

Journal of the House

Wednesday, February 17, 2016

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

Devotional Exercises

Devotional exercises were conducted by Rev. Joan Javier-Duval of the Unitarian Church, Montpelier, VT.

Message from the Senate No. 18

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 42. Joint resolution relating to weekend adjournment.

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

Joint Resolution Adopted in Concurrence

J.R.S. 42

By Senators Baruth and Benning,

J.R.S. 42. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 19, 2016, it be to meet again no later than Tuesday, February 23, 2016.

Was taken up read and adopted in concurrence.

Committee Report Withdrawn; Bill Amended; Third Reading Ordered

H. 249

Rep. Martin of Wolcott, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to intermunicipal services and the authority to create a regional council of governments

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

Sec. 1. 24 V.S.A. chapter 121, subchapter 7 is added to read:

Subchapter 7. Regional Council of Governments

§ 4948. CREATION OF A REGIONAL COUNCIL OF GOVERNMENTS

(a) A regional planning commission, created under section 4341 of this title, may convert to a regional council of governments through an affirmative vote of at least 67 percent of both:

(1) the board of commissioners of the regional planning commission; and

(2) the legislative branches of the regional planning commission's member municipalities.

(b) A newly formed regional council of governments shall adopt bylaws to:

(1) specify the organization of the council;

(2) designate officers of the council and provide for the conduct of business;

(3) specify the process for entering into, method of withdrawal from, and method of terminating service agreements with member municipalities; and

(4) provide for the method of dissolution and reversion to a regional planning commission.

(c) A regional council of governments shall be subject to the membership requirements of a regional planning commission under sections 4342 and 4343 of this title, except that:

(1) at least 50 percent of a council's appointed representatives shall be elected municipal officials from the member municipalities; and

(2) a council shall maintain an equal number of representatives appointed from each member municipality.

(d) Upon the conversion to a regional council of governments as provided in subsection (a) of this section, a regional council of governments shall take effect and become a political subdivision of the State, and the originating regional planning commission shall be dissolved.

(e) Upon the effective date of the creation of the regional council of governments:

(1) All of the assets and property of the regional planning commission, both real and personal and of whatever kind, nature, and description, shall

become vested in and become assets and property of the regional council of governments without any further act, deed, or instrument being necessary.

(2) All the liabilities, obligations, and indebtedness of the regional planning commission shall be assumed by the regional council of governments without any further act, deed, or instrument being necessary.

(f) A municipality may move from one regional council of governments to another council or to a regional planning commission on terms and conditions approved by the Secretary of Commerce and Community Development.

§ 4949. POWERS AND DUTIES

(a) A regional council of governments shall retain the authority and duties granted to a regional planning commission and shall continue all services previously provided by the originating regional planning commission, subject to the requirements in chapter 117 of this title.

(b) In addition to the powers granted in subsection (a) of this section, a regional council of governments may:

(1) promote cooperative arrangements and coordinate action among its member municipalities, including arrangements and action with respect to planning, community development, joint purchasing, intermunicipal services, and infrastructure; and

(2) exercise any power, privilege, or authority, as defined within a services agreement under subsection (c) of this section, capable of exercise by a member municipality as necessary or desirable for dealing with problems of local or regional concern.

(c)(1) In exercising its authority under subsection (b) of this section, a regional council of governments shall enter into a service agreement with one or more member municipalities. Participation by a member municipality shall be voluntary and only valid upon appropriate action by the legislative branch of the member municipality.

(2) A service agreement shall describe the services to be provided and the amount of funds payable by each member municipality that is a party to the service agreement.

(d) A regional council of governments shall not have the following powers:

(1) essential legislative functions;

(2) taxing authority; or

(3) eminent domain.

§ 4950. FINANCES AND STAFF

(a) The legislative branch of the member municipalities may appropriate funds to meet the expenses of a regional council of governments.

(b) A regional council of governments may accept funds, grants, gifts, and services from any source, including:

(1) the federal government;

(2) the State of Vermont or its agencies, departments, or instrumentalities;

(3) any other governmental unit, whether a member of the council or not; and

(4) private and civic sources.

(c)(1) In expending regional planning funds provided under section 4341a or 4346 of this title, a regional council of governments shall ensure that all planning tasks required in each performance contract are fully accomplished. Funds provided for regional planning under section 4341a or 4346 of this title shall not be used to provide services under a council service agreement without prior written authorization from the state agency or other entity providing the funds.

(2) A council shall not use municipal funds or grants provided for regional planning services under chapter 117 of this title to cover the costs associated with any service agreement under section 4949 of this subchapter.

(d) A regional council of governments may employ a staff and consult and retain any experts that it considers necessary. Service of personnel, use of equipment and office space, and other necessary services may be accepted from member municipalities as part of their financial support.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, pending the question, Shall the bill be amended as recommended by the committee on Government Operations? **Rep. Martin of Wolcott** asked and was granted leave of the House to withdraw the report of the committee on Government Operations.

Pending the question, Shall the bill be read a third time? **Rep. Martin of Wolcott** moved to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 4345b is added to read:

§ 4345b. INTERMUNICIPAL SERVICE AGREEMENTS

(a)(1) Prior to exercising the authority granted under this section, a regional planning commission shall:

(A) draft bylaws specifying the process for entering into, method of withdrawal from, and method of terminating service agreements with member municipalities; and

(B) hold one or more public hearings within the region to hear from interested parties and citizens regarding the draft bylaws.

(2) At least 30 days prior to any hearing required under this subsection, notice of the time and place and a copy of the draft bylaws, with a request for comments, shall be delivered to the chair of the legislative body of each member municipality within the region. The regional planning commission shall make copies available to any individual or organization requesting a copy.

(3) The regional planning commission may make revisions to the draft bylaws at any time prior to adoption of the bylaws. If revisions are made to the draft bylaws, the regional planning commission shall hold a final hearing and shall deliver notice as required in subdivision (2) of this subsection.

(b)(1) The draft bylaws required under subsection (a) of this section may be adopted by a vote of at least 67 percent of the commissioners of the regional planning commission in accordance with the voting procedures of the regional planning commission.

(2) The draft bylaws shall be considered duly adopted and shall take effect 35 days after a vote required under this subsection, unless, within 35 days of the date of adoption, the regional planning commission receives certification from the legislative bodies of a majority of the member municipalities in the region vetoing the proposed bylaws. In such case, the bylaws shall be deemed repealed.

(c) Upon adoption of the bylaws under subsection (b) of this section, a regional planning commission may:

(1) promote cooperative arrangements and coordinate, implement, and administer service agreements among its member municipalities, including arrangements and action with respect to planning, community and economic development, joint purchasing, intermunicipal services, infrastructure, and related activities; and

(2) exercise any power, privilege, or authority, as defined within a service agreement under subsection (d) of this section, capable of exercise by a member municipality as necessary or desirable for dealing with problems of local or regional concern.

(d)(1) In exercising the powers set forth in subsection (c) of this section, a regional planning commission shall enter into a service agreement with one or more member municipalities. A regional planning commission shall require a vote of at least 67 percent of its commissioners to enter into negotiations for a service agreement.

(2) Participation by a member municipality shall be voluntary and only valid upon appropriate action by the legislative body of the member municipality. To become effective, a service agreement shall be ratified by the regional planning commission and the legislative bodies of the member municipalities who are a party to the service agreement.

(3) A service agreement shall describe the services to be provided and the amount of funds payable by each member municipality that is a party to the service agreement. Service of personnel, use of equipment and office space, and other necessary services may be accepted from member municipalities as part of their financial support.

(4) Any modification to a service agreement shall not become effective unless approved by the legislative body of the member municipalities who are a party to the service agreement.

(e) A regional planning commission shall not have the following powers under this section:

- (1) essential legislative functions;
- (2) taxing authority; or
- (3) eminent domain.

(f)(1) Funds provided for regional planning under section 4341a or 4346 of this chapter shall not be used to provide services under a service agreement without prior written authorization from the State agency or other entity providing the funds.

(2) A commission shall not use municipal funds or grants provided for regional planning services under this chapter to cover the costs of providing services under any service agreement under this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

Pending the question, Shall the bill be amended as offered by Rep. Martin of Wolcott?, **Rep. Sibia of Dover** moved to amend the amendment offered by Rep. Martin of Wolcott as follows:

In Sec. 1, 24 V.S.A. § 4345b (intermunicipal service agreements), in subdivision (c)(1), after “planning, community” by striking out the words “and economic”

Which was agreed to.

Thereupon the bill was amended as offered by Rep. Martin of Wolcott, as amended and third reading of the bill was ordered.

Senate Proposal of Amendment Concurred in

H. 187

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

An act relating to absence from work for health care and safety

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

Sec. 1. FINDINGS

The General Assembly finds:

(1) According to the Vermont Department of Labor’s 2013 Fringe Benefits Study, roughly one-half of all private sector employers provide some form of paid leave to their employees.

(2) Based on information provided by the 2013 Fringe Benefits Study, it is estimated that slightly less than 50 percent of private sector workers employed by companies with fewer than 20 workers have access to paid leave, while approximately 78 percent of workers employed by larger companies have access to paid leave time.

(3) Based on information provided by the 2013 Fringe Benefits Study, it is estimated that more than 60,000 working Vermonters lack access to paid leave.

Sec. 2. PURPOSE

(a) The purpose of this act is to promote a healthier environment at work, school, and in public by ensuring that employees are provided with paid leave time for purposes of health care and safety.

(b) It is the intent of the General Assembly that:

(1) all employers doing business in or operating in the State of Vermont shall be required to provide earned sick time to their employees as provided by this act; and

(2) all employers that currently offer any type of paid time off from work that may, at a minimum, be used by the employer’s employees in the

amounts and for the purposes required pursuant to this act shall not be required to change their paid time off policy or offer additional paid leave.

Sec. 3. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

* * *

(d) For the purposes of earned sick time, an employer shall comply with the provisions required under subchapter 4B of this chapter.

Sec. 4. 21 V.S.A. chapter 5, subchapter 4B is added to read:

Subchapter 4B. Earned Sick Time

§ 481. DEFINITIONS

As used in this subchapter:

(1) “Employer” means any individual, organization, or governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within this State.

(2) “Combined time off” means a policy wherein the employer provides time off from work for vacation, sickness, or personal reasons, and the employee has the option to use all of the leave for whatever purpose he or she chooses.

(3) “Commissioner” means the Commissioner of Labor.

(4) “Earned sick time” means discretionary time earned and accrued under the provisions of this subchapter and used by an employee to take time off from work for the purposes listed in subdivisions 483(a)(1)–(5) of this subchapter.

(5) “Employee” means a person who, in consideration of direct or indirect gain or profit, is employed by an employer for an average of no less than 18 hours per week during a year. However, the term “employee” shall not include:

(A) An individual who is employed by the federal government.

(B) An individual who is employed by an employer:

(i) for 20 weeks or fewer in a 12-month period; and

(ii) in a job scheduled to last 20 weeks or fewer.

(C) An individual that is employed by the State and is exempt or excluded from the State classified service pursuant to 3 V.S.A. § 311, but not

an individual that is employed by the State in a temporary capacity pursuant to 3 V.S.A. § 331.

(D) An employee of a health care facility as defined in 18 V.S.A. § 9432(8) or a facility as defined in 33 V.S.A. § 7102(2) if the employee only works on a per diem or intermittent basis.

(E) An employee of a school district, supervisory district, or supervisory union as defined in 16 V.S.A. § 11 that:

(i) is employed pursuant to a school district or supervisory union policy on substitute educators as required by the Vermont Standards Board for Professional Educators Rule 5381;

(ii) is under no obligation to work a regular schedule; and

(iii) is not under contract or written agreement to provide at least one period of long-term substitute coverage which is defined as 30 or more consecutive school days in the same assignment.

(F) An individual who is under 18 years of age.

(G) An individual that is either:

(i) a sole proprietor or partner owner of an unincorporated business who is excluded from the provisions of chapter 9 of this title pursuant to subdivision 601(14)(F) of this title; or

(ii) an executive officer, manager, or member of a corporation or a limited liability company for whom the Commissioner has approved an exclusion from the provisions of chapter 9 of this title pursuant to subdivision 601(14)(H) of this title.

(H) An individual that:

(i) works on a per diem or intermittent basis;

(ii) works only when he or she indicates that he or she is available to work;

(iii) is under no obligation to work for the employer offering the work; and

(iv) has no expectation of continuing employment with the employer.

(6) “Paid time off policy” means any policy under which the employer provides paid time off from work to the employee that includes a combination of one or more of the following:

(A) annual leave;

- (B) combined time off;
- (C) vacation leave;
- (D) personal leave;
- (E) sick leave; or
- (F) any similar type of leave.

§ 482. EARNED SICK TIME

(a) An employee shall accrue not less than one hour of earned sick time for every 52 hours worked.

(b) An employer may require a waiting period for newly hired employees of up to one year. During this waiting period, an employee shall accrue earned sick time pursuant to this subchapter, but shall not be permitted to use the earned sick time until after he or she has completed the waiting period.

(c) An employer may:

(1) limit the amount of earned sick time accrued pursuant to this section to:

(A) from January 1, 2017 until December 31, 2018, a maximum of 24 hours in a 12-month period; and

(B) after December 31, 2018, a maximum of 40 hours in a 12-month period; or

(2) limit to 40 hours the number of hours in each workweek for which full-time employees not subject to the overtime provisions of the Federal Fair Labor Standards Act, 29 U.S.C. § 213(a)(1), may accrue earned sick time pursuant to this section.

(d)(1) Earned sick time shall be compensated at a rate that is equal to the greater of either:

(A) the normal hourly wage rate of the employee; or

(B) the minimum wage rate for an employee pursuant to section 384 of this title.

(2) Group insurance benefits shall continue during an employee's use of earned sick time at the same level and conditions that coverage would be provided as for normal work hours. The employer may require that the employee contribute to the cost of the benefits during the use of earned sick time at the existing rate of employee contribution.

(e) Except as otherwise provided by subsection 484(a) of this subchapter, an employer shall calculate the amount of earned sick time that an employee has accrued pursuant to this section:

(1) as it accrues during each pay period; or

(2) on a quarterly basis, provided that an employee may use earned sick time as he or she accrues it during each quarter.

§ 483. USE OF EARNED SICK TIME

(a) An employee may use earned sick time accrued pursuant to section 482 of this subchapter for any of the following reasons:

(1) The employee is ill or injured.

(2) The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.

(3) The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to his or her long-term care.

(4) The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meanings as in 15 V.S.A. § 1151.

(5) The employee cares for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

(b) If an employee's absence is shorter than a normal workday, the employee shall use earned sick time accrued pursuant to section 482 of this subchapter in the smallest time increments that the employer's payroll system uses to account for other absences or that the employer's paid time off policy permits. Nothing in this subsection shall be construed to require an employer to permit an employee to use earned sick time in increments that are shorter than one hour.

(c) An employer may limit the amount of earned sick time accrued pursuant to section 482 of this subchapter that an employee may use to:

(1) from January 1, 2017 until December 31, 2018, no more than 24 hours in a 12-month period; and

(2) after December 31, 2018, no more than 40 hours in a 12-month period.

(d)(1) Except as otherwise provided in subsection 484(a) of this subchapter, earned sick time that remains unused at the end of an annual period shall be carried over to the next annual period and the employee shall continue to accrue earned sick time as provided pursuant to section 482 of this subchapter. However, nothing in this subdivision shall be construed to permit an employee to use more earned sick time during an annual period than any limit on the use of earned sick time that is established by his or her employer pursuant to subsection (c) of this section.

(2) If, at an employer's discretion, an employer pays an employee for unused earned sick time accrued pursuant to section 482 of this subchapter at the end of an annual period, then the amount for which the employee was compensated does not carry over to the next annual period.

(e) Upon separation from employment, an employee shall not be entitled to payment for unused earned sick time accrued pursuant to section 482 of this subchapter unless agreed upon by the employer.

(f)(1) An employee who is discharged by his or her employer after he or she has completed a waiting period required pursuant to subsection 482(b) of this subchapter and is subsequently rehired by the same employer within 12 months after the discharge from employment shall begin to accrue and may use earned sick time without a waiting period. However, the employee shall not be entitled to retain any earned sick time that accrued before the time of his or her discharge unless agreed to by the employer.

(2) An employee that voluntarily separates from employment after he or she has completed a waiting period required pursuant to subsection 482(b) of this subchapter and is subsequently rehired by the same employer within 12 months after the separation from employment shall not be entitled to accrue and use earned sick time without a waiting period unless agreed to by the employer.

(g) An employer shall not require an employee to find a replacement for absences, including absences for professional diagnostic, preventive, routine, or therapeutic health care.

(h) An employer may require an employee planning to take earned sick time accrued pursuant to section 482 of this subchapter to:

(1) make reasonable efforts to avoid scheduling routine or preventive health care during regular work hours; or

(2) notify the employer as soon as practicable of the intent to take earned sick time accrued pursuant to section 482 of this subchapter and the expected duration of the employee's absence.

(i)(1) If an employee is absent from work for one of the reasons listed in subsection (a) of this section, the employee shall not be required to use earned sick time accrued pursuant to section 482 of this subchapter and the employer will not be required to pay for the time that the employee was absent if the employer and the employee mutually agree that either:

(A) the employee will work an equivalent number of hours as the number of hours for which the employee is absent during the same pay period; or

(B) the employee will trade hours with a second employee so that the second employee works during the hours for which the employee is absent and the employee works an equivalent number of hours in place of the second employee during the same pay period.

(2) Nothing in this subsection shall be construed to prevent an employer from adopting a policy that requires an employee to use earned sick time accrued pursuant to section 482 of this subchapter for an absence from work for one of the reasons set forth in subsection (a) of this section.

(j) An employer shall post notice of the provisions of this section in a form provided by the Commissioner in a place conspicuous to employees at the employer's place of business. An employer shall also notify an employee of the provisions of this section at the time of the employee's hiring.

(k) An employee who uses earned sick time accrued pursuant to section 482 of this subchapter shall not diminish his or her rights under sections 472 and 472a of this title.

(l) The provisions against retaliation set forth in section 397 of this title shall apply to this subchapter.

(m) An employer who violates this subchapter shall be subject to the penalty provisions of section 345 of this title.

(n) The Commissioner shall enforce this subchapter in accordance with the procedures established in section 342a of this title. However, the appeal provision of subsection 342a(f) shall not apply to any enforcement action brought pursuant to this subsection.

§ 484. COMPLIANCE WITH EARNED SICK TIME REQUIREMENT

(a) An employer shall be in compliance with this subchapter if either of the following occurs:

(1) The employer offers a paid time off policy or is a party to a collective bargaining agreement that provides the employee with paid time off from work that:

(A) he or she may use for all of the reasons set forth in subsection 483(a) of this subchapter; and

(B) accrues and may be used at a rate that is equal to or greater than the rate set forth in sections 482 and 483 of this subchapter.

(2) The employer offers a paid time off policy or is a party to a collective bargaining agreement that provides the employee with at least the full amount of paid time off from work required pursuant to sections 482 and 483 of this subchapter at the beginning of each annual period and the employee may use it at any time during the annual period for the reasons set forth in subsection 483(a) of this subchapter. If the employer provides an employee with the full amount of paid time off at the beginning of each annual period, the paid time off shall not carry over from one annual period to the next as provided in subdivision 483(d)(1) of this subchapter.

(b) Nothing in this subchapter shall be construed to require an employer that satisfies the requirements of subsection (a) of this section to provide additional earned sick time to an employee that chooses to use paid time off that could be used for the reasons set forth in subdivisions 483(a)(1)–(5) of this subchapter for a different purpose.

(c) Nothing in this subchapter shall be construed to prevent an employer from providing a paid time off policy or agreeing to a collective bargaining agreement that provides a paid time off policy that is more generous than the earned sick time provided by this subchapter.

(d)(1) Nothing in this subchapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or paid time off policy that provides greater earned sick time rights than the rights provided by this subchapter.

(2) Nothing in this subchapter shall be construed to preempt or override the terms of a collective bargaining agreement that is in effect before January 1, 2017.

(e) A collective bargaining agreement or paid time off policy may not diminish the rights provided by this subchapter.

§ 485. SEVERABILITY OF PROVISIONS

If any provision of this subchapter or the application of such provision to any person or circumstances shall be held invalid, the remainder of the subchapter and the application of such provisions to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

§ 486. NEW EMPLOYER EXEMPTION

(a) Notwithstanding any provision of this subchapter to the contrary, new employers shall not be subject to the provisions of this subchapter for a period of one year after the employer hires its first employee.

(b) For purposes of enforcement under subsections 483(l)–(n) of this subchapter, an employer shall be presumed to be subject to the provisions of this subchapter unless the employer proves that a period of no more than one year elapsed between the date on which the employer hired its first employee and the date on which the employer is alleged to have violated the provisions of this subchapter.

(c) No employer shall transfer an employee to a second employer with whom there is, at the time of the transfer, substantially common ownership, management, or control for the purposes of either employer claiming an exemption pursuant to subsection (a) of this section.

Sec. 5. 21 V.S.A. § 345 is amended to read:

§ 345. NONPAYMENT OF WAGES AND BENEFITS

(a) Each employer who violates sections ~~342 and 343~~ 342, 343, 482, and 483 of this title shall be fined not more than \$5,000.00. Where the employer is a corporation, the president or other officers who have control of the payment operations of the corporation shall be considered employers and liable to the employee for actual wages due when the officer has willfully and without good cause participated in knowing violations of this chapter.

* * *

Sec. 6. DEPARTMENT OF LABOR REPORT

The Department of Labor shall, on or before January 15, 2019, report to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding the number of inquiries and complaints submitted to the Department in relation to this act and the number of investigations and enforcement actions undertaken by the Department in relation to this act during the first two years after its effective date.

Sec. 6a. SMALL BUSINESS PLANNING AND IMPLEMENTATION ASSISTANCE

On or before November 15, 2017, the Commissioner of Labor and the Secretary of Commerce and Community Development shall develop and implement a program to provide employers that have five or fewer employees who are employed for an average of no less than 30 hours per week during a year with assistance related to the development of time off policies and business plans necessary to implement the requirements of this act.

Sec. 6b. COST TO SMALL EMPLOYERS; SURVEY; REPORT

(a) The Department of Labor and the Agency of Commerce and Community Development shall conduct a survey of Vermont employers with five or fewer employees regarding the following:

(1) the number of employees employed by each employer;

(2) the hourly wages paid by each employer to its employees; and

(3) whether each employer provides its employees with paid time off from work that satisfies the requirements of 21 V.S.A. § 482–484 as enacted pursuant to Sec. 4 of this act.

(b) The Department of Labor and the Agency of Commerce and Community Development shall, on or before January 15, 2017, report to the General Assembly regarding the results of the survey and an estimate of the total additional cost to employers with five or fewer employees of providing earned sick time pursuant to the requirements of this act.

Sec. 7. 29 V.S.A. § 161 is amended to read:

§ 161. REQUIREMENTS ON STATE CONSTRUCTION PROJECTS

(a) Bids; selection.

* * *

(3) All bids on State projects shall be required to comply with all applicable provisions of Title 21.

Sec. 8. EFFECTIVE DATES

(a)(1) This section, Secs. 6a and 6b shall take effect on July 1, 2016.

(2) The remaining sections of this act shall take effect on January 1, 2017, except that an employer that has five or fewer employees who are employed for an average of no less than 30 hours per week shall not be subject to the provisions of 21 V.S.A. chapter 5, subchapter 4b until January 1, 2018.

(b)(1) An employer may require for its existing employees on January 1, 2017 a waiting period of up to one year. The waiting period pursuant to this subsection shall begin on January 1, 2017 and shall end on or before December 31, 2017. During this waiting period, an employee shall accrue earned sick

time pursuant to 21 V.S.A. § 482, but shall not be permitted to use the earned sick time until after he or she has completed the waiting period.

(2) An employer that has five or fewer employees who are employed for an average of no less than 30 hours per week may require for its existing employees on January 1, 2018 a waiting period of up to one year. The waiting period pursuant to this subsection shall begin on January 1, 2018 and shall end on or before December 31, 2018. During this waiting period, an employee shall accrue earned sick time pursuant to 21 V.S.A. § 482, but shall not be permitted to use the earned sick time until after he or she has completed the waiting period.

Which proposal of amendment was considered.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Eastman of Orwell** moved that the House concur in the Senate proposal of amendment with a further amendment thereto as follows:

In Sec. 4, in 21 V.S.A. § 481, by striking out subdivision (1) and inserting in lieu thereof a new subdivision (1) to read:

(1) “Employer” means any individual, organization, or governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within this State that employs more than three individuals for an average of no less than 30 hours per week during a year.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto as offered by Rep. Eastman of Orwell? **Rep. Eastman of Orwell** asked and was granted leave of the House to withdraw the amendment.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Eastman of Orwell** moved that the House concur in the Senate proposal of amendment with a further amendment thereto as follows:

In Sec. 4, in 21 V.S.A. § 486(a), after the words “new employers shall not be subject to the provisions of this subchapter for a period of” by striking out “one year” and inserting in lieu thereof “three years”

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto as offered by Rep. Eastman of Orwell?, **Rep. Eastman of Orwell** asked and was granted leave of the House

to withdraw the amendment.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Rep. Olsen of Londonderry** moved that the House concur in the Senate proposal of amendment with a further amendment thereto as follows:

First: In Sec. 4, in 21 V.S.A. § 481(5), by adding a new subdivision to be subdivision (I) to read:

(I) Employees not subject to the overtime provisions of the Federal Fair Labor Standards Act, 29 U.S.C. § 213(a)(1).

Second: In Sec. 4, 21 V.S.A. § 482(c), by striking out subsection (c) in its entirety and by inserting in lieu thereof the following:

(c) An employer may limit the amount of earned sick time accrued pursuant to this section to:

(1) from January 1, 2017 until December 31, 2018, a maximum of 24 hours in a 12-month period; and

(2) after December 31, 2018, a maximum of 40 hours in a 12-month period.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto as offered by Rep. Olsen of Londonderry? **Rep. Olsen of Londonderry** asked and was granted leave of the House to withdraw the amendment.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Olsen of Londonderry** moved that the House concur in the Senate proposal of amendment with a further amendment thereto as follows:

In Sec. 4, in 21 V.S.A. § 481, by striking out subdivision (5) in its entirety and inserting in lieu thereof a new subdivision (5) to read:

(5)(A) “Employee” means a person who, in consideration of direct or indirect gain or profit, is employed by an employer for an average of no less than 18 hours per week during a year; and

(i) earns an hourly wage of no more than 110 percent of the minimum wage pursuant to section 384 of this title; or

(ii) earns total compensation, including salary and benefits, that is equivalent to an hourly wage of no more than 110 percent of the minimum wage pursuant to section 384 of this title.

(B) However, the term “employee” shall not include:

(i) An individual who is employed by the federal government.

(ii) An individual who is employed by an employer:

(I) for 20 weeks or fewer in a 12-month period; and

(II) in a job scheduled to last 20 weeks or fewer.

(iii) An individual that is employed by the State and is exempt or excluded from the State classified service pursuant to 3 V.S.A. § 311, but not an individual that is employed by the State in a temporary capacity pursuant to 3 V.S.A. § 331.

(iv) An employee of a health care facility as defined in 18 V.S.A. § 9432(8) or a facility as defined in 33 V.S.A. § 7102(2) if the employee only works on a per diem or intermittent basis.

(v) An employee of a school district, supervisory district, or supervisory union as defined in 16 V.S.A. § 11 that:

(I) is employed pursuant to a school district or supervisory union policy on substitute educators as required by the Vermont Standards Board for Professional Educators Rule 5381;

(II) is under no obligation to work a regular schedule; and

(III) is not under contract or written agreement to provide at least one period of long-term substitute coverage which is defined as 30 or more consecutive school days in the same assignment.

(vi) An individual who is under 18 years of age.

(vii) An individual that is either:

(I) a sole proprietor or partner owner of an unincorporated business who is excluded from the provisions of chapter 9 of this title pursuant to subdivision 601(14)(F) of this title; or

(II) an executive officer, manager, or member of a corporation or a limited liability company for whom the Commissioner has approved an exclusion from the provisions of chapter 9 of this title pursuant to subdivision 601(14)(H) of this title.

(viii) An individual that:

(I) works on a per diem or intermittent basis;

(II) works only when he or she indicates that he or she is available to work;

(III) is under no obligation to work for the employer offering the work; and

(IV) has no expectation of continuing employment with the employer.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto as offered by Rep. Olsen of Londonderry? **Rep. Olsen of Londonderry** asked and was granted leave of the House to withdraw the amendment.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Dame of Essex** moved that the House concur in the Senate proposal of amendment with a further amendment thereto as follows:

In Sec. 4, after 21 V.S.A. § 481(5)(H), by inserting a subdivision (I) to read:

(I) An individual that is employed by his or her family member.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto as offered by Rep. Dame of Essex? **Rep. Dame of Essex** asked and was granted leave of the House to withdraw the amendment.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Olsen of Londonderry** moved to commit the bill to the committee on Commerce and Economic Development.

Pending the question, Shall the bill be committed to the committee on Commerce and Economic Development? **Rep. Turner of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be committed to the committee on Commerce and Economic Development? was decided in the negative. Yeas, 58. Nays, 87.

Those who voted in the affirmative are:

Bancroft of Westford	Donahue of Northfield	Lawrence of Lyndon
Baser of Bristol	Eastman of Orwell	Lewis of Berlin
Batchelor of Derby	Fagan of Rutland City	Marcotte of Coventry
Beck of St. Johnsbury	Feltus of Lyndon	Martel of Waterford
Beyor of Highgate	Fiske of Enosburgh	McCoy of Poultney
Branagan of Georgia	Gage of Rutland City	McFaun of Barre Town
Brennan of Colchester	Gamache of Swanton	Murphy of Fairfax
Browning of Arlington	Graham of Williamstown	Myers of Essex
Burditt of West Rutland	Greshin of Warren	Olsen of Londonderry
Canfield of Fair Haven	Hebert of Vernon	Parent of St. Albans Town
Condon of Colchester	Helm of Fair Haven	Pearce of Richford
Cupoli of Rutland City	Higley of Lowell	Purvis of Colchester
Dame of Essex	Hubert of Milton	Quimby of Concord
Devereux of Mount Holly	Juskiewicz of Cambridge	Savage of Swanton
Dickinson of St. Albans	Komline of Dorset	Scheuermann of Stowe
Town	LaClair of Barre Town	Shaw of Pittsford

Shaw of Derby	Tate of Mendon	Viens of Newport City
Sibilia of Dover	Terenzini of Rutland Town	Willhoit of St. Johnsbury
Smith of New Haven	Turner of Milton	Wright of Burlington
Strong of Albany	Van Wyck of Ferrisburgh	

Those who voted in the negative are:

Ancel of Calais	Haas of Rochester	O'Sullivan of Burlington
Bartholomew of Hartland	Head of South Burlington	Partridge of Windham
Berry of Manchester	Hooper of Montpelier	Patt of Worcester
Bissonnette of Winooski	Huntley of Cavendish	Pearson of Burlington
Botzow of Pownal	Jerman of Essex	Poirier of Barre City
Briglin of Thetford	Jewett of Ripton	Potter of Clarendon
Burke of Brattleboro	Johnson of South Hero	Rachelson of Burlington
Buxton of Tunbridge	Keenan of St. Albans City	Ram of Burlington
Carr of Brandon	Kitzmiller of Montpelier	Russell of Rutland City
Chesnut-Tangerman of Middletown Springs	Klein of East Montpelier	Ryerson of Randolph
Clarkson of Woodstock	Krebs of South Hero	Sharpe of Bristol
Cole of Burlington	Krowinski of Burlington	Sheldon of Middlebury
Connor of Fairfield	Lalonde of South Burlington	Stevens of Waterbury
Conquest of Newbury	Lanpher of Vergennes	Stuart of Brattleboro
Copeland-Hanzas of Bradford	Lefebvre of Newark	Sullivan of Burlington
Corcoran of Bennington	Lenes of Shelburne	Sweaney of Windsor
Dakin of Chester	Lippert of Hinesburg	Till of Jericho
Dakin of Colchester	Long of Newfane	Toleno of Brattleboro
Davis of Washington	Lucke of Hartford	Toll of Danville
Deen of Westminster	Macaig of Williston	Townsend of South Burlington
Donovan of Burlington	Manwaring of Wilmington	Trieber of Rockingham
Emmons of Springfield	Martin of Wolcott	Troiano of Stannard
Fields of Bennington	Masland of Thetford	Walz of Barre City
Forguites of Springfield	McCormack of Burlington	Webb of Shelburne
Frank of Underhill	McCullough of Williston	Wood of Waterbury
French of Randolph	Miller of Shaftsbury	Woodward of Johnson
Gonzalez of Winooski	Morris of Bennington	Yantachka of Charlotte
Grad of Moretown	Mrowicki of Putney	Young of Glover
	Nuovo of Middlebury	Zagar of Barnard
	O'Brien of Richmond	

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

Christie of Hartford	Morrissey of Bennington
Evans of Essex	Pugh of South Burlington

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Stevens of Waterbury** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House concur to the Senate proposal of amendment? was decided in the affirmative. Yeas, 81. Nays, 64.

Those who voted in the affirmative are:

Ancel of Calais	Haas of Rochester	O'Sullivan of Burlington
Bartholomew of Hartland	Head of South Burlington	Partridge of Windham
Berry of Manchester *	Hooper of Montpelier	Patt of Worcester
Bissonnette of Winooski	Huntley of Cavendish	Pearson of Burlington *
Botzow of Pownal *	Jerman of Essex	Poirier of Barre City
Briglin of Thetford	Jewett of Ripton	Rachelson of Burlington
Burke of Brattleboro	Johnson of South Hero	Ram of Burlington
Buxton of Tunbridge	Keenan of St. Albans City	Russell of Rutland City *
Carr of Brandon	Kitzmillier of Montpelier	Ryerson of Randolph
Chesnut-Tangerman of Middletown Springs	Klein of East Montpelier	Sharpe of Bristol
Clarkson of Woodstock	Krowinski of Burlington	Sheldon of Middlebury
Cole of Burlington	Lalonde of South Burlington	Stevens of Waterbury
Connor of Fairfield *	Lanpher of Vergennes	Stuart of Brattleboro
Conquest of Newbury	Lenes of Shelburne	Sullivan of Burlington
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Sweaney of Windsor
Dakin of Chester	Long of Newfane	Till of Jericho
Davis of Washington	Lucke of Hartford	Toleno of Brattleboro
Deen of Westminster	Macaig of Williston	Toll of Danville
Donovan of Burlington	Manwaring of Wilmington	Townsend of South Burlington
Emmons of Springfield	Martin of Wolcott	Troiano of Stannard
Fields of Bennington	Masland of Thetford	Walz of Barre City
Forguites of Springfield	McCormack of Burlington	Webb of Shelburne
Frank of Underhill	McCullough of Williston	Wood of Waterbury
French of Randolph	Miller of Shaftsbury	Woodward of Johnson
Gonzalez of Winooski	Morris of Bennington	Yantachka of Charlotte *
Grad of Moretown	Mrowicki of Putney *	Young of Glover
	Nuovo of Middlebury	Zagar of Barnard
	O'Brien of Richmond	

Those who voted in the negative are:

Bancroft of Westford	Donahue of Northfield	Lefebvre of Newark
Baser of Bristol	Eastman of Orwell *	Lewis of Berlin *
Batchelor of Derby	Fagan of Rutland City	Marcotte of Coventry
Beck of St. Johnsbury	Feltus of Lyndon	Martel of Waterford
Beyor of Highgate	Fiske of Enosburgh	McCoy of Poultney
Branagan of Georgia	Gage of Rutland City	McFaun of Barre Town *
Brennan of Colchester	Gamache of Swanton	Murphy of Fairfax
Browning of Arlington	Graham of Williamstown	Myers of Essex
Burditt of West Rutland	Greshin of Warren	Olsen of Londonderry
Canfield of Fair Haven	Hebert of Vernon	Parent of St. Albans Town
Condon of Colchester	Helm of Fair Haven	Pearce of Richford
Corcoran of Bennington	Higley of Lowell	Potter of Clarendon
Cupoli of Rutland City	Hubert of Milton *	Purvis of Colchester *
Dakin of Colchester	Juskiewicz of Cambridge	Quimby of Concord
Dame of Essex	Komline of Dorset *	Savage of Swanton
Devereux of Mount Holly	Krebs of South Hero	Scheuermann of Stowe
Dickinson of St. Albans Town	LaClair of Barre Town	Shaw of Pittsford
	Lawrence of Lyndon	Shaw of Derby

Sibilia of Dover	Terenzini of Rutland Town	Viens of Newport City
Smith of New Haven	Trieber of Rockingham	Willhoit of St. Johnsbury
Strong of Albany	Turner of Milton *	Wright of Burlington *
Tate of Mendon	Van Wyck of Ferrisburgh *	

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

Christie of Hartford	Morrissey of Bennington
Evans of Essex	Pugh of South Burlington

Rep. Berry of Manchester explained his vote as follows:

“Mr. Speaker:

I voted ‘yes’ because it is a balanced compromise. It has been advocated for by Vermont Businesses for Social Responsibility and Main Street Alliance. Absent amendments I feel the Senate bill adequately reflects my reasoned evaluation that it strikes a balance between the modest and incremental approach helpful to the business community with the clear need to offer assurances to employees that their wellness and safety and that of their children and families will be more compassionately addressed. This bill moves in the direction of creating a more moral economy for those workers in greatest need.”

Rep. Botzow of Pownal explained his vote as follows:

“Mr. Speaker:

My vote reflects my understanding that a more flexible workplace will make for a better labor market for employees and employers.”

Rep. Connor of Fairfield explained his vote as follows:

“Mr. Speaker:

I represent three towns and some four thousand constituents, many of whom are under-employed in that, in order to provide for themselves and their families, they must work second and third jobs. I have heard from dozens and dozens of single parents who have to make a decision every time a child is sick. Do I send my child to school sick or do I risk losing my job when I call out to my employers? I have heard from folks who must decide if they care for themselves or another family member. Some have reached out because they were not able to be with a dying family member. I heard from a number of teachers who begged me to support this bill so that a sick child does not come to school sick and pass the sickness on to other students and even the teacher. I voted for H.187 to honor the requests from my constituents.

Far fewer constituents reached out to me asking that I not support this legislation. I believe the General, Military and Housing Committee did their

due diligence in vetting H.187. I truly believe that every working Vermonter, young or old, should be provided the opportunity to care for themselves and or a member of their family. H.187 is a step in the direction that demonstrates that the employee is both valued and supported by their employer.

Vermont employers who invest in their employees by offering paid time off for illness and safety are demonstrating to the folks who work for him or her that they value their employee and their family. Employers who offer this benefit and others understand that a happy content employee is less expensive in the long haul.

I was raised in a large extended family with many family businesses and we were taught to care for one another. It was instilled in each of us that you get along far better with a healthy dose of honey than vinegar.”

Rep. Eastman of Orwell explained her vote as follows:

“Mr. Speaker:

Without a small business exemption, this vote confirms to me that my minimal pay of \$18,000 per year, my first three years of start up with my business, doesn’t matter and this further confirms that it is OK for the families of small business employers to starve as long as they are taking care of others. I, like many small business owners, sacrificed much and worked 60 – 80 hours a week to build my business to where it is today. TODAY I am proud to be able to afford to offer paid leave in my place of business. It just took time to get there. I am not against paid leave, but have recognized both through my work and personal experience that it takes time for some new and small businesses to be viable and have the ability to offer such benefits.”

Rep. Pearson of Burlington explained his vote as follows:

“Mr. Speaker:

In a state where total payroll exceeds \$15 billion, a tiny fraction of that going to keep many of our workers, often those working for low-wage jobs, the chance to stay healthy and productive is a sensible investment.”

Rep. Hubert of Milton explained his vote as follows:

“Mr. Speaker:

I vote ‘no’ today not because workers do not need time off but for the mounting costs we have and will add to business. We will be adding higher fees this year and higher minimum wage this year as well as next year.

This bill will cost small business between \$2.8 to \$6.3 million.

We are taking away the owners’ wishes to put a package that works for both the owner and employees.

It seems government knows better how to run small than the owner.”

Rep. Komline of Dorset explained her vote as follows:

“Mr. Speaker:

A vote for this bill is a vote against our fledgling and small businesses, businesses that are struggling with minimum wage increase, ever-increasing fees, a weak economy and a terrible tourist season.

We should be focusing efforts on empowering Vermonters so they don’t need to depend on low skill jobs. We should be providing improved entrepreneurial tools and training for jobs with career growth potential.

These efforts should be our top priority.

We have to make sure we aren’t passing laws that make us feel good rather than taking steps to actually do good.”

Rep. Lewis of Berlin explained her vote as follows:

“Mr. Speaker:

I vote ‘no’ on this bill, not because I don’t support paid sick leave, but because it is not the State’s job to dictate what benefits an employer should offer. Businesses know what they can provide and should have the freedom to choose. The majority of employers in this state do provide paid leave.

As I spoke last year on this bill, I mentioned a constituent who stated he did not have sick leave. But what he did have was health, dental and optical insurance, HSA, long and short-term disability, vacation and 401K. There is much more to this story and that has not been considered in this bill.”

Rep. McFaun of Barre Town explained his vote as follows:

“Mr. Speaker:

Thank you, Mr. Speaker. I voted ‘no’ on H.187 although I support employees getting sick leave, because I do not feel we got it right with this H.187. There are too many unanswered questions that I am sure will lead to unintended consequences.”

Rep. Mrowicki of Putney explained his vote as follows:

“Mr. Speaker:

My vote is for the children who will benefit, for the parents who work outside the home who need this provision and for the businesses who contacted me to ask that we level the playing field so those who do provide these benefits get a fair deal when competing against businesses that don’t. This bill is good

for Vermont and helps create a better, brighter future for our kids, families and businesses.”

Rep. Purvis of Colchester explained his vote as follows:

“Mr. Speaker:

I voted ‘no’ because this is another reason for a small business to say I’m ‘sick’ of all of their mandates and move to the live free and don’t die of high taxes state next door. A high tech company in my district which employs over 200 wrote me to say they are contemplating this move.”

Rep. Russell of Rutland City explained his vote as follows:

“Mr. Speaker:

My intention in the first version of legislation to leave this house was to lift my Rutland City constituents who go to work faithfully each day and play by the rules, these Vermonters contribute greatly to the fabric of our state’s economy and community. This action will only serve to strengthen the relationship between employer and employee, as well as with job recruitment. I proudly vote yes for working Vermonters.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

The joint fiscal office estimates that this unfunded mandate with a cost to Vermont private employers estimated to be \$2.8-\$6.3 million in 2018 and between \$4.8-\$11 million dollars annually thereafter. This body has passed several pieces of legislation this biennium which place additional burdens on Vermont employers. However, it has taken little to no action to improve the economic climate which will allow business to prosper and Vermont's economy to grow. Maybe it's time we start!”

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

I vote ‘no’ because once again, the legislature foists a mandate on business in Vermont, with no exemption for small business. Spin it however you want, this is another hit on small business in Vermont.”

Rep. Van Wyck of Ferrisburgh explained his vote as follows:

“Mr. Speaker:

I voted ‘no.’ Please add Mom and Pop country stores to the list of threatened and endangered businesses-for the ones that are left. Rural Vermont loses again.”

Rep. Yantachka of Charlotte explained his vote as follows:

“Mr. Speaker:

I vote ‘yes’ on this bill. There is no doubt that there is a cost to business, large or small, to provide paid sick days to its qualified employees. Businesses routinely make investments in equipment that provides a benefit to their operation. Employees provide a benefit to their employers as well. Providing earned paid sick leave, a mere three days a year, should be considered a worthwhile investment by an employer in their business as well as in their employees.”

Bill Read Third Time and Passed

H. 625

House bill, entitled

An act relating to extending the exemption from encumbrance on title of properties subject to a pretransition stormwater permit

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

By striking all after the enacting clause and inserting lieu thereof the following:

Sec. 1. 2012 Acts and Resolves No. 91, Sec. 3 is amended to read:

Sec. 3. REPEAL

27 V.S.A. § 613 (stormwater discharges during transition period; encumbrance on title) shall be repealed on June 30, ~~2016~~ 2018.

Sec. 2. 27 V.S.A. § 613 is amended to read:

§ 613. STORMWATER DISCHARGE PERMITS DURING TRANSITION PERIOD

* * *

(b) Beginning on July 1, 2004, and notwithstanding any law to the contrary, no encumbrance on record title to real property or effect on marketability of title shall be created by the failure of the holder of real property from which regulated stormwater runoff discharges to an impaired watershed to obtain, renew, or comply with the terms and conditions of a pretransition stormwater discharge permit for a conveyance or refinancing, provided that such holder:

* * *

(2) Records in the land records a notice indicating, in an appropriate form to be determined by the ~~secretary of natural resources~~ Secretary of Natural Resources, that at the time of establishment of a general permit in the impaired watershed where the real property is located, but not later than June 30, ~~2016~~ 2018, the mortgagor (in the case of a refinancing) or the grantee (in the case of a conveyance) shall be subject to all applicable requirements of the water quality remediation plan, TMDL, or watershed improvement permit established under 10 V.S.A. chapter 47.

* * *

(e) This section shall not apply to any impaired watershed for which the ~~secretary of natural resources~~ Secretary of Natural Resources has issued a watershed improvement permit, issued an individual permit under a total maximum daily load approved by the U.S. Environmental Protection Agency, issued a general permit implementing a total maximum daily load approved by the U.S. Environmental Protection Agency, or issued a general or individual permit implementing a water quality remediation plan, upon issuance of notification by the Secretary of Natural Resources to the owners of lands covered by a pretransition stormwater permit.

Sec. 3. 10 V.S.A. § 1973 is amended to read:

§ 1973. PERMITS

(a) Except as provided in this section and sections 1974 and 1978 of this title, a person shall obtain a permit from the Secretary before:

- (1) subdividing land;
- (2) creating or modifying a campground in a manner that affects a potable water supply or wastewater system or the requirements for providing potable water and wastewater disposal;
- (3) constructing, replacing, or modifying a potable water supply or wastewater system;
- (4) using or operating a failed supply or failed system;
- (5) constructing a new building or structure;
- (6) modifying an existing building or structure in a manner that increases the design flow or modifies other operational requirements of a potable water supply or wastewater system;
- (7) making a new or modified connection to a new or existing potable water supply or wastewater system; or

(8) changing the use of a building or structure in a manner that increases the design flows or modifies other operational requirements of a potable water supply or wastewater system.

* * *

~~(j)(1) When an applicant for a permit under this section proposes a water supply or wastewater system with isolation distances that extend onto property other than the property for which the permit is sought, the permit applicant shall send by certified mail, on a form provided by the Secretary, a notice of an intent to file a permit application, including the site plan that accurately depicts all isolation distances, to any landowner affected by the proposed isolation distances at least seven calendar days prior to the date that the permit application is submitted to the Secretary.~~

~~(2) If, during the course of the Secretary's review of an application for a permit under this section, the location of a water supply or wastewater system permit is revised and the isolation distances of the revised system extend onto property other than the property for which the permit is sought, the permit applicant shall send by certified mail a copy of any revised plan to any landowner affected by the isolation distances.~~

~~(3) If, after a permit has been issued under this section, a water supply or wastewater system is not installed according to the permitted plan and the record drawings submitted under subsection (e) of this section indicate that the isolation distances of the system as constructed extend onto property other than the property on which the system is located, the permittee shall send by certified mail a notification form provided by the Secretary with a copy of the record drawings showing all isolation distances to any landowner affected by the isolation distances.~~

~~(4) A permit applicant or permittee subject to the requirements of subdivisions (1) through (3) of this subsection shall certify to the Secretary that the notices and information required by this subsection have been sent to affected landowners and shall include in the certification the name and address of all affected landowners. If the Secretary approves a permit application under this section, the permit shall not be issued to a permit applicant subject to the requirements of subdivision (2) of this subsection until seven calendar days after the permit applicant certifies to the Secretary that the notice required under this subsection has been sent to affected landowners Beginning on July 1, 2016, a permit applicant for a potable water supply or wastewater system shall own or legally control, through a permanent easement or other written agreement, the property necessary to meet the isolation distances required under this chapter and the rules adopted under this chapter.~~

Sec. 4. 10 V.S.A. § 1978 is amended to read:

§ 1978. RULES

(a) The Secretary shall adopt rules, in accordance with 3 V.S.A. chapter 25, necessary for the administration of this chapter. These rules shall include the following:

(1) Performance standards for wastewater systems.

(2) Design flow standards for potable water supplies and wastewater systems.

(3) Design requirements, including isolation distances, provided that, beginning on July 1, 2016, the rules shall not authorize the extension of an isolation distance onto property other than the property for which a permit is sought unless the permit applicant owns or legally controls, through permanent easement or other written agreement, the property on which the isolation distance is located.

* * *

Sec. 5. 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 encumbrances on property due to environmental permitting”

Pending the question, Shall the bill be amended as offered by Rep. Branagan of Georgia? **Rep. Branagan of Georgia** asked and was granted leave of the House to withdraw the amendment.

Thereupon, the bill was read the third time and passed.

Message from the Senate No. 19

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 505. An act relating to approval of amendments to the charter of the Village of North Bennington.

And has passed the same in concurrence.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 35. Joint resolution urging Vermont's participation in the Stepping Up initiative to reduce the number of incarcerated Vermonters with a mental illness.

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

Bill Amended; Third Reading Ordered

H. 539

Rep. Zagar of Barnard, for the committee on Agriculture & Forest Products, to which had been referred House bill, entitled

An act relating to establishment of a Pollinator Protection Committee

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

Sec. 1. POLLINATOR PROTECTION COMMITTEE; REPORT

(a) Definition. As used in this section, "pollinator" means bees, birds, bats, and other insects or wildlife that pollinate flowering plants.

(b) Creation. There is created a Pollinator Protection Committee to:

(1) evaluate the causes and occurrences of reduced pollinator populations in the State; and

(2) recommend measures the State can adopt to conserve and protect pollinator populations.

(c) Membership. The Pollinator Protection Committee shall be composed of the following ten members:

(1) the Secretary of Agriculture, Food and Markets or designee;

(2) a person who is a beekeeper, appointed by the Governor;

(3) a dairy farmer, appointed by the Governor;

(4) a person representing a not-for-profit organization advocating the protection of pollinators, appointed by the Governor;

(5) a person who is a beekeeper, appointed by the Speaker of the House;

(6) a person who is a university employee with expertise in the protection of pollinators, appointed by the Speaker of the House;

(7) a tree fruit farmer, appointed by the Speaker of the House;

(8) a vegetable farmer, appointed by the Committee on Committees;

(9) a person licensed or certified to sell or apply pesticides, herbicides, or other economic poisons in the State, appointed by the Committee on Committees; and

(10) a person who owns or operates a greenhouse or plant nursery, appointed by the Committee on Committees.

(d) Powers and duties. The Pollinator Protection Committee shall:

(1) Evaluate the status in Vermont of the U.S. Department of Agriculture's five pillars of pollinator health. The five pillars of pollinator health are: pollinator biology; nutrition and habitat; pathogens and pests; pesticide use; and genetics and breeding.

(2) Evaluate the effectiveness of pesticide applicator licensing and other pesticide requirements in the State in protecting pollinator health.

(3) Evaluate other state or international pesticide regulations that are more protective of pollinator health than the pesticide regulations of Vermont or the U.S. Environmental Protection Agency.

(4) Study available education and outreach plans from other states that have been successful in increasing public awareness of pollinator health issues.

(5) Evaluate best management practices for application of neonicotinoid pesticides in a manner that avoids harm to pollinators.

(6) Identify possible sources of funds for use in the protection of pollinator health.

(7) Consider the requirements in 2015 Vt. Acts and Resolves No. 64 (State Clean Water Act) regarding buffers along State waters and whether and how areas in buffers or other areas that require perennial vegetation should be encouraged for use as pollinator forage zones or pollinator growing areas.

(8) Develop a State pollinator protection plan using the framework and critical elements from the Association of American Pesticide Control Officials Pollinator Protection Plan guidance.

(e) Assistance. The Pollinator Protection Committee shall have the administrative, technical, and legal assistance of the Agency of Agriculture, Food and Markets. Upon request of the Committee, the Department of Health, the State Toxicologist, the Agency of Natural Resources, the Agency of Transportation, the University of Vermont Extension Service, or the Department of Forests, Parks and Recreation shall provide technical or professional services related to performance of the powers and duties of the Committee. The Committee may request input or assistance from other

stakeholders or organizations that have an interest in pollinator health or the use and regulation of pesticides in the State.

(f) Report. On or before January 15, 2017, the Pollinator Protection Committee shall submit a written report to the House Committees on Fish, Wildlife and Water Resources and on Agriculture and Forest Products and the Senate Committees on Natural Resources and Energy and on Agriculture with its findings and any recommendations for legislative action.

(g) Meetings.

(1) The Secretary of Agriculture, Food and Markets shall call the first meeting of the Committee to occur on or before September 1, 2016.

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

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

(4) The Committee shall cease to exist on February 15, 2017.

(h) Reimbursement. Members of the Pollinator Protection Committee shall not be entitled to compensation or reimbursement of expenses for participation in the Committee.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Toll of Danville, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Agriculture & Forest Products.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Agriculture & Forest Products and Appropriations agreed to and third reading ordered.

Adjournment

At four o'clock and twenty six minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.