

Senate Calendar

FRIDAY, APRIL 19, 2013

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ACTION CALENDAR

UNFINISHED BUSINESS OF THURSDAY, APRIL 18, 2013

Third Reading

H. 39.

An act relating to the Public Service Board and the Department of Public Service.

**AMENDMENT TO SENATE PROPOSAL OF AMENDMENT TO H. 39
TO BE OFFERED BY SENATOR RODGERS BEFORE THIRD
READING**

Senator Rodgers moves to amend the Senate proposal of amendment in Sec. 6, 30 V.S.A. § 248, by striking out subsection (f) in its entirety and inserting in lieu thereof the following:

(f) ~~However, the:~~

(1) The petitioner shall submit a notice of intent to construct such a facility within the State to the municipal and regional planning commissions at least six months prior to an application for a certificate of public good under this section. The Board shall specify by rule the content of such a notice of intent, which shall be designed to provide a reasonable description of the facility to be built, its size and location, and related infrastructure to be constructed. A notice of intent under this subdivision (1) shall not be required for a facility that the Board determines to be eligible for treatment under subsection (j) (facilities of limited size and scope) of this section.

(2) The petitioner shall submit plans for the construction of such a facility within the state must be submitted by the petitioner State to the municipal and regional planning commissions no less than 45 days prior to application for a certificate of public good under this section, unless the municipal and regional planning commissions shall waive such requirement. Such municipal or regional planning commission may hold a public hearing on the proposed plans. Such commissions shall may make recommendations, if any, to the public service board Public Service Board and to the petitioner at least seven days prior to filing of the petition within 21 days after the date the petition is filed with the public service board Board.

**AMENDMENT TO SENATE PROPOSAL OF AMENDMENT TO H. 39
TO BE OFFERED BY SENATOR GALBRAITH BEFORE THIRD
READING**

Senator Galbraith moves to amend the Senate proposal of amendment as follows:

First: After Sec. 5, by striking out the internal caption and inserting in lieu thereof a new internal caption and inserting a Sec. 5a to read as follows:

* * * CPG: Recommendations of Municipal and Regional Planning
Commissions; Wind Generation in Windham * * *

Sec. 5a. FINDINGS

The General Assembly finds that:

(1) In a 2006 survey, 287 residents of the Town of Windham opposed the siting of a wind generation plant, with 15 residents in favor.

(2) In 2008, the Town of Windham included the following statement in Sec. B.1 of its municipal plan adopted under 24 V.S.A. chapter 117:

Commercial wind energy systems (wind farms) are defined as those that are regulated under Section 248 of Title 30 of the Vermont Statutes but not including net metering applications (as per 30 V.S.A. §219a) or temporary meteorological towers. These are generally large-scale projects with multiple turbines designed to generate electricity. It is the policy of the Town of Windham that commercial wind energy systems are prohibited throughout all of town.

(3) On June 2, 2012, Gov. Peter Shumlin, speaking on Vermont Public Television, stated:

I have always said and I will always say I believe that no energy project should be built in a town in Vermont where the residents of that community don't vote affirmatively to host it. We shouldn't send them into towns that don't want them. So the answer is, I've been clear on this right from the beginning. Lowell is a great example. The people of Lowell voted, overwhelmingly, to have the Lowell project built. I support the Lowell project. If the people of any other project in Vermont in their community, in that town vote no, I support it not going in that community. We shouldn't build energy projects where they are not wanted.

(4) On October 9, 2012, the Department of Public Service filed a letter with the Public Service Board in Docket No. 7905 that opposed granting a

certificate of public good (CPG) for wind meteorological stations to be sited in Windham, stating that “the Board should defer to the clear mandate of the Town Plan and not grant a CPG for the temporary siting of any MET towers in Windham.”

Second: In Sec. 6, 30 V.S.A. § 248, after the second ellipsis, by inserting subsection (q) to read as follows:

(q) Notwithstanding the Board’s assessment of the general good of the State under subsection (a) of this section or the requirement of subdivision (b)(1) of this section to give due consideration to the land conservation measures in the plan of any affected municipality, the Board may issue a certificate of public good for a wind generation plant to be located in the Town of Windham only if it finds, in addition to all other criteria of this section, that the plant is in conformance with the duly adopted municipal plan under 24 V.S.A. chapter 117. For the purpose of this subsection, “plant” shall have the same meaning as under section 8002 of this title.

Second Reading

Favorable with Proposal of Amendment

H. 406.

An act relating to listers and assessors.

Reported favorably with recommendation of proposal of amendment by Senator French for the Committee on Government Operations.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: By adding a new section to be Sec. 3a to read:

Sec. 3a. 17 V.S.A. § 2651b is amended to read:

§ 2651b. ELIMINATION OF OFFICE OF AUDITOR; APPOINTMENT OF PUBLIC ACCOUNTANT

* * *

(c) The authority to vote to eliminate the office of town auditor as provided in this section shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of town auditor.

Second: By adding a new section to be Sec. 3b to read:

Sec. 3b. REPEAL

1998 Acts and Resolves No. 83, Sec. 9 (municipal charters) is repealed.

Third: In Sec. 4 (amending 17 V.S.A. § 2651c), by striking out subdivision (4) in its entirety and inserting in lieu thereof the following:

(4) The authority to vote to eliminate the office of lister as provided in this subsection shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of lister.

and that after passage the title of the bill be amended to read: “An act relating to town listers, assessors, and auditors”.

(Committee vote: 4-0-1)

(For House amendments, see House Journal for March 20, 2013, page 465.)

House Proposal of Amendment

S. 104.

An act relating to expedited partner therapy.

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

First: In Sec. 1, subsection (c), by striking “Centers for Disease Control and Prevention (CDC)” and inserting in lieu thereof “Commissioner”

Second: In Sec. 1, subsection (d), by striking “CDC” and inserting in lieu thereof “Centers for Disease Control and Prevention”

Third: In Sec. 2, subsection (d), by striking “CDC” and inserting in lieu thereof “Centers for Disease Control and Prevention”

NEW BUSINESS

Third Reading

H. 280.

An act relating to payment of wages.

Committee Bill for Second Reading

S. 165.

An act relating to collective bargaining for deputy state’s attorneys.

By the Committee on Economic Development, Housing and General Affairs. (Senator Baruth for the Committee)

Second Reading

Favorable

H. 527.

An act relating to approval of the adoption and the codification of the charter of the Town of Northfield.

Reported favorably by Senator Pollina for the Committee on Government Operations.

(Committee vote: 5-0-0)

(No House amendments.)

Favorable with Proposal of Amendment

H. 510.

An act relating to the State's transportation program and miscellaneous changes to the State's transportation laws.

Reported favorably with recommendation of proposal of amendment by Senator Mazza for the Committee on Transportation.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation's proposed fiscal year 2014 transportation program appended to the Agency of Transportation's proposed fiscal year 2014 budget, as amended by this act, is adopted to the extent federal, state, and local funds are available.

(b) As used in this act, unless otherwise indicated:

(1) "Agency" means the Agency of Transportation.

(2) "Secretary" means the Secretary of Transportation.

(3) The table heading "As Proposed" means the transportation program referenced in subsection (a) of this section; the table heading "As Amended" means the amendments as made by this act; the table heading "Change" means the difference obtained by subtracting the "As Proposed" figure from the "As Amended" figure; and the term "change" or "changes" in the text refers to the project- and program-specific amendments, the aggregate sum of which equals the net "Change" in the applicable table heading.

(4) “TIB funds” or “TIB” refers to monies deposited in the Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

*** Program Development – Funding Sources ***

Sec. 1a. PROGRAM DEVELOPMENT – FUNDING

Spending authority in program development is modified in accordance with this section. Among projects selected in the Secretary’s discretion, the Secretary shall:

(1) reduce project spending authority in the total amount of \$3,827,500.00 in transportation funds;

(2) increase project spending authority in the total amount of \$2,087,500.00 in TIB bond proceeds on projects eligible under 32 V.S.A. § 972; and

(3) increase project spending authority in the total amount of \$1,740,000.00 in federal funds.

*** Town Highway Bridge ***

Sec. 2. TOWN HIGHWAY BRIDGE

The following modification is made to the town highway bridge program:

(1) Spending authority for the Mount Tabor project to replace bridge 2 on town highway 1 (VT FH 17-1(1)) is added to read:

<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
Construction	0	1,579,500	1,579,500
Total	0	1,579,500	1,579,500
<u>Sources of funds</u>			
State	0	0	0
TIB	0	0	0
Federal	0	1,579,500	1,579,500
Local	0	0	0
Total	0	1,579,500	1,579,500

*** Maintenance ***

Sec. 3. MAINTENANCE

(a) Total authorized spending in the maintenance program is amended as follows:

<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
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Personal services	39,744,134	39,744,134	0
Operating expenses	50,687,536	48,877,536	-1,810,000
Grants	75,000	75,000	0
Total	90,506,670	88,696,670	-1,810,000
<u>Sources of funds</u>			
State	79,961,670	78,151,670	-1,810,000
Federal	10,445,000	10,445,000	0
Interdep't transfer	100,000	100,000	0
Total	90,506,670	88,696,670	-1,810,000

(b) The reduction in authorized maintenance program spending under subsection (a) of this section shall be allocated among maintenance activities as specified by the Secretary.

* * * Paving * * *

Sec. 4. PROGRAM DEVELOPMENT – PAVING

(a) Spending authority for the statewide–district leveling activity within the program development–paving program is amended to read:

<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
Construction	6,000,000	5,338,000	-662,000
Total	6,000,000	5,338,000	-662,000
<u>Sources of funds</u>			
State	6,000,000	5,338,000	-662,000
TIB	0	0	0
Federal	0	0	0
Total	6,000,000	5,338,000	-662,000

(b) Spending authority for the Bethel–Randolph Resurface VT 12 project (STP 2921()) is amended to read:

<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
Construction	5,200,000	5,200,000	0
Total	5,200,000	5,200,000	0
<u>Sources of funds</u>			
State	1,585,563	983,840	-601,723
TIB	-601,723	0	601,723
Federal	4,216,160	4,216,160	0
Total	5,200,000	5,200,000	0

(c) Spending authority for the Bolton–Waterbury Resurface US 2 project (STP 2709(1)) is amended to read:

<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
Construction	6,530,000	6,530,000	0
Total	6,530,000	6,530,000	0
<u>Sources of funds</u>			
State	0	601,723	601,723
TIB	1,235,476	633,753	-601,723
Federal	5,294,524	5,294,524	0
Total	6,530,000	6,530,000	0

(d) Spending authority on the Weathersfield Resurface VT 131 project (STP 2913(1)) within the program development – paving program is amended to read:

<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
Construction	5,000,000	5,000,000	0
Total	5,000,000	5,000,000	0
<u>Sources of funds</u>			
State	946,000	696,000	-250,000
TIB	0	250,000	250,000
Federal	4,054,000	4,054,000	0
Total	5,000,000	5,000,000	0

* * * Rest Areas * * *

Sec. 5. REST AREAS

Spending authority on the Derby–Welcome Center project within the rest area program is amended to read:

<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	50,000	50,000	0
Construction	2,500,000	0	-2,500,000
Total	2,550,000	50,000	-2,500,000
<u>Sources of funds</u>			
State	0	0	0
TIB	255,000	5,000	-250,000
Federal	2,295,000	45,000	-2,250,000
Total	2,550,000	50,000	-2,500,000

* * * Rail * * *

Sec. 6. RAIL

(a) The Secretary shall reduce by \$600,000.00 the spending of fiscal year 2014 state transportation funds on projects or activities within the rail program selected at his or her discretion.

(b) Authorized spending in the fiscal year 2014 rail program shall be reduced by \$200,000.00 in transportation funds, and \$500,000.00 in TIB funds, which were previously authorized in the fiscal year 2013 transportation program and appropriated in the 2013 appropriations bill.

Sec. 7. CANCELLATION OF RAIL PROJECTS

Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following rail projects:

- (1) Salisbury-Middlebury – 05G342 – Rail Improvements;
- (2) White River Junction-Newport – 05G350 – Improve RR Bridges;
- (3) Proctor-New Haven – STRB(37) – 08G090 – Repair and/or Replace 6 Bridges;
- (4) Middlebury – WCRS() – 09G108 – Bridge 236;
- (5) Waterbury – STP 2036(10) – 09G364 – Crossing;
- (6) Rutland-Fair Haven – 09G372 – 2 Miles of CWR;
- (7) Rutland-Fair Haven – 11G254 – Crossings.

Sec. 8. PITTSFORD BRIDGE 219 PROJECT

For the Pittsford Bridge 219 Project (HPP ABRB(9)), the estimate of total construction costs of \$10,350,000.00 is deleted and replaced with the amount of \$2,100,000.00, and the estimate of the total cost of all activities of \$11,863,814.00 is deleted and replaced with the amount of \$3,613,814.00.

* * * Amtrak Vermont Services; Fares * * *

Sec. 8a. AMTRAK VERMONT SERVICES; FARES

The Agency shall work with Amtrak and other states with which Vermont has agreements under the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) to implement as soon as possible fares that maximize revenues for Vermont. The goal of the change in fares is to reduce by at least 20 percent the amount of the year-over-year increase in Vermont's subsidy to Amtrak required under PRIIA in fiscal year 2014.

* * * Aviation * * *

Sec. 9. AVIATION

(a) Spending authority on the Statewide-Airport Facilities Maintenance and Improvements project (AIR 04-3144) within the aviation program is amended to read:

<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	1,850,758	1,710,758	-140,000
Total	1,850,758	1,710,758	-140,000
<u>Sources of funds</u>			
State	1,810,758	1,670,758	-140,000
TIB	0	0	0
Federal	40,000	40,000	0
Total	1,850,758	1,710,758	-140,000

(b) The Secretary shall reduce the spending of state transportation funds on activities within the Statewide-Airport Facilities Maintenance and Improvements project selected at his or her discretion in the amount specified in subsection (a) of this section.

* * * Fiscal Year 2014 Transportation Infrastructure Bonds * * *

Sec. 10. AUTHORITY TO ISSUE TRANSPORTATION INFRASTRUCTURE BONDS

Pursuant to 32 V.S.A. § 972, the State Treasurer is authorized to issue transportation infrastructure bonds up to a total amount of \$11,700,000.00 for the purpose of funding:

(1) the spending authorized in Sec. 11 of this act;

(2) a debt service reserve to support the successful issuance of transportation infrastructure bonds; and

(3) the cost of preparing, issuing, and marketing the bonds as authorized under 32 V.S.A. § 975.

Sec. 11. TRANSPORTATION INFRASTRUCTURE BONDS; SPENDING AUTHORITY

The amount of \$10,387,500.00 from the issuance of transportation infrastructure bonds is authorized for expenditure in fiscal year 2014 on eligible projects as defined in 32 V.S.A. § 972(d) on projects in the State's fiscal year 2014 program development program.

* * * Transportation Alternatives Grant Program * * *

Sec. 12. 19 V.S.A. § 38 is amended to read:

§ 38. TRANSPORTATION ~~ENHANCEMENT~~ ALTERNATIVES GRANT PROGRAM

(a) ~~The Vermont transportation enhancement grant committee~~ Transportation Alternatives Grant Committee is created and shall be comprised of:

(1) ~~the secretary of transportation~~ Secretary of Transportation or his or her designee;

(2) a representative from the ~~division of historic preservation~~ Division of Historic Preservation appointed by the ~~secretary of the agency of commerce and community development~~ Secretary of Commerce and Community Development;

(3) one member ~~to be~~ appointed by the ~~secretary of the agency of commerce and community development~~ Secretary of Commerce and Community Development to represent the tourism and marketing industry;

(4) a representative of the ~~agency of natural resources~~ Agency of Natural Resources appointed by the ~~secretary of the agency of natural resources~~ Secretary of Natural Resources;

(5) three municipal representatives appointed by the governing body of the Vermont ~~league of cities and towns~~ League of Cities and Towns;

(6) one member representing and appointed by the governing board of the Vermont ~~association of planning and development agencies~~ Association of Planning and Development Agencies;

(7) two members from the ~~house~~ House designated by the ~~speaker~~ Speaker; and

(8) two members from the ~~senate~~ Senate designated by the ~~committee on committees~~ Committee on Committees.

(b) Municipal and legislative members ~~of the Transportation Alternatives Grant Committee~~ shall serve concurrently for two-year terms and the initial appointments of these members shall be made in a manner which allows for them to serve a full legislative biennium. In the event a municipal or legislative member ceases to serve on the ~~committee~~ Committee prior to the full term, the appointing authority shall fill the position for the remainder of the term. The ~~committee~~ Committee shall, to the greatest extent practicable, encompass a broad geographic representation of Vermont.

(b)(c) ~~The Vermont transportation enhancement grant program~~ Transportation Alternatives Grant Program is created. ~~The grant program shall be funded as provided in subsection (e) of this section and~~ Grant Program shall be administered by the ~~agency~~ Agency, and shall be funded in the amount provided for in 23 U.S.C. § 213(a), less the funds set aside for the Recreational Trails Program as specified in 23 U.S.C. § 213(f). ~~The grant program~~ Awards

~~shall be made to eligible entities as defined under 23 U.S.C. § 213(c)(4), and awards under the Grant Program shall be limited to enhancement the activities as defined in described at 23 U.S.C. § 104(a)(35) which are sponsored by municipalities, nonprofit organizations, or political subdivisions of the state other than the agency 213(b) other than Recreational Trails Program grants.~~

~~(d) Eligible applicants entities awarded a grant must provide all funds required to match federal funds awarded for an enhancement a transportation alternatives project. All grant awards shall be decided and awarded by the transportation enhancement grant committee Transportation Alternatives Grant Committee.~~

~~(e) The following federal aid highway program funds received by the state under the federal aid highway reauthorization act, and succeeding reauthorization acts, that succeed the Transportation Equity Act for the 21st Century (Public Law 105-178 as amended) shall be exclusively reserved to cover the costs of enhancement projects awarded grants under the Vermont transportation enhancement grant program with respect to federal fiscal years 2004 and thereafter:~~

~~(1) at a minimum, four percent of the state's apportionment of surface transportation funds received by the state under 23 U.S.C. § 104(b)(3) over the life of the applicable federal reauthorization act; and, if greater,~~

~~(2) at a maximum, the state's apportionment of federal aid highway program funds that are exclusively reserved for transportation enhancement activities under 23 U.S.C. § 133(d)(2) received by the state over the life of the applicable federal reauthorization act.~~

~~(d) For each fiscal year starting with fiscal year 2005, the agency shall determine or estimate as required:~~

~~(1) the state's apportionment of surface transportation program funds which the state expects to receive under 23 U.S.C. § 104(b)(3) with respect to the equivalent federal fiscal year; and~~

~~(2) the state's pro rata apportionment of federal aid highway program funds which are exclusively reserved for transportation enhancement activities under 23 U.S.C. 133(d)(2). To determine the pro rata amount, the agency shall estimate the total amount of exclusively reserved funds expected to be received by the state over the life of the applicable federal reauthorization act, subtract the total amount of enhancement grants awarded under this section with respect to prior federal fiscal years of the applicable federal reauthorization act, and divide the resulting sum by the number of years remaining in the life of the applicable federal reauthorization act. The agency shall adjust the amounts determined under subdivisions (1) and (2) of this subsection to account for any~~

~~differences between estimates made, actual appropriations received, and enhancement grants awarded with respect to applicable prior federal fiscal years.~~

~~(e)(1) For each fiscal year starting with fiscal year 2005, the state's enhancement grant program for the fiscal year shall be at the discretion of the secretary:~~

~~(A) at a minimum, four percent of the adjusted amount ascertained by the agency under subdivision (d)(1) of this section; and~~

~~(B) at a maximum, the adjusted amount ascertained by the agency under subdivision (d)(2) of this section.~~

~~(2) The agency shall plan its budget accordingly and advise the general assembly in its recommended budget:~~

~~(A) if sufficient information is available to determine a sum certain, of the amount of the enhancement grant program; or~~

~~(B) if sufficient information is not available to determine a sum certain, of the range within which the agency estimates the size of the enhancement grant program will be.~~

~~(f)(e) Enhancement Transportation alternatives grant awards shall be announced annually by the transportation enhancement grant committee Transportation Alternatives Grant Committee not earlier than December and not later than the following March of the federal fiscal year of the federal funds being committed by the grant awards.~~

~~(g)(f) Each year, up to \$200,000.00 of the grant program or such lesser sum if all eligible applications amount to less than \$200,000.00 shall be reserved for municipalities for eligible salt and sand shed projects. Grant awards for eligible projects shall not exceed \$50,000.00 per project. Regarding the balance of grant program funds, in evaluating applications for enhancement transportation alternatives grants, the transportation enhancement grant committee Transportation Alternatives Grant Committee shall give preferential weighting to projects involving as a primary feature a bicycle or pedestrian facility. The degree of preferential weighting and the circumstantial factors sufficient to overcome the weighting shall be in the complete discretion of the transportation enhancement grant committee Transportation Alternatives Grant Committee.~~

~~(h)(g) The agency Agency shall develop an outreach and marketing effort designed to provide information to communities with respect to the benefits of participating in the enhancement program Transportation Alternatives Grant Program. The outreach and marketing activities shall include apprising~~

municipalities of the availability of grants for salt and sand sheds. The outreach effort should be directed to areas of the ~~state~~ State historically underserved by this program.

Sec. 12a. 19 V.S.A. § 42 is amended to read:

§ 42. REPORTS PRESERVED

Notwithstanding 2 V.S.A. § 20(d), the reports or reporting requirements of sections 7(k), 10b(d), 10c(k), 10c(l), 10e(c), 10g, 11f(i), 12a, and 12b(d), ~~and 38(e)(2)~~ of this title shall be preserved absent specific action by the ~~general assembly~~ General Assembly repealing the reports or reporting requirements.

Sec. 13. TRANSPORTATION ALTERNATIVES GRANT PROGRAM PRIORITIES; CONFORMING AMENDMENTS

2012 Acts and Resolves No. 153, Sec. 24 is amended to read:

Sec. 24. ~~ENHANCEMENT~~ TRANSPORTATION ALTERNATIVES GRANT PROGRAM PRIORITIES

In addition to the priorities for salt and sand shed projects and bicycle or pedestrian facility projects specified in 19 V.S.A. § ~~38(g)~~ 38(f), in evaluating applications for ~~enhancement~~ transportation alternatives grants in fiscal years ~~2013~~, 2014, and 2015, the ~~transportation enhancement grant committee~~ Transportation Alternatives Grant Committee shall give preferential weighting to projects involving a municipality implementing eligible environmental mitigation projects under a river corridor plan that has been adopted by the ~~agency of natural resources~~ Agency of Natural Resources as part of a basin plan, under a municipal plan adopted pursuant to 24 V.S.A. § 4385, or under a mitigation plan adopted by the municipality and approved by the Federal Emergency Management Agency. The degree of preferential weighting afforded shall be in the complete discretion of the ~~transportation enhancement grant committee~~ Transportation Alternatives Grant Committee.

* * * Central Garage * * *

Sec. 14. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2014, the amount of \$1,120,000.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

* * * State Highways; Relinquishment to Municipal Control * * *

Sec. 15. 19 V.S.A. § 15 is amended to read:

§ 15. CHANGES IN THE STATE HIGHWAY SYSTEM

(a) Highways Except as provided in subsection (b) of this section, highways may be added to or deleted from the state highway system by:

(1) ~~legislative action~~ an act of the General Assembly; or

(2) a proposal by the ~~agency~~ Agency which is accepted by the legislative body of the affected municipality and approved by an act of the general assembly General Assembly.

(b) Upon entering into an agreement with the affected municipality, the Secretary may relinquish to municipal control segments of state highway rights-of-way that have been replaced by new construction and are no longer needed as part of the state highway system. Upon their relinquishment to municipal control, the segments shall become class 3 town highways, and may be reclassified by the municipality in accordance with chapter 7 of this title.

* * * State Highway System; Town of Clarendon * * *

Sec. 15a. STATE HIGHWAY SYSTEM; TOWN OF CLARENDON

Pursuant to 19 V.S.A. § 15, the General Assembly approves the addition to the state highway system of a segment of Airport Road (TH #7) in the Town of Clarendon extending from its intersection with Vermont Route 103 to the main entrance of the Rutland–Southern Vermont Regional Airport. The existing 35 miles per hour speed limit on this segment of Airport Road shall remain in force after its transfer to the state highway system, unless and until the Traffic Committee alters the speed limit pursuant to 23 V.S.A. § 1003.

* * * Transportation Board; Small Claims Against the Agency * * *

Sec. 16. 19 V.S.A. § 20 is amended to read:

§ 20. SMALL CLAIMS FOR INJURY OR DAMAGE

~~When a claim is~~ The Board shall have exclusive jurisdiction over claims of \$5,000.00 or less made for personal injuries or property damage, or both, sustained as the result of the negligence of any employee of the agency, the board Agency. The Board may hear all parties in interest and may award damages not to exceed \$2,000.00 \$5,000.00. When the Board awards damages are awarded, the board, it shall certify its findings decision to the commissioner of finance and management who Commissioner of Finance and Management. Upon the disposition of any appeal or the expiration or waiver of all appeal rights, the Commissioner of Finance and Management shall issue his or her warrant for the amount of the award, with payment in the manner prescribed by 12 V.S.A. § 5604.

* * * Limited Access Facilities; Fair Market Value Rent * * *

Sec. 17. 19 V.S.A. § 26a is amended to read:

§ 26a. DETERMINATION OF RENT TO BE CHARGED FOR LEASING OR LICENSING STATE-OWNED PROPERTY UNDER THE AGENCY'S JURISDICTION

(a) Except as otherwise provided by subsection (b) of this section, or as otherwise provided by law, leases or licenses negotiated by the ~~agency~~ Agency under 5 V.S.A. §§ 204 and 3405 and ~~section~~ sections 26 and 1703(d) of this title ordinarily shall require the payment of fair market value rent, as determined by the prevailing area market prices for comparable space or property. However, the ~~agency~~ Agency may lease or license state-owned property under its jurisdiction for less than fair market value when the ~~agency~~ Agency determines that the proposed occupancy or use serves a public purpose or that there exist other relevant factors, such as a prior course of dealing between the parties, that justify setting rent at less than fair market value.

* * *

* * * Emergency Repairs; Condemnation Authority * * *

Sec. 18. 19 V.S.A. § 518 is amended to read:

§ 518. MINOR ALTERATIONS TO EXISTING FACILITIES

(a) For purposes of this section, the term "minor alterations to existing facilities" means any of the following activities involving existing facilities, provided the activity does not require a permit under 10 V.S.A. chapter 151 (Act 250):

(1) Activities which qualify as "categorical exclusions" under 23 C.F.R. § 771.117(e) and the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321-4347, ~~and do not require a permit under 10 V.S.A. chapter 151 (Act 250); or~~

(2) Activities involving emergency repairs to or emergency replacement of an existing bridge ~~or~~ culvert, highway, or state-owned railroad, even ~~though~~ if the need for repairs or replacement does not arise from damage caused by a natural disaster or catastrophic failure from an external cause; ~~provided, however, that the activities do not require a permit under 10 V.S.A. chapter 151 (Act 250).~~ Any temporary rights under this subdivision shall be limited to 10 years from the date of taking.

(b) In cases involving minor alterations to existing facilities, the ~~agency~~ Agency, following the procedures of section 923 of this title, may exercise the powers of a selectboard. If an appeal is taken under subdivision 923(5) of this title, the person taking the appeal shall follow the procedure specified in section 513 of this title.

* * * Secretary's Authority with Regard to Junkyards * * *

Sec. 19. 19 V.S.A. § 7(f) is amended to read:

(f) The ~~secretary~~ Secretary may:

* * *

(7) organize, reorganize, transfer, or abolish sections and staff function sections within the ~~agency~~ Agency; except however, the ~~secretary~~ Secretary may not alter the number of highway districts without legislative approval; ~~and~~

~~(8) adopt rules regarding the operation of junkyards.~~

* * * State Highway Closures * * *

Sec. 20. 19 V.S.A. § 43 is amended to read:

§ 43. STATE HIGHWAY CLOSURES

(a) For purposes of this section, the phrase “planned closure of a state highway” means the closure of a state highway for more than 48 hours for a project that is part of the State’s annual transportation program. The phrase does not include emergency projects, or closures of 48 hours or less for maintenance work.

(b) Before the planned closure of a state highway, the ~~agency~~ Agency shall:

(1) contact the legislative body of any municipality affected by the closure to determine whether the legislative body wishes to convene a regional public meeting for the purpose of listening to hearing public concerns.—The agency regarding the planned closure; and

(2) conduct a regional public meeting if requested by the legislative body of a municipality affected by the closure.

(c) To address concerns raised at a meeting held pursuant to subsection (b) of this section or otherwise to reduce adverse impacts of the planned closure of a state highway, the Agency shall consult with other state agencies and departments, regional chambers of commerce, regional planning commissions, local legislative bodies, emergency medical service organizations, school officials, and area businesses to develop mitigation strategies to reduce the impact of the planned closure on the local and regional economies.

~~(b)~~(d) In developing mitigation strategies, the ~~agency~~ Agency shall consider the need to provide a level of safety for the traveling public comparable to that available on the segment of state highway affected by the planned closure. If the ~~agency~~ Agency finds town highways unsuitable for a signed detour, the ~~agency~~ Agency will advise local legislative bodies of the reasons for its determination.

* * * Taxation of Diesel and Motor Fuels * * *

Sec. 21. 23 V.S.A. § 3003 is amended to read:

§ 3003. IMPOSITION OF TAX; EXCEPTIONS

(a) A tax of ~~\$0.25~~ \$0.27, a fee of \$0.01 established pursuant to the provisions of 10 V.S.A. § 1942, and a \$0.03 motor fuel transportation infrastructure assessment, which for purposes of the International Fuel Tax Agreement only shall be deemed to be a surcharge, are imposed on each gallon of fuel:

- (1) sold or delivered by a distributor; or
- (2) used by a user.

* * *

Sec. 22. 23 V.S.A. § 3003 is amended to read:

(a) A tax of ~~\$0.27~~ \$0.29, a fee of \$0.01 established pursuant to the provisions of 10 V.S.A. § 1942, and a \$0.03 motor fuel transportation infrastructure assessment which for purposes of the International Fuel Tax Agreement only shall be deemed to be a surcharge, are imposed on each gallon of fuel:

- (1) sold or delivered by a distributor; or
- (2) used by a user.

* * *

Sec. 23. 23 V.S.A. § 3106 is amended to read:

§ 3106. IMPOSITION, RATE, AND PAYMENT OF TAX

(a)(1) Except for sales of motor fuels between distributors licensed in this ~~state~~ State, which sales shall be exempt from the ~~tax and from the motor fuel transportation infrastructure assessment taxes and assessments authorized under this section, in all cases not unless~~ exempt from the tax under the laws of the United States at the time of filing the report required by section 3108 of this title, each distributor shall pay to the ~~commissioner~~ Commissioner:

(A) a tax of ~~\$0.19~~ \$0.115 upon each gallon of motor fuel sold by the distributor; and

(B) the following assessments, which shall be levied on the tax-adjusted retail price of gasoline as defined herein:

(i) a motor fuel transportation infrastructure assessment in the amount of two percent of the tax-adjusted retail price upon each gallon of

~~motor fuel sold by the distributor, exclusive of: all federal and state taxes, the petroleum distributor licensing fee established by 10 V.S.A. § 1942, and the motor fuel transportation infrastructure assessment authorized by this section. The retail price shall be based upon the average retail prices for regular gasoline determined and published by the department of public service. The retail price applicable for the January-March quarter shall be the average of the retail prices published by the department of public service the prior October, November, and December; and the retail price applicable in each succeeding calendar quarter shall be equal to the average of the retail prices published by the department of public service in the preceding quarter; and~~

(ii) a fuel tax assessment, which shall be used exclusively for transportation purposes and not be transferred from the Transportation Fund, that is the greater of:

(I) \$0.134 per gallon; or

(II) four percent of the tax-adjusted retail price or \$0.18 per gallon, whichever is less, upon each gallon of motor fuel sold by the distributor.

(2) For the purposes of subdivision (1)(B) of this subsection, the retail price applicable for a quarter shall be the average of the monthly retail prices for regular gasoline determined and published by the Department of Public Service for the three months of the preceding quarter. The tax-adjusted retail price applicable for a quarter shall be the retail price exclusive of: all federal and state taxes and assessments, and the petroleum distributor licensing fee established by 10 V.S.A. § 1942, at the rates applicable in the preceding quarter.

(3) The distributor shall also pay to the commissioner a tax and a motor fuel transportation infrastructure assessment in the same amounts Commissioner the tax and assessments specified in this subsection upon each gallon of motor fuel used within the state State by him or her.

* * *

Sec. 24. MOTOR FUEL ASSESSMENTS: MAY 1, 2013–
SEPTEMBER 30, 2013

Notwithstanding the provisions of 23 V.S.A. § 3106(a)(1)(B) and 3106(a)(2), from May 1, 2013 through September 30, 2013, the motor fuel transportation infrastructure assessment required under 23 V.S.A. § 3106(a)(1)(B)(i) shall be \$0.0656 per gallon, and the fuel tax assessment required under 23 V.S.A. § 3106(a)(1)(B)(ii) shall be \$0.134 per gallon.

* * * DUI Special Enforcement Fund * * *

Sec. 25. 23 V.S.A. § 1220a(b) is amended to read:

(b) The DUI enforcement special fund shall consist of:

(1) receipts from the surcharges assessed under section 206 and subsections 674(i), 1091(d), 1094(f), 1128(d), 1133(d), 1205(r), and 1210(k) of this title;

(2) beginning in fiscal year 2000 and thereafter, the first \$150,000.00 of revenues collected from fines imposed under subchapter 13 of chapter 13 of this title pertaining to DUI related offenses;

(3) beginning ~~in fiscal year 2000~~ May 1, 2013 and thereafter, ~~two percent~~ \$0.0038 per gallon of the revenues raised by the motor fuel tax on gasoline imposed by chapter 28 of this title; and

(4) any additional funds transferred or appropriated by the ~~general assembly~~ General Assembly.

* * * Transfer of Position * * *

Sec. 26. TRANSFER OF POSITION

Effective May 1, 2013, one position (080134) and any funds related thereto are transferred from the Department of Taxes to the Department of Motor Vehicles.

* * * Appropriation of Transportation Funds * * *

Sec. 27. 19 V.S.A. § 11a is amended to read:

§ 11a. TRANSPORTATION FUNDS APPROPRIATED FOR THE DEPARTMENT OF PUBLIC SAFETY

No transportation funds shall be appropriated for the support of government other than for the ~~agency of transportation Agency, the transportation board Board,~~ transportation pay act funds, construction of transportation capital facilities ~~used by the agency of transportation,~~ transportation debt service, the ~~department of buildings and general services~~ operation of information centers by the Department of Buildings and General Services, and the ~~department of public safety~~ Department of Public Safety. The amount of transportation funds appropriated to the ~~department of public safety~~ Department of Public Safety shall not exceed:

(1) \$25,250,000.00 in fiscal year 2014;

(2) \$22,750,000.00 in fiscal year 2015; and

(3) \$20,250,000.00 in fiscal year 2016 and in succeeding fiscal years.

* * *

* * * Electric Vehicles; Contribution to Transportation Fund; Study * * *

Sec. 28. STUDY OF CHARGES ON ELECTRICITY USED TO POWER PLUG-IN ELECTRIC VEHICLES

(a) The Commissioner of Public Service or designee and the Commissioner of Taxes or designee (collectively, the “Commissioners”), in consultation with the Public Service Board, the Commissioner of Motor Vehicles or designee, the Joint Fiscal Office, and any other persons or entities the Commissioners deem appropriate, shall study the feasibility, alternative implementation mechanisms, and timeline for replacing, in whole or in part, motor fuel tax revenues not collected from operators of plug-in hybrid and all-electric vehicles. The Commissioners shall develop recommendations as to the most reasonable and efficient mechanisms, and a realistic time frame, to charge operators of plug-in hybrid and all-electric vehicles for their use of transportation infrastructure so as to contribute to the Transportation Fund.

(b) On or before December 15, 2013, the Commissioners shall submit a written report of their findings and recommendations to the House and Senate Committees on Transportation. The Commissioners’ report shall also identify which recommendations would require legislative action and include proposed legislation to implement any recommendations requiring legislative action.

* * * Propane and Natural Gas-Powered Vehicles; Study * * *

Sec. 29. PROPANE AND NATURAL GAS-POWERED VEHICLES; STUDY

(a)(1) In Act 153 of 2012, the General Assembly required that effective on July 1, 2013, the sales and use tax on natural gas used to propel a motor vehicle be allocated to the Transportation Fund. The applicable sales and use tax rate is six percent. Act 153 did not address propane used to propel motor vehicles.

(2) In a November 5, 2012 report submitted pursuant to 2012 Acts and Resolves No. 153, Sec. 39, the Vermont Energy Investment Corporation found that the six percent sales and use tax rate on natural gas would be insufficient to replace motor fuel or diesel tax revenues not collected from operators of motor vehicles propelled by natural gas. The report did not address motor vehicles propelled by propane.

(b) The Commissioner of Motor Vehicles or designee (“Commissioner”), in consultation with the Commissioner of Taxes or designee, the Joint Fiscal Office, and any other persons or entities the Commissioner deems appropriate, shall study mechanisms to charge operators of motor vehicles propelled by

natural gas or by propane for their use of the transportation system, so as to replace, in whole or in part, motor fuel or diesel tax revenues not collected from such operators. The Commissioner shall formulate recommendations on the most reasonable and efficient mechanisms to charge such operators and identify implementation steps required.

(c) On or before December 15, 2013, the Commissioner shall submit a written report of his or her findings and recommendations to the House and Senate Committees on Transportation. The Commissioner's report shall also identify which recommendations would require legislative action and include proposed legislation to implement any recommendations requiring legislative action.

* * * State Facilities Served by Town Highways * * *

Sec. 30. STATE FACILITIES SERVED BY TOWN HIGHWAYS

(a) The General Assembly finds that access to state parks and other state facilities is critical for the State and its economy. For state parks and state facilities that are primarily accessible by class 3 and 4 town highways, no state funding source other than general town highway aid exists to assist municipalities with the maintenance and rehabilitation of these highways.

(b) A Study Committee is established consisting of:

(1) the Secretary of Transportation or designee, who shall chair the committee;

(2) the Commissioner of Forests, Parks and Recreation or designee;

(3) the Commissioner of Buildings and General Services or designee;

(4) a member designated by the Vermont League of Cities and Towns.

(c) The Study Committee shall examine the condition of class 3 and 4 town highways that serve as primary access roads to state parks and other state facilities used by the public, alternative mechanisms for the State to assist municipalities with the maintenance or rehabilitation of such town highways, the appropriate municipal share for projects to maintain or rehabilitate such highways and whether a cap on any state assistance is appropriate, and the potential fiscal impact to the State of the alternative mechanisms reviewed by the Committee. The Committee shall formulate recommendations for consideration by the General Assembly as to whether and how the State should assist municipalities in maintaining and rehabilitating the town highways described in this subsection.

(d) On or before December 15, 2013, the Study Committee shall submit a written report of its findings and recommendations to the House and Senate Committees on Transportation.

* * * Effective Dates * * *

Sec. 31. EFFECTIVE DATES

(a) This section, Sec. 8a (Amtrak Vermont services), Sec. 10 (authority to issue transportation infrastructure bonds), and Sec. 15a (addition to state highway system) of this act shall take effect on passage.

(b) Secs. 23–26 of this act shall take effect on May 1, 2013.

(c) Sec. 22 (taxation of diesel at \$0.29 per gallon) of this act shall take effect on July 1, 2014.

(d) All other sections of this act shall take effect on July 1, 2013.

(Committee vote: 5-0-0)

(No House amendments.)

Reported favorably by Senator Lyons for the Committee on Finance with the recommendation that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Transportation.

(Committee vote: 6-0-1)

Reported favorably by Senator Kitchel for the Committee on Appropriations with the recommendation that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Transportation.

(Committee vote: 7-0-0)

NOTICE CALENDAR

Second Reading

Favorable with Recommendation of Amendment

S. 119.

An act relating to amending perpetual conservation easements.

Reported favorably with recommendation of amendment by Senator Hartwell for the Committee on Natural Resources and Energy.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. chapter 155 is redesignated to read:

CHAPTER 155. ACQUISITION OF INTERESTS IN LAND BY PUBLIC
AGENCIES AND QUALIFIED ORGANIZATIONS

Sec. 2. DESIGNATION

10 V.S.A. §§ 6301–6311 are designated as 10 V.S.A. chapter 155,
subchapter 1 to read:

Subchapter 1. General Provisions

Sec. 3. 10 V.S.A. § 6301 is amended to read:

§ 6301. PURPOSE

It is the purpose of this chapter to encourage and assist the maintenance of the present uses of Vermont's agricultural, forest, and other undeveloped land and to prevent the accelerated residential and commercial development thereof; to preserve and to enhance Vermont's scenic natural resources; to strengthen the base of the recreation industry and to increase employment, income, business, and investment; to enable the citizens of Vermont to plan its orderly growth in the face of increasing development pressures in the interests of the public health, safety, and welfare; and to encourage the use of conservation and preservation ~~tools~~ easements and related instruments to support farm, forest, and related enterprises, thereby strengthening Vermont's economy to improve the quality of life for Vermonters, and to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

Sec. 4. 10 V.S.A. § 6301a is amended to read:

§ 6301a. DEFINITIONS

As used in this chapter:

(1) "State agency" means the ~~agency of natural resources~~ Agency of Natural Resources or any of its departments, ~~agency of transportation~~ Agency of Transportation, ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets, or ~~Vermont housing and conservation board~~ Vermont Housing and Conservation Board.

(2) "Qualified organization" means:

(A) an organization qualifying under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which is not a private foundation as defined in Section 509(a) of the Internal ~~Revenue~~ Revenue Code, and which has been certified by the ~~commissioner of taxes~~ Commissioner of Taxes as

being principally engaged in the preservation of undeveloped land for the purposes expressed in section 6301 of this title.

(B) an organization qualifying under Section 501(c)(2) of the Internal Revenue Code of 1986, as amended, provided such organization is controlled exclusively by an organization or organizations described in subdivision (2)(A) of this section.

(3) “Taxation” and “tax” means ad valorem taxes levied by the ~~state~~ State and its municipalities.

(4) “Adequate compensation to the holder” means the increase, if any, in the value of a landowner’s estate by reason of an amendment to a conservation easement that applies to the estate.

(5) “Adjoining landowner” means a person who owns land in fee simple, if that land either:

(A) shares a property boundary with a tract of land where an easement amendment is proposed; or

(B) is adjacent to a tract of land where an easement amendment is proposed and the two properties are separated by only a river, stream, or public highway.

(6) “Amend” or “amendment” means a modification of an existing conservation easement, the substitution of a new easement for an existing conservation easement, or the whole or partial termination of an existing conservation easement.

(7) “Conservation easement” means a conservation right or interest that is less than a fee simple interest and that restricts the landowner’s use or development of land in order to protect the land’s natural, scenic, agricultural, recreational, or cultural qualities or resources or other public values. The term excludes interests in fee simple, leases, restrictive covenants not held by a qualified organization, rights-of-way, spring rights, timber harvesting rights, and similar affirmative rights to use or extract resources from the land. The term also excludes trail easements and other public recreational rights unless those easements or rights are included in the stated purposes of a conservation easement.

(8) “Conservation right or interest” means a right or interest described in sections 823 and 6303 of this title.

(9) “Holder” means a state agency, a qualified organization, or a municipality that possesses a conservation right or interest. The term “holder” includes all coholders of a conservation right or interest.

(10) “Holder’s public review process” means the public review process conducted by an easement holder for a proposed amendment, as set forth in subchapter 2 of this chapter.

(11) “Landowner” means an owner of the fee interest in land that is subject to a conservation easement.

(12) “Panel” means the Easement Amendment Panel of the Natural Resources Board established in subchapter 2 of this chapter.

(13) “Person” shall have the same meaning as in 1 V.S.A. § 128.

(14) “Protected property” means real property that is subject to a conservation right or interest.

(15) “Protected qualities” means natural, scenic, agricultural, recreational, or cultural qualities and resources and other public values protected by a conservation easement.

(16) “Public conservation interest” means the benefits to the public, the environment, and Vermont’s working landscape afforded by conserving land for its natural, scenic, or agricultural qualities, its recreational or cultural resources, or other public values, and also includes investments in a conservation easement made by a state agency, a municipality, and a qualified organization.

Sec. 5. 10 V.S.A. § 6310 is added to read:

§ 6310. EASEMENT HOLDER; FEE INTEREST; NONMERGER

If a holder of a conservation easement is or becomes the owner in fee simple of property subject to the easement, the easement shall continue in effect and shall not be extinguished.

Sec. 6. 10 V.S.A. § 6311 is added to read:

§ 6311. CONSERVATION RIGHTS AND INTERESTS; TAX LIENS

Conservation rights and interests shall not be affected by any tax lien which attaches to the subject property under 32 V.S.A. § 5061 subsequent to the recording of the conservation rights and interests in the municipal land records.

Sec. 7. 10 V.S.A. chapter 155, subchapter 2 is added to read:

Subchapter 2. Amendment of Perpetual Conservation Easements

§ 6321. PURPOSE

The purpose of this subchapter is to set forth a process and establish the criteria for determining if an amendment of a conservation easement may be appropriate and authorized and to provide that in all cases in which an

amendment would materially alter the terms of an existing conservation easement, the proposed amendment is reviewed and approved following public notice, disclosure of the circumstances and reasons for the amendment, and an opportunity for the public to comment.

§ 6322. APPLICABILITY; EXEMPTIONS

(a) This subchapter applies to the amendment of conservation easements. As set forth in section 6301a of this title, whole or partial terminations of conservation easements constitute amendments within the meaning of this chapter.

(b) A conservation easement shall not be amended without the written approval of the landowner and each holder.

(c) Except for the easements identified in subsection (d) of this section, conservation easements shall be amended only in accordance with this chapter, and this chapter shall constitute the exclusive means under law by which an amendment to a conservation easement may be contested or appealed.

(d) The following easement amendments shall be exempt from sections 6324–6333 of this title unless, for a particular easement amendment, the landowner and each holder elect to employ and be bound by those provisions:

(1) any amendment of a conservation easement that requires the approval of the General Assembly or is part of a land transaction that requires such approval;

(2) any amendment of a conservation easement that was originally required by a federal, state, or local regulatory body, including a district environmental commission under 10 V.S.A. chapter 151, the Public Service Board, or an appropriate municipal panel under 24 V.S.A. chapter 117, by issuance of a state or municipal land use permit, an environmental permit or other environmental approval, a certificate of public good, or other regulatory approval under the terms of which any amendment of the easement must be approved by the body issuing the permit, certificate, or other approval; and

(3) any amendment that is the result of the exercise of a right of eminent domain granted under the Vermont Constitution, Chapter I, Art. 2.

§ 6323. EASEMENT AMENDMENT PANEL

(a) An Easement Amendment Panel consisting of five members is created as a panel of the Vermont Natural Resources Board established under section 6021 of this title.

(1) The regular members of the Panel shall be:

(A) The Chair of the Natural Resources Board, who shall serve as Chair of the Easement Amendment Panel.

(B) Two members of the Natural Resources Board, chosen by the Governor, whose terms on this Panel shall be contemporaneous with their terms on the Board.

(C) One member appointed by the Governor for a term of four years from a list of no fewer than five candidates submitted by qualified organizations. The Vermont Housing and Conservation Board shall provide a list of qualified organizations to the Governor from which the Governor shall receive nominations.

(D) One member appointed by the Governor for a term of four years from a list of five candidates submitted by the Vermont Housing and Conservation Board.

(2) There shall be the following alternate members of the Panel, who may be appointed to serve by the Chair on a particular matter before the Panel when a regular Panel member is unable to serve:

(A) One alternate member appointed by the Governor for a term of four years from the list submitted to the Governor by qualified organizations under subdivision (1)(C) of this subsection.

(B) One alternate member appointed by the Governor for a term of four years from the list submitted to the Governor by the Vermont Housing and Conservation Board under subdivision (1)(D) of this subsection.

(3) Each member of the Natural Resources Board not appointed to the Panel shall be an alternate to the Panel and may be designated by the Chair to serve on a particular matter before the Panel if a regular or alternate member under subdivision (1) or (2) of this subsection is unable to serve.

(b) The Governor shall seek to appoint members to the Panel who are knowledgeable about agriculture, forestry, and environmental science. A person shall not be eligible for appointment to the Panel if that person has been employed as a staff member of or consultant to or has served on the governing board of a holder during the 12 months preceding the appointment.

(c) Other departments and agencies of state government shall cooperate with the Panel and make available to the Panel data, facilities, and personnel as may be needed to assist the Panel in carrying out its duties and functions.

(d) A Panel member shall not participate in a particular matter before the Panel if the member has a personal or financial interest in the matter or is related to the petitioner, if a natural person, within the fourth degree of

consanguinity or affinity or, if a corporation, to any officer, director, trustee, or agent of the corporation within the same degree.

(e) Decisions by the Panel shall be made as promptly as possible, consistent with the degree of review required by the proposed amendment.

(f) The Panel shall keep a record of its proceedings, and any decision by the Panel shall be in writing and shall provide an explanation of the reasons and basis for the decision.

(g) Members of the Panel shall receive per diem pay and all necessary and actual expenses in accordance with 32 V.S.A. § 1010.

(h) Powers. The Panel shall have the power, with respect to any matter within its jurisdiction, to:

(1) allow members of the public to enter upon the lands under or proposed to be under the conservation easement, at times designated by the Panel, for the purpose of inspecting and investigating conditions related to the matter before the Panel;

(2) enter upon or authorize others to enter upon the lands under or proposed to be under the conservation easement for the purpose of conducting inspections, investigations, examinations, tests, and site evaluations as it deems necessary to verify information presented in any matter within its jurisdiction;

(3) adopt rules of procedure and substantive rules, in accordance with the provisions of 3 V.S.A. chapter 25, that interpret and carry out the provisions of this subchapter that pertain to easement amendments; and

(4) establish a schedule of filing fees to be paid by petitioners.

§ 6324. AMENDMENT CATEGORIES

(a) This subchapter divides amendments of conservation easements into three categories, which are:

(1) Category 1 amendments under section 6325 of this title, which may be made by the holder without a public review process;

(2) Category 2 amendments under section 6326 of this title, which are amendments that require a procedural determination by an independent entity concerning whether they may be made without a public review process in accordance with this subchapter or whether they should undergo such a process.

(3) Category 3 amendments under section 6327 of this title, which are amendments that require a public review process in accordance with this subchapter.

(b) Except for those amendments that are expressly exempt from the provisions of this subchapter, a person shall not approve or execute an amendment to a conservation amendment other than a Category 1 amendment without complying with sections 6326 through 6331 of this title.

§ 6325. CATEGORY 1 AMENDMENTS; APPROVAL BY HOLDER WITHOUT REVIEW

(a) A Category 1 amendment is an amendment to an existing conservation easement that has a beneficial, neutral, or not more than a de minimis negative impact on the protected qualities under the existing easement. The holder and landowner may approve a Category 1 amendment without notice to or review by an independent entity. Category 1 amendments shall be limited to the following:

(1) placing additional land under the protection of the easement;

(2) adding, expanding, or enhancing the protected qualities under the easement;

(3) including, for the benefit of a holder, a right of first refusal, an option to purchase at agricultural value, or another right to acquire an ownership interest in the property in the future;

(4) amending the easement to protect areas that were excluded from the easement or to further restrict rights and uses that were retained by the landowner under the existing easement;

(5) correcting typographical or clerical errors without altering the intent of or the protected qualities or the uses permitted under the easement;

(6) modernizing or clarifying the language of the easement without changing its intent or the protected qualities or the uses permitted under the easement;

(7) permitting additional uses under the easement that will have no more than a de minimis negative impact on the protected qualities under the easement;

(8) merging conservation easements on two or more protected properties into a single easement, adjusting the boundaries between two or more protected properties, or adjusting the boundaries of areas excluded from the easement resulting from the merger, provided that the merger does not:

(A) remove land covered by the easement;

(B) permit new uses under the easement that will have more than a de minimis negative impact on protected qualities on the property; or

(C) reduce the existing safeguards of the protected qualities on the property;

(9) modifying the legal description of the protected property to reference a subsequent survey of the area covered by or excluded from the easement; or

(10) relocating an existing recreational trail without materially detracting from the public's access or quality of experience.

(b) In the event a holder or landowner of a protected property seeks a recordable document from the Panel establishing that an amendment constitutes a Category 1 amendment, the holder shall follow the procedures for a Category 2 amendment under section 6326 of this title.

§ 6326. CATEGORY 2 AMENDMENTS; CRITERIA; REVIEW

(a) A Category 2 amendment is an amendment that:

(1) the holder reasonably believes will have not more than a de minimis negative impact on the protected qualities under an existing easement but that does not clearly meet the definition of a Category 1 amendment; or

(2) adjusts the boundaries of the land protected by the easement or adjusts the boundaries of areas excluded from the easement, but only if:

(A) the adjustment does not reduce the area covered by the easement by more than the greater of:

(i) two acres; or

(ii) one percent of the land protected by the easement, not to exceed five acres; and

(B) the holder reasonably believes the amendment will have no more than a de minimis negative impact on the protected qualities under the existing easement.

(b) A holder seeking review of a Category 2 amendment shall submit a request for review to the Panel, together with a copy of the amendment, a description of the protected property and easement, and an explanation of the purpose and effect of the amendment. The request for review shall include the applicant's and landowner's names and addresses, and the address of the applicant's principal office in this State and, if the applicant is not a municipality or state agency, a statement of its qualifications as a holder. The request to the Panel shall be signed by each holder and the landowner or the landowner's representative. In addition, the holder shall certify and demonstrate that the amendment:

(1) is consistent with the public conservation interest;

(2) is consistent with the conservation purpose and intent of the easement;

(3) complies with all applicable federal, state, and local laws;

(4) does not result in private inurement or confer impermissible private benefit under 26 U.S.C. § 501(c)(3);

(5) has a net beneficial, neutral, or not more than a de minimis negative impact on the protected qualities under the existing easement. In determining such net beneficial, neutral, or de minimis negative impact, the holder shall address the degree to which the amendment will balance the stated goals and purposes of the easement and shall identify whether these goals and purposes are ranked by the terms of the easement and demonstrate that the proposed amendment is consistent with that ranking; and

(6) is consistent with the documented intent of the donor, grantor, and all persons that directly funded the acquisition of the easement.

(c) Within a reasonable time after receiving a request for review of a Category 2 amendment and after providing 10 days' notice to all other panel members, the Chair of the Panel shall make a determination and promptly notify the holder and landowner of the subject easement that:

(1) no further review of the amendment is required because it satisfies all of the criteria listed under subsection (b) of this section;

(2) the holder must submit further information before a review can be completed; or

(3) the holder must seek approval of the amendment as a Category 3 amendment because the amendment fails one or more of the criteria listed under subsection (b) of this section.

(d) If two or more members of the Panel believe that the proposed amendment fails one or more of the criteria listed under subsection (b) of this section and those members notify the Chair either individually or collectively within 10 days of the date of the Chair's notice to the Panel members, the amendment shall be subject to review as a Category 3 amendment.

(e) If the determination under this section is that no further information or approval is required, the Chair shall, upon the holder's request, send a notice of this determination in a recordable form to the holder.

(f) The Panel may adopt rules allowing certain Category 2 amendments to proceed as Category 1 amendments, provided the Panel establishes reasonable limitations to ensure that any such amendment will have not more than a de minimis negative impact on the protected qualities under the easement.

§ 6327. CATEGORY 3 AMENDMENTS; REVIEW OPTIONS

(a) A Category 3 amendment is an amendment to an existing conservation easement that:

(1) removes a protected quality from the easement or changes the hierarchy of the easement's stated purposes;

(2) materially reduces the safeguards afforded to the protected qualities under the easement; or

(3) is not a Category 1 or Category 2 amendment.

(b) A holder shall not execute or record a Category 3 amendment without first:

(1) filing a petition for approval and obtaining the approval of the Panel for a Category 3 amendment in accordance with section 6328 of this title;

(2) filing a petition for approval and obtaining the approval of the Environmental Division of the Superior Court for a Category 3 amendment in accordance with section 6329 of this title. If an easement provides that the proposed amendment may only be approved by court order, then a holder may seek to amend the easement only by filing a petition for approval with the Environmental Division; or

(3) notifying the Panel that the holder will be conducting a holder's public review process under section 6330 of this title and completing that review process and any review by the Panel under section 6331 of this title.

(c) Having elected one of the review options described in this section for a given amendment, a holder may not elect to use one of the other options for the same amendment, except as provided in subsection 6330(h) of this title.

§ 6328. CATEGORY 3 PETITION TO PANEL; PROCEDURE; CRITERIA

(a) Petition. A petition to the Panel to seek approval of a Category 3 amendment shall comply with each of the following:

(1) The petition shall include:

(A) a copy of the existing easement and proposed amendment;

(B) a map and description of the protected property and easement;

(C) an explanation of the purpose and effect of the amendment;

(D) the same certification and demonstration required for Category 2 amendments by subdivisions 6326(b)(1)–(4) of this title;

(E) the landowner's name and address;

(F) the applicant's name and address, the address of the applicant's principal office in this State, and, if the applicant is not a municipality or state agency, a statement of its qualifications as a holder;

(G) the filing fee in accordance with the schedule established by the Panel;

(H) a statement as to whether the easement was originally conveyed with any donor-imposed restriction accepted by the holder in exchange for the easement.

(2) The petition shall be signed by each holder of the subject easement, the landowner or landowner's representative, and any person who holds an executory interest that allows assumption of the ownership of the property or the easement if the amendment is approved.

(b) Service of petition. Immediately on filing with the Panel, the petitioner shall send a copy of the petition to:

(1) the Attorney General, the Vermont Housing and Conservation Board, and the Agencies of Agriculture, Food and Markets and of Natural Resources;

(2) the legislative body, the planning commission, and the conservation commission, if any, of the municipality in which the property is located;

(3) the executive director of the regional planning commission within whose region the property is located;

(4) any person holding an executory interest in the conservation easement; and

(5) all persons who originally conveyed or amended the conservation easement, unless the existing easement was conveyed or amended more than 25 years before the filing of the petition or the Panel determines that the addresses cannot be reasonably ascertained under the circumstances or that notification of such persons is otherwise impracticable; however, if the original conveyance of the easement contained any donor-imposed restrictions accepted by the holder in exchange for the easement, the Panel shall require the petitioner to demonstrate that it has made reasonable efforts to provide a copy of the petition to all persons who originally conveyed the conservation easement.

(c) Online posting. At the time a petition for a Category 3 amendment is filed, the holder shall post on its website or on another website designated by the Panel a copy of the petition and accompanying materials and information required under subsection (a) of this section.

(d) Notice of petition and proposed hearing by Panel.

(1) On receipt of a complete petition, the Panel shall promptly publish, at the expense of the petitioner, a notice of the petition in at least one area newspaper reasonably calculated to reach members of the public in the area where the protected property is located. The Panel also shall post the notice of public hearing on the Natural Resources Board website. The Panel shall send copies of the hearing notice to the petitioners, to the persons listed in subsection (b) of this section, and to adjoining landowners who may be affected by the amendment to the easement, unless it determines that the number of adjoining landowners is so large that direct notification is not practicable.

(2) The Panel's notice shall include each of the following:

(A) a description of the property subject to the existing conservation easement, the name of each petitioner, and a summary of the proposed amendment;

(B) the date, time, and place of the public hearing that the Panel proposes to hold. The date of the proposed public hearing shall be not less than 25 days and not more than 40 days from the date of publication of the notice in the newspaper. The place of the public hearing shall be in the vicinity of the protected property subject to the easement;

(C) a link to the website on which the petition for the amendment and accompanying materials and information can be found;

(D) a statement that the Panel may waive the proposed public hearing, if no request for a hearing is received by the Panel within 15 days of the date on which the notice is published in the newspaper;

(E) information on how a person may request a public hearing; and

(F) information on how a person may confirm whether the proposed public hearing will be held.

(e) Request for hearing. Any person may request that the Panel hold a public hearing on the proposed amendment. The request for a hearing shall be submitted to the Panel and state the reasons why a hearing is warranted. On receipt by the Panel of a request for hearing, the Panel promptly shall send a copy of the request to the petitioners and to all persons listed in subsection (b) of this section.

(f) Public hearing; process; subpoena authority. The Panel shall conduct a public hearing on a petition under this section if a request for a public hearing is timely filed or it determines that a hearing is necessary.

(1) Any petition and any hearing on a petition for amendment of an easement shall not be considered a contested case under 3 V.S.A. chapter 25.

(2) Any person may participate in any hearing on any petition for amendment of an easement and shall have an opportunity to provide written or oral testimony to the Panel.

(3) The Panel shall have the power to issue a subpoena under the Vermont Rules of Civil Procedure to compel a petitioner to make available all relevant records pertaining to the conservation easement and the proposed amendment. The Environmental Division of the Superior Court shall have jurisdiction over any motion to quash or enforce such a subpoena.

(A) A petitioner may request that the Panel not disclose personal or confidential information contained in records subject to a subpoena under this section that the petitioner demonstrates is not directly and substantially related to the criteria of subsection (h) of this section. On a determination that the petitioner has made such a demonstration, the records shall be exempt from inspection and copying under the Public Records Act and the Panel shall keep the records confidential from all persons except the Panel's members and staff unless a court of competent jurisdiction orders disclosure of the records.

(B) Any person who believes that additional information is needed from the easement holder before or during the hearing may direct a request to the Panel, which may then require the petitioner to produce the requested information.

(C) If the petitioner fails to respond to a subpoena in a timely fashion, the Panel may deny the petition for amendment.

(g) Information considered. In any proceeding under this section, the Panel shall consider all circumstances and information that may reasonably bear upon the public conservation interest in upholding or amending the conservation easement, including each of the following:

(1) any material change in circumstances that has taken place since the easement was conveyed or last amended, including changes in applicable laws or regulations, in the native flora or fauna, or in community conditions and needs, or the development of new technologies or new agricultural and forestry enterprises;

(2) whether the circumstances leading to the proposed amendment were anticipated at the time the easement was conveyed or last amended;

(3) the existence or lack of reasonable alternatives to address the changed circumstances;

(4) whether the amendment changes an easement's stated purpose or hierarchy of purposes;

(5) the certification requirements for Category 2 amendments listed in subdivisions 6326(b)(1)–(4) of this title;

(6) the documented intent of the donor, grantor, and all direct funding sources and any donor-imposed restrictions accepted by the holder in exchange for the easement, if applicable; and

(7) any other information or issue that the Panel considers relevant.

(h) Criteria for approval.

(1) The Panel shall approve an amendment if it finds, by clear and convincing evidence, that the amendment:

(A) is consistent with the public conservation interest;

(B) is consistent with the purposes stated in section 6301 of this chapter;

(C) will not result in private inurement or confer impermissible private benefit under 26 U.S.C. § 501(c)(3);

(D) will result in adequate compensation to the holder. Any such compensation shall be paid to the holder of the easement and shall be used by the holder for the conservation of lands in a manner consistent, as nearly as possible, with the public conservation interest stated in the easement; and

(E) meets at least one of the following:

(i) the amendment promotes or enhances the conservation purposes of the easement or the protected qualities under the easement, even though it may be inconsistent with a strict interpretation of the terms of the existing easement;

(ii) enforcement of the easement term proposed for amendment would result in significant financial burdens to the easement holder or landowner and result in minimal conservation benefit to the public; or

(iii) the amendment clearly enhances the public conservation interest, even though it may allow the diminution of one or more conservation purposes or protected qualities on the property protected by the existing easement.

(2) In the event the conservation easement subject to the petition requires that an amendment comply with more restrictive conditions than the criteria listed in this subsection, the Panel must also find that those conditions have been met in order to approve the amendment.

(i) Decision. Following the hearing, or after a determination without a hearing, the Panel shall issue a written decision approving, approving with conditions, or denying the amendment request and stating the reasons for the Panel's decision.

(1) The Panel shall post its written decision on the Board's website and shall distribute a copy to each holder of the subject easement, the landowner, the Attorney General, and to any other person who participated in the public hearing, if one was held.

(2) If the decision approves an amendment that terminates an easement in whole or in part, the Panel shall require that the holder apply any monetary compensation to achieve a conservation purpose similar to that stated in the easement and shall require, as a condition of approval, the holder to identify such purpose and provide documentation proving that the compensation has been applied in accordance with this subdivision (2).

(j) The Attorney General may request reconsideration of a decision by the Panel. Such a request shall be filed within 30 days of the decision and shall identify each specific issue to be reconsidered. The request shall not be governed by the Vermont Rules of Civil Procedure and shall address the merits of each specific issue. In its decision, the Panel shall address the merits of each such issue under subsection (h) of this section.

§ 6329. PETITION TO ENVIRONMENTAL DIVISION

(a) A holder may file a petition for approval of a Category 3 amendment with the Environmental Division of the Superior Court. A holder shall file a petition for approval of an easement amendment with the Environmental Division of the Superior Court, pursuant to the requirements of this section, if, by its express terms, an easement provides that the proposed amendment may only be approved by court order.

(1) The petition shall be signed by each holder, the landowner or landowner's representative, and any person who holds an executory interest that allows assumption of ownership of the property or the easement, if the amendment is approved.

(2) The petitioner shall serve the petition on the persons described in subdivisions 6328(b)(1)–(5) of this title.

(A) As to a petition under this section, the Division shall determine which persons who originally conveyed or amended the easement shall be notified under subdivision 6328(b)(5) of this title.

(B) The petitioner shall serve the petition on adjoining landowners who may be affected by the amendment to the easement, unless on motion of

the petitioner the Division determines that the number of adjoining landowners is so large that such service is not practicable. The Division may direct the petitioner to provide a list of adjoining landowners.

(3) A petition under this section shall include the content required by subdivision 6328(a)(1)(A) through (F) of this title and such other information as the Division's rules may direct.

(b) A petition under this section shall be a matter of original jurisdiction before the Environmental Division. The Division shall provide notice of the first status conference or hearing, whichever is earlier, to the persons signing the petition and the persons on whom service of the petition is required. The Vermont Rules of Environmental Court Proceedings shall apply to petitions under this section. The Attorney General shall have a statutory right to intervene in a petition under this section and may appear at his or her discretion.

(c) In deciding a petition under this section, the Division shall consider the information described under subsection 6328(g) of this title and apply the criteria enumerated under subdivision 6328(h) of this title. However, if the terms of the conservation easement proposed for an amendment provide one or more criteria for amendment that are more stringent than those applied by the Panel, the Division shall apply the more stringent criteria set forth in the easement in making its decision.

(d) Unless otherwise agreed, the holder or holders who file a petition under this section shall bear the costs and expenses of review of the petition.

§ 6330. HOLDER'S PUBLIC REVIEW AND HEARING PROCESS

(a) A holder may adopt and conduct a holder's public review process for a Category 3 amendment. Such a process may only be used if all holders agree to use the process and one of the holders is publicly identified in the initial notice as responsible for the publication by newspaper and on its website of all notices and documents required under this section.

(b) A holder's public review process shall include each of the following:

(1) Creation of an easement amendment proposal containing the same information described in subdivision 6328(a)(1)(A)–(F) of this title, except that a holder may defer the certification requirements referenced in subdivision 6328(a)(1)(D) of this title until after it completes the public hearing;

(2) Posting of the easement amendment proposal on the website of the holder publicly identified under subsection (a) of this section;

(3) Publication of a notice of the petition in at least one area newspaper reasonably calculated to reach members of the public in the area where the

protected property is located. The notice also shall be placed on the website of the holder publicly identified under subsection (a) of this section. The notice shall include each of the following:

(A) A description of the property subject to the existing conservation easement, the name of each petitioner, and a summary of the proposed amendment;

(B) The date, time, and place of the public hearing. The date of the public hearing shall be not less than 25 days and not more than 40 days from the date of publication of the notice in the newspaper. The place of the public hearing shall be in the vicinity of the protected property subject to the easement;

(C) A link to the website where the easement amendment proposal and accompanying materials and information may be found;

(4) Sending a copy of the easement amendment proposal and notice to the persons described in subdivisions 6328(b)(1)–(5) of this title;

(5) Sending a copy of the notice to all adjoining landowners who may be affected by the amendment to the easement, unless all holders of the subject easement agree that the number of adjoining landowners is so large that direct notification is not practicable.

(c) Any person may participate in the holder’s public review process and public hearing by submitting written comments or oral comments, or both, at the public hearing. The holder may require each participant in the public hearing to sign a register noting their presence at the hearing and providing their electronic or other mailing address.

(d) If following the public review and hearing process the holder approves the amendment, the holder shall prepare a written decision that:

(1) Explains the changes to the easement that have been approved;

(2) Considers the information described under subsection 6328(g) of this title in relation to the easement amendment proposal;

(3) Applies the criteria enumerated under subdivision 6328(h) of this title to the easement amendment proposal;

(4) Lists all persons who submitted written or oral comments during the public review and hearing process;

(5) Summarizes the nature of any objection made to the amendment during the public review and hearing process and explains how the objection was addressed or why it was rejected.

(e) All holders of an easement shall conduct a single, combined holder's public review process that complies with this section for any particular amendment that has been proposed to the easement. The holders may prepare a written decision to which they all agree. If all holders do not agree to the written decision, the amendment shall not be approved.

(f) The holder shall file the decision with the Panel, together with a certification that the holder has conducted a public hearing and complied with this section. At the time of this filing, the holder shall post on its website:

(1) a copy of the written decision and certification filed with the Panel;

(2) the date that the decision and certification were filed with the Panel; and

(3) the notice described in subsection (g) of this section.

(g) Immediately on filing the decision with the Panel, the holder shall send a notice of the decision to all persons listed in subdivisions 6328(b)(1)–(5) of this title and shall provide a link to the holder's website where the decision, certification, and other information may be found. The notice shall:

(1) state the date on which the decision was filed with the Panel;

(2) list the persons who have the right to file a request for review with the Panel under subsection 6331(a) of this title and state that any request for review must be submitted to the Panel within 30 days of the date the holder filed its decision with the Panel; and

(3) state that any such request for review must state the basis for the appeal, include a statement of issues, and make a prima facie showing that the holder's decision is not in the public conservation interest.

(h) If at any time prior to the issuance of a final decision by the holder, any holder or the landowner decides to terminate the holder's public review process, the amendment shall not be approved. However, at the option of the landowner and holder, the proposed amendment may be submitted and approved as a Category 3 amendment by the Panel or the Environmental Division of the Superior Court in accordance with this subchapter.

§ 6331. PANEL REVIEW OF HOLDER'S DECISION FOLLOWING PUBLIC REVIEW AND HEARING

(a) The following persons have the right to request that the Panel review the holder's decision under section 6330 of this title:

(1) the Attorney General;

(2) the person who originally conveyed the easement, if the easement was donated or provided through a bargain sale or other mechanism in which the person who conveyed the easement received a tax deduction;

(3) the legislative body of the municipality in which the property subject to the easement is located;

(4) any person who provided an oral or written comment during the holder's public review and hearing process.

(b) A request to review under this section must be filed with the Panel within 30 days of the date the holder files the decision and certification with the Panel.

(c) A request for review of a holder's decision must be in writing, state the basis for the request to review, contain a statement of issues, and make a prima facie showing that the holder's decision is not in the public conservation interest.

(1) A person who originally conveyed the easement may also make a prima facie case that the amendment fails to comply with conditions concerning amendments that may be contained in the original easement.

(2) In this section, the term "prima facie" means an initial showing of specific facts which, if proven, would show that the easement amendment is not in the public conservation interest or, if the request was filed by a person who originally conveyed the easement, does not comply with conditions concerning amendments that may be contained in the original easement. A prima facie showing also shall include the reasons why the facts prove that the amendment is not in the public conservation interest or does not comply with the original easement's conditions.

(d) The Panel, on its own initiative or by written request of the holder, may dismiss a request for review without further hearing if the person requesting the review is not eligible to request review under this section or the request for review fails to comply with subsection (c) of this section.

(e) With respect to an amendment for which the holder's public review and hearing under section 6330 of this title was completed, the Panel shall, at the request of the landowner or holder, issue a certificate in recordable form that the holder has made the required certifications and that no further approval of the amendment is required if:

(1) no request for review was filed within the time permitted under subsection (b) of this section; or

(2) such a request was filed and dismissed under subsection (d) of this section.

(f) In the event that a timely request for review is filed and not dismissed under subsection (d) of this section, the Panel shall review the amendment as a Category 3 amendment in accordance with section 6328 of this title, provided that:

(1) the request for review shall be limited to the statement of issues raised in the request for review, unless the Panel determines that a request to amend the statement of issues is timely filed and will not result in prejudice to any party to the proceeding; and

(2) the decision of the holder shall be presumed to be in the public conservation interest. This presumption shall be rebutted if the Panel finds that there was a substantial violation of the procedural requirements of section 6330 of this title or if the amendment does not meet the criteria of section 6328(h) of this title.

§ 6332. REVOCATION OF EASEMENT AMENDMENTS

(a) Revocation by the Panel. On its own initiative or at the request of the Attorney General or a person who participated in the Panel's or holder's review process, the Panel may revoke easement amendments approved under section 6328, 6330, or 6331 of this title.

(1) A revocation petition before the Panel shall be a contested case under 3 V.S.A. chapter 25, and the Panel shall comply with 3 V.S.A. § 814(c) (notice; opportunity to show compliance).

(2) The Panel may revoke an easement amendment approved under section 6328, 6330, or 6331 of this title if finds one or more of the following:

(A) noncompliance with the easement amendment decision of the Panel or any condition of that decision;

(B) noncompliance with the holder's decision following the holder's public review and hearing process under section 6330 of this title, concerning which decision the Panel has issued a certificate to the holder pursuant to section 6331 of this title;

(C) failure of a holder of the easement to disclose all relevant and material facts in the petition or during the review process;

(D) misrepresentation by a holder of the easement of any relevant and material fact at any time.

(b) The Attorney General or the Panel may petition the Environmental Division to revoke an easement amendment approved by the Division under section 6329 of this title.

(1) Each holder of the easement amendment subject to the petition shall be given notice and an opportunity to show compliance.

(2) The Division may revoke an easement amendment approved by the Division under section 6329 of this title if it finds one or more of the following:

(A) noncompliance with the easement amendment decision of the Division or any condition of that decision;

(B) failure of a holder of the easement to disclose all relevant and material facts in the petition or during the review process;

(C) misrepresentation by a holder of the easement of any relevant and material fact at any time.

(c) This section shall not be applied to alter the rights of a good faith purchaser who, subsequent to approval of an amendment under this chapter, purchased property affected by the amendment without notice of the misrepresentation or failure to disclose and was not responsible for and had no knowledge or constructive notice of the conditions imposed by the Panel or Environmental Division.

§ 6333. APPEALS

(a) Appeals. A final decision of the Panel or the Environmental Division of the Superior Court under this subchapter may be appealed to the Supreme Court within 30 days of the decision's issuance.

(b) Persons eligible to appeal. Only the following persons shall have the right to appeal to the Vermont Supreme Court under this section:

(1) a holder of the subject easement;

(2) the landowner;

(3) the Attorney General;

(4) the Panel, but only of a decision of the Environmental Division on a revocation petition brought by the Panel under section 6332 of this title; or

(5) the persons who originally conveyed the easement if the conservation easement contained any donor-imposed restriction accepted by the holder in exchange for the easement.

(c) Appeal by fewer than all holders. If the appeal is filed by fewer than all of the holders, the holder or holders filing the appeal shall bear the holder's cost and expenses of the appeal. However, the decision on appeal shall be binding on all holders and on all other parties.

(d) Preservation. An objection that has not been raised before the Panel or the Environmental Division may not be considered by the Supreme Court, unless the failure or neglect to raise that objection is excused by the Supreme Court because of extraordinary circumstances.

(e) Standard of review. The Supreme Court may reverse a decision appealed under this section only if the decision is clearly erroneous or the Panel or Environmental Division clearly abused its discretion.

§ 6334. CONTRIBUTOR RESTITUTION ACTIONS; DAMAGE LIMITATION

A decision by the Panel or the Environmental Division on an amendment under this subchapter shall not affect any right of a person who has personally or directly contributed to the holder's acquisition of the easement to seek restitution in a court of competent jurisdiction of the contribution based upon misrepresentation or breach of contract on the part of the easement holder. However, such restitution shall be only for the amount contributed or granted, and shall not include interest, damages, attorney's fees, or other costs, unless the reviewing court finds that the holder has acted in bad faith.

§ 6335. REPORT TO GENERAL ASSEMBLY

Each state agency shall provide to the General Assembly a report of any easement amendments made during the previous year. The report shall summarize each easement amendment and describe both the reasons for the amendment and how the amendment promotes the public conservation interest. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 8. 4 V.S.A. § 34 is amended to read:

§ 34. JURISDICTION; ENVIRONMENTAL DIVISION

The ~~environmental division~~ Environmental Division shall have:

(1) jurisdiction of matters arising under 10 V.S.A. chapters 201 and 220 ~~of Title 10;~~

(2) jurisdiction of matters arising under 24 V.S.A. chapter 61, subchapter 12, and chapter 117 ~~and subchapter 12 of chapter 61 of Title 24;~~ ~~and~~

(3) original jurisdiction to revoke permits under 10 V.S.A. chapter 151 ~~of Title 10;~~ ~~and~~

(4) such original jurisdiction to approve or deny and to revoke amendments of conservation easements as is provided by 10 V.S.A. chapter 155, subchapter 2.

Sec. 9. 10 V.S.A. § 324 is amended to read:

§ 324. STEWARDSHIP

(a) The Board shall amend or terminate conservation easements held pursuant to this chapter only in accordance with chapter 155, subchapter 2 of this title.

(b) If an activity funded by the ~~board~~ Board involves acquisition by the ~~state~~ State of an interest in real property for the purpose of conserving and protecting agricultural land or forestland, important natural areas, or recreation lands, the ~~board~~ Board, in its discretion, may make a one-time grant to the appropriate state agency, qualified organization, or municipality. The grant shall not exceed ten percent of the current appraised value of that property interest and shall be used to support its proper management or maintenance or both.

Sec. 10. 10 V.S.A. § 823 is amended to read:

§ 823. INTERESTS IN REAL PROPERTY

Conservation and preservation rights and interests shall be deemed to be interests in real property and shall run with the land. A document creating such a right or interest shall be deemed to be a conveyance of real property and shall be recorded under 27 V.S.A. chapter 5. ~~Such a right or interest shall be subject to the requirement of filing a notice of claim within the 40 year period as provided in 27 V.S.A. § 603.~~ Such a right or interest shall be enforceable in law or in equity. Any subsequent transfer, mortgage, lease, or other conveyance of the real property or an interest in the real property shall reference the grant of conservation rights and interests in the real property, provided, however, that the failure to include a reference to the grant shall not affect the validity or enforceability of the conservation rights and interests.

Sec. 11. 27 V.S.A. § 604 is amended to read:

§ 604. FAILURE TO FILE NOTICE

(a) This subchapter shall not bar or extinguish any of the following interests, by reason of failure to file the notice provided for in section 605 of this title:

* * *

(8) Any conservation rights or interests created pursuant to 10 V.S.A. chapter 34 or 155.

* * *

Sec. 12. EASEMENT AMENDMENT PANEL; INITIAL APPOINTMENTS

By October 1, 2013, the Governor shall appoint the members of the Easement Amendment Panel under Sec. 7 of this act, 10 V.S.A. § 6323(a)(2)–(4) (members; easement amendment panel). The initial term of the members appointed under 10 V.S.A. § 6323(a) from a list submitted by qualified organizations shall expire on February 1, 2017. The initial term of the members appointed under 10 V.S.A. § 6323(a) from a list submitted by the Vermont Housing and Conservation Board shall expire on February 1, 2015.

Sec. 13. EFFECTIVE DATES

(a) This section, Sec. 12 of this act, and, in Sec. 7 of this act, 10 V.S.A. § 6323 shall take effect on passage.

(b) The remainder of the act shall take effect on January 1, 2014.

(Committee vote: 4-0-1)

Reported favorably with recommendation of amendment by Senator Hartwell for the Committee on Finance.

The Committee recommends that the bill be amended as recommended by the Committee on Natural Resources and Energy, with the following amendments thereto:

First: In Sec. 7, in 10 V.S.A. § 6323, by striking subsection (h) in its entirety and inserting in lieu thereof a new subsection (h) to read:

(h) Powers. The Panel shall have the power, with respect to any matter within its jurisdiction, to:

(1) allow members of the public to enter upon the lands under or proposed to be under the conservation easement, at times designated by the Panel, for the purpose of inspecting and investigating conditions related to the matter before the Panel;

(2) enter upon or authorize others to enter upon the lands under or proposed to be under the conservation easement for the purpose of conducting inspections, investigations, examinations, tests, and site evaluations as it deems necessary to verify information presented in any matter within its jurisdiction;

(3) adopt rules of procedure and substantive rules, in accordance with the provisions of 3 V.S.A. chapter 25, that interpret and carry out the provisions of this subchapter that pertain to easement amendments.

Second: In Sec. 7, in 10 V.S.A. § 6323, by adding a subsection (i) to read:

(i) Filing fees.

(1) A fee in the amount of \$100.00 shall accompany a request for review of a Category 2 amendment, pursuant to section 6326 of this title.

(2) A fee in the amount set by 32 V.S.A. § 1431(b)(1) shall accompany a petition for approval of a Category 3 amendment, pursuant to section 6328 of this title; a request for review of a holder's decision, pursuant to section 6331 of this title; and a request to revoke an easement amendment, pursuant to section 6332 of this title. The Panel may also assess to persons before the Panel the actual cost of the payment of per diems under subsection (g) of this section and the actual cost of providing notice, holding hearings, paying mileage, and other expenses of the filing. Persons assessed costs by the Panel may petition the Environmental Division of the Superior Court for review of those costs.

(3) The filing fees established by this subsection and the costs assessed pursuant to this subsection shall be deposited into the Act 250 Permit Fund, pursuant to section 6029 of this title.

Third: By inserting a Sec. 12a to read:

Sec. 12a. 10 V.S.A. § 6029 is amended to read:

§ 6029. ACT 250 PERMIT FUND

There is hereby established a special fund to be known as the ~~Act 250 permit fund~~ Act 250 Permit Fund for the purposes of implementing the provisions of this chapter and the Easement Amendment Panel of the Board created under section 6323 of this title. Revenues to the ~~fund~~ Fund shall be those fees collected in accordance with ~~section~~ sections 6083a and 6323 of this title, gifts, appropriations, and copying and distribution fees. The ~~board~~ Board shall be responsible for the ~~fund~~ Fund and shall account for revenues and expenditures of the ~~board~~ Board. At the ~~commissioner's~~ Commissioner's discretion, the ~~commissioner of finance and management~~ Commissioner of Finance and Management may anticipate amounts to be collected and may issue warrants based thereon for the purposes of this section. Disbursements from the ~~fund~~ Fund shall be made through the annual appropriations process to the ~~board~~ Board and to the ~~agency of natural resources~~ Agency of Natural Resources to support those programs within the ~~agency~~ Agency that directly or indirectly assist in the review of Act 250 applications. This ~~fund~~ Fund shall be administered as provided in 32 V.S.A. chapter 7, subchapter 5 of chapter 7 of Title 32.

(Committee vote: 6-0-1)

Reported favorably with recommendation of amendment by Senator Zuckerman for the Committee on Agriculture.

The Committee recommends that the bill be amended as recommended by the Committee on Natural Resources and Energy, with the following amendments thereto:

First: In Sec. 7, in 10 V.S.A. § 6325, subsection (a), in the first sentence, before the period, by inserting the words and that does not, by its express terms, require approval by court order

Second: In Sec. 7, in 10 V.S.A. § 6326, subsection (a), before the first colon, by inserting the words does not, by its express terms, require approval by court order and that

Third: In Sec. 7, in 10 V.S.A. § 6328, subsection (a), subdivision (1), subdivision (G), by striking out the words “the schedule established by the Panel” and inserting in lieu thereof the words subsection 6323(i) of this title

Fourth: In Sec. 7, in 10 V.S.A. § 6328, subsection (h), subdivision (2), by striking out the words “more restrictive conditions than” and inserting in lieu thereof the words conditions that are more restrictive than or different from

Fifth: In Sec. 7, in 10 V.S.A. § 6329, subsection (a), subdivision (3), by striking out the word “subdivision” and inserting in lieu thereof the word subdivisions and before the words “of this title”, by inserting and (H)

Sixth: In Sec. 7, in 10 V.S.A. § 6329, subsection (c), by striking out the second sentence in its entirety and inserting in lieu thereof However, if the terms of the conservation easement proposed for an amendment provide one or more conditions for amendment that are more restrictive than or different from those applied by the Panel, the Division shall also apply those conditions set forth in the easement in making its decision.

Seventh: In Sec. 7, in 10 V.S.A. § 6330, subsection (b), subdivision (1), by striking out the word “subdivision” and inserting in lieu thereof the word subdivisions and after “6328(a)(1)(A)–(F)”, by inserting and (H)

(Committee vote: 5-0-0)

Reported favorably by Senator Starr for the Committee on Appropriations.

(Committee vote: 7-0-0)

Favorable with Proposal of Amendment

H. 99.

An act relating to equal pay.

Reported favorably with recommendation of proposal of amendment by Senator Mullin for the Committee on Economic Development, Housing and General Affairs.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 2, 21 V.S.A. § 495, by striking out subdivision (a)(7)(B) and inserting a new subdivision (a)(7)(B) to read:

(B)(i) No employer may do any of the following:

~~(i)(I)~~ (I) Require, as a condition of employment, that an employee refrain from disclosing the amount of his or her wages or from inquiring about or discussing the wages of other employees.

~~(ii)(II)~~ (II) Require an employee to sign a waiver or other document that purports to deny the employee the right to disclose the amount of his or her wages or to inquire about or discuss the wages of other employees.

~~(iii)~~ Discharge, formally discipline, or otherwise discriminate against an employee who discloses the amount of his or her wages.

(ii) Unless otherwise required by law, an employer may prohibit a human resources manager from disclosing the wages of other employees.

Second: In Sec. 2, 21 V.S.A. § 495, in subsection (h), by adding a sentence at the end of the subsection to read: “Unless otherwise required by law, nothing in this section shall require an employee to disclose his or her wages in response to an inquiry by another employee.

Third: In Sec. 3, 3 V.S.A. § 345, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read:

(b) A contractor subject to this section shall maintain and make available its books and records at reasonable times and upon notice to the contracting agency and the Attorney General so that either may determine whether the contractor is in compliance with this section.

Fourth: By striking out Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 to read:

Sec. 6. 21 V.S.A. § 309 is added to read:

§ 309. FLEXIBLE WORKING ARRANGEMENTS

(a)(1) An employee may request a flexible working arrangement that meets the needs of the employer and employee. The employer shall consider a request using the procedures in subsections (b) and (c) of this section at least twice per calendar year.

(2) As used in this section, “flexible working arrangement” means intermediate or long-term changes in the employee’s regular working arrangements including changes in the number of days or hours worked, changes in the time the employee arrives at or departs from work, work from home, or job-sharing. “Flexible working arrangement” does not include vacation, routine scheduling of shifts, or another form of employee leave.

(b)(1) The employer shall discuss the request for a flexible working arrangement with the employee in good faith. The employer and employee may propose alternative arrangements during the discussion.

(2) The employer shall consider the employee’s request for a flexible working arrangement and whether the request could be granted in a manner that is not inconsistent with its business operations or its legal or contractual obligations.

(3) As used in this section, “inconsistent with business operations” includes:

(A) the burden on an employer of additional costs;

(B) a detrimental effect on aggregate employee morale unrelated to discrimination or other unlawful employment practices;

(C) a detrimental effect on the ability of an employer to meet consumer demand;

(D) an inability to reorganize work among existing staff;

(E) an inability to recruit additional staff;

(F) a detrimental impact on business quality or business performance;

(G) an insufficiency of work during the periods the employee proposes to work; and

(H) planned structural changes to the business.

(c) The employer shall notify the employee of the decision regarding the request. If the request was submitted in writing, the employer shall state any complete or partial denial of the request in writing.

(d) This section shall not diminish any rights under this chapter or pursuant to a collective bargaining agreement. An employer may institute a flexible

working arrangement policy that is more generous than is provided by this section.

(e) The Attorney General, a state's attorney, or the Human Rights Commission in the case of state employees may enforce subsections (b) and (c) of this section by restraining prohibited acts, conducting civil investigations, and obtaining assurances of discontinuance in accordance with the procedures established in subsection 495b(a) of this title. An employer subject to a complaint shall have the rights and remedies specified in subsection 495b(a) of this title. An investigation against an employer shall not be a prerequisite for bringing an action. The Civil Division of the Superior Court may award injunctive relief and court costs in any action. There shall be no private right of action to enforce this section.

(f) An employer shall not retaliate against an employee exercising his or her rights under this section. The provisions against retaliation in subdivision 495(a)(8) of this title and the penalty and enforcement provisions of section 495b of this title shall apply to this section.

(g) Nothing in this section shall affect any legal rights an employer or employee may have under applicable law to create, terminate, or modify a flexible working arrangement.

Fifth: By striking out Sec. 13 in its entirety and inserting in lieu thereof a new Sec. 13 to read:

Sec. 13. PAID FAMILY LEAVE STUDY COMMITTEE

(a) Creation. There is created a Committee to study the issue of paid family leave in Vermont and to make recommendations regarding whether and how paid family leave may benefit Vermont citizens.

(b) Membership. The Committee shall consist of the following members:

(1) two members of the House of Representatives, who shall not be of the same party, chosen by the Speaker;

(2) two members of the Senate, who shall not be of the same party, chosen by the Committee on Committees;

(3) three representatives from the business community, one appointed by the Speaker and two by the Committee on Committees;

(4) two representatives from labor organizations, one appointed by the Speaker and one by the Committee on Committees;

(5) one representative appointed by the Governor;

(6) the Attorney General or designee;

(7) the Commissioner of Labor or designee;

(8) the Executive Director of the Vermont Commission on Women or designee; and

(9) the Executive Director of the Human Rights Commission or designee.

(c) Duties. The Committee shall examine:

(1) existing paid leave laws and proposed paid leave legislation in other states;

(2) which employees should be eligible for paid leave benefits;

(3) the appropriate level of wage replacement for eligible employees;

(4) the appropriate duration of paid leave benefits;

(5) mechanisms for funding paid leave through employee contributions;

(6) administration of paid leave benefits;

(7) transitioning to a funded paid leave program; and

(8) any other issues relevant to paid leave.

(d) The Committee shall make recommendations including proposed legislation to address paid family leave in Vermont.

(e) The Committee shall convene its first meeting on or before September 1, 2013. The Commissioner of Labor or designee shall be designated Chair of the Committee and shall convene the first and subsequent meetings. The Committee shall have the administrative assistance of the Department of Labor.

(f) The Committee shall report its findings and recommendations on or before January 15, 2014 to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs.

(g) For participation on the Committee at meetings during the adjournment of the General Assembly, legislative members shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

(h) Other members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their participation shall be entitled to per diem compensation or reimbursement of expenses, or both, pursuant to 32 V.S.A. § 1010.

(i) The Committee shall cease to function upon transmitting its report.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 20, 2013, page 467.)

H. 178.

An act relating to anatomical gifts.

Reported favorably with recommendation of proposal of amendment by Senator Ayer for the Committee on Health and Welfare.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 2, 18 V.S.A. § 5227, by inserting a new subsection (c) to read as follows:

(c) If the disposition of the remains of a decedent is determined under subdivision (a)(9) of this section and the funeral director or crematory operator has cremated the remains, the funeral director or crematory operator shall retain the remains for three years, and, if no interested party as provided in subdivisions (a)(1) through (8) of this section claims the decedent's remains after three years, the funeral director or crematory operator shall arrange for the final disposition of the cremated remains consistent with any applicable law and standard funeral practices.

and by relettering the existing subsection (c) to be (d).

Second: In Sec. 4, subsection (b), at the end of subdivision (4), by striking out the word "and" and by inserting new subdivisions (5) and (6) to read:

(5) a licensed funeral director or crematory operator;

(6) a family member of a decedent who made an anatomical gift under 18 V.S.A. chapter 110; and

and by renumbering the existing subdivision (5) to be (7)

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 20, 2013, page 423.)

H. 401.

An act relating to municipal and regional planning and flood resilience.

Reported favorably with recommendation of proposal of amendment by Senator Snelling for the Committee on Natural Resources and Energy.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 24 V.S.A. § 4302, in subdivision (c)(14)(A), in the second sentence, by striking out the words “should be constructed to withstand flooding and fluvial erosion and”, and by inserting after the words “exacerbate flooding” the words and fluvial erosion

Second: In Sec. 3, 24 V.S.A. § 4348a, in subdivision (a)(11)(A)(i), by striking out the words “that should” and inserting in lieu thereof the word to

Third: In Sec. 4, 24 V.S.A. § 4382, in subdivision (a)(12)(A)(i), by striking out the words “that should” and inserting in lieu thereof the word to

Fourth: In Sec. 8, by striking out the section in its entirety and inserting in lieu thereof:

Sec. 8. EFFECTIVE DATES

(a) This section and Secs. 5 (required provisions and prohibited effects) and 6 (regulation of accessory dwelling units) of this act shall take effect on passage.

(b) Secs. 1 (purpose; goals), 2 (flood hazard area), 3 (elements of a regional plan), 4 (the plan for a municipality), and 7 (river corridors and buffers) of this act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

(No House amendments.)

CONCURRENT RESOLUTIONS FOR ACTION

S.C.R. 22-23 (For text of Resolutions, see Addendum to Senate Calendar for April 18, 2013)

H.C.R.105-115 (For text of Resolutions, see Addendum to House Calendar for April 18, 2013)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Patrick Berry of Middlebury – Commissioner, Fish and Wildlife – By Sen. Hartwell for the Committee on Natural Resources and Energy. (3/27/13)

Ron Shems of Moretown – Chair of the Natural Resources Board – By Sen. Hartwell for the Committee on Natural Resources and Energy. (4/3/13)

Robert Ide of Peacham – Commissioner, Department of Motor Vehicles – By Sen. Kitchel for the Committee on Transportation. (4/18/13)

Brian Searles of Burlington – Secretary of Transportation – By Sen. Mazza for the Committee on Transportation. (4/19/13)

Nicola Marro of Montpelier – Member of the Transportation Board – By Sen. Westman for the Committee on Transportation. (4/23/13)

Vanessa Kittell of East Fairfield – Member of the Transportation Board – By Sen. Kitchel for the Committee on Transportation. (4/23/13)

Thomas Dailey of Bennington – Member of the Transportation Board – By Sen. Flory for the Committee on Transportation. (4/23/13)

James B. Fitzgerald of St. Albans – Member of the Transportation Board – By Sen. Campbell for the Committee on Transportation. (4/23/13)

Keith Flynn of Troy – Commissioner of Public Safety – By Sen. Flory for the Committee on Transportation. (4/23/13)

REPORTS ON FILE

Reports 2013

Pursuant to the provisions of 2 V.S.A. §20(c), one (1) hard copy of the following reports is on file in the office of the Secretary of the Senate. Effective January 2010, pursuant to Act No. 192, Adj. Sess. (2008) §5.005(g) some reports will automatically be sent by electronic copy only and can be found on the State of Vermont Legislative webpage.

4. Report by Secretary of Administration pursuant to Act 156, Adj. Sess. (2012), Sec. 8 regarding supervisory union size and structure.