

Senate Calendar

THURSDAY, MARCH 13, 2014

SENATE CONVENES AT: 1:00 P.M.

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ACTION CALENDAR

CONSIDERATION POSTPONED TO MARCH 13, 2014

Second Reading

Favorable with Recommendation of Amendment

S. 91.

An act relating to public funding of some approved independent schools.

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

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. PRIVATIZATION OF PUBLIC SCHOOLS; MORATORIUM;
REPEAL

(a) Privatization of public school. Notwithstanding the authority of a school district to cease operating an elementary or secondary school and to begin paying tuition on behalf of its resident students, a school district shall not cease operation of a school with the intention, for the purpose, or with the result of having the school building or buildings reopen as an approved independent school serving essentially the same population of students.

(b) State Board approval. The State Board of Education shall not approve an independent school under 16 V.S.A. § 166 if, on or after the effective date of this act, a school district votes to cease operating a school that at the time of the vote serves essentially the same population of students as the independent school proposes to serve and is located in the building or buildings in which the independent school proposes to operate.

(c) Publicly funded tuition. An approved independent school shall not be eligible to receive publicly funded tuition dollars if, on or after the effective date of this act, a school district votes to cease operating a school that at the time of the vote serves essentially the same population of students as the independent school proposes to serve and is located in the building or buildings in which the independent school proposes to operate.

(d) Repeal. This section is repealed on July 1, 2016.

Sec. 2. SECRETARY OF EDUCATION; PRIVATIZATION STUDY;
REPORT

(a) The Secretary of Education shall research the constitutional and other legal consequences of a school district's decision to cease operating a school with the intention, for the purpose, or with the result of having the school building or buildings reopen as an approved independent school serving essentially the same population of students. Among other issues, the Secretary shall examine federal civil rights law and the Vermont Supreme Court's decision in *Brigham v. State* and shall consider issues of delegation of authority and the proper use of State funds.

(b) On or before January 15, 2015, the Secretary shall report the results of the research required by this section to the Senate and House Committees on Education, together with any recommendations for legislative amendments.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to privatization of public schools".

(Committee vote: 5-0-0)

Amendment to recommendation of amendment of the Committee on Education to S. 91 to be offered by Senators Sears, Benning and Nitka

Senators Sears, Benning and Nitka move to amend the recommendation of amendment of the Committee on Education by striking out Secs. 1 through 3 in their entirety and inserting in lieu thereof two new sections to be Secs. 1 and 2 to read as follows:

Sec. 1. SECRETARY OF EDUCATION; PRIVATIZATION STUDY; REPORT

(a) The Secretary of Education shall research:

(1) the constitutional and other legal consequences of a school district's decision to cease operating a school with the intention, for the purpose, or with the result of having the school building or buildings reopen as an approved independent school serving essentially the same population of students (privatization); and

(2) the constitutional and other legal consequences if the General Assembly chose to impose a moratorium on or prohibition of privatization of public schools.

(b) Among other issues, the Secretary shall examine the Vermont and U.S. Constitutions, federal civil rights law, and the Vermont Supreme Court's decision in *Brigham v. State* and shall consider issues of delegation of authority and the proper use of State funds.

(c) On or before January 15, 2015, the Secretary shall report the results of the research required by this section to the Senate and House Committees on Education and on Judiciary, together with any recommendations for legislative amendments.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Amendment to recommendation of amendment of the Committee on Education to S. 91 to be offered by Senator White

Senator White moves to amend the recommendation of amendment of the Committee on Education by striking out Secs. 1 through 3 in their entirety and inserting in lieu thereof two new sections to be Secs. 1 and 2 to read as follows:

Sec. 1. 16 V.S.A. § 166a is added to read:

§ 166a. INDEPENDENT SCHOOL SERVING SAME POPULATION

(a) A school district may cease operation of a school with the intention, for the purpose, or with the result of having the school facilities reopen as an approved independent school serving essentially the same population of students (privatization), and an independent school may operate in the building or buildings, serve essentially the same student population, and receive publicly funded tuition payments (the privatized school) solely pursuant to the provisions of this section.

(b) Prior to presenting the question of privatization to the voters, the school board of the district and the proposed privatized school shall submit the following to the Secretary, who shall submit it with his or her recommendations to the State Board:

(1) The school board shall provide an itemized list of real and personal property that the proposed privatized school will purchase or lease from the school district, the assessed fair market value of that property, and the amount the proposed privatized school will pay to purchase or lease the property, which shall not be less than the assessed fair market value.

(2) If the proposed privatized school is not already an approved independent school pursuant to section 166 of this title, then the persons intending to establish and operate the privatized school shall submit an application to the State Board pursuant to that section.

(3) The proposed privatized school shall provide assurance to the State Board that the school shall:

(A) make its operating budget available annually for public review prior to the day on which the voters are asked to approve the district's proposed budget;

(B) conduct the meetings of its governing body pursuant to 1 V.S.A. chapter 5, subchapter 2;

(C) enroll every student residing in the municipality in which the school is located who applies for admission;

(D) provide special education services in a manner comparable to a public school, within the legal processes and time periods required of a local education agency and with the involvement of the local education agency;

(E) meet requirements of section 2902 of this title and 29 U.S.C § 794, Section 504 of the Rehabilitation Act, so that the school will provide a comprehensive support system in a manner comparable to a public school;

(F) provide free and reduced-price meals to enrolled students pursuant to section 1264 of this title;

(G) employ licensed teachers and administrators and recognize the representative of the former employees of the district as the representative of the employees of the proposed privatized school under chapter 57 of this title; and

(H) offer a quality educational program consistent with Vermont educational quality standards pursuant to section 165 of this title.

(c) After review of the information provided pursuant to subsection (b) of this section and an opportunity for hearing, the State Board shall approve the proposed privatization plan for submission to the voters if the Board determines that:

(1) the proposed privatized school is an approved independent school pursuant to section 166; and

(2) the school district and the proposed privatized school have satisfied the requirements of subsection (b) of this section.

(d) After the State Board approves a privatization plan under this section, the privatized school shall provide assurance annually to the State Board that the school is continuing to comply with all requirements of subsection (b) of this section. If at any time the privatized school fails to comply with those requirements, then the school shall be ineligible to receive publicly funded tuition payments or State grants for which it would otherwise be eligible.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

NEW BUSINESS

Third Reading

S. 295.

An act relating to pretrial services, risk assessments, and criminal justice programs.

Amendment to S. 295 to be offered by Senator McAllister before third reading

Senator McAllister moves to amend the bill by adding a Sec. 17a to read as follows:

Sec. 17a. HEROIN SALE, DISTRIBUTION, TRAFFICKING SENTENCING INFORMATION

The Vermont Center for Justice Research shall report to the General Assembly on or before November 1, 2014 regarding sentences for violations of 18 V.S.A. § 4233(b) and (c) (sale, distribution, trafficking of heroin) for the previous five years.

Second Reading

Favorable with Proposal of Amendment

H. 702.

An act relating to self-generation and net metering.

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

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

First: In Sec. 1, 30 V.S.A. § 219a, in subdivision (e)(3) (excess generation; single nondemand meter), by striking out subdivision (A) and inserting in lieu thereof a new subdivision (A) to read:

(A) The electric company shall calculate a monetary credit to the customer by multiplying the excess kWh generated during the billing period by the kWh rate paid by the customer for electricity supplied by the company and shall apply the credit to any remaining charges on the customer's bill for that period; If the applicable rate schedule includes inclining block rates:

(i) for a net metering system that does not use solar energy, the rate used for this calculation shall be a blend of those rates determined by adding together all of the revenues to the company during a recent test year

from kWh sold under those block rates and dividing the sum by the total kWh sold by the company at those rates during that same year; and

(ii) for a solar net metering system, the rate used for this calculation:

(I) during the ten years immediately following the system's installation shall be the highest of those block rates and, after this ten-year period, shall be the blended rate in accordance with subdivision (i) of this subdivision (A); or

(II) if the electric company's highest block rate exceeds the adder sum described in subdivision (h)(1)(K) of this section, then for the first year immediately following the system's installation, the electric company may use the adder sum to calculate the credit in lieu of the highest block rate, provided that during the following nine years, the electric company shall adjust the system's credit by a percentage equal to the percentage of each change in its highest block rate during the same period, and after the first ten years following the system's installation, the rate used to calculate the credit shall be the blended rate in accordance with subdivision (i) of this subdivision (A).

Second: In Sec. 1, 30 V.S.A. § 219a, in subsection (e) (electric energy measurement), by striking out subdivision (4) (excess generation; demand meter or time-of-use meter) and inserting in lieu thereof a new subdivision (4) to read:

(4) For a net metering system serving a customer on a demand or time-of-use rate schedule, the manner of measurement and the application of bill credits for the electric energy produced or consumed shall be substantially similar to that specified in this subsection for use with a single nondemand meter. However, if such a net metering system is interconnected directly to the electric company through a separate meter whose primary purpose is to measure the energy generated by the system:

(A) The bill credits shall apply to all kWh generated by the net metering system and shall be calculated as if the customer were charged the kWh rate component of the interconnecting company's general residential rate schedule that consists of two rate components: a service charge and a kWh rate, excluding time-of-use rates and demand rates.

(B) If a company's general residential rate schedule includes inclining block rates, the residential rate used for this calculation shall be ~~the highest of those block rates~~ a rate calculated in the same manner as under subdivision (3)(A) of this subsection (e).

Third: In Sec. 1, 30 V.S.A. § 219a, in subdivision (h)(1)(K)(i) (solar incentive calculation), by striking out subdivision (III) (inclining block rates) and inserting in lieu thereof a new subdivision (III) to read:

(III) If a company's general residential rate schedule includes inclining block rates, the residential rate shall be the highest of those block rates.

Fourth: In Sec. 1, 30 V.S.A. § 219a, by striking out subsection (m) and inserting in lieu thereof a new subsection (m) to read:

(m)(1) A facility for the generation of electricity to be consumed primarily by the Military Department established under 3 V.S.A. § 212 and 20 V.S.A. § 361(a) or the National Guard as defined in 32 U.S.C. § 101(3), and installed on property of the Military Department or National Guard located in Vermont, shall be considered a net metering system for purposes of this section if it has a capacity of 2.2 MW or less and meets the provisions of subdivisions ~~(a)(3)(B) through (E)~~ (a)(6)(B)–(D) of this section.

(2) If the interconnecting electric company agrees, a solar facility or group of solar facilities for the generation of electricity, to be installed by one or more municipalities on a capped landfill, shall be considered a net metering system for purposes of this section if the facility or group of facilities has a total capacity of 2.2 MW or less and meets the provisions of subdivisions (a)(6)(B)–(D) of this section. The facilities or group of facilities may serve as a group net metering system that includes each participating municipality and may include members who are not a municipality. In this subdivision (2), "municipality" shall have the same meaning as under 24 V.S.A. § 4551.

(3) ~~Such a~~ A facility described in this subsection shall not be subject to and shall not count toward the capacity limits of subdivisions ~~(a)(3)(A)~~ (a)(6)(A) (no more than 500 kW) and (h)(1)(A) ~~(four~~ 15 percent of peak demand) of this section.

Fifth: In Sec. 1, 30 V.S.A. § 219a(n), in the first sentence, after "facilities" by inserting to produce power and, before "installed," by inserting to be

Sixth: In Sec. 1, 30 V.S.A. § 219a (self-generation and net metering), in subdivision (o)(1) (renewable energy achievement requirements), by striking out subdivision (B) and inserting in lieu thereof a new subdivision (B) to read:

(B) the electric company owns and has retired tradeable renewable energy credits monitored and traded on the New England Generation Information System or otherwise approved by the Board equivalent to 90 percent of the company's total periodic retail sales of electricity calculated on a monthly basis commencing with the effective date of this subsection (o)

and switching to an annual basis beginning one year after the effective date of this subsection; and

Seventh: In Sec. 4, 30 V.S.A. § 8010, in subsection (c), by striking out subdivision (3) and inserting in lieu thereof a new subdivision (3) to read:

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

(A) may waive the requirements of section 248 of this title that are not applicable to net metering systems, including criteria that are generally applicable to public service companies as defined in this title;

(B) may modify notice and hearing requirements of this title as the Board considers appropriate;

(C) shall seek to simplify the application and review process as appropriate; and

(D) with respect to net metering systems that exceed 150 kW in plant capacity, shall apply the so-called “Quechee” test for aesthetic impact as described by the Vermont Supreme Court in the case of In re Halnon, 174 Vt. 515 (2002) (mem.). The rules and application form shall state the components of this test.

Eighth: After Sec. 9, by inserting a reader guide and Sec. 9a to read:

* * * Advocacy; Regional Electric System * * *

Sec. 9a. 30 V.S.A. § 2(f) is added to read:

(f) In all forums affecting policy and decision making for the New England region’s electric system, including matters before the Federal Energy Regulatory Commission and the Independent System Operator of New England, the Department of Public Service shall advance positions that are consistent with the statutory policies and goals set forth in 10 V.S.A. §§ 578, 580, and 581 and sections 202a, 8001, and 8005 of this title. This subsection shall not compel the Department to initiate or participate in litigation and shall not preclude the Department from entering into agreements that represent a reasonable advance to these statutory policies and goals.

Ninth: In Sec. 10 (effective dates, applicability; implementation), in subsection (a), after the first parenthetical phrase, by striking out “and” and inserting a new comma and after the second parenthetical phrase, by inserting , and 9a (advocacy; regional electric system)

Tenth: In Sec. 10 (effective dates; applicability; implementation), in subsection (b), by striking out the first sentence and inserting in lieu thereof:

In this subsection, “amended subdivisions” means 30 V.S.A. § 219a(e)(3)(A) (credits), (e)(4)(B)(credits), and (h)(1)(K) (mandatory solar incentive) as amended by Sec. 1 of this act.

Eleventh: In Sec. 10 (effective dates; applicability; implementation), by adding a subsection (h) to read:

(h) During statutory revision, the Office of Legislative Council shall substitute the actual dates for the phrases, in 30 V.S.A. § 219a(o)(1)(B), “effective date of this subsection” and “one year after the effective date of this subsection.”

(Committee vote: 4-2-1)

(For House amendments, see House Journal for January 29, 2014, page 166.)

Proposal of Amendment to H. 702 to be offered by Senator Mullin

Senator Mullin moves that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 30 V.S.A. § 219a, in subdivision (e)(3) (excess generation; single nondemand meter), by striking out subdivision (A) and inserting in lieu thereof a new subdivision (A) to read:

(A) The electric company shall calculate a monetary credit to the customer by multiplying the excess kWh generated during the billing period by the ~~kWh rate paid by the customer for electricity supplied by the company~~ average real time locational marginal price of electric energy for the Vermont load zone during the billing period and shall apply the credit to any remaining charges on the customer’s bill for that period.

Second: In Sec. 1, 30 V.S.A. § 219a, in subsection (e) (electric energy measurement), by striking out subdivision (4) (excess generation; demand meter or time-of-use meter) and inserting in lieu thereof a new subdivision (4) to read:

(4) For a net metering system serving a customer on a demand or time-of-use rate schedule, the manner of measurement and the application of bill credits for the electric energy produced or consumed shall be substantially similar to that specified in this subsection for use with a single nondemand meter. ~~However, if such a net metering system is interconnected directly to the electric company through a separate meter whose primary purpose is to measure the energy generated by the system:~~

~~(A) The bill credits shall apply to all kWh generated by the net metering system and shall be calculated as if the customer were charged the kWh rate component of the interconnecting company's general residential rate schedule that consists of two rate components: a service charge and a kWh rate, excluding time of use rates and demand rates.~~

~~(B) If a company's general residential rate schedule includes inclining block rates, the residential rate used for this calculation shall be the highest of those block rates.~~

NOTICE CALENDAR

Second Reading

Favorable with Recommendation of Amendment

S. 100.

An act relating to forest integrity.

Reported favorably with recommendation of amendment by Senator Galbraith 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. FINDINGS

The General Assembly finds:

(1) Vermont's forests are a unique resource that provides habitat for wildlife, a renewable resource for human use, jobs for Vermonters in timber and other forest-related industries, and economic development through a productive forest products industry.

(2) Large areas of contiguous forest are essential for quality wildlife habitat, to preserve Vermont's scenic qualities, to implement best practices in forest management, and to ensure the continued economic productivity of Vermont's diverse forest products industry.

(3) The division of forests into lots for house sites or other construction fragments Vermont's forests and reduces their value as wildlife habitat, for forest industries, and to Vermont's tourist economy.

Sec. 2. 10 V.S.A. § 2601a is added to read:

§ 2601a. POLICY; FOREST INTEGRITY; NONFRAGMENTATION

(a) The State of Vermont shall preserve Vermont's forests in large contiguous blocks without permanent roads, buildings, or other construction in order to:

(1) provide habitat for wildlife, especially animals that range over large areas of land, including bear, moose, bobcat, lynx, and deer;

(2) protect the watersheds and Vermont's streams and rivers so as to maintain the quality of Vermont's waters and to reduce the risk of flooding; and

(3) preserve the scenic qualities of the Vermont landscape.

(b) The State of Vermont shall implement the policy stated in this section through all agencies whose activities affect the State's publicly and privately owned forests, including the Department as set forth in this chapter, and through its political subdivisions pursuant to 24 V.S.A. chapter 117 (municipal and regional planning and development).

Sec. 3. 10 V.S.A. § 6001(35) is added to read:

(35) "Fragmentation of forestland" means the separation of forestlands by buildings, roads, or other physical structures or by other human-made alterations to land such as clearing.

Sec. 4. 10 V.S.A. § 6086 is amended to read:

§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

(a) Before granting a permit, the district commission shall find that the subdivision or development:

* * *

(9) Is in conformance with a duly adopted capability and development plan, and land use plan when adopted. However, the legislative findings of subdivisions 7(a)(1) through (19) of Act 85 of 1973 shall not be used as criteria in the consideration of applications by a district commission.

* * *

(C) Productive forest soils; forest integrity. A permit will be granted for ~~the a~~ development or subdivision ~~of productive forest soils~~ only when it is demonstrated by the applicant that, in addition to all other applicable criteria, ~~either, the subdivision or development~~ each of the following is met:

(i) If the application involves the development or subdivision of productive forest soils, the development or subdivision either will not result in any reduction in the potential of those soils for commercial forestry; or:

~~(I)~~ (I) the development or subdivision will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agricultural or forestry potential; ~~and~~

~~(ii)~~(II) except in the case of an application for a project located in a designated growth center, there are no lands other than productive forest soils owned or controlled by the applicant which are reasonably suited to the purpose of the development or subdivision; and

~~(iii)~~(III) except in the case of an application for a project located in a designated growth center, the subdivision or development has been planned to minimize the reduction of the potential of those productive forest soils through innovative land use design resulting in compact development patterns, so that the remaining forest soils on the project tract may contribute to a commercial forestry operation.

(ii) the development or subdivision will not contribute to the fragmentation of forestland; or

(I) the development or subdivision cannot practicably be relocated on the site or to another site owned or controlled by the applicant or reasonably available to satisfy the basic project purpose;

(II) if the proposed development or subdivision cannot practicably be relocated, all practicable measures have been taken to avoid adverse impacts caused by the development's or subdivision's fragmentation of forestland;

(III) if avoidance of adverse effects caused by the development's or subdivision's fragmentation of forestland cannot be practically achieved, the development or subdivision has been planned to minimize those adverse effects and to preserve connection among the forestlands to be separated in a manner that supports wildlife, and the applicant will permanently conserve an area of forestland that is of comparable or greater biological value than the forestland fragmented by the development or subdivision.

* * *

Sec. 5. REPORT; FOREST FRAGMENTATION IN VERMONT

On or before December 31, 2014, the Commissioner of the Department of Forests, Parks and Recreation shall submit to the House and Senate Committees on Natural Resources and Energy and the House Committee on Fish, Wildlife, and Water Resources a report assessing the current and projected effects of fragmentation on Vermont's forestlands, and providing recommendations for how to best protect the integrity of Vermont's forestlands and preserve large blocks of contiguous forestland.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 4-1-0)

S. 195.

An act relating to increasing the penalties for second or subsequent convictions for disorderly conduct, and creating a new crime of aggravated disorderly conduct.

Reported favorably with recommendation of amendment by Senator Benning for the Committee on Judiciary.

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. 13 V.S.A. § 1061 is amended to read:

§ 1061. DEFINITIONS

As used in this subchapter:

(1) “Stalk” means to engage in a course of conduct which consists of following, lying in wait for, or harassing, and:

(A) serves no legitimate purpose; and

(B) would cause a reasonable person to fear for his or her physical safety or would cause a reasonable person substantial emotional distress.

~~(2) “Course of conduct” means a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”~~

~~(3)~~(2) “Following” means maintaining over a period of time a visual or physical proximity to another person in such manner as would cause a reasonable person to have a fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death.

~~(4)~~(3) “Harassing” means actions directed at a specific person, or a member of the person’s family, which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including ~~but not limited to~~ verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent.

~~(5)~~(4) “Lying in wait” means hiding or being concealed for the purpose of attacking or harming another person.

Sec. 2. 13 V.S.A. § 1021(4) is added to read:

(4) “Course of conduct” means a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of

purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

Sec. 3. 13 V.S.A. § 1026 is amended to read:

§ 1026. DISORDERLY CONDUCT

(a) A person who A person is guilty of disorderly conduct if he or she, with intent to cause public inconvenience, or annoyance, or recklessly ~~creating~~ creates a risk thereof:

(1) ~~Engages~~ engages in fighting or in violent, tumultuous, or threatening behavior; or

(2) ~~Makes~~ makes unreasonable noise; or

(3) ~~In~~ in a public place, uses abusive or obscene language; or

(4) ~~Without~~ without lawful authority, disturbs any lawful assembly or meeting of persons; or

(5) ~~Obstructs~~ obstructs vehicular or pedestrian traffic, ~~shall be imprisoned for not more than 60 days or fined not more than \$500.00 or both.~~

(b) A person who is convicted of disorderly conduct shall be imprisoned for not more than 60 days or fined not more than \$500.00, or both. A person who is convicted of a second or subsequent offense under this section shall be imprisoned for not more than 120 days or fined not more than \$1,000.00, or both.

Sec. 4. 13 V.S.A. § 1026a is added to read:

§ 1026a. AGGRAVATED DISORDERLY CONDUCT

(a) A person is guilty of aggravated disorderly conduct if he or she engages in a course of conduct directed at a specific person with the intent to cause the person inconvenience or annoyance, or to disturb the person’s peace, quiet, or right of privacy and:

(1) engages in fighting or in violent, tumultuous, or threatening behavior;

(2) makes unreasonable noise;

(3) in a public place, uses abusive or obscene language; or

(4) threatens bodily injury or serious bodily injury, or threatens to commit a felony crime of violence as defined in section 11a of this title.

(b) A person who is convicted of aggravated disorderly conduct shall be imprisoned not more than 180 days or fined not more than \$2,000.00, or both.

Sec. 5. 13 V.S.A. § 1027 is amended to read:

§ 1027. DISTURBING PEACE BY USE OF TELEPHONE OR OTHER ELECTRONIC COMMUNICATIONS

(a) A person who, with intent to terrify, intimidate, threaten, harass, or annoy, makes contact by means of a telephonic or other electronic communication with another and ~~(i)~~ makes any request, suggestion, or proposal which is obscene, lewd, lascivious, or indecent; ~~(ii)~~ threatens to inflict injury or physical harm to the person or property of any person; or ~~(iii)~~ disturbs, or attempts to disturb, by repeated ~~anonymous~~ telephone calls or other electronic communications, whether or not conversation ensues, the peace, quiet, or right of privacy of any person at the place where the communication or communications are received shall be fined not more than \$250.00 or be imprisoned not more than three months, or both. If the defendant has previously been convicted of a violation of this section or of an offense under the laws of another state or of the United States which would have been an offense under this act if committed in this ~~state~~ State, the defendant shall be fined not more than \$500.00 or imprisoned for not more than six months, or both.

(b) An intent to terrify, threaten, harass, or annoy may be inferred by the trier of fact from the use of obscene, lewd, lascivious, or indecent language or the making of a threat or statement or repeated ~~anonymous~~ telephone calls or other electronic communications as set forth in this section and any trial court may in its discretion include a statement to this effect in its jury charge.

(c) An offense committed by use of a telephone or other electronic communication device as set forth in this section shall be considered to have been committed at either the place where the telephone call or calls originated or at the place where the communication or communications or calls were received.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

S. 208.

An act relating to solid waste management.

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:

* * * Construction and Demolition Waste; Pilot Project * * *

Sec. 1. FINDINGS

The General Assembly finds that, for the purposes of Secs. 1–3 of this act:

(1) Construction and demolition waste create significant issues for the capacity and operation of landfills in the State.

(2) There are opportunities for materials recovery of construction and demolition waste in a manner consistent with Vermont’s solid waste management priorities of reuse and recycling.

(3) Substantial opportunity exists in Vermont for the recovery and recycling of certain materials in the construction and demolition waste stream, including wood, sheetrock, asphalt shingles, and metal.

(4) To reduce the amount of construction and demolition waste in landfills and improve materials recovery, the construction industry should attempt to recover as much construction and demolition waste as possible from the overall waste stream.

(5) To initiate and facilitate the recycling of construction and demolition waste, a pilot program should be established to promote increased recycling and reuse of construction and demolition waste, inform interested parties of recycling and reuse opportunities, and evaluate the costs and effectiveness of construction and demolition waste recycling in the State.

Sec. 2. 10 V.S.A. § 6605m is added to read:

§ 6605m. CONSTRUCTION AND DEMOLITION WASTE; PILOT PROJECT

(a) Definitions. In addition to the definitions in section 6602 of this chapter, as used in this section:

(1) “Commercial project” means construction, renovation, or demolition of a commercial building or of a residential building with two or more residential units.

(2) “Construction and demolition waste” means waste derived from the construction or demolition of buildings, roadways, or structures, including clean wood, treated or painted wood, plaster, sheetrock, roofing paper and shingles, insulation, glass, stone, soil, flooring materials, brick, concrete, masonry, mortar, incidental metal, furniture, and mattresses. Construction and demolition waste shall not mean asbestos waste, regulated hazardous waste, hazardous waste generated by households, hazardous waste from conditionally exempt generators, or any material banned from landfill disposal under section 6621a of this title.

(b) Materials recovery requirement. Beginning on or after July 1, 2014, if a person produces 40 cubic yards or more of construction and demolition waste at a commercial project located within 20 miles of a solid waste facility that recycles construction and demolition waste and meets the requirements of subsection (c) of this section, the person shall:

(1) arrange for the transfer of the construction and demolition waste from the project to a solid waste facility that recycles construction and demolition waste, provided that the facility meets the requirements of subsection (c) of this section; or

(2) arrange for a method of disposition of the construction and demolition waste that the Secretary of Natural Resources deems appropriate as an end use.

(c) Minimum requirements of facility. For the purposes of this section, a solid waste facility that recycles construction and demolition waste under this section:

(1) shall dispose of 50 percent or less of the construction and demolition waste received at the facility in a solid waste landfill as indicated by the facility's previous quarterly report to the Secretary of Natural Resources;

(2) shall not charge a fee for construction and demolition waste that exceeds the published gate rate for trash disposal at the facility; and

(3) may dispose of residuals generated from the processing or recycling of construction and demolition waste at a certified solid waste landfill.

(d) Calculation of bulk material.

(1) Concrete, asphalt, brick, and other similar bulk materials shall not be calculated as construction and demolition waste for the purposes of determining under subsection (b) of this section if 40 cubic yards of construction and demolition waste is generated at a commercial project.

(2) Concrete, asphalt, brick, and other similar bulk materials shall not be included in the calculation under subsection (c) of this section of the disposal rate at a solid waste facility that recycles construction and demolition waste, provided that:

(A) the bulk material is recycled or processed as part of a mixed load of construction and demolition waste; and

(B) the facility shall not recycle soil from a contaminated property unless the soil is suitably treated for use as clean fill.

(e) Transition; application. The requirements of this section shall not apply to a commercial project subject to a contract entered into on or before July 1,

2014 for the disposal or recycling of the construction and demolition waste from the project.

(f) Report. On or before January 1, 2017, the Secretary of Natural Resources, after consultation with interested persons, shall submit to the Senate and House Committees on Natural Resources and Energy a report regarding the implementation of the construction and demolition waste pilot project. The report shall include:

(1) a summary of the implementation of the pilot project;

(2) an estimate of the amount of construction and demolition waste recycled or reused under the pilot project;

(3) the economic feasibility of continuing the pilot project, including whether viable markets exist for the cost-effective recycling or reuse of components of the construction and demolition waste stream; and

(4) a recommendation as to whether the pilot project should be permanent, and, if so, any recommended changes to the statutory requirements.

(g) Guidance on separation of hazardous materials. The Secretary of Natural Resources shall publish informational material regarding the need for a solid waste facility that recycles construction and demolition waste to manage properly and provide for the disposition of hazardous waste and hazardous material in construction and demolition waste delivered to a facility.

Sec. 3. REPEAL

10 V.S.A. § 6605m (construction and demolition waste pilot project) shall be repealed on July 1, 2017.

* * * Categorical Solid Waste Facility; Certification * * *

Sec. 4. 10 V.S.A. § 6605c(a) is amended to read:

(a) Notwithstanding sections 6605, 6605f, and 6611 of this title, no person may construct, substantially alter, or operate any categorical solid waste facility without first obtaining a certificate from the Secretary. Certificates shall be valid for a period not to exceed ~~five~~ 10 years.

* * * Solid Waste Transporters; Mandated Recyclables * * *

Sec. 5. 10 V.S.A. § 6607a is amended to read:

§ 6607a. WASTE TRANSPORTATION

(a) A commercial hauler desiring to transport waste within the State shall apply to the Secretary for a permit to do so, by submitting an application on a form prepared for this purpose by the Secretary and by submitting the

disclosure statement described in section 6605f of this title. These permits shall have a duration of five years and shall be renewed annually. The application shall indicate the nature of the waste to be hauled. The Secretary may specify conditions that the Secretary deems necessary to assure compliance with ~~state~~ State law.

(b) As used in this section:

(1) "Commercial hauler" means:

(A) any person that transports regulated quantities of hazardous waste; and

(B) any person that transports solid waste for compensation in a vehicle ~~having a rated capacity of more than one ton.~~

(2) The commercial hauler required to obtain a permit under this section is the legal or commercial entity that is transporting the waste, rather than the individual employees and subcontractors of the legal or commercial entity. In the case of a sole proprietorship, the sole proprietor is the commercial entity.

* * *

(g)(1) Except as set forth in subdivisions (2) and (3) of this subsection, a transporter certified under this section that offers the collection of solid waste shall:

(A) Beginning July 1, 2015, offer to collect mandated recyclables separated from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables.

(B) Beginning July 1, 2016, offer to collect leaf and yard residuals separate from other solid waste and deliver leaf and yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)-(5) of this title.

(C) Beginning July 1, 2017, offer collection of food residuals separate from other solid waste and deliver to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(2)-(5) of this title.

(2) In a municipality that has adopted a solid waste management ordinance addressing the collection of mandated recyclables, leaf and yard residuals, or food residuals, a transporter in that municipality is not required to comply with the requirements of subdivision (1) of this subsection and subsection (h) of this section for the material addressed by the ordinance if the ordinance:

(A) is applicable to all residents of the municipality;

(B) prohibits a resident from opting out of ~~municipally provided~~ municipally provided solid waste services; and

(C) does not apply a variable rate for the collection for the material addressed by the ordinance.

(3) A transporter is not required to comply with the requirements of subdivision (1)~~(A), (B),~~ or (C) of this subsection in a specified area within a municipality if:

(A) the Secretary has approved a solid waste implementation plan for the municipality;

(B) the approved plan delineates an area where solid waste management services required by subdivision (1)~~(A), (B),~~ or (C) of this subsection are not required; and

(C) in the delineated area, alternatives to the services, including ~~on-site~~ on-site management, required under subdivision (1)~~(A), (B),~~ or (C) of this subsection are offered, the alternative services have capacity to serve the needs of all residents in the delineated area, and the alternative services are convenient to residents of the delineated area.

* * * Waste Management Assistance Fund; Solid Waste Franchise Tax * * *

Sec. 6. 10 V.S.A. § 6618 is amended to read:

§ 6618. WASTE MANAGEMENT ASSISTANCE FUND

(a) There is hereby created in the State Treasury a fund to be known as the Waste Management Assistance Fund, to be expended by the Secretary of Natural Resources. The Fund shall have ~~three~~ four accounts: one for Solid Waste Management Assistance, one for Solid Waste Infrastructure Assistance, one for Hazardous Waste Management Assistance, and one for Electronic Waste Collection and Recycling Assistance. The Hazardous Waste Management Assistance Account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A. chapter 237, as established by the Secretary, the toxics use reduction fees under subsection 6628(j) of this title, and appropriations of the General Assembly. In no event shall the amount of the hazardous waste tax, which is deposited to the Hazardous Waste Management Assistance Account, exceed 40 percent of the annual tax receipts. The Solid Waste Management Assistance Account shall consist of 90 percent of revenue from the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the General Assembly. The Electronic Waste Collection and Recycling Account shall consist of the program and implementation fees required under section

7553 of this title. The Solid Waste Infrastructure Assistance Account shall consist of 14 percent of the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the General Assembly. All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain a part of the Fund Accounts, except as provided in subsection (e) of this section. Interest earned by the Fund shall be deposited into the appropriate fund account. Disbursements from the fund accounts shall be made by the State Treasurer on warrants drawn by the Commissioner of Finance and Management.

(b) The Secretary may authorize disbursements from the Solid Waste Management ~~assistance account~~ Assistance Account for the purpose of enhancing ~~Solid Waste Management~~ solid waste management in the State in accordance with the adopted waste management plan. This includes:

(1) ~~the~~ The costs of implementation planning, design, obtaining permits, construction, and operation of ~~state~~ State or regional facilities for the processing of recyclable materials and of waste materials that because of their nature or composition create particular or unique environmental, health, safety, or management problems at treatment or disposal facilities;.

(2) ~~the~~ The costs of assessing existing landfills, and eligible costs for closure and any necessary steps to protect public health at landfills operating before January 1, 1987, provided those costs are the responsibility of the municipality or ~~Solid Waste Management~~ solid waste management district requesting assistance. The Secretary of Natural Resources shall adopt by procedure technical and financial criteria for disbursements of funds under this subdivision;.

(3) ~~the~~ The costs of preparing the State waste management plan;.

(4) ~~hazardous~~ Hazardous waste pilot projects consistent with this chapter;.

(5) ~~the~~ The costs of developing markets for recyclable material;.

(6) ~~the~~ The costs of the Agency of Natural Resources in administering ~~Solid Waste Management~~ solid waste management functions that may be supported by the Fund established in subsection (a) of this section;.

(7) ~~a~~ A portion of the costs of administering the ~~environmental division~~ Environmental Division established under 4 V.S.A. chapter 27. The amount of \$120,000.00 per fiscal year shall be disbursed for this purpose;.

(8) ~~the~~ The costs, not related directly to capital construction projects, that are incurred by a district, or a municipality that is not a member of a district, in the design and permitting of implementation programs included in

the adopted ~~Solid Waste Implementation Plan~~ solid waste implementation plan of the district or of the municipality that is not a member of a district. These disbursements shall be issued in the form of advances requiring repayment. These advances shall bear interest at an annual rate equal to the interest rate which the State pays on its bonds. These advances shall be repaid in full by the grantee no later than 24 months after the advance is awarded;

(9) ~~the~~ The Secretary shall annually allocate 17 percent of the receipts of this account, based on the projected revenue for that year, for implementation of the Plan adopted pursuant to section 6604 of this title and ~~Solid Waste Implementation Plans~~ solid waste implementation plans adopted pursuant to 24 V.S.A. § 2202a.

(10) ~~the~~ The costs of the proper disposal of waste tires. Prior to disbursing funds under this subsection, the Secretary shall provide a person with notice and opportunity to dispose of waste tires properly. The Secretary may condition a disbursement under this subsection on the repayment of the disbursement. If a person fails to provide repayment subject to the terms of a disbursement, the Secretary may initiate an action against the person for repayment to the Fund or may record against the property of the person a lien for the costs of cleaning up waste tires at a property.

(c) The Secretary may authorize disbursements from the Hazardous Waste Management Assistance Account for the purpose of enhancing hazardous waste management in the State in accordance with this chapter. This includes:

(1) ~~The~~ the costs of supplementing the State Waste Management Plan with respect to hazardous waste management;

(2) ~~The~~ the costs of the Agency of Natural Resources in administering hazardous waste management functions that may be supported by the Fund established in subsection (a) of this section; and

(3) ~~The~~ the costs of administering the Hazardous Waste Facility Grant Program under section 6603g of this title.

(d) The Secretary shall annually allocate from the fund accounts the amounts to be disbursed for each of the functions described in subsections (b), (c), and (f) of this section. The Secretary, in conformance with the priorities established in this chapter, shall establish a system of priorities within each function when the allocation is insufficient to provide funding for all eligible applicants.

(e) The Secretary may allocate funds at the end of the fiscal year from the Solid Waste Management Assistance Account to the Fund, established pursuant to section 1283 of this title, upon a determination that the Funds

available in the Environmental Contingency Fund are insufficient to meet the State's obligations pursuant to subdivision 1283(b)(9) of this title. Any expenditure of funds transferred shall be restricted to funding the activities specified in subdivision 1283(b)(9) of this title. In no case shall the unencumbered balance of the Solid Waste Account following the transfer authorized under this subsection be less than \$300,000.00.

(f) The Secretary may authorize disbursements from the Solid Waste Infrastructure Assistance Account for the following:

(1) costs of solid waste districts, municipalities, or other private or public entities to construct solid waste management facilities or infrastructure identified by the Solid Waste Infrastructure Advisory Committee as necessary to comply with the requirements of subsection 6605(j) of this title, and meet any demand for the processing or recycling of mandated recyclables, leaf and yard residuals, or food residuals; and

(2) up to 50 percent of the costs to a commercial hauler or transporter certified under this chapter to acquire or modify a vehicle:

(A) when the hauler or transporter demonstrates to the Secretary the need for financial assistance; and

(B) the vehicle will be used to transport mandated recyclables, leaf and yard residuals, or food residuals in rural or under populated areas of the State.

Sec. 7. 32 V.S.A. § 5952 is amended to read:

§ 5952. IMPOSITION OF TAX

(a)(1) A tax is imposed for each calendar quarter or part thereof upon the franchise or privilege of doing business of every person required by 10 V.S.A. chapter 159 to obtain certification for a facility. The tax shall be imposed in the amount of ~~\$6.00~~ \$7.00 per ton of waste delivered for disposal or incineration at the facility, regardless of the amount charged by the operator to recoup its expenses of operation, including the expense of this tax.

(2) The tax shall be similarly imposed on waste delivered to a transfer facility for shipment to an incinerator or other treatment facility or disposal facility that is located outside the ~~state~~ State. However, if the transfer station is located within a district which is authorized by an interstate compact to enter into cooperative agreements with a district in another state, the tax shall only be imposed if the treatment or disposal facility is located outside the ~~state~~ State and also outside the cooperating district in another state. For purposes of this determination, a treatment or disposal facility may be considered to be located within a district only if that district existed before July 1, 1987.

(3) The tax shall be similarly imposed on waste shipped to an incinerator or other treatment facility or disposal facility that is located outside the ~~state~~ State, without having been delivered to a transfer station located in this ~~state~~ State. In this situation, the tax is imposed for each calendar quarter or part thereof upon the franchise or privilege of doing business of every person regulated under 10 V.S.A. § 6607a as a commercial hauler of solid waste. This tax shall not be imposed on waste exempt under subdivision (2) of this subsection.

(b) The tax imposed by this section shall be in addition to any other taxes imposed on the taxpayer.

(c) If a return required by this chapter is not filed, or if a return, when filed, is incorrect or insufficient, the ~~commissioner~~ Commissioner shall determine the amount of tax due from any information available. If adequate information is not available to determine the tax otherwise due under this section, the ~~commissioner~~ Commissioner may assess a tax at the rate of \$3.50 per year per person served by the facility. The number of persons served by a facility shall be determined by the ~~commissioner~~ Commissioner based upon any available information and with regard given to seasonal and recreational use.

(d) Every person required to pay the tax imposed by this subchapter shall use a weight scale that accurately gauges the weight of the waste and shall keep accurate contemporaneous records of the volume or weight of all waste delivered for disposal; provided, however, that a landfill receiving less than 1,000 tons of municipal solid waste per year which does not have scales which accurately gauge the weight of the waste may compute weight indirectly from volume using accurate records of the volume of waste delivered for disposal and a conversion rate approved by the ~~commissioner~~ Commissioner. The taxpayer's records relating to imposition of the tax imposed by this subchapter shall be available for inspection or examination at any time upon demand by the ~~commissioner of taxes~~ Commissioner of Taxes or the ~~secretary of the agency of natural resources~~, Secretary of Natural Resources or their duly authorized agents or employees and shall be preserved for a period of three years.

Sec. 8. 10 V.S.A. § 6618 is amended to read:

§ 6618. WASTE MANAGEMENT ASSISTANCE FUND

(a) There is hereby created in the State Treasury a fund to be known as the Waste Management Assistance Fund, to be expended by the Secretary of Natural Resources. The Fund shall have ~~four~~ three accounts: one for Solid Waste Management Assistance, ~~one for Solid Waste Infrastructure Assistance~~, one for Hazardous Waste Management Assistance, and one for Electronic

Waste Collection and Recycling Assistance. The Hazardous Waste Management Assistance Account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A. chapter 237, as established by the Secretary, the toxics use reduction fees under subsection 6628(j) of this title, and appropriations of the General Assembly. In no event shall the amount of the hazardous waste tax, which is deposited to the Hazardous Waste Management Assistance Account, exceed 40 percent of the annual tax receipts. The Solid Waste Management Assistance Account shall consist of ~~90 percent of revenue from~~ the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the General Assembly. The Electronic Waste Collection and Recycling Account shall consist of the program and implementation fees required under section 7553 of this title. ~~The Solid Waste Infrastructure Assistance Account shall consist of 10 percent of the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the General Assembly.~~ All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain a part of the Fund Accounts, except as provided in subsection (e) of this section. Interest earned by the Fund shall be deposited into the appropriate fund account. Disbursements from the fund accounts shall be made by the State Treasurer on warrants drawn by the Commissioner of Finance and Management.

* * *

~~(f) The Secretary may authorize disbursements from the Solid Waste Infrastructure Assistance Account for the following:~~

~~(1) costs of solid waste districts, municipalities, or other private or public entities to construct solid waste management facilities to accept, process, or recycle mandated recyclables, leaf and yard residuals, or food residuals; and~~

~~(2) costs of commercial haulers or transporters certified under this chapter to acquire or modify vehicles intended to transport mandated recyclables, leaf and yard residuals, or food residuals, provided that assistance under this fund shall be limited to 50 percent per vehicle for which the commercial hauler or transporter applies for assistance. [Repealed.]~~

* * * Solid Waste Infrastructure Advisory Committee * * *

Sec. 9. SOLID WASTE INFRASTRUCTURE ADVISORY COMMITTEE

(a) The Secretary of Natural Resources shall convene a Solid Waste Infrastructure Advisory Committee to review the current solid waste management infrastructure in the State, evaluate the sufficiency of existing solid waste management infrastructure to meet the requirements of subsection

6605(j) of this title, and recommend development or construction of new solid waste management infrastructure in the State.

(b) The Solid Waste Infrastructure Advisory Committee shall be composed of the Secretary of Natural Resources or his or her designee and the following members, to be appointed by the Secretary of Natural Resources:

(1) three representatives of the solid waste management districts or other solid waste management entities in the State;

(2) one representative of a solid waste collector that owns or operates a material recovery facility;

(3) two representatives of solid waste commercial haulers, provided that one of the commercial haulers shall serve rural or underpopulated areas of the State;

(4) one representative of recyclers of food residuals or leaf and yard residuals; and

(5) one Vermont institution or business subject to the requirements under subsection 6605(j) of this title for the management of food residuals.

(c) The Solid Waste Infrastructure Advisory Committee shall:

(1) review the existing systems analysis of the State waste stream to determine whether the existing solid waste management facilities operating in the State provide sufficient services to comply with the requirements of subsection 6605(j) of this title, and meet any demand for services;

(2) summarize the locations or service sectors where the State lacks sufficient infrastructure or resources to comply with the requirements of and demand generated by subsection 6605(j) of this title, including the infrastructure necessary in each location;

(3) estimate the cost of constructing the necessary infrastructure identified under subdivision (2) of this subsection; and

(4) review options for generating the revenue sufficient to fund the costs of constructing necessary infrastructure.

(d) Report. On or before January 15, 2015 and annually thereafter, the Solid Waste Infrastructure Advisory Committee shall submit to the Senate and House Committees on Natural Resources and Energy a report with an accounting of disbursements from the Solid Waste Infrastructure Assistance Fund, a summary of the financial stability of the Fund, and any recommendations for legislative action. The report submitted to the General Assembly on January 15, 2015 under this subsection shall include the information and data developed under subsection (c) of this section.

* * * Municipal Participation in Solid Waste District * * *

Sec. 10. 24 V.S.A. § 2202a is amended to read:

§ 2202a. MUNICIPALITIES-RESPONSIBILITIES FOR SOLID WASTE

(a) Municipalities are responsible for joining a solid waste district for the purpose of the management and regulation of the storage, collection, processing, and disposal of solid wastes within their jurisdiction in conformance with the State Solid Waste Management Plan authorized under 10 V.S.A. chapter 159. ~~Municipalities~~ Solid waste districts may issue exclusive local franchises and may make, amend, or repeal rules necessary to manage the storage, collection, processing, and disposal of solid waste materials within their limits and impose penalties for violations thereof, provided that the rules are consistent with the State Plan and rules adopted by the Secretary of Natural Resources under 10 V.S.A. chapter 159. A fine may not exceed \$1,000.00 for each violation. This section shall not be construed to permit the existence of a nuisance.

(b) ~~Municipalities~~ Solid waste districts may satisfy the requirements of the State Solid Waste Management Plan and the rules of the Secretary of Natural Resources through agreement between any other unit of government or any operator having a permit from the Secretary, as the case may be.

(c)(1) ~~No later than~~ On or before July 1, ~~1988~~ 2016, each municipality, as defined in subdivision 4303(12) of this title, shall join or participate in a solid waste management district organized pursuant to chapter 121 of this title ~~no later than January 1, 1988 or participate in a regional planning commission's planning effort for purposes of solid waste implementation planning, as implementation planning is defined in 10 V.S.A. § 6602.~~

(2) ~~No later than July 1, 1990 each regional planning commission shall work on a cooperative basis with municipalities within the region to prepare a solid waste implementation plan for adoption by all of the municipalities within the region which are not members of a solid waste district, that conforms to the State Waste Management Plan and describes in detail how the region will achieve the priorities established by 10 V.S.A. § 6604(a)(1). A solid waste implementation plan adopted by a municipality that is not a member of a district shall not in any way require the approval of a district. The Secretary shall not approve a solid waste implementation plan submitted by a person or entity other than a solid waste management district. No later than~~ On or before July 1, 1990, each solid waste district shall adopt a solid waste implementation plan that conforms to the State Waste Management Plan, describes in detail how the district will achieve the priorities established by 10 V.S.A. § 6604(a), and is in conformance with any regional plan adopted

pursuant to chapter 117 of this title. Municipalities or solid waste management districts that have contracts in existence as of January 1, ~~1987~~ 2016, which contracts are inconsistent with the requirement to join a solid waste management district, the State Solid Waste Plan ~~and, or~~ the priorities established in 10 V.S.A. § 6604(a), shall not be required to breach those contracts, provided they make good faith efforts to renegotiate those contracts in order to comply. ~~The Secretary may extend the deadline for completion of a plan upon finding that despite good faith efforts to comply, a regional planning commission or solid waste management district has been unable to comply, due to the unavailability of planning assistance funds under 10 V.S.A. § 6603b(a) or delays in completion of a landfill evaluation under 10 V.S.A. § 6605a.~~

(3) A municipality that does not join or participate in a solid waste management district as provided required in this subsection shall not be eligible for State funds from the Solid Waste Management Assistance Account or the Solid Waste Infrastructure Assistance Account to plan and construct solid waste facilities, nor can it use facilities certified for use by the region or by the solid waste management district.

* * *

* * * Municipal Reporting Regarding Solid Waste Management * * *

Sec. 11. 24 V.S.A. § 2202b is added to read:

§ 2202b. SOLID WASTE DISTRICT REPORTING; SOLID WASTE
MANAGEMENT

(a) Beginning July 1, 2016 and annually thereafter, a solid waste district, individually or through a solid waste management district by the Secretary of Natural Resources, shall submit the following data to the Secretary of Natural Resources:

(1) the number and type of solid waste collection facilities owned, operated, or used by the solid waste district;

(2) a list of the commercial haulers doing business in the solid waste district and the services provided by each commercial hauler;

(3) the total weight of the following collected in the solid waste district in the preceding year:

(A) mandated recyclables;

(B) leaf and yard residuals; and

(C) food residuals.

(4) the collection services that the solid waste district offers for construction and demolition materials, and, if collection services are provided:

(A) the total weight of construction and demolition debris collected in the solid waste district in the preceding year;

(B) whether the solid waste district has established a program for the recycling of clean wood and, if so, the total weight of clean wood collected;

(C) whether the solid waste district has established a program for the recycling of asphalt shingles and, if so, the total weight of asphalt shingles collected; and

(D) whether the solid waste district has established a drywall collection program and, if so, the total weight of drywall collected;

(5) the collection services provided for household hazardous waste and conditionally exempt generator waste, including:

(A) whether the solid waste district provides year-round access to a permanent facility for the collection of household hazardous waste and conditionally exempt generator waste; and

(B) if a permanent facility is not available under subdivision (5)(A) of this subsection (a), the number and type of collection events in the preceding year provided for household hazardous waste and conditionally exempt generator waste; and

(6) a summary of how biosolids and septage are managed within the solid waste district.

(b) The Secretary of Natural Resources shall compile the data provided under subsection (a) of this section. Notwithstanding the requirements of 2 V.S.A. § 20(d), beginning January 1, 2017 and annually thereafter, the Secretary shall submit the compiled data to the Senate and House Committees on Natural Resources and Energy.

* * * Effective Dates * * *

Sec. 12. EFFECTIVE DATES

This act shall take effect on July 1, 2014, except that Sec. 8 (repeal of solid waste infrastructure assistance account) shall take effect on January 1, 2021.

(Committee vote: 5-0-0)

S. 221.

An act relating to providing statutory purposes for tax expenditures.

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

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

* * * Income, Bank Franchise, Insurance Premium, and Property Taxes * * *

Sec. 1. 16 V.S.A. § 2826 is added to read:

§ 2826. STATUTORY PURPOSES

(a) The statutory purpose of the interest income from Vermont Student Assistance Corporation (VSAC) bonds exemption in section 2825 of this title is to provide VSAC sufficient access to capital by increasing the effective return on investment of its bond issuances.

(b) The statutory purpose of the Vermont Student Assistance Corporation property tax exemption in section 2825 of this title is to allow State instrumentalities that provide financial and information resources for postsecondary education and training to use all of their resources for those purposes.

Sec. 2. 30 V.S.A. § 8060(c) is added to read:

(c) The statutory purpose of the Vermont Telecommunications Authority (VTA) bonds and notes exemption in section 8074 of this title is to provide the VTA sufficient access to capital by increasing the effective return on investment of its bond issuances.

Sec. 3. 32 V.S.A. § 5813 is added to read:

§ 5813. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont municipal bond income exemption in subdivision 5811(21)(A)(i) of this title is to provide the State and its municipalities sufficient access to capital by increasing the effective return on investment of State and municipal-issued bonds.

(b) The statutory purpose of the Vermont flat capital gains exclusion in subdivision 5811(21)(B)(ii) of this title is intended to increase savings and investment by making the effective tax rate on capital gains income lower than the effective tax rate on earned income while exempting a portion of the gain that may represent inflation. The 40-percent business capital gains exclusion mitigates the impact of one-time realizations in a progressive tax structure.

(c) The statutory purpose of the Vermont credit for child and dependent care in subsection 5822(d) of this title is to provide tax relief to working taxpayers who must incur dependent care expenses to stay in the workforce in the absence of pre-kindergarten programming.

(d) The statutory purpose of the Vermont credit for persons who are elderly or disabled in subsection 5822(d) of this title is to provide tax relief for seniors and persons who are disabled with little tax-exempt retirement or disability income.

(e) The statutory purpose of the Vermont investment tax credit in subsection 5822(d) of this title is to encourage Vermont business investments by lowering the effective costs of certain activities.

(f) The statutory purpose of the Vermont farm income averaging credit in subdivision 5822(c)(2) of this title is to mitigate the adverse tax consequences of fluctuating farm incomes under a progressive tax structure and to provide stability to farm operations.

(g) The statutory purpose of the Vermont business solar energy credit in subsection 5822(d) and section 5930z of this title is to provide a temporary, enhanced incentive for business solar investments located in Vermont to increase the deployment of solar electric generating facilities until the price of solar materials and installation decreases to the point it does not need State subsidization.

(h) The statutory purpose of the Vermont military pay exemption in subdivisions 5823(a)(2) and (b)(3) of this title is to provide additional compensation for military personnel in recognition of their service to Vermont and to the country.

(i) The statutory purpose of the Vermont charitable housing credit in section 5830c of this title is to assist certain affordable housing charities in attracting private investment at below-market rates by restoring some of the income forgone through a tax credit to the investor.

(j) The statutory purpose of the Vermont affordable housing credit in section 5930u of this title is to increase the capital available to certain affordable housing projects for construction or rehabilitation by attracting up front private investment.

(k) The statutory purpose of the Vermont qualified sale of a mobile home park credit in section 5828 of this title is to encourage sales of mobile home parks to a group composed of a majority of the mobile home park leaseholders, or to a nonprofit organization that represents such a group or as an alternative

to closure, and, in doing so, to provide stability to the inhabitants of such mobile home parks.

(l) The statutory purpose of the Vermont higher education investment credit in section 5825a of this title is to encourage contributions to Vermont 529 plans that would not otherwise occur and to lower the cost of higher education for Vermont students and the Vermont taxpayers who financially support them.

(m) The statutory purpose of the Vermont entrepreneurs' seed capital fund credit in section 5830b of this title is to provide capital to the Seed Capital Fund, ensuring it has sufficient capital to make equity investments in Vermont businesses.

(n) The statutory purpose of the Vermont historical rehabilitation tax credit in subsection 5930cc(a) of this title is to provide incentives to improve and rehabilitate historic properties in designated downtowns and village centers.

(o) The statutory purpose of the Vermont facade improvement tax credit in subsection 5930cc(b) and sections 5930aa–5930ff of this title is to provide incentives to improve facades and rehabilitate historic properties in designated downtowns and village centers.

(p) The statutory purpose of the Vermont code improvement tax credit in subsection 5930cc(c) and sections 5930aa–5930ff of this title is to provide incentives to improve and rehabilitate historic properties in designated downtowns and village centers.

(q) The statutory purpose of the Vermont research and development tax credit in section 5930ii of this title is to encourage business investment in research and development within Vermont in order to increase research and development and to attract and retain intellectual-property-based companies.

(r) The statutory purpose of the Vermont economic advancement tax incentive credits in sections 5930a–5930k of this title is to allow Vermont to compete with other states that have offered tax savings and cash benefits as a tool to recruit and retain businesses.

(s) The statutory purpose of the Vermont downtown tax credits in sections 5930n–5930r of this title is to provide incentives to improve and rehabilitate historic properties in designated downtowns and village centers.

(t) The statutory purpose of the Vermont low-income child and dependent care credit in section 5828c of this title is to provide cash relief to lower-income working taxpayers who incur dependent care expenses in certified centers to enable them to remain in the workforce.

(u) The statutory purpose of the Vermont earned income tax credit in section 5828b of this title is to increase the after-tax income of low-income working families and individuals and to provide an incentive to work for those with little earned income and to offset the effect on these Vermonters of conventionally regressive taxes.

(v) The statutory purpose of the Vermont machinery and equipment tax credit in section 5930ll of this title is to provide an incentive to make a major, long-term capital investment in Vermont-based plant and property to ensure the continuation of in-state employment.

(w) The statutory purpose of the Vermont employment growth incentive in section 5930b of this title is to provide a cash incentive to businesses without which those businesses would not locate, expand, or retain jobs in Vermont.

(x) The statutory purpose of the Vermont Downtown and Village Center Program tax credits in section 5930cc of this title is to provide incentives to improve and rehabilitate historic properties in designated downtowns and village centers.

(y) The statutory purpose of allowing federal itemized deductions and other federal expenditures between federal adjusted gross income and federal taxable income, as listed in the report required by section 312 of this title, is to reflect Vermont's choice to use federal taxable income as a base for Vermont's State income tax.

* * * Meals and Rooms Taxes and Insurance
Premium Taxes * * *

Sec. 4. 32 V.S.A. § 9247 is added to read:

§ 9247. HOSPITAL AND MEDICAL SERVICE CORPORATIONS AND
CREDIT UNIONS

Notwithstanding 8 V.S.A. §§ 4518, 4590, and 30102, hospital service corporations, medical service corporations, and credit unions shall be subject to the meals and rooms tax. The statutory purpose of the remaining exemptions from 8 V.S.A. § 4518 is to exempt nonprofit hospitals providing health care services in order to lower the cost of welfare-increasing health services to Vermonters. The statutory purpose of the remaining exemptions from 8 V.S.A. § 4590 is to exempt nonprofit companies that provide health care insurance coverage in order to lower the cost of welfare-increasing health services to policyholders. The statutory purpose of the remaining exemptions from 8 V.S.A. § 30901 is to affirm the nonprofit, cooperative structure of credit unions.

Sec. 5. 32 V.S.A. § 9201 is added to read:

§ 9201. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont grocery-type items furnished for take-out exemption in subdivision 9202(10)(D)(i) of this title is to limit the tax burden on the purchase of goods that are necessary for the health and welfare of all people in Vermont.

(b) The statutory purpose of the Vermont meals served or furnished on the premises of a nonprofit organization exemption in subdivision 9202(10)(D)(ii)(I) of this title is to allow more of the revenues generated by certain activities to be dedicated to furthering the public-service missions of the organizations.

(c) The statutory purpose of the Vermont meals provided on school premises exemption in subdivision 9202(10)(D)(ii)(II) of this title is to reduce the overall cost of education in Vermont.

(d) The statutory purpose of the Vermont or federal institutions premises where meals are provided to inmates and employees exemption in subdivision 9202(10)(D)(ii)(III) of this title is to prevent the taxation of entities that are funded by taxpayers.

(e) The statutory purpose of the Vermont meals provided at hospitals and convalescent and nursing homes exemption in subdivision 9202(10)(D)(ii)(IV) of this title is to reduce the overall costs of health care and senior care in Vermont.

(f) The statutory purpose of the Vermont meals furnished while transporting passengers for hire on train, bus, or airplane exemption in subdivision 9202(10)(D)(ii)(V) of this title is to reduce the administrative costs for transit companies providing interstate travel services.

(g) The statutory purpose of the Vermont summer camp for children exemption in subdivision 9202(10)(D)(ii)(VI) of this title is to reduce costs for summer education and outdoor activities for youth.

(h) The statutory purpose of the Vermont nonprofits at fairs, bazaars, picnics, and similar events exemption in subdivision 9202(10)(D)(ii)(VII) of this title is to allow more of the revenues generated by certain activities to be dedicated to furthering the public-service missions of the organizations.

(i) The statutory purpose of the Vermont meals furnished to an employee of a hotel or restaurant operator as remuneration for his or her employment exemption in subdivision 9202(10)(D)(ii)(VIII) of this title is to avoid the taxation of in-kind benefits.

(j) The statutory purpose of the Vermont meals provided to the elderly pursuant to the Older Americans Act exemption in subdivision 9202(10)(D)(ii)(IX) of this title is to exempt from tax government-provided meals.

(k) The statutory purpose of the Vermont meals purchased under the Supplemental Nutrition Assistance Program (SNAP) exemption in subdivision 9202(10)(D)(ii)(X) of this title is to exempt from tax meals paid for with government funds.

(l) The statutory purpose of the Vermont meals served on the premises of a continuing care retirement community exemption in subdivision 9202(10)(D)(ii)(XI) is to exempt from tax meals prepared in a person's home.

(m) The statutory purpose of the Vermont time share rights exemption in subdivision 9202(8) of this title is to avoid double taxation on holdings that are subject to property taxes.

(n) The statutory purpose of the Vermont student housing exemption in subdivision 9202(8) of this title is to reduce the overall costs of education in Vermont.

(o) The statutory purpose of the Vermont permanent residents exemption in subdivisions 9202(6) and (7) of this title is to treat long-term hotel guests as permanent residents of the State for purposes of administrating the rooms tax.

(p) The statutory purpose of the Vermont rooms furnished to an employee of a hotel or restaurant operator as remuneration for his or her employment exemption in subdivision 9202(6) of this title is to exclude the taxation of in-kind benefits.

(q) The statutory purpose of the summer camp for children exemption in subdivision 9202(6) of this title is to reduce costs for summer education and outdoor activities for youth.

(r) The statutory purpose of the Vermont State or United States operated establishment room charges exemption in subdivision 9202(3)(B) of this title is to abide by the requirement that states will not tax the federal government and to avoid the instance of the State taxing itself.

(s) The statutory purpose of the Vermont rooms on the premises of a nonprofit exemption in subdivision 9202(3)(C) of this title is to allow more of the revenues generated by certain activities to be dedicated to furthering the public-service missions of the organizations.

(t) The statutory purpose of the Vermont rooms on the premises of a continuing care retirement community exemption in subdivision 9202(3)(D) of this title is to exclude rooms that are a person's residence.

* * * Sales Taxes * * *

Sec. 6. 32 V.S.A. § 9706 is added to read:

§ 9706. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont medical products exemption in subdivision 9741(2) of this title is to lower the cost of medical products in order to support the health and welfare of Vermont residents.

(b) The statutory purpose of the Vermont agricultural inputs exemption in subdivision 9741(3) of this title is to lessen the costs for the agricultural industry, and to avoid taxing inputs in favor of taxing the end product, thus avoiding double taxation.

(c) The statutory purpose of the Vermont veterinary supplies exemption in subdivision 9741(3) of this title is to lessen the cost of veterinary services associated with productive animals to the agricultural industry.

(d) The statutory purpose of the Vermont nonbusiness, casual sales exemption in subdivision 9741(4) of this title is to prevent the occasional sale and resale of personal property by individuals not engaged as merchants from being subjected to the tax.

(e) The statutory purpose of the Vermont fuels for railroads and boats exemption in subdivision 9741(7) of this title is to avoid the taxation of fuels for the types of transportation for which public expenditure on infrastructure is unnecessary.

(f) The statutory purpose of the Vermont sales of food exemption in subdivision 9741(13) of this title is to limit the taxes on the purchase of goods that are necessary for the health and welfare of all people in Vermont.

(g) The statutory purpose of the Vermont manufacturers' material and equipment exemption in subdivision 9741(14) of this title is to avoid tax pyramiding on goods and encourage investments in equipment by manufacturing entities.

(h) The statutory purpose of the Vermont newspapers exemption in subdivision 9741(15) of this title is to reduce the financial costs of building an informed citizenry.

(i) The statutory purpose of the Vermont packaging and shipping materials exemption in subdivision 9741(16) of this title is to prevent tax pyramiding by excluding inputs into business production and distribution.

(j) The statutory purpose of the Vermont rented furniture for residential use exemption in subdivision 9741(17) of this title is to limit sales taxes on items that are not being sold in order to avoid double taxation.

(k) The statutory purpose of the Vermont municipal, State, and federal recreation facilities admission exemption in subdivision 9741(18) of this title is to exempt from tax a state charge for an entrance or admission to avoid layering a sales tax on top of publicly financed amenities.

(l) The statutory purpose of the Vermont rentals of coin-operated washing facilities exemption in subdivision 9741(19) of this title is to exempt coin-operated washing facilities on the basis that these facilities are the equivalent of a service.

(m) The statutory purpose of the Vermont admission fees to nonprofit museums exemption in subdivision 9741(20) of this title is to support the missions of certain nonprofit facilities and encourage higher visitation.

(n) The statutory purpose of the Vermont items sold to fire, ambulance, and rescue squads exemption in subdivision 9741(21) of this title is to limit the tax on organizations charged with protecting the safety of the public.

(o) The statutory purpose of the Vermont funeral charges exemption in subdivision 9741(22) of this title is to lessen the costs accumulated by the bereaved.

(p) The statutory purpose of the Vermont commercial, industrial, or agricultural research property use exemption in subdivision 9741(24) of this title is to reduce financial barriers to research and innovation in the commercial, industrial, and agricultural industries in order to increase these activities.

(q) The statutory purpose of the Vermont agricultural machinery and equipment exemption in subdivision 9741(25) of this title is to avoid tax pyramiding of agricultural products.

(r) The statutory purpose of the Vermont energy purchases for a residence exemption in subdivision 9741(26) of this title is to limit the tax on the purchase of goods that are necessary for the health and welfare of all people in Vermont.

(s) The statutory purpose of the Vermont energy purchases for farming exemption in subdivision 9741(27) of this title is to avoid tax pyramiding of agricultural products.

(t) The statutory purpose of the Vermont sales of films to movie theaters exemption in subdivision 9741(28) of this title is to avoid tax on items that are normally not for permanent use within the State.

(u) The statutory purpose of the Vermont aircraft and depreciable parts for commercial and private use exemption in subdivision 9741(29) of this title is to promote the growth of the aircraft maintenance industry in Vermont by

lowering the cost of parts and equipment relative to other states with private airplane maintenance facilities.

(v) The statutory purpose of the Vermont railroad rolling stock and depreciable parts exemption in subdivision 9741(30) of this title is to increase the use of rail for transport by lowering the costs of maintenance.

(w) The statutory purpose of the Vermont ferryboats and depreciable parts exemption in subdivision 9741(31) of this title is to increase the use of ferry for transport by lowering the costs of maintenance.

(x) The statutory purpose of the Vermont sales of mobile homes and modular housing exemption in subdivision 9741(32) of this title is to create equity between mobile and modular housing and traditional residential construction by providing an exemption for the estimated portion of the cost attributable to labor (versus materials).

(y) The statutory purpose of the Vermont United States flag sold to or by exempt veterans' organizations exemption in subdivision 9741(33) of this title is to support veterans' organizations in performing their traditional functions.

(z) The statutory purpose of the Vermont energy used in manufacturing tangible personal property for sale exemption in subdivision 9741(34) of this title is to avoid the taxation of manufacturing inputs and the pyramiding of taxes on goods produced in State.

(aa) The statutory purpose of the Vermont property transferred as part of personal service transaction or transfer of intangible property rights exemption in subdivision 9741(35) of this title is to exempt tangible personal property that is a small portion of a service because the cost of compliance exceeds the revenues.

(bb) The statutory purpose of the Vermont advertising materials exemption in subdivision 9741(36) of this title is to exempt tangible personal property if it is a small portion of a larger service.

(cc) The statutory purpose of the Vermont documents that record a professional service exemption in subdivision 9741(37) of this title is to exempt tangible personal property that is a small portion of a service package.

(dd) The statutory purpose of the Vermont tracked vehicles exemption in subdivision 9741(38) of this title is to limit the sales tax on construction vehicles such as bulldozers in order to lessen the cost of capital investments facilitated by those tracked vehicles.

(ee) The statutory purpose of the Vermont sales of building materials exemption in subdivisions 9741(39)(i) and (ii) of this title is to provide incentives to restore and revitalize downtown districts.

(ff) The statutory purpose of the Vermont wholesale transactions between telecommunications service providers exemption in subdivision 9741(41) of this title is to avoid taxation of inputs and intercompany transactions in order to avoid double taxation.

(gg) The statutory purpose of the Vermont third party scrap construction materials exemption in subdivision 9741(43) of this title is to promote the reuse and recycling of scrap construction materials.

(hh) The statutory purpose of the Vermont property incorporated in a railroad line exemption in subdivision 9741(44) of this title is to increase the use of rail for transport by lowering the costs of materials.

(ii) The statutory purpose of the Vermont clothing and footwear exemption in subdivision 9741(45) of this title is to limit the tax burden on the purchase of goods that are necessary for the health and welfare of all people in Vermont.

(jj) The statutory purpose of the Vermont property incorporated into a net metering system exemption, on-premise energy system not connected to the electric distribution system exemption, and solar hot water heating system exemption in subdivision 9741(46) of this title is to increase the deployment of solar electric generating technologies until the price of solar materials and installation decreases to the point it does not need State subsidization.

(kk) The statutory purpose of the Vermont purchases by and limited purchases from 501(c)(3) organizations exemption in subdivision 9743(3) of this title is to reduce costs for certain nonprofit organizations in order to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(ll) The statutory purpose of the Vermont building materials and supplies used in construction or repair of buildings by governmental bodies, 501(c)(3) organizations, or development corporations exemption in subdivision 9743(4) of this title is to reduce the costs of construction for certain nonprofit organizations in order to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(mm) The statutory purpose of the Vermont amusement charges for four events per year for 501(c)(4)-(13) and (19) organizations and political organizations exemption in subdivision 9743(5) of this title is to reduce the costs for and encourage participation in a limited number of events organized by certain nonprofit organizations in order to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(nn) The statutory purpose of the Vermont amusement charges for events presented by 501(c)(3) organizations in subdivision 9743(7) of this title is to reduce the costs for and encourage participation in fundraising events organized by certain nonprofit organizations in order to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(oo) The statutory purpose of the Vermont reallocation of receipts from tax imposed on sales of construction materials in section 9819 of this title is to provide incentives to restore and revitalize certain properties in designated downtown districts.

(pp) The statutory purpose of the Vermont sales by licensed auctioneers exemption in subdivision 9741(48) of this title is to extend the “casual sale” exemption to parallel situations involving an auctioneer.

* * * Property Taxes * * *

Sec. 7. 10 V.S.A. § 210 is added to read:

§ 210. STATUTORY PURPOSES

The statutory purpose of the Vermont local development corporations exemption in section 236 of this title is to exempt government-funded entities and promote economic development.

Sec. 8. 10 V.S.A. § 602 is added to read:

§ 602. STATUTORY PURPOSES

The statutory purpose of the Vermont Housing Finance Agency exemption in subsection 641(a) of this title is to exempt quasi-government entities that provide and promote affordable housing.

Sec. 9. 16 V.S.A. § 2170 is added to read:

§ 2170. STATUTORY PURPOSES

The statutory purpose of the Vermont State Colleges exemption in section 2178 of this title is to allow institutions providing higher education to deploy more of their financial resources to their educational missions by lowering their tax expenses.

Sec. 10. 16 App. V.S.A. § 1-15a is added to read:

§ 1-15a. STATUTORY PURPOSES

The statutory purpose of the University of Vermont exemption in section 1-15 of this chapter is to allow institutions providing higher education to

deploy more of their financial resources to their educational missions by lowering their tax expenses.

Sec. 11. 18 V.S.A. § 5300 is added to read:

§ 5300. STATUTORY PURPOSES

The statutory purpose of the Vermont cemeteries exemption in sections 5317 and 5376 of this title is to exempt property with a fair market value that is difficult to ascertain and for which there are limited options for alternative uses.

Sec. 12. 22 V.S.A. § 68 is added to read:

§ 68. STATUTORY PURPOSES

The statutory purpose of the Vermont libraries exemption in section 109 of this title is to aid libraries in offering free and public access to information and research resources.

Sec. 13. 24 V.S.A. § 4000 is added to read:

§ 4000. STATUTORY PURPOSES

The statutory purpose of the Vermont housing authorities exemption in section 4020 of this title is to promote, provide, and preserve affordable housing in ways that encourage resident self-sufficiency and support healthy neighborhoods.

Sec. 14. 32 V.S.A. § 3750 is added to read:

§ 3750. STATUTORY PURPOSES

The statutory purpose of the Vermont Use Value Appraisal Program in chapter 124 of this title is to preserve the working landscape by making farm and forest operations more financially viable in the face of high property values.

Sec. 15. 32 V.S.A. § 3800 is added to read:

§ 3800. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont federal and State government property exemption in subdivision 3802(1) of this title is to prevent government from taxing itself.

(b) The statutory purpose of the Vermont congressionally chartered organizations exemption in subdivision 3802(2) of this title is to support certain organizations with a patriotic, charitable, historical, or educational purpose.

(c) The statutory purpose of the Vermont public, pious, and charitable property exemption in sections 3832 and 3840 and subdivision 3802(4) of this title is to lower the tax expenses of certain organizations to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(d) The statutory purpose of the Vermont Young Men's and Women's Christian Associations exemption in subdivision 3802(6) of this title is to lower the tax expenses of these organizations to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(e) The statutory purpose of the Vermont cemeteries exemption in subdivision 3802(7) of this title is to exempt property with a fair market value that is difficult to ascertain and for which there are limited options for alternative uses.

(f) The statutory purpose of the Vermont exemption for property owned by agricultural societies in subdivision 3802(9) of this title is to exempt property that is used to publicly support the State's agricultural economy.

(g) The statutory purpose of the Vermont \$10,000.00 exemption of appraised value of a residence for a veteran in subdivision 3802(11) of this title is to provide permanently property tax reductions to households that include a disabled veteran in recognition of his or her service to Vermont and to the country.

(h) The statutory purpose of the Vermont property exclusively installed and operated for the abatement of water pollution exemption in subdivision 3802(12) of this title is to encourage real property improvements that abate water pollution by nonpublic entities that would not qualify for an exemption as a government entity.

(i) The statutory purpose of the Vermont humane societies exemption in section 3802(15) of this title is to eliminate property taxes for organizations that protect animals to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(j) The statutory purpose of the Vermont federally qualified health center or rural health clinic exemption in subdivision 3802(16) of this title is to support health centers that serve an underserved area or population, offer a sliding fee scale, provide comprehensive services, and have an ongoing quality assurance program by lowering their tax expenses.

(k) The statutory purpose of the Vermont railroad property alternative tax scheme in subdivision 3803(1) of this title is to provide an alternative tax

scheme in lieu of the traditional method of applying the education property tax rate in order to achieve consistent valuation across municipalities.

(l) The statutory purpose of the Vermont telephone property alternative tax scheme in subdivision 3803(2) of this title is to provide an alternative tax scheme in lieu of the traditional method of applying the education property tax rate in order to achieve consistent valuation across municipalities.

(m) The statutory purpose of the Vermont permanent session law exemptions in 2008 Acts and Resolves No. 190, 1892 Acts and Resolves No. 213, 1945 Acts and Resolves No. 204, 1939 Acts and Resolves No. 250, 1921 Acts and Resolves No. 31, 1921 Acts and Resolves No. 262, 1910 Acts and Resolves No. 370, and 1900 Acts and Resolves No. 244 is to exempt permanently specific properties that have demonstrated an individual purpose to the General Assembly.

Sec. 16. 32 V.S.A. § 5400 is added to read:

§ 5400. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont municipally owned property exemption in subdivision 5401(10)(F) of this title is to prevent government from taxing itself.

(b) The statutory purpose of the Vermont whey processing fixtures exemption in subdivision 5401(10)(G) of this title is to support industries using whey processing facilities to convert waste into value-added products.

(c) The statutory purpose of the Vermont municipalities hosting large power plants exemption in subsection 5402(d) of this title is to lower property taxes by 25 percent for businesses and residents of the community hosting a nuclear power facility.

(d) The statutory purpose of the Vermont qualified housing exemption in subdivision 5404a(a)(6) of this title is to reduce by 10 percent the assessment value on housing units with rent restrictions that make valuing these properties using the non-homestead income approach difficult and to ensure that taxes on this rent restricted housing provided to low and moderate- income Vermonters is more equivalent to property taxed using the state homestead rate.

(e) The statutory purpose of the Vermont tax increment financing districts in subsection 5404a(f) of this title is to allow communities to encourage investment that would not occur without approval of the district and to use locally the additional property tax revenue attributable to those improvements to pay off the debt incurred to construct the improvements.

(f) The statutory purpose of the Vermont Economic Progress Council approved stabilization agreements in section 5404a of this title are to provide

exemptions on a case-by-case basis in conjunction with other economic development efforts in order to facilitate economic development that would not occur without the stabilization agreement.

(g) The statutory purpose of the Vermont large power plants alternative tax scheme in subdivision 5401(10)(B) of this title is to provide an alternative tax scheme in lieu of the traditional method of applying the education property tax rate in order to achieve consistent valuation across municipalities.

(h) The statutory purpose of the Vermont wind-powered electric generating facilities alternative tax scheme in subdivision 5401(10)(J)(i) of this title is to provide an alternative tax scheme in lieu of the traditional method of applying the education property tax rate in order to achieve consistent valuation across municipalities.

(i) The statutory purpose of the Vermont renewable energy plant generating electricity from solar power alternative tax structure in subdivision 5401(10)(J)(ii) is to provide an alternative tax scheme in lieu of the traditional method of applying the education property tax rate in order to achieve consistent valuation across municipalities.

Sec. 17. 32 V.S.A. § 6060 is added to read:

§ 6060. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont property tax adjustments in chapter 154 of this title is to allow property taxes on homesteads is to allow education property taxes on homesteads to be based upon a household's income.

(b) The statutory purpose of the Vermont \$10,000.00 exemption of appraised value of a residence for a veteran in subsection 6066(i) of this title is to permanently provide property tax reductions to households that include a disabled veteran in recognition of his or her service to Vermont and to the country.

* * * Insurance Premium Taxes * * *

Sec. 18. 8 V.S.A. § 3700 is added to read:

§ 3700. STATUTORY PURPOSES

The statutory purpose of the Vermont annuity considerations in section 3718 of this title is to exempt nontraditional insurance or financial products, or both, from taxation in order to avoid reciprocity from foreign jurisdictions.

Sec. 19. 8 V.S.A. § 4460 is added to read:

§ 4460. STATUTORY PURPOSES

The statutory purpose of the Vermont fraternal societies in section 4500 of this title is to support benevolent societies that provide benefits to its members and to the community.

* * * Transportation Taxes * * *

Sec. 20. 23 V.S.A. § 3000 is added to read:

§ 3000. STATUTORY PURPOSES

The statutory purpose of the Vermont diesel tax exemption in section 3003 of this title is to exempt off-road uses and farm trucks from the user fee for the State highway system. The exemption for municipal entities and public transit agencies is to avoid the taxation of governmental and quasi-governmental entities.

Sec. 21. 32 V.S.A. § 8900 is added to read:

§ 8900. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont pious or charitable institutions or volunteer fire companies exemption in subdivision 8911(3) of this title is to lower the tax expenses of pious and charitable organizations considered exempt under subdivision 3802(4) of this title to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(b) The statutory purpose of the Vermont nonregistered vehicles exemption in subdivision 8911(5) of this title is to exempt vehicles that are not entitled to use the State highway system from the tax.

(c) The statutory purpose of the Vermont gifts exemption in subdivision 8911(8) of this title is to avoid the intrusion of a tax into sharing transactions that are common within families.

(d) The statutory purpose of the Internal Revenue Code § 351 exemption in subdivision 8911(10) of this title is to limit the tax to transfers of ownership between two distinct parties.

(e) The statutory purpose of the Vermont handicapped exemption in subdivision 8911(12) of this title is to lessen the cost of purchasing a vehicle that has been modified to meet the physical needs of a qualifying Vermonter.

(f) The statutory purpose of the Vermont veterans exemption in subdivision 8911(14) of this title is to remove every cost to a qualifying veteran of receiving a vehicle granted by the Veterans' Administration.

(g) The statutory purpose of the Vermont general exemption of trade-in value in subdivisions 8902(4) and (5) of this title is to ensure the use value of a vehicle is taxed only once.

Sec. 22. REPEALS

(a) 32 V.S.A. § 9771a (limitation of tax on telecommunications services) is repealed on January 1, 2015.

(b) 32 V.S.A. § 3802(5) (college fraternities and societies exemption) is repealed on July 1, 2014.

* * * Effective Date * * *

Sec. 23. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 7-0-0)

Joint Resolution for Second Reading

Favorable

J.R.H. 15.

Joint resolution urging Congress to support H.R. 485, The National Nurse Act of 2013.

Reported favorably by Senator Ayer for the Committee on Health and Welfare.

(Committee vote: 4-0-1)

(No House amendments)

CONCURRENT RESOLUTIONS FOR NOTICE

H.C.R. 255-264 (For text of Resolutions, see Addendum to House Calendar for March 12, 2014)

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.

Patti Pallito of Richmond – Member of the State Police Advisory Commission – By Sen. French for the Committee on Government Operations. (2/19/14)

Shirley A. Jefferson of South Royalton – Member of the State Police Advisory Commission – By Sen. McAllister for the Committee on Government Operations. (2/19/14)

Glenn Boyde of Colchester – Member of the State Police Advisory Commission – By Sen. Pollina for the Committee on Government Operations. (2/19/14)

Lisa Gosselin of Stowe – Commissioner of the Department of Economic Development – By Sen. Doyle for the Committee on Economic Development, Housing and General Affairs. (3/12/14)

NOTICE OF JOINT ASSEMBLY

March 20, 2014 – 10:30 A.M. – Retention of Superior Judges: Nancy S. Corsones, Amy M. Davenport, Katharine A. Hayes, Martin A. Maley, David T. Suntag, and Tomas G. Walsh

FOR INFORMATION ONLY

CROSSOVER DEADLINES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 14, 2014**, and filed with the Secretary of the Senate so that they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate** bills referred pursuant to Senate Rule 31 to the Committees on Appropriations and Finance must be reported out by the last of those committees on or before **Friday, March 21, 2014**, and filed with the Secretary of the Senate so that they may be placed on the Calendar for Notice the next legislative day.

These deadlines may be waived for any bill or committee only with the consent of the Committee on Rules.

Note: The deadlines were determined by the Joint Rules Committee. The Senate will not act on House bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, and Miscellaneous Tax Bill).