) Within one year following publication of the Statewide Housing Needs Assessment setting out the statewide and regional housing targets required pursuant to 24 V.S.A. § 4348a and annually thereafter through 2030, the Department shall publish a report on progress toward the statewide and regional housing targets, including:

(1)(A) annual and cumulative progress toward the statewide and regional housing targets based on the metrics developed pursuant to subsection (a) of this section; and

(B) for any statewide or regional housing target the Department determines may not practicably be measured by any of the metrics developed pursuant to subsection (a) of this section, an explanation that the statewide or regional housing target may not practicably be measured by the Department's metrics and a description of the status of progress toward the statewide or regional housing target;

(2) progress toward the annual goals for the year of publication set pursuant to subsection (b) of this section;

(3) an overall assessment whether, in the Department's discretion, annual progress toward the statewide and regional housing targets is satisfactory based on the measures under subdivisions (1) and (2) of this subsection and giving due consideration to the complete timeline for achieving the statewide and regional housing targets; and

(4) if the Department determines pursuant to subdivision (3) of this subsection that annual progress toward the statewide and regional housing targets is not satisfactory, recommendations for accelerating progress. The Department shall specifically consider whether the creation of a process that permits developers to propose noncompliant housing developments under certain conditions, like a builder's remedy, or a cause of action would be likely to accelerate progress.

(d) The Department shall have broad discretion to determine any timeline or annual goal under subsection (a) or (b) of this section, provided the Department determines that any step in a timeline or annual goal, when considered together with the other steps or annual goals, will reasonably lead to achievement of the statewide or regional housing targets published in the Statewide Housing Needs Assessment.

(e) If the statewide and regional housing targets are not published in the Statewide Housing Needs Assessment published in 2024, the Department shall develop and publish the required housing targets within six months following publication of the Statewide Housing Needs Assessment. Any reference to the statewide and regional housing targets published in the Statewide Housing

Needs Assessment in this section shall be deemed to refer to the housing targets published under this subsection, and any reference to the date of publication of the Statewide Housing Needs Assessment in this section shall be deemed to refer to the date of publication of the housing targets published under this subsection.

* * * Effective Date * * *

Sec. 9. 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 flood risk disclosure, accessibility standards for State-funded residential construction, and housing accountability"

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on General and Housing agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 661

Rep. Garofano of Essex, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to child abuse and neglect investigation and substantiation standards and procedures

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 4903 is amended to read:

§ 4903. RESPONSIBILITY OF DEPARTMENT

The Department may expend, within amounts available for the purposes, what is necessary to protect and promote the welfare of children and adults in this State, including the strengthening of their homes whenever possible, by:

(1) Investigating complaints of neglect, abuse, or abandonment of children, including when, whether, and how names are placed on the Child Protection Registry.

* * *

Sec. 2. 33 V.S.A. § 4911 is amended to read:

§ 4911. PURPOSE

The purpose of this subchapter is to:

(1) protect children whose health and welfare may be adversely affected through abuse or neglect;

(2) strengthen the family and make the home safe for children whenever possible by enhancing the parental capacity for good child care;

(3) provide a temporary or permanent nurturing and safe environment for children when necessary; and for these purposes require the reporting of suspected child abuse and neglect, an assessment or investigation of such reports and provision of services, when needed, to such child and family;

(4) establish a range of responses to child abuse and neglect that take into account different degrees of child abuse or neglect and that recognize that child offenders should be treated differently from adults; ~~and~~

(5) establish a tiered child protection registry that balances the need to protect children and the potential employment consequences of a registry record for ~~persons who are~~ a person's conduct that is substantiated for child abuse and neglect; and

(6) ensure that in the Department for Children and Families' efforts to protect children from abuse and neglect, the Department also ensures that investigations are thorough, unbiased, based on accurate and reliable evidence, and adhere to due process requirements.

Sec. 3. 33 V.S.A. § 4912 is amended to read:

§ 4912. DEFINITIONS

As used in this subchapter:

* * *

(16) Substantiated report" means that the Commissioner or the Commissioner's designee has determined after investigation that a report is based upon accurate and reliable information ~~that would lead a reasonable person to believe~~ where there is a preponderance of the evidence necessary to support the allegation that the child has been abused or neglected.

* * *

Sec. 4. 33 V.S.A. § 4915b is amended to read:

§ 4915b. PROCEDURES FOR INVESTIGATION

(a) An investigation, to the extent that it is reasonable under the facts and circumstances presented by the particular allegation of child abuse, shall include all of the following:

(1) A visit to the child's place of residence or place of custody and to the location of the alleged abuse or neglect.

(2) An interview with or observation of the child reportedly having been abused or neglected. If the investigator elects to interview the child, that interview may take place without the approval of the child's parents, guardian, or custodian, provided that it takes place in the presence of a disinterested adult who may be, but shall not be limited to being, a teacher, a member of the clergy, a child care provider regulated by the Department, or a nurse.

(3) Determination of the nature, extent, and cause of any abuse or neglect.

(4) Determination of the identity of the person alleged to be responsible for such abuse or neglect. The investigator shall use best efforts to obtain the person's mailing and e-mail address as soon as practicable once the person's identity is determined. The person shall be notified of the outcome of the investigation and any notices sent by the Department using the mailing address, or if requested by the person, to the person's e-mail address collected pursuant to this subdivision.

(5)(A) The identity, by name, of any other children living in the same home environment as the subject child. The investigator shall consider the physical and emotional condition of those children and may interview them, unless the child is the person who is alleged to be responsible for such abuse or neglect, in accordance with the provisions of subdivision (2) of this subsection (a).

(B) The identity, by name, of any other children who may be at risk if the abuse was alleged to have been committed by someone who is not a member of the subject child's household. The investigator shall consider the physical and emotional condition of those children and may interview them, unless the child is the person who is alleged to be responsible for such abuse or neglect, in accordance with the provisions of subdivision (2) of this subsection (a).

(6) A determination of the immediate and long-term risk to each child if that child remains in the existing home or other environment.

(7) Consideration of the environment and the relationship of any children therein to the person alleged to be responsible for the suspected abuse or neglect.

(8) All other data deemed pertinent, including any interviews of witnesses made known to the Department.

(b) For cases investigated and substantiated by the Department, the Commissioner shall, to the extent that it is reasonable, provide assistance to the child and the child's family. For cases investigated but not substantiated by the Department, the Commissioner may, to the extent that it is reasonable,

provide assistance to the child and the child's family. Nothing contained in this section or section 4915a of this title shall be deemed to create a private right of action.

* * *

Sec. 5. 33 V.S.A. § 4916 is amended to read:

§ 4916. CHILD PROTECTION REGISTRY

(a)(1) The Commissioner shall maintain a Child Protection Registry that shall contain a record of all investigations that have resulted in a substantiated report on or after January 1, 1992. Except as provided in subdivision (2) of this subsection, prior to placement of a substantiated report on the Registry, the Commissioner shall comply with the procedures set forth in section 4916a of this title.

(2) In cases involving sexual abuse or serious physical abuse of a child, the Commissioner in ~~his or her~~ the Commissioner's sole judgment may list a substantiated report on the Registry pending any administrative review after:

(A) reviewing the investigation file; and

(B) making written findings in consideration of:

(i) the nature and seriousness of the alleged behavior; and

(ii) the person's continuing access to children.

(3) A person alleged to have abused or neglected a child and whose name has been placed on the Registry in accordance with subdivision (2) of this subsection shall be notified of the Registry entry, provided with the Commissioner's findings, and advised of the right to seek an administrative review in accordance with section 4916a of this title.

(4) If the name of a person has been placed on the Registry in accordance with subdivision (2) of this subsection, it shall be removed from the Registry if the substantiation is rejected after an administrative review.

(b) A Registry record means an entry in the Child Protection Registry that consists of the name of an individual whose conduct is substantiated for child abuse or neglect, the date of the finding, the nature of the finding, and at least one other personal identifier, other than a name, listed in order to avoid the possibility of misidentification.

(c) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to permit use of the Registry records as authorized by this subchapter while preserving confidentiality of the Registry and other Department records related to abuse and neglect.

(d) For all substantiated reports of child abuse or neglect made on or after the date the final rules are adopted, the Commissioner shall create a Registry record that reflects a designated child protection level related to the risk of future harm to children. This system of child protection levels shall be based upon an evaluation of the risk the person responsible for the abuse or neglect poses to the safety of children. The risk evaluation shall include consideration of the following factors:

(1) the nature of the conduct and the extent of the child's injury, if any;

(2) the person's prior history of child abuse or neglect as either a victim or perpetrator;

(3) the person's response to the investigation and willingness to engage in recommended services; and

(4) the person's age and developmental maturity.

(e) The Commissioner shall ~~develop~~ adopt rules for the implementation of a system of Child Protection Registry levels for substantiated cases pursuant to 3 V.S.A. chapter 25. The rules shall address:

(1) when and how names are placed on the Registry;

(2) standards for determining a child protection level designation;

(3) the length of time a person's name appears on the Registry prior to seeking expungement;

~~(2)~~(4) when and how names are expunged from the Registry;

~~(3)~~(5) whether the person is a juvenile or an adult;

~~(4)~~(6) whether the person was charged with or convicted of a criminal offense arising out of the incident of abuse or neglect; and

~~(5)~~(7) whether a Family Division of the Superior Court has made any findings against the person.

(f) [Repealed.]

Sec. 6. 33 V.S.A. § 4916a is amended to read:

§ 4916a. CHALLENGING SUBSTANTIATION OR PLACEMENT ON THE REGISTRY

(a) If an investigation conducted in accordance with section 4915b of this title results in a determination that a report of child abuse or neglect should be substantiated, the Department shall notify the person alleged to have abused or neglected a child of the following:

(1) the nature of the substantiation decision, and that the Department intends to enter the record of the substantiation into the Registry;

(2) who has access to Registry information and under what circumstances;

(3) the implications of having one's name placed on the Registry as it applies to employment, licensure, and registration;

(4) the Registry child protection level designation to be assigned to the person and the date that the person is eligible to seek expungement based on the designation level;

(5) the right to request a review of the substantiation determination or the child protection level designation, or both, by an administrative reviewer, the time in which the request for review shall be made, and the consequences of not seeking a review; ~~and~~

~~(5)~~(6) the right to receive a copy of the Commissioner's written findings made in accordance with subdivision 4916(a)(2) of this title if applicable; and

(7) ways to contact the Department for any further information.

(b) Under this section, notice by the Department to a person alleged to have abused or neglected a child shall be by first-class mail sent to the person's last known mailing address, or if requested by the person, to the person's e-mail address collected during the Department's investigation pursuant to subdivision 4915b(a)(4) of this title. The Department shall maintain a record of the notification, including who sent the notification, the date it is sent, and the address to which it is sent.

(c)(1) A person ~~alleged to have abused or neglected a child~~ whose conduct is the subject of a substantiation determination may seek an administrative review of the Department's intention to place the person's name on the Registry by notifying the Department within ~~14~~ 30 days ~~of~~ after the date the Department ~~mailed~~ sent notice of the right to review in accordance with subsections (a) and (b) of this section. The Commissioner may grant an extension past the ~~14-day~~ 30-day period for good cause, not to exceed ~~28~~ 60 days after the Department has ~~mailed~~ sent notice of the right to review.

(2) The administrative review may be stayed upon request of the person ~~alleged to have committed abuse or neglect~~ whose conduct is the subject of a substantiation determination if there is a related case pending in the Criminal or Family Division of the Superior Court that arose out of the same incident of abuse or neglect for which the ~~person~~ person's conduct was substantiated. During the period the review is stayed, the person's name shall be placed on the Registry. Upon resolution of the Superior Court criminal or family case,

the person may exercise ~~his or her~~ the person's right to review under this section by notifying the Department in writing within 30 days after the related court case, including any appeals, has been fully adjudicated. If the person fails to notify the Department within 30 days, the Department's decision shall become final and no further review under this subsection is required.

(d)(1) ~~The~~ Except as provided in this subsection, the Department shall hold an administrative review conference within ~~35~~ 60 days ~~of~~ after receipt of the request for review. At least ~~10~~ 20 days prior to the administrative review conference, the Department shall provide to the person requesting review a copy of the redacted investigation file, which shall contain sufficient unredacted information to describe the allegations and the evidence relied upon as the basis of the substantiation, notice of time and place of the conference, and conference procedures, including information that may be submitted and mechanisms for providing information. There shall be no subpoena power to compel witnesses to attend a Registry review conference. The Department shall also provide to the person those redacted investigation files that relate to prior investigations that the Department has relied upon to make its substantiation determination in the case in which a review has been requested. If the Department fails to hold an administrative review conference within 60 days after receipt of the request to review, due to good cause shown, an extension may be authorized by the Commissioner or designee in which the basis of the failure is explained.

(2) The Department may elect to not hold an administrative review conference when a person who has requested a review does not respond to Department requests to schedule the review meeting or does not appear for the scheduled review meeting. In these circumstances, unless good cause is shown, the Department's substantiation shall be accepted and the person's name shall be placed on the Registry. Upon the Department's substantiation being accepted, the Department shall provide notice that advises the person of the right to appeal the substantiation determination or child protection designation level, or both, to the Human Services Board pursuant to section 4916b of this title.

(e) At the administrative review conference, the person who requested the review shall be provided with the opportunity to present documentary evidence or other information that supports ~~his or her~~ the person's position and provides information to the reviewer in making the most accurate decision regarding the allegation. The Department shall have the burden of proving ~~that it has accurately and reliably concluded that a reasonable person would believe~~ by a preponderance of the evidence that the child has been abused or neglected by that person. Upon the person's request or during a declared state of emergency

in Vermont, the conference may be held ~~by teleconference~~ through a live, interactive, audio-video connection or by telephone.

(f) The Department shall establish an administrative case review unit within the Department and contract for the services of administrative reviewers. An administrative reviewer shall be a neutral and independent arbiter who has no prior involvement in the original investigation of the allegation. Department information pertaining to the investigation that is obtained by the reviewer outside of the review meeting shall be disclosed to the person seeking the review.

(g) Within seven days ~~of~~ after the conference, the administrative reviewer shall:

(1) reject the Department's substantiation determination;

(2) accept the Department's substantiation; or

(3) place the substantiation determination on hold and direct the Department to further investigate the case based upon recommendations of the reviewer.

(h) If the administrative reviewer accepts the Department's substantiation determination, a Registry record shall be made immediately. If the reviewer rejects the Department's substantiation determination, no Registry record shall be made.

(i) Within seven days ~~of~~ after the decision to reject or accept or to place the substantiation on hold in accordance with subsection (g) of this section, the administrative reviewer shall provide notice to the person of ~~his or her~~ the reviewer's decision to the person's requested address pursuant to subdivision 4915b(a)(4) of this title. If the administrative reviewer accepts the Department's substantiation, the notice shall advise the person of the right to appeal the administrative reviewer's decision to the human services board in accordance with section 4916b of this title.

* * *

Sec. 7. 33 V.S.A. § 4916b is amended to read:

§ 4916b. HUMAN SERVICES BOARD HEARING

(a) Within 30 days after the date on which the administrative reviewer ~~mailed~~ sent notice of placement of a report on the Registry, the person who is the subject of the substantiation may apply in writing to the Human Services Board for relief. The Board shall hold a fair hearing pursuant to 3 V.S.A. § 3091. When the Department receives notice of the appeal, it shall make note in the Registry record that the substantiation has been appealed to the Board.

* * *

Sec. 8. 33 V.S.A. § 4916c is amended to read:

§ 4916c. PETITION FOR EXPUNGEMENT FROM THE REGISTRY

(a)(1) ~~Except as provided in this subdivision~~ Pursuant to rules adopted in accordance with subsection 4916(e) of this title, a person whose name has been placed on the Registry ~~prior to July 1, 2009 and has been listed on the Registry for at least three years~~ may file a written request with the Commissioner, seeking a review for the purpose of expunging an individual Registry record or for the purpose of challenging the child protection level designation, or both. ~~A person whose name has been placed on the Registry on or after July 1, 2009 and has been listed on the Registry for at least seven years may file a written request with the Commissioner seeking a review for the purpose of expunging an individual Registry record.~~ The Commissioner shall grant a review upon request.

(2) A person who is required to register as a sex offender on the State's Sex Offender Registry shall not be eligible to petition for expungement of ~~his or her~~ the person's Registry record until the person is no longer subject to Sex Offender Registry requirements.

(b)(1) The person shall have the burden of proving that a reasonable person would believe that ~~he or she~~ the person no longer presents a risk to the safety or well-being of children.

(2) The Commissioner shall consider the following factors in making ~~his or her~~ a determination:

(A) the nature of the substantiation that resulted in the person's name being placed on the Registry;

(B) the number of substantiations;

(C) the amount of time that has elapsed since the substantiation;

(D) the circumstances of the substantiation that would indicate whether a similar incident would be likely to occur;

(E) any activities that would reflect upon the person's changed behavior or circumstances, such as therapy, employment, or education;

(F) references that attest to the person's good moral character; and

(G) any other information that the Commissioner deems relevant.

(3) The Commissioner may deny a petition for expungement based solely on subdivision (2)(A) or (2)(B) of this subsection.

(c) At the review, the person who requested the review shall be provided with the opportunity to present any evidence or other information, including witnesses, that supports ~~his or her~~ the person's request for expungement. Upon the person's request or during a declared state of emergency in Vermont, the conference may be held ~~by teleconference~~ through a live, interactive, audio-video connection or by telephone.

(d) A person may seek a review under this section ~~no~~ not more than once every 36 months.

(e) Within 30 days ~~of~~ after the date on which the Commissioner ~~mailed~~ sent notice of the decision pursuant to this section, a person may appeal the decision to the Human Services Board. The notice shall contain specific instructions concerning the information necessary for the person to prepare any future expungement request. The person shall be prohibited from challenging ~~his or her~~ the substantiation at such hearing, and the sole ~~issue~~ issues before the Board shall be whether the Commissioner abused ~~his or her~~ the Commissioner's discretion in ~~denial of~~ denying the petition for expungement or the petition challenging the child protection level designation. The hearing shall be on the record below, and determinations of credibility of witnesses made by the Commissioner shall be given deference by the Board.

* * *

Sec. 9. 33 V.S.A. § 4916d is amended to read:

§ 4916d. AUTOMATIC EXPUNGEMENT OF REGISTRY RECORDS

Registry entries concerning a person ~~who~~ whose conduct was substantiated for behavior occurring before the person reached 10 years of age shall be expunged when the person reaches ~~the age of~~ 18 years of age, provided that the person has had no additional substantiated Registry entries. ~~A person substantiated for behavior occurring before the person reached 18 years of age and whose name has been listed on the Registry for at least three years may file a written request with the Commissioner seeking a review for the purpose of expunging an individual Registry record in accordance with section 4916c of this title.~~

Sec. 10. 33 V.S.A. § 4922 is amended to read:

§ 4922. RULEMAKING

(a) ~~The Commissioner shall develop rules to implement this subchapter.~~ On or before September 1, 2025, the Commissioner shall file proposed rules pursuant to 3 V.S.A. chapter 25 implementing the provisions of this subchapter to become effective on January 1, 2026. These shall include:

(1) rules setting forth criteria for determining whether to conduct an assessment or an investigation;

(2) rules setting out procedures for assessment and service delivery;

(3) rules outlining procedures for investigations;

(4) rules for conducting the administrative review conference;

(5) rules regarding access to and maintenance of Department records of investigations, assessments, reviews, and responses; ~~and~~

(6) rules regarding the tiered Registry as required by section 4916 of this title;

(7) rules establishing substantiation categories that require entry onto the Registry and alternatives to substantiation that do not require entry onto the Registry;

(8) rules requiring notice and appeal procedures for alternatives to substantiation;

(9) rules creating procedures for how substantiation recommendations are made by the Department district offices and how substantiation determinations are made by the Department central office; and

(10) rules implementing subsections 4916(c) and (e) of this title.

* * *

Sec. 11. CHILD ABUSE AND NEGLECT; INTERVIEWS; CAPABILITIES; REPORT

(a) On or before November 15, 2024, the Department for Children and Families shall submit a written report to the Senate Committee on Health and Welfare and the House Committee on Human Services examining the Department's capabilities and resources necessary to safely, securely, and confidentially store any interviews recorded during a child abuse and neglect investigation.

(b) The report required pursuant to subsection (a) of this section shall include the Department's proposed model policy detailing the types of interviews that should be recorded and the storage, safety, and confidentiality requirements of such interviews.

Sec. 12. EFFECTIVE DATE

This act shall take effect on September 1, 2024.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Human Services agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 704

Rep. Bartley of Fairfax, for the Committee on General and Housing, to which had been referred House bill, entitled

An act relating to disclosure of compensation in job advertisements

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 495o is added to read:

§ 495o. DISCLOSURE OF COMPENSATION TO PROSPECTIVE EMPLOYEES

(a)(1) An employer shall ensure that any advertisement of a Vermont job opening shall include the following information:

(A) the compensation or range of compensation for the job opening; and

(B) the job description, if any, for the job opening.

(2) An advertisement for a job opening that is paid solely on a commission basis shall disclose that fact and is not required to disclose the compensation or range of compensation pursuant to subdivision (1)(A) of this subsection.

(b) It shall be a violation of this section and subdivision 495(a)(8) of this subchapter for an employer to refuse to interview, hire, promote, or employ a current or prospective employee for asserting or exercising any rights provided pursuant to this section.

(c) As used in this section:

(1) "Advertisement" means written notice, in any format, of a specific job opening that is made available to potential applicants. "Advertisement" does not include:

(A) general announcements that notify potential applicants that employment opportunities may exist with the employer but do not identify any specific job openings; or

(B) verbal announcements of employment opportunities that are made in person or on the radio, television, or other digital or electronic mediums.

(2) "Employer" means an employer, as defined pursuant to section 495d of this subchapter, that employs five or more employees.

(3) "Potential applicants" includes both current employees of the employer and members of the general public.

(4) "Range of compensation" means the minimum and maximum annual salary or hourly wage for a job opening that the employer believes in good faith to be accurate at the time the employer creates the advertisement.

(5) "Vermont job opening" and "job opening" mean any position of employment that is:

(A) either:

(i) located in Vermont; or

(ii) if it is located outside Vermont, reports to a supervisor, office, or work site in Vermont; and

(B) a position for which an employer is hiring, including:

(i) positions that are open to internal candidates or external candidates, or both; and

(ii) positions into which current employees of the employer can transfer or be promoted.

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2025.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on General and Housing agreed to, and third reading ordered.

Senate Proposal of Amendment Concurred in

H. 518

The Senate proposed to the House to amend House bill, entitled

An act relating to the approval of amendments to the charter of the Town of Essex

The Senate proposed to the House to amend the bill as follows:

In Sec. 2, 24 App. V.S.A. chapter 117 (Town of Essex), in section 701 (fiscal year), following the words "first day of July" by striking out the words "and end on the last day of June"

Which proposal of amendment was considered and concurred in.

Second Reading; Bill Amended; Third Reading Ordered

H. 289

Rep. Sibilia of Dover, for the Committee on Environment and Energy, to which had been referred House bill, entitled

An act relating to the Renewable Energy Standard

Reported in favor of its passage when 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.

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

Rep. Dolan of Waitsfield, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Environment and Energy.

The bill, having appeared on the Notice Calendar, was taken up, and read the second time.

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the Committee on Environment and Energy?, was decided in the affirmative. Yeas, 99. Nays, 39.

Those who voted in the affirmative are:

Andrews of Westford
Andriano of Orwell
Anthony of Barre City
Arrison of Weathersfield
Arsenault of Williston
Austin of Colchester
Bartholomew of Hartland
Berbeco of Winooski
Black of Essex
Bluemle of Burlington
Bongartz of Manchester
Bos-Lun of Westminster
Boyden of Cambridge
Brady of Williston
Brown of Richmond
Brumsted of Shelburne
Burke of Brattleboro *
Burrows of West Windsor
Buss of Woodstock
Campbell of St. Johnsbury
Carpenter of Hyde Park
Casey of Montpelier
Chapin of East Montpelier
Chase of Chester
Chase of Colchester
Chesnut-Tangerman of Middletown Springs
Christie of Hartford
Cina of Burlington
Coffey of Guilford
Cole of Hartford *
Conlon of Cornwall
Cordes of Lincoln
Demrow of Corinth
Dodge of Essex
Dolan of Essex Junction
Dolan of Waitsfield
Durfee of Shaftsbury
Emmons of Springfield
Farlice-Rubio of Barnet
Garofano of Essex
Goldman of Rockingham
Graning of Jericho
Headrick of Burlington
Holcombe of Norwich
Hooper of Randolph
Hooper of Burlington
Houghton of Essex Junction
Howard of Rutland City
Hyman of South Burlington
James of Manchester *
Jerome of Brandon
Kornheiser of Brattleboro
Krasnow of South Burlington
LaBounty of Lyndon
Lalley of Shelburne
LaLonde of South Burlington
LaMont of Morristown
Lanpher of Vergennes
Logan of Burlington
Long of Newfane
Masland of Thetford
McCann of Montpelier
McCarthy of St. Albans City
McGill of Bridport
Mihaly of Calais
Minier of South Burlington
Morris of Springfield
Mrowicki of Putney *
Nicoll of Ludlow
Notte of Rutland City
Nugent of South Burlington
O'Brien of Tunbridge
Pajala of Londonderry
Patt of Worcester *
Pouech of Hinesburg *
Priestley of Bradford
Rachelson of Burlington
Rice of Dorset
Roberts of Halifax
Satcowitz of Randolph
Scheu of Middlebury
Sheldon of Middlebury
Sibilia of Dover *
Small of Winooski
Squirrell of Underhill
Stebbins of Burlington *
Stevens of Waterbury
Stone of Burlington
Surprenant of Barnard
Taylor of Colchester
Templeman of Brownington
Toleno of Brattleboro
Torre of Moretown *
Troiano of Stannard
Waters Evans of Charlotte
White of Bethel
Whitman of Bennington
Williams of Barre City
Wood of Waterbury

Those who voted in the negative are:

Bartley of Fairfax
Branagan of Georgia
Brennan of Colchester
Brownell of Pownal
Canfield of Fair Haven
Carroll of Bennington
Clifford of Rutland City
Corcoran of Bennington
Demar of Enosburgh
Dickinson of St. Albans Town
Gregoire of Fairfield
Hango of Berkshire
Harrison of Chittenden
Higley of Lowell
Labor of Morgan
Laroche of Franklin
Lipsky of Stowe
Maguire of Rutland City
Marcotte of Coventry
Mattos of Milton
McCoy of Poultney *
Noyes of Wolcott
Oliver of Sheldon
Page of Newport City
Pearl of Danville
Peterson of Clarendon
Quimby of Lyndon
Sims of Craftsbury
Smith of Derby
Taylor of Milton
Toof of St. Albans Town
Walker of Swanton

Donahue of Northfield	McFaun of Barre Town	Williams of Granby *
Galfetti of Barre Town *	Morgan of Milton	
Goslant of Northfield *	Morrissey of Bennington	

Those members absent with leave of the House and not voting are:

Beck of St. Johnsbury	Graham of Williamstown	Ode of Burlington
Birong of Vergennes	Leavitt of Grand Isle	Parsons of Newbury
Burditt of West Rutland	Mulvaney-Stanak of Burlington	Sammis of Castleton
Elder of Starksboro		Shaw of Pittsford

Rep. Burke of Brattleboro explained her vote as follows:

"Madam Speaker:

Yesterday, during the bill presentation for the Transportation Bill, H. 868, I spoke about our electric vehicle incentive programs and how they have influenced electric vehicle adoption in our State, so that the number of registered electric and plug-in-electric vehicles in Vermont increased 44% over the past year. Vehicle electrification is State policy. As we push for this, we have the responsibility to ensure that the energy we are using for our vehicles comes from more in-state renewables, and that it is not adding to the demand of natural gas, large-scale hydro, nuclear, or biomass. H. 289 will provide the opportunity for a clean electric portfolio, while enhancing the clean transportation options inherent in driving an electric vehicle."

Rep. Cole of Hartford explained her vote as follows:

"Madam Speaker:

As a small state, Vermont has little control over wars abroad or the shrinking supply of non-renewable resources. Where we CAN claim control, however, is through investment in our own State's renewable energy generation – the energy system we'll be leaving to our State's children. We must not neglect the power we hold to prepare for the inevitable, dramatic increase in demand for electricity nationwide. H.289 specifically requires us to meet more of that demand in-state and keeps that revenue in Vermont. As one of the youngest legislators here, I am voting YES for Vermonters even younger than me. The stakes are incredibly high, and the cost of doing nothing is higher."

Rep. Galfetti of Barre Town explained her vote as follows:

"Madam Speaker:

I have heard many people say that Vermont must lead by example; as our carbon initiative will have no impact on climate change. But I ask myself at a

time when we are demanding more and more out of the pockets of Vermonters, does it make sense to raise costs again on a bill that will do nothing for climate change? The purchase and manipulation of carbon credits is for the rich, not this brave little state. For that reason, I am voting yes for affordability by voting no on this bill."

Rep. Goslant of Northfield explained his vote as follows:

"Madam Speaker:

I am voting no because this bill is making electricity more expensive at a time we are trying to push people away from fossil fuels. I am concerned about the affordability of this State when you couple this with pending property tax rate increases, a $150 million new payroll tax that will kick in this summer, and the additional $100 million of taxes currently being discussed in Ways and Means. We must get serious about balancing our values with our constituents' ability to pay."

Rep. James of Manchester explained her vote as follows:

"Madam Speaker:

In H.289, we are supporting a policy that since 2017 has benefitted Vermont without negative impact. The RES helps us to reduce fossil fuel consumption in tangible ways – with all of the positive economic, environmental, and societal impacts that accompany making a planned and predictable transition to renewable energy. The global economy is shifting to clean energy. We are responding and looking ahead. That's the smart thing to do."

Rep. McCoy of Poultney explained her vote as follows:

"Madam Speaker:

While I appreciate the goals of H.289, I am disappointed that the 18-month engagement process and ultimate report and recommendations of the Public Service Department were summarily dismissed. If we mandate recommendations and reports from Agencies and Departments, then we should fully vet what they are offering."

Rep. Mrowicki of Putney explained his vote as follows:

"Madam Speaker:

I vote yes to support the good work of your Environment and Energy Committee. I vote yes for my children and grandchild that we might leave a legacy of action. And I vote yes for the voters who sent me and a large majority here to do something about climate. Doing nothing is not an option."

Rep. Patt of Worcester explained his vote as follows:

"Madam Speaker:

I spent many years in the electric utility business as a board member of Washington Electric Co-op for 8 years and then as general manager for 16 ½ years. Getting to 100% renewable was a major achievement and it has been cost effective for the most rural utility in Vermont. Capital investments are paid for over extended periods of time; and they avoid immediate short-term costs. We have to change. We should not kick the can down the road. Costs will likely go up more over time if we do nothing. That's what I know from experience."

Rep. Pouech of Hinesburg explained his vote as follows:

"Madam Speaker:

I considered voting no because this bill eliminated group net metering. I have been passionate about renewable energy since the late 1970s. I believe our State and every government should commit to 100% use of renewables. I support this bill despite it eliminating municipalities, including water and wastewater districts, fire districts, villages, school districts, and towns from utilizing renewables through group net metering. I would add to this list of organizations, local business, and churches. I have personally worked with my local church, the Town of Hinesburg, and several local businesses to use and share solar power under our existing group net metering rules. This bill gives all the control and benefits back to utilities and shuts the door on participating and benefitting to local organizations who don't have South-facing roofs or property capable or permittable to meet their renewable energy needs. I expect this body to fully understand what the elimination of group net metering does to our communities, businesses, schools, and non-profits. And I expect this body will take up this important aspect of community based solar in the future."

Rep. Sibilia of Dover explained her vote as follows:

"Madam Speaker:

I vote yes to giving our utilities more flexibility to manage rates, energy transition, climate change, and increasing load."

Rep. Stebbins of Burlington explained her vote as follows:

"Madam Speaker:

I vote yes to 100% renewable electricity for all Vermonters, handcrafted as only Vermont does, to meet our shared goals of reliability, safety, affordability, and sustainability."

Rep. Torre of Moretown explained her vote as follows:

"Madam Speaker:

I voted for this bill because more of a good thing is better – more resilience, more public health benefits, and a better future. Our electric utilities can and want to do more to decarbonize our grid – bring it on."

Rep. Williams of Granby explained her vote as follows:

"Madam Speaker:

I pray this bill does not pass, but, if it does, those involved must do a much better job of selling this idea to the general public. The perception is that this is being shoved down our throats, and in a very aggressive time frame, and that small businesses (which the Legislature does a very poor job of supporting anyway) will be harmed to the point that many will close. Vermont has the oldest demographic in the country, which equates to fixed incomes. Conservative Vermonters truly believe we cannot financially afford this new idea. If you are so sure this is the way to go, you must do better. Most of us are not on board. That doesn't set well with having the confidence that the Legislature is here to support the great people of our State."

Thereafter, third reading was ordered.

Message from the Senate No. 33

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 196. An act relating to the types of evidence permitted in weight of the evidence hearings.

S. 206. An act relating to designating Juneteenth as a legal holiday.

In the passage of which the concurrence of the House is requested.

The Senate has considered a bill originating in the House of the following title:

H. 659. An act relating to captive insurance.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

Pending Entry on the Notice Calendar
Bills Referred to the Committee on Appropriations

House bills of the following titles were severally taken up and, pursuant to House Rule 35(a), carrying an appropriation, referred to the Committee on Appropriations, pending entry on the Notice Calendar:

H. 626

House bill, entitled

An act relating to animal welfare

H. 687

House bill, entitled

An act relating to community resilience and biodiversity protection through land use

H. 873

House bill, entitled

An act relating to financing the testing for and remediation of the presence of polychlorinated biphenyls (PCBs) in schools

Adjournment

At six o'clock and twenty-one minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.