

Journal of the House

Thursday, March 17, 2016

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

Devotional Exercises

Devotional exercises were conducted by Amila Merdzanovic, Director, Vermont Refugee Resettlement Program from Colchester.

Message from the Senate No. 29

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 passed Senate bills of the following titles:

S. 75. An act relating to food and lodging establishments.

S. 183. An act relating to permanency for children in the child welfare system.

S. 196. An act relating to nutrition procurement standards for State government and the Agency of Human Services' contracts with providers.

S. 225. An act relating to miscellaneous changes to laws related to motor vehicles.

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

The Senate has on its part adopted joint resolutions of the following titles:

J.R.S. 45. Joint resolution relating to the transfer of two State-owned parcels of land to the Town of Duxbury.

J.R.S. 47. Joint resolution expressing appreciation to the National Milk Producers Federation and Vermont's dairy farmers for their phasing out the tail docking of dairy farm animals.

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

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 23. Joint resolution authorizing Green Mountain Boys State educational program to use the State House.

And has adopted the same in concurrence.

House Bill Introduced

H. 871

Reps. Hooper of Montpelier and Kitzmiller of Montpelier introduced a bill, entitled

An act relating to approval of amendments to the charter of the City of Montpelier

Which was read the first time and referred to the committee on Government Operations.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 157

Senate bill, entitled

An act relating to breast density notification and education;

To the committee on Human Services.

S. 255

Senate bill, entitled

An act relating to regulation of hospitals, health insurers, and managed care organizations;

To the committee on Health Care.

Bill Referred to Committee on Ways and Means

H. 562

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation and to the review of professional regulation

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

S. 154

Rep. Pugh of South Burlington moved that the committee on Human Services be relieved of Senate bill, entitled

An act relating to enhanced penalties for assaulting an employee of the Family Services Division of the Department for Children and Families and to criminal threatening

And that the bill be committed to the committee on Judiciary, which was agreed to.

**Committee Relieved of Consideration
And Resolution Committed to Other Committee**

J.R.S. 35

Rep. Pugh of South Burlington moved that the committee on Human Services be relieved of J.R.S. 35, entitled

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

And that the resolution be committed to the committee on Corrections & Institutions, which was agreed to.

Bill Read Second Time; Bill Amended and Third Reading Ordered

H. 851

Rep. Hebert of Vernon spoke for the committee on Natural Resources & Energy.

House bill entitled

An act relating to the conduct of forestry operations

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be read the third time? **Rep. Conquest of Newbury** moved that the bill be amended as follows:

By striking Sec. 1 (right to conduct forestry operations) in its entirety and by renumbering the remaining sections to be numerically correct.

Which was agreed to and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered**H. 74**

Rep. McCoy of Poultney, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to safety protocols for social and mental health workers

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

Sec. 1. 33 V.S.A. chapter 82 is added to read:

CHAPTER 82. SAFETY PROVISIONS FOR WORKERS

§ 8201. SAFETY POLICIES FOR SOCIAL AND MENTAL HEALTH WORKERS

(a)(1) The Agency of Human Services and each department of the Agency shall establish and maintain a written workplace violence prevention and crisis response policy that meets or exceeds the requirements of this chapter in place for the benefit of employees working directly with clients.

(2) The Agency shall ensure that its contracts with providers that directly serve clients and that are administered or designated by a department of the Agency require the providers to establish and maintain a written workplace violence prevention and crisis response policy that meets or exceeds the requirements of this chapter in place for the benefit of employees working directly with clients.

(b) A written workplace violence prevention and crisis response policy prepared with input from employees working directly with clients shall minimally include the following:

(1) measures the program intends to take to respond to an incident of or credible threat of workplace violence against employees providing direct services to clients;

(2) a system for centrally recording all incidents of or credible threats of workplace violence against employees providing direct services to clients;

(3) a training program to educate employees providing direct services to clients about workplace violence and ways to reduce the risks; and

(4) the development and maintenance of a violence prevention and response committee that includes employees working directly with clients to monitor ongoing compliance with the violence prevention and crisis response policy and to assist employees providing direct services to clients.

(c) In preparing the written violence prevention and crisis response policy required by this section, the Agency, each department of the Agency, and providers identified in subdivision (a)(2) of this section shall ensure the policy is consistent with the U.S. Occupational Safety and Health Administration's Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers or any subsequently adopted federal regulations or State rules governing workplace safety.

(d) A written workplace violence prevention and crisis response policy shall be evaluated annually and updated as necessary by the violence and prevention response committee and provided to employees who work directly with clients.

(e) The requirements of this section shall neither be construed as a waiver of sovereign immunity by the State, nor as creating any private right of action against the State for damages resulting from failure to comply with this section.

Sec. 2. 18 V.S.A. § 7114 is added to read:

§ 7114. SAFETY POLICIES FOR SOCIAL AND MENTAL HEALTH WORKERS

(a) The Agency of Human Services and each department of the Agency shall establish and maintain a workplace violence prevention and crisis response policy for the benefit of employees working directly with clients pursuant to 33 V.S.A. § 8201.

(b) The Agency shall ensure that its contracts with providers described in 33 V.S.A. § 8201(a)(2) require the providers to establish and maintain a written workplace violence prevention and crisis response policy for the benefit of employees working directly with clients pursuant to 33 V.S.A. § 8201.

Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Human Services agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 261

Rep. Head of South Burlington, for the committee on General, Housing & Military Affairs, to which had been referred House bill, entitled

An act relating to criminal record inquiries by an employer

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

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

§ 495j. CRIMINAL HISTORY RECORDS; EMPLOYMENT

APPLICATIONS

(a) Except as provided in subsection (b) of this section, an employer shall not request criminal history record information on its initial employee application form. An employer may inquire about a prospective employee's criminal history record during an interview or once the prospective employee has been deemed otherwise qualified for the position.

(b) An employer may inquire about criminal convictions on an initial employee application form if the following conditions are met:

(1)(A) the prospective employee is applying for a position for which any federal or State law or regulation creates a mandatory or presumptive disqualification based on a conviction for one or more types of criminal offenses; or

(B) the employer or an affiliate of the employer is subject to an obligation imposed by any federal or State law or regulation not to employ individuals, in either one or more positions, who have been convicted of one or more types of criminal offenses; and

(2) the questions on the application form are limited to the types of criminal offenses creating the disqualification or obligation.

(c) If an employer inquires about a prospective employee's criminal history record information, the prospective employee, if still eligible for the position under applicable federal or State law, must be afforded an opportunity to explain the information and the circumstances regarding any convictions, including postconviction rehabilitation.

(d) An employer who violates the provisions of this section shall be assessed a civil penalty of up to \$100.00 for each violation.

(e) As used in this section:

(1) "Criminal history record" has the same meaning as set forth in 20 V.S.A. § 2056a.

(2) "Employee" has the same meaning as set forth in section 495d of this chapter.

(3) "Employer" has the same meaning as set forth in section 495d of this chapter.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committee on General, Housing & Military Affairs was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Head of South Burlington** 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 read a third time? was decided in the affirmative. Yeas, 138. Nays, 5.

Those who voted in the affirmative are:

Ancel of Calais	Deen of Westminster	Kitzmiller of Montpelier
Bancroft of Westford	Devereux of Mount Holly	Klein of East Montpelier
Bartholomew of Hartland	Dickinson of St. Albans	Komline of Dorset
Baser of Bristol	Town	Krebs of South Hero
Batchelor of Derby	Donahue of Northfield	Krowinski of Burlington
Beck of St. Johnsbury	Donovan of Burlington	LaClair of Barre Town
Berry of Manchester	Eastman of Orwell	Lalonde of South Burlington
Beyor of Highgate	Emmons of Springfield	Lanpher of Vergennes
Bissonnette of Winooski	Fagan of Rutland City	Lawrence of Lyndon
Botzow of Pownal	Feltus of Lyndon	Lefebvre of Newark
Branagan of Georgia	Fields of Bennington	Lenes of Shelburne
Brennan of Colchester	Forguites of Springfield	Lewis of Berlin
Briglin of Thetford	Frank of Underhill	Lippert of Hinesburg
Browning of Arlington	French of Randolph	Long of Newfane
Buxton of Tunbridge	Gage of Rutland City	Lucke of Hartford
Canfield of Fair Haven	Gamache of Swanton	Macaig of Williston
Carr of Brandon	Gonzalez of Winooski	Manwaring of Wilmington
Chesnut-Tangerman of	Grad of Moretown	Marcotte of Coventry
Middletown Springs	Greshin of Warren	Martel of Waterford
Clarkson of Woodstock	Haas of Rochester	Martin of Wolcott
Cole of Burlington	Head of South Burlington	Masland of Thetford
Condon of Colchester	Hebert of Vernon	McCormack of Burlington
Connor of Fairfield	Helm of Fair Haven	McCoy of Poultney
Conquest of Newbury	Higley of Lowell	McCullough of Williston
Copeland-Hanzas of	Hooper of Montpelier	McFaun of Barre Town
Bradford	Huntley of Cavendish	Miller of Shaftsbury
Corcoran of Bennington	Jerman of Essex	Morris of Bennington
Cupoli of Rutland City	Jewett of Ripton	Mrowicki of Putney
Dakin of Chester	Johnson of South Hero	Murphy of Fairfax
Dakin of Colchester	Juskiewicz of Cambridge	Myers of Essex
Davis of Washington	Keenan of St. Albans City	Nuovo of Middlebury

O'Brien of Richmond	Scheuermann of Stowe	Townsend of South Burlington
Olsen of Londonderry	Sharpe of Bristol	Trieber of Rockingham
O'Sullivan of Burlington	Shaw of Pittsford	Troiano of Stannard
Parent of St. Albans Town	Shaw of Derby	Turner of Milton
Patt of Worcester	Sheldon of Middlebury	Van Wyck of Ferrisburgh
Pearce of Richford	Sibilia of Dover	Viens of Newport City
Pearson of Burlington	Smith of New Haven	Walz of Barre City
Poirier of Barre City	Stevens of Waterbury *	Webb of Shelburne
Potter of Clarendon	Strong of Albany	Willhoit of St. Johnsbury
Pugh of South Burlington	Stuart of Brattleboro	Wood of Waterbury
Purvis of Colchester	Sullivan of Burlington	Woodward of Johnson
Quimby of Concord	Sweaney of Windsor	Wright of Burlington
Rachelson of Burlington	Tate of Mendon	Yantachka of Charlotte
Ram of Burlington	Till of Jericho	Young of Glover
Russell of Rutland City	Toleno of Brattleboro	Zagar of Barnard
Ryerson of Randolph	Toll of Danville	
Savage of Swanton		

Those who voted in the negative are:

Burditt of West Rutland	Graham of Williamstown	Terenzini of Rutland Town
Dame of Essex	Hubert of Milton	

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

Burke of Brattleboro	Evans of Essex	Morrissey of Bennington
Christie of Hartford	Fiske of Enosburgh	Partridge of Windham

Rep. Stevens of Waterbury explained his vote as follows:

“Mr. Speaker:

Let’s remember that this bill is meant to provide Vermonters who have made a mistake and paid their debt to society an opportunity to maintain their rehabilitation by becoming normal again. Applying for a job and maybe – just maybe – landing that job is an important part of the stability needed to re-enter society. Removing the box seems a small thing to those of us who don’t have a criminal record, but it can be a lifesaver to those who do.”

Bill Amended; Third Reading Ordered

H. 560

Rep. Jewett of Ripton, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to traffic safety

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

* * * DUI; Ignition Interlock Devices * * *

Sec. 1. 23 V.S.A. § 1200 is amended to read:

§ 1200. DEFINITIONS

As used in this subchapter:

* * *

(9) “Ignition interlock restricted driver’s license” or “ignition interlock RDL” or “RDL” means a restricted license or privilege to operate a motor vehicle issued by the Commissioner allowing a person whose license or privilege to operate has been suspended or revoked for operating under the influence of intoxicating liquor or in excess of legal limits of alcohol concentration, or for refusing an enforcement officer’s reasonable request for an evidentiary test, to operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, installed with an approved ignition interlock device.

* * *

Sec. 2. 23 V.S.A. § 1213 is amended to read:

§ 1213. IGNITION INTERLOCK RESTRICTED DRIVER’S LICENSE;
PENALTIES

(a) First offense without death or serious bodily injury. A person whose license or privilege to operate is suspended for a first offense under this subchapter that did not result in death or serious bodily injury to another person shall be permitted to operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, if issued a valid ignition interlock RDL. The Commissioner shall issue an ignition interlock RDL ~~to a person eligible under section 1205(a)(1), 1205(a)(2), 1206(a), or 1216(a)(1) of this title upon~~ to a person suspended for a first offense upon receipt of a \$125.00 application fee, ~~and upon receipt~~ and of satisfactory proof of installation of an approved ignition interlock device in any motor vehicle to be operated; and of financial responsibility as provided in section 801 of this title; ~~and enrollment in an Alcohol and Driving Education Program. The RDL shall be valid after expiration of the applicable shortened period specified in section 1205(a)(1), 1205(a)(2), 1206(a), or 1216(a)(1) of this title.~~ A new ignition interlock RDL shall expire at midnight on the eve of the second birthday of the applicant following the date of issue, and may be renewed for one-year terms. The Commissioner shall send by first class mail an application for renewal of the RDL at least 30 days prior to the day renewal is required and shall impose

the same conditions for renewal as are required for initial issuance of an ignition interlock RDL. The renewal fee shall be \$125.00.

(b) ~~Second~~ First offense involving death or SBI; second offense. ~~A person~~ Except for an offense under section 1216 of this subchapter or an offense arising solely from being under the influence of a drug other than alcohol, a person whose license or privilege to operate is suspended for a first offense involving death or serious bodily injury to another or a second offense under this subchapter shall be permitted ~~required~~ to operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, if issued under a valid ignition interlock RDL. ~~The Commissioner shall issue an ignition interlock RDL to a person eligible under section~~ for the relevant period prescribed in subsection 1205(m), 1206(b), or 1208(a), or 1216(a)(2) of this title prior to being eligible for reinstatement of his or her regular license, unless exempt under subdivision 1209a(a)(4) of this title. A person whose license is suspended under subdivision 1216(a)(2) of this title may elect to obtain an ignition interlock RDL. The Commissioner shall issue an ignition interlock RDL upon receipt of a \$125.00 application fee; and upon receipt of satisfactory proof of installation of an approved ignition interlock device in any motor vehicle to be operated; and of financial responsibility as provided in section 801 of this title; and enrollment in an Alcohol and Driving Rehabilitation Program. ~~The RDL shall be valid after expiration of the applicable shortened period specified in section 1205(m), 1208(a), or 1216(a)(2) of this title.~~ A new ignition interlock RDL shall expire at midnight on the eve of the second birthday of the applicant following the date of issue, and may be renewed for one-year terms. The Commissioner shall send by first class mail an application for renewal of the RDL at least 30 days prior to the day renewal is required and shall impose the same conditions for renewal as are required for initial issuance of an ignition interlock RDL. The renewal fee shall be \$125.00.

(c) Third or subsequent offense. ~~A person~~ Except for an offense under section 1216 of this subchapter or an offense arising solely from being under the influence of a drug other than alcohol, a person whose license or privilege to operate is suspended or revoked for a third or subsequent offense under this subchapter shall be ~~permitted~~ required ~~to operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, if issued under a valid ignition interlock RDL for the relevant period prescribed in subsection 1209a(b) of this title prior to being eligible for reinstatement or issuance of a regular license, unless exempt under subdivision 1209a(a)(4) of this title.~~ The Commissioner shall issue an ignition interlock RDL to a person eligible under section 1205(a)(3), 1205(m), 1208(b), or 1216(a)(2) of this title

upon receipt of a \$125.00 application fee; and upon receipt of satisfactory proof of installation of an approved ignition interlock device in any motor vehicle to be operated; and of financial responsibility as provided in section 801 of this title, ~~and enrollment in an Alcohol and Driving Rehabilitation Program. The RDL shall be valid after expiration of the applicable shortened period specified in section 1205(a)(3), 1205(m), 1208(b), or 1216(a)(2) of this title.~~ A new ignition interlock RDL shall expire at midnight on the eve of the second birthday of the applicant following the date of issue, and may be renewed for one-year terms. The Commissioner shall send by first class mail an application for renewal of the RDL at least 30 days prior to the day renewal is required and shall impose the same conditions for renewal as are required for initial issuance of an ignition interlock RDL. The renewal fee shall be \$125.00.

(d) If a fine is to be imposed for a conviction of a violation of section 1201 of this title, upon receipt of proof of installation of an approved ignition interlock device, the Court may order that the fine of an indigent person conditionally be reduced by one-half to defray the costs of the ignition interlock device, subject to the person's ongoing operation under, and compliance with the terms of, a valid ignition interlock RDL as set forth in this section. In considering whether a person's fine should be reduced under this subsection, the Court shall take into account any discount already provided by the device manufacturer or provider.

* * *

(f)(1) Prior to the issuance of an ignition interlock RDL under this section, the Commissioner shall notify the applicant ~~of the applicable period prior to eligibility for reinstatement under section 1209a or 1216 of this title, and that the reinstatement period~~ under section 1209a or 1216 of this title may be extended under this subsection (f) or subsections (g)–(h) of this section.

* * *

(i) Upon receipt of notice that the holder of an ignition interlock RDL has been ~~adjudicated~~ convicted of an offense under this title that would result in suspension, revocation, or recall of a license or privilege to operate, the Commissioner shall suspend, revoke, or recall the person's ignition interlock RDL for the same period that the license or privilege to operate would have been suspended, revoked, or recalled. The Commissioner may impose a reinstatement fee in accordance with section 675 of this title and require, prior to reinstatement, satisfactory proof of installation of an approved ignition interlock device; and of financial responsibility as provided in section 801 of

~~this title, and enrollment in or completion of an alcohol and driving education or rehabilitation program.~~

* * *

(1)(1) The Commissioner, in consultation with any individuals or entities the Commissioner deems appropriate, shall adopt rules and may enter into agreements to implement the provisions of this section. The Commissioner shall not approve a manufacturer of ignition interlock devices as a provider in this State unless the manufacturer agrees to reduce the cost of installing, leasing, and deinstalling the device by at least 50 percent for persons who furnish proof of receipt of Three Squares, Heating Assistance, or Reach Up benefits.

* * *

Sec. 3. 23 V.S.A. § 1209a is amended to read:

§ 1209a. CONDITIONS OF REINSTATEMENT; ALCOHOL AND DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS

(a) Conditions of reinstatement. ~~No~~ A license or privilege to operate suspended or revoked under this subchapter, except a license suspended under section 1216 of this title, shall be reinstated except as follows:

(1) In the case of a first suspension, a license shall be reinstated only:

* * *

~~(C) if the person elects to operate under an ignition interlock RDL,~~
after:

~~(i) a period of nine months (plus any extension of this period arising from a violation of section 1213 of this title) if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of six months (~~

(i) after the end of the relevant suspension period specified in subsection 1205(a) or 1206(a) of this title or, if the person elects to operate under an ignition interlock RDL, after operating under the ignition interlock RDL for a period equivalent to the relevant suspension period specified in subsection 1205(a) or 1206(a) of this title plus any extension of this period arising from a violation of section 1213 of this title) in all other cases; or

(ii) in the case of a first suspension arising from an offense that resulted in serious bodily injury to or death of another person, after the person

operates under an ignition interlock RDL for a period equivalent to the relevant suspension period specified in subsection 1206(b) of this title; and

(D) if the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.

(2) In the case of a second suspension, a license shall not be reinstated until:

* * *

~~(C) if the person elects to operate~~ after the person operates under an ignition interlock RDL, ~~after:~~

~~(i) a period of two years (plus any extension of this period arising from a violation of section 1213 of this title) if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of 18 months (~~ for a period equivalent to the relevant suspension period specified in subsection 1205(m) or 1208(a) of this title, plus any extension of this period arising from a violation of section 1213 of this title) in all other cases, except that this requirement shall not apply if the underlying offense arose solely from being under the influence of a drug other than alcohol; and

(D) the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.

(3) In the case of a third or subsequent suspension or a revocation, a license shall not be reinstated until:

(A) the person has successfully completed an alcohol and driving rehabilitation program;

(B) the person has completed or shown substantial progress in completing a therapy program at the person's own expense agreed to by the person and the Driver Rehabilitation Program Director;

(C) the person has satisfied the requirements of subsection (b) of this section; and

~~(D) if the person elects to operate under an ignition interlock RDL, after:~~

~~(i) a period of four years (plus any extension of this period arising from a violation of section 1213 of this title) if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of three years (plus any extension of this period arising from a violation of section 1213 of this title) in all other cases; and~~

~~(E) the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.~~

(4) The Commissioner shall waive a requirement to operate under an ignition interlock RDL prior to eligibility for reinstatement if the person furnishes sufficient proof as prescribed by the Commissioner that he or she is incapable of using an ignition interlock device because of a medical condition that will persist permanently or at least for the term of the suspension or, in the case of suspensions or revocations for life, for a period of at least three years.

(b) Abstinence.

(1) Notwithstanding any other provision of this subchapter, a person whose license or privilege to operate has been suspended or revoked for life under this subchapter may apply to the Driver Rehabilitation School Director and to the Commissioner for reinstatement of his or her driving privilege. The person shall have completed three years of total abstinence from consumption of alcohol or drugs, or both. The beginning date for the period of abstinence shall be no sooner than the effective date of the suspension or revocation from which the person is requesting reinstatement and shall not include any period during which the person is serving a sentence of incarceration to include furlough. The application shall include the applicant's authorization for a urinalysis examination to be conducted prior to reinstatement under this subdivision. The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

(2) If the Commissioner, or a medical review board convened by the Commissioner, is satisfied by a preponderance of the evidence that the applicant has abstained for the required number of years immediately preceding the application and hearing, has successfully completed a therapy program as required under this section, has operated under a valid ignition interlock RDL for at least three years following the suspension or revocation or, in the case of a suspension or revocation involving a refusal, for at least four years following the suspension or revocation, and the person appreciates that he or she cannot drink any amount of alcohol and drive safely, the person's license shall be reinstated immediately, subject to the condition that the person's suspension or revocation will be put back in effect in the event any further investigation reveals a return to the consumption of alcohol or drugs and to such additional conditions as the Commissioner may impose ~~and,~~

~~if the person has not previously operated for three years under an ignition interlock RDL, subject to the additional condition that the person shall operate under an ignition interlock restricted driver's license for a period of at least one year following reinstatement under this subsection. However, the Commissioner may waive this one year requirement to operate under an ignition interlock restricted driver's license if the person furnishes proof as prescribed by the Commissioner that he or she is incapable of using an ignition interlock device because of a medical condition that will persist permanently or at least for one year. The requirement to operate under an ignition interlock RDL shall not apply if the person is exempt under subdivision (a)(4) of this section or if all of the offenses that triggered the lifetime suspension or revocation arose solely from being under the influence of a drug other than alcohol.~~

(3) If after notice and hearing the Commissioner later finds that the person was violating the conditions of the person's reinstatement under this subsection, the person's operating license or privilege to operate shall be immediately suspended or revoked ~~for the period of the original suspension life.~~

(4) If the Commissioner finds that a person reinstated under this subsection was suspended pursuant to section 1205 of this title, or was convicted of a violation of section 1201 of this title, the person shall be conclusively presumed to be in violation of the conditions of his or her reinstatement.

(5) A person shall be eligible for reinstatement under this subsection only once following a suspension or revocation for life.

(6)(A) If an applicant for reinstatement under this subsection resides in a jurisdiction other than Vermont, the Commissioner may elect not to conduct an investigation. If the Commissioner elects not to conduct an investigation, he or she shall provide a letter to the applicant's jurisdiction of residence stating that Vermont does not object to the jurisdiction issuing the applicant a license if the applicant is ~~authorized~~ required to operate only vehicles equipped with an ignition interlock device for at least a three-year period and is required to complete any alcohol rehabilitation or treatment requirements of the licensing jurisdiction.

(B) If the applicant's jurisdiction of residence is prepared to issue or has issued a license in accordance with subdivision (A) of this subdivision (6) and the applicant satisfies the requirements of section 675 of this title, the Commissioner shall update relevant State and federal databases to reflect that

the applicant's lifetime suspension or revocation in Vermont under chapter 13, subchapter 13 of this title has terminated.

* * *

Sec. 4. 23 V.S.A. § 1205 is amended to read:

§ 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

(a) Refusal; alcohol concentration above legal limits; suspension periods.

(1) Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title and that the person refused to submit to a test, the Commissioner shall suspend the person's operating license; or nonresident operating privilege; or the privilege of an unlicensed operator to operate a vehicle for a period of ~~six~~ nine months and until the person complies with section 1209a of this title. However, a during this period, the person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title ~~after 30 days of this six-month period unless the alleged offense involved a collision resulting in serious bodily injury or death to another.~~

(2) Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title and that the person submitted to a test and the test results indicated that the person's alcohol concentration was above a limit specified in subsection 1201(a) of this title, at the time of operating, attempting to operate, or being in actual physical control, the Commissioner shall suspend the person's operating license; or nonresident operating privilege; or the privilege of an unlicensed operator to operate a vehicle for a period of ~~90 days~~ six months and until the person complies with section 1209a of this title. However, a during this period, the person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title ~~after 30 days of this 90 day period unless the alleged offense involved a collision resulting in serious bodily injury or death to another.~~

(3) Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of subdivision 1201(d)(2) of this title and that the person submitted to a test and the test results indicated that the person's alcohol concentration was 0.02 or more at the time of operating, attempting to operate, or being in actual physical control, the Commissioner shall suspend the person's operating license; or nonresident

operating privilege, or the privilege of an unlicensed operator to operate a vehicle for life. However, during the suspension, a person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after one year of this lifetime suspension unless the alleged offense involved a collision resulting in serious bodily injury or death to another operate a motor vehicle under the terms of an ignition interlock RDL issued under section 1213 of this title.

* * *

(m) Second and subsequent suspensions. For a second suspension under this subchapter, the period of suspension shall be 18 months and until the person complies with section 1209a of this title or, in the case of a suspension following refusal of an enforcement officer's reasonable request for an evidentiary test, the period of suspension shall be two years and until the person complies with section 1209a of this title. However, ~~a~~ the person may operate a motor vehicle during this period under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title ~~after 90 days of this 18-month period unless the alleged offense involved a collision resulting in serious bodily injury or death to another.~~ For a third or subsequent suspension under this subchapter, the period of suspension shall be life. However, ~~a person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after one year of~~ during this lifetime suspension unless the alleged offense involved a collision resulting in serious bodily injury or death to another, the person may operate a motor vehicle under the terms of an ignition interlock RDL issued under section 1213 of this title.

* * *

Sec. 5. 23 V.S.A. § 1206 is amended to read:

§ 1206. SUSPENSION OF LICENSE FOR DRIVING WHILE UNDER INFLUENCE; FIRST CONVICTIONS

(a) First conviction—generally. Except as otherwise provided, upon conviction of a person for violating a provision of section 1201 of this title, or upon final determination of an appeal, the Court shall forward the conviction report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately suspend the person's operating license, or nonresident operating privilege, or the privilege of an unlicensed operator to operate a vehicle for a period of ~~90 days~~ six months and until the defendant complies with section 1209a of this title or, in the case of a conviction following refusal of an enforcement officer's reasonable request for an evidentiary test, the period of suspension shall be nine months and until the person complies with section 1209a of this title. ~~However, a person may operate under the terms of~~

~~an ignition interlock RDL issued pursuant to section 1213 of this title after 30 days of this 90-day period unless the offense involved a collision resulting in serious bodily injury or death to another.~~

(b) ~~Extended suspension–fatality or serious bodily injury.~~ In cases resulting in a fatality or a serious bodily injury to a person other than the defendant, the period of suspension shall be one year and until the defendant complies with section 1209a of this title.

(c) ~~Extended suspension–refusal; serious bodily injury.~~ Upon conviction of a person for violating a provision of subsection 1201(e) of this title involving a collision in which serious bodily injury resulted, or upon final determination of an appeal, the Court shall forward the conviction report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately suspend the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for a period of six months, and until the defendant complies with section 1209a of this title. During a suspension under this section, the defendant may operate a motor vehicle under the terms of an ignition interlock RDL issued under section 1213 of this title.

Sec. 6. 23 V.S.A. § 1202(d) is amended to read:

(d) At the time a test is requested, the person shall be informed of the following statutory information:

(1) Vermont law authorizes a law enforcement officer to request a test to determine whether the person is under the influence of alcohol or other drug.

(2) If the officer's request is reasonable and testing is refused, the person's license or privilege to operate will be suspended for at least ~~six~~ nine months.

(3) If a test is taken and the results indicate that the person is under the influence of alcohol or other drug, the person will be subject to criminal charges and the person's license or privilege to operate will be suspended for at least ~~90 days~~ six months.

* * *

Sec. 7. 23 V.S.A. § 1208 is amended to read:

§ 1208. SUSPENSIONS FOR SUBSEQUENT CONVICTIONS

(a) Second conviction. Upon a second conviction of a person violating a provision of section 1201 of this title and upon final determination of an appeal, the Court shall forward the conviction report forthwith to the

Commissioner of Motor Vehicles. The Commissioner shall immediately suspend the person's operating license; or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for 18 months and until the defendant complies with section 1209a of this title or, in the case of a conviction following refusal of an enforcement officer's reasonable request for an evidentiary test, for a period of two years and until the person complies with section 1209a of this title. However, a during the suspension period, the person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after 90 days of this 18 month period unless the alleged offense involved a collision resulting in serious bodily injury or death to another.

(b) Third conviction. Upon a third or subsequent conviction of a person violating a provision of section 1201 of this title and upon final determination of any appeal, the Court shall forward the conviction report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately revoke the person's operating license; or nonresident operating privilege or the privilege of an unlicensed operator to operate a motor vehicle for life. However, ~~a person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after one year of~~ during this lifetime suspension unless the alleged offense involved a collision resulting in serious bodily injury or death to another revocation, the person may operate a motor vehicle under the terms of an ignition interlock RDL issued under section 1213 of this title.

Sec. 8. 23 V.S.A. § 1216 is amended to read:

§ 1216. PERSONS UNDER 21; ALCOHOL CONCENTRATION OF 0.02 OR MORE

(a) A person under the age of 21 who operates, attempts to operate, or is in actual physical control of a vehicle on a highway when the person's alcohol concentration is 0.02 or more, commits a civil traffic violation subject to the jurisdiction of the Judicial Bureau and subject to the following sanctions:

(1) For a first violation, the person's license or privilege to operate shall be suspended for six months and until the person complies with subdivision 1209a(a)(1) of this title or, in the case of a refusal of an enforcement officer's reasonable request for an evidentiary test, for a period of nine months and until the person complies with section 1209a of this title. However, during this period, a person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title ~~after 30 days of this six month period unless the offense involved a collision resulting in serious bodily injury or death to another.~~

(2)(A) For a second or subsequent violation, the person's license or privilege to operate shall be suspended until the person complies with subdivision 1209a(a)(2) of this title and for the longer of the following periods:

(i) until the person reaches the age of 21 years of age; or for

(ii) one year, whichever is longer, and complies with subdivision 1209a(a)(2) of this title or, in the case of a refusal of an enforcement officer's reasonable request for an evidentiary test, for 15 months.

(B) However, during the suspension period, a person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after 90 days of the applicable suspension period unless the offense involved a collision resulting in serious bodily injury or death to another.

(b) A person's license or privilege to operate that has been suspended under this section shall not be reinstated until:

(1) the Commissioner has received satisfactory evidence that the person has complied with section 1209a of this title and an Alcohol and Driving Education Program approved by the Commissioner of Health and a therapy program if required, and that the provider of the a required therapy program has been paid in full;

(2) the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter; and

~~(3)(A) for a first offense, after:~~

~~(i) a period of one year (plus any extension of this period arising from a violation of section 1213 of this title) if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of nine months (plus any extension of this period arising from a violation of section 1213 of this title) in all other cases; or~~

~~(B) for persons operating under an ignition interlock RDL for a second or subsequent offense, after:~~

~~(i) a period of two years (plus any extension of this period arising from a violation of section 1213 of this title) or until the person is 21, whichever is longer, if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of 18 months (plus any extension of this period arising from a violation of section 1213 of this title) or until the person is 21,~~

whichever is longer, in all other cases after the end of the relevant suspension period specified in subsection (a) of this section or, if the person elects to operate under an ignition interlock RDL, after operating under the ignition interlock RDL for a period equivalent to the relevant suspension period specified in subsection (a) of this section plus any extension of this period arising from a violation of section 1213 of this title.

* * *

* * * DUI; Civil Suspensions * * *

Sec. 9. 23 V.S.A. § 1205 is amended to read:

§ 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

* * *

(f) Review by Superior Court. Within seven days following receipt of a notice of intention to suspend and of suspension, a ~~person~~ defendant may ~~make~~ a request ~~for~~ a hearing before the Superior Court by mailing or delivering the form provided with the notice. The request shall be mailed or delivered to the Commissioner of Motor Vehicles, who shall then notify the Criminal Division of the Superior Court that a hearing has been requested and provide the State's Attorney with a copy of the notice.

(g) Preliminary hearing. The preliminary hearing shall be held within 21 days of the alleged offense. Unless impracticable or continued for good cause shown, the date of the preliminary hearing shall be the same as the date of the first appearance in any criminal case resulting from the same incident for which the person received a citation to appear in court. The preliminary hearing shall be held in accordance with procedures prescribed by the Supreme Court. At or before the preliminary hearing, the judicial officer shall determine whether the affidavit or affidavits filed by the State provide a sufficient factual basis under subsection (a) of this section for the civil suspension matter to proceed. At the preliminary hearing, if the defendant requests a hearing on the merits, the court shall set the date of the final hearing in accordance with subsection (h) of this section.

(h) Final hearing.

(1) If the defendant requests a hearing on the merits, the ~~Court shall schedule a final hearing on the merits to~~ hearing shall be held within no later than 21 days of following the date of the preliminary hearing. ~~In no event may a final hearing occur more than 42 days after the date of the alleged offense without the consent of the defendant or for good cause shown. The final hearing may only be continued by~~ except if this period is extended with the

consent of the defendant or for good cause shown. The issues at the final hearing shall be limited to the following specifically enumerated issues:

(A) Whether the law enforcement officer had reasonable grounds to believe the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title.

(B) Whether at the time of the request for the evidentiary test the officer informed the person of the person's rights and the consequences of taking and refusing the test substantially as set out in subsection 1202(d) of this title.

(C) Whether the person refused to permit the test.

(D) Whether the test was taken and the test results indicated that the person's alcohol concentration was above a legal limit specified in subsection 1201(a) or (d) of this title, at the time of operating, attempting to operate, or being in actual physical control of a vehicle in violation of section 1201 of this title, whether the testing methods used were valid and reliable, and whether the test results were accurate and accurately evaluated. Evidence that the test was taken and evaluated in compliance with rules adopted by the Department of Public Safety shall be prima facie evidence that the testing methods used were valid and reliable and that the test results are accurate and were accurately evaluated.

(E) Whether the requirements of section 1202 of this title were complied with.

(2) No less than seven days before the final hearing, and subject to the requirements of Vermont Rule of Civil Procedure 11, the defendant shall provide to the State and file with the Court ~~a list of the issues (limited to the issues set forth in this subsection) that the defendant intends to raise~~ an answer to the notice of intent to suspend setting forth the issues raised by the defendant, limited to the issues set forth in this subsection, and a brief statement of the facts and law upon which the defendant intends to rely at the final hearing. Only evidence that is relevant to an issue listed by the defendant may be raised by the defendant at the final hearing. The defendant shall not be permitted to raise any other evidence at the final hearing, and all other evidence shall be inadmissible.

* * *

(n) Presumption. In a proceeding under this section;

(1) if at any time within two hours of operating, attempting to operate, or being in actual physical control of a vehicle a person had an alcohol

concentration ~~of~~ at or above a legal limit specified in subsection 1201(a) or (d) of this title, it shall be a rebuttable presumption that the person's alcohol concentration was above the applicable limit at the time of operating, attempting to operate, or being in actual physical control;

(2) if a person operates, attempts to operate, or is in actual physical control of a vehicle in the presence of a law enforcement officer and is taken into custody in connection with such operation, attempted operation, or actual physical control, and while in the continuous custody of the officer at any time had an alcohol concentration at or above a legal limit specified in subsection 1201(a) or (d) of this title, it shall be a rebuttable presumption that the person's alcohol concentration was above the applicable limit at the time of operating, attempting to operate, or being in actual physical control.

* * *

(u) In any proceeding under this section;

(1) for cause shown, a party's chemist may be allowed to testify by telephone in lieu of a personal appearance;

(2) a party's chemist shall be allowed to testify by videoconference in lieu of a personal appearance, provided that videoconferencing shall be at the party's own expense and by the party's own arrangement.

Sec. 10. 23 V.S.A. § 1204 is amended to read:

§ 1204. PERMISSIVE INFERENCES

(a) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating, attempting to operate or in actual physical control of a vehicle on a highway, the person's alcohol concentration shall give rise to the following permissive inferences:

* * *

(3) If the person's alcohol concentration at any time within two hours of the alleged offense was ~~0.10 or more,~~ at or above the applicable legal limit specified in subsection 1201(a) or (d) of this title, it shall be a permissive inference that the person was under the influence of intoxicating liquor in violation of subdivision 1201(a)(2) or (3) of this title.

(b) The foregoing provisions shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor, nor shall they be construed as requiring that evidence of the amount of alcohol in the person's blood, breath, urine, or saliva must be presented.

* * * DUI Penalties * * *

Sec. 11. 23 V.S.A. § 1210 is amended to read:

§ 1210. PENALTIES

* * *

(b) First offense. A person who violates section 1201 of this title may be fined not more than ~~\$750.00~~, \$1,000.00 or imprisoned for not more than two years, or both.

(c) Second offense. A person convicted of violating section 1201 of this title who has been convicted of another violation of that section shall be fined not more than ~~\$1,500.00~~ \$2,000.00 or imprisoned not more than two years, or both. At least 200 hours of community service shall be performed, or 60 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit for a sentence of imprisonment may be received for time served in a residential alcohol facility pursuant to sentence if the program is successfully completed.

(d) Third offense. A person convicted of violating section 1201 of this title who has previously been convicted two times of a violation of that section shall be fined not more than ~~\$2,500.00~~ \$3,000.00 or imprisoned not more than five years, or both. At least 96 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit for a sentence of imprisonment may be received for time served in a residential alcohol facility pursuant to sentence if the program is successfully completed. The Court may impose a sentence that does not include a term of imprisonment or that does not require that the 96 hours of imprisonment be served consecutively only if the Court makes written findings on the record that such a sentence will serve the interests of justice and public safety.

(e)(1) Fourth or subsequent offense. A person convicted of violating section 1201 of this title who has previously been convicted three ~~or more~~ times of a violation of that section shall be fined not more than ~~\$5,000.00~~ \$4,000.00 for a fourth offense or imprisoned not more than 10 years, or both. A person convicted of violating section 1201 of this title who has previously been convicted four or more times of a violation of that section shall be fined not more than the sum of \$5,000.00 plus an additional \$1,000.00 for each prior conviction that exceeds four priors or imprisoned not more than 10 years, or both. At least 192 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised

sentence, except that credit for a sentence of imprisonment may be received for time served in a residential alcohol treatment facility pursuant to sentence if the program is successfully completed. The Court shall not impose a sentence that does not include a term of imprisonment unless the Court makes written findings on the record that there are compelling reasons why such a sentence will serve the interests of justice and public safety.

* * *

* * * Alcohol Screening Devices * * *

Sec. 12. 7 V.S.A. § 501 is amended to read:

§ 501. UNLAWFUL SALE OF INTOXICATING LIQUORS; CIVIL
ACTION FOR DAMAGES

* * *

(e) Evidence. In an action brought under this section, evidence of responsible actions taken or not taken is admissible, if otherwise relevant. Responsible actions may include, but are not limited to, instruction of servers as to laws governing the sale of alcoholic beverages, training of servers regarding intervention techniques, admonishment to patrons or guests concerning laws regarding the consumption of intoxicating liquor, making available an alcohol screening device, and inquiry under the methods provided by law as to the age or degree of intoxication of the persons involved.

* * * * * Alcohol Screening Devices; Study * * *
Sec. 13. ALCOHOL
SCREENING DEVICES; STUDY

The Commissioner of Liquor Control or designee, in consultation with the Commissioner of Health or designee, shall study whether and how the State should promote the availability and use of alcohol screening devices in the State, and whether making such devices available on the premises of liquor licensees and to individuals will promote public safety. On or before January 15, 2017, the Commissioner shall submit a written report of his or her findings and any proposed recommendations for legislation to the House and Senate Committees on Judiciary, the House Committee on General, Housing and Military Affairs, and the Senate Committee on Economic Development, Housing and General Affairs.

* * * Serious Bodily Injury; Definition * * *

Sec. 14. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may be otherwise provided herein, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

* * *

(84) “Serious bodily injury” has the meaning set forth in 13 V.S.A. § 1021.

* * * Negligent Operation of a Motor Vehicle; Penalties * * *

Sec. 15. 23 V.S.A. § 1091 is amended to read:

§ 1091. NEGLIGENT OPERATION; GROSSLY NEGLIGENT OPERATION

(a) Negligent operation.

(1) A person who operates a motor vehicle on a public highway in a negligent manner shall be guilty of negligent operation.

(2) The standard for a conviction for negligent operation in violation of this subsection shall be ordinary negligence, examining whether the person breached a duty to exercise ordinary care.

(3) A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$1,000.00, or both. If the person has been previously convicted of a violation of this subsection, the person shall be imprisoned not more than two years or fined not more than \$3,000.00, or both. If serious bodily injury to or death of any person other than the operator results, the operator shall be subject to imprisonment for not more than two years or to a fine of not more than \$3,000.00, or both. If serious bodily injury or death results to more than one person other than the operator, the operator may be convicted of a separate violation of this subdivision for each decedent or person injured.

(b) Grossly negligent operation.

(1) A person who operates a motor vehicle on a public highway in a grossly negligent manner shall be guilty of grossly negligent operation.

(2) The standard for a conviction for grossly negligent operation in violation of this subsection shall be gross negligence, examining whether the person engaged in conduct which involved a gross deviation from the care that a reasonable person would have exercised in that situation.

(3) A person who violates this subsection shall be imprisoned not more than two years or fined not more than \$5,000.00, or both. If the person has

previously been convicted of a violation of this section, the person shall be imprisoned not more than four years or fined not more than \$10,000.00, or both. If serious bodily injury ~~as defined in 13 V.S.A. § 1021~~ to or death of any person other than the operator results, the ~~person~~ operator shall be imprisoned for not more than 15 years or fined not more than \$15,000.00, or both. If serious bodily injury or death results to more than one person other than the operator, the operator may be convicted of a separate violation of this subdivision for each decedent or person injured.

(c) The provisions of this section do not limit or restrict the prosecution for manslaughter.

* * *

* * * Passing Vulnerable Users; Violations * * *

Sec. 16. 23 V.S.A. § 1033 is amended to read:

§ 1033. PASSING MOTOR VEHICLES AND VULNERABLE USERS

* * *

(c) If serious bodily injury to or death of any person other than the operator results from the operator's violation of subsection (b) of this section, the operator shall be subject to imprisonment for not more than two years or a fine of not more than \$3,000.00, or both. The provisions of this section do not limit prosecution under section 1091 of this chapter or for any other crime.

* * * Effective Date; Transition Provision * * *

Sec. 17. EFFECTIVE DATE AND APPLICABILITY TO PENDING DUI MATTERS

(a) This act shall take effect on July 1, 2016.

(b) The requirement to operate under an ignition interlock RDL as a condition for eligibility for reinstatement for first DUI offenses involving death or serious bodily and for second or subsequent DUI offenses, created under Secs. 2 and 3, amending 23 V.S.A. §§ 1213(b), 1213(c), and 1209a, shall apply only in connection with a first DUI offense involving death or serious bodily injury or a second or subsequent DUI offense that occurs on or after the effective date of this act.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

Bill Amended; Third Reading Ordered**H. 818**

Rep. Grad of Moretown, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to stalking

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

Sec. 1. FINDINGS

The General Assembly finds the following:

- (1) Stalking is a serious problem in Vermont and nationwide.
- (2) Stalking involves severe intrusions on the victim's personal privacy and autonomy.
- (3) Stalking causes a long-lasting impact on the victim's quality of life and creates risks to the security and safety of the victim and others even in the absence of express threats of physical harm.
- (4) Stalking conduct often becomes increasingly violent over time.
- (5) There is a strong connection between stalking and domestic violence and sexual assault.

Sec. 2. 12 V.S.A. § 5131 is amended to read:

§ 5131. DEFINITIONS

As used in this chapter:

~~(1)(A) "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~~ two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person's property. This definition shall apply to acts conducted by the person directly or indirectly, and by any action, method, device, or means. Constitutionally protected activity is not included within the meaning of "course of conduct."

(B) As used in subdivision (A) of this subdivision (1), threaten shall not be construed to require an express or overt threat.

~~(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 fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death. [Repealed.]~~

~~(3) “Lying in wait” means hiding or being concealed for the purpose of attacking or harming another person.~~

~~(4) “Nonphysical contact” includes telephone calls, mail, e-mail, social media commentary or comment, or other electronic communication, fax, and written notes.~~

~~(4) “Reasonable person” means a reasonable person in the victim’s circumstances.~~

(5) “Sexually assaulted the plaintiff” means that the defendant engaged in conduct that meets elements of lewd and lascivious conduct as defined in 13 V.S.A. § 2601, lewd and lascivious conduct with a child as defined in 13 V.S.A. § 2602, sexual assault as defined in 13 V.S.A. § 3252, aggravated sexual assault as defined in 13 V.S.A. § 3253, use of a child in a sexual performance as defined in 13 V.S.A. § 2822, or consenting to a sexual performance as defined in 13 V.S.A. § 2823 and that the plaintiff was the victim of the offense.

(6) “Stalk” means to engage purposefully in a course of conduct ~~which consists of following or lying in wait for a person, or threatening behavior directed at a specific person or a member of the person’s family, and:~~

~~(A) serves no legitimate purpose; and~~

~~(B) that the person engaging in the conduct knows or should know would cause a reasonable person to:~~

~~(A) fear for his or her safety or the safety of a family member; or~~

~~(B) would cause a reasonable person suffer substantial emotional distress as evidenced by:~~

~~(i) a fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death; or~~

~~(ii) significant modifications in the person’s actions or routines, including moving from an established residence, changes to established daily routes to and from work that cause a serious disruption in the person’s life, changes to the person’s employment or work schedule, or the loss of a job or time from work.~~

(7) “Stay away” means to refrain from knowingly:

(A) initiating or maintaining a physical presence near the plaintiff;

(B) engaging in nonphysical contact with the plaintiff directly or indirectly; or

(C) engaging in nonphysical contact with the plaintiff through third parties who may or may not know of the order.

~~(8) "Threatening behavior" means acts which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including verbal threats,; written, telephonic, or other electronically communicated threats,; vandalism,; or physical contact without consent. [Repealed.]~~

Sec. 3. 12 V.S.A. § 5133 is amended to read:

§ 5133. REQUESTS FOR AN ORDER AGAINST STALKING OR SEXUAL ASSAULT

(a) A person, other than a family or household member as defined in 15 V.S.A. § 1101(2), may seek an order against stalking or sexual assault on behalf of ~~him~~ him- or herself or his or her children by filing a complaint under this chapter. A minor 16 years of age or older may file a complaint under this chapter seeking relief on his or her own behalf. The plaintiff shall submit an affidavit in support of the order.

(b) Except as provided in section 5134 of this title, the court shall grant the order only after notice to the defendant and a hearing. The plaintiff shall have the burden of proving by a preponderance of the evidence that the defendant stalked or sexually assaulted the plaintiff.

(c) In a hearing under this chapter, neither opinion evidence of nor evidence of the reputation of the plaintiff's sexual conduct shall be admitted. Evidence of prior sexual conduct of the plaintiff shall not be admitted; provided, however, where it bears on the credibility of the plaintiff or it is material to a fact at issue and its probative value outweighs its private character, the court may admit any of the following:

(1) ~~Evidence~~ evidence of the plaintiff's past sexual conduct with the defendant,;

(2) ~~Evidence~~ evidence of specific instances of the plaintiff's sexual conduct showing the source of origin of semen, pregnancy, or disease,; or

(3) ~~Evidence~~ evidence of specific instances of the plaintiff's past false allegations of violations of 13 V.S.A. chapter 59 or 72.

~~(d)~~(4) If the court finds by a preponderance of evidence that the defendant has stalked or sexually assaulted the plaintiff, or has been convicted of stalking

~~or sexually assaulting the plaintiff, the court shall order the defendant to stay away from the plaintiff or the plaintiff's children, or both, and may make any other such order it deems necessary to protect the plaintiff or the plaintiff's children, or both.~~

~~(2) If the court finds by a preponderance of evidence that the defendant has sexually assaulted the plaintiff and there is a danger of the defendant further harming the plaintiff, the court shall order the defendant to stay away from the plaintiff or the plaintiff's children, or both, and may make any other such order it deems necessary to protect the plaintiff or the plaintiff's children, or both. The court may consider the defendant's past conduct as relevant evidence of future harm.~~

(e) Relief shall be granted for a fixed period, at the expiration of which time the court may extend any order, upon motion of the plaintiff, for such additional time as it deems necessary to protect the plaintiff or the plaintiff's children, or both. It is not necessary for the court to find that the defendant stalked or sexually assaulted the plaintiff during the pendency of the order to extend the terms of the order. The court may modify its order at any subsequent time upon motion by either party and a showing of a substantial change in circumstance.

* * *

Sec. 4. 13 V.S.A. § 1021 is amended to read:

§ 1021. DEFINITIONS

(a) ~~For the purpose of~~ As used in this chapter:

* * *

~~(4) "Course~~ (b) As used in this subchapter, "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. 5. 13 V.S.A. chapter 19, subchapter 7 is amended to read:

Subchapter 7. Stalking

§ 1061. DEFINITIONS

As used in this subchapter:

~~(1)(A) "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) “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.~~

~~(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 verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent. “Course of conduct” means two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person’s property. This definition shall apply to acts conducted by the person directly or indirectly, and by any action, method, device, or means. Constitutionally protected activity is not included within the meaning of “course of conduct.”~~

~~(B) As used in subdivision (A) of this subdivision (1), threaten shall not be construed to require an express or overt threat.~~

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

~~(2) “Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.~~

~~(3) “Reasonable person” means a reasonable person in the victim’s circumstances.~~

~~(4) “Stalk” means to engage purposefully in a course of conduct directed at a specific person that the person engaging in the conduct knows or should know would cause a reasonable person to fear for his or her safety or the safety of another or would cause a reasonable person substantial emotional distress.~~

§ 1062. STALKING

Any person who intentionally stalks another person shall be imprisoned not more than two years or fined not more than \$5,000.00, or both.

§ 1063. AGGRAVATED STALKING

(a) A person commits the crime of aggravated stalking if the person intentionally stalks another person, and:

(1) such conduct violates a court order that prohibits stalking and is in effect at the time of the offense; ~~or~~

(2) has been previously convicted of stalking or aggravated stalking; ~~or~~

(3) has been previously convicted of an offense an element of which involves an act of violence against the same person; ~~or~~

(4) the person being stalked is under ~~the age of~~ 16 years of age; or

(5) had a deadly weapon, as defined in section 1021 of this title, in his or her possession while engaged in the act of stalking.

(b) A person who commits the crime of aggravated stalking shall be imprisoned not more than five years or be fined not more than \$25,000.00, or both.

(c) Conduct constituting the offense of aggravated stalking shall be considered a violent act for the purposes of determining bail.

§ 1064. DEFENSES

In a prosecution under this subchapter, it shall not be a defense that the defendant was not provided actual notice that the course of conduct was unwanted.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

Third Reading; Bills Passed

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

H. 111

House bill, entitled

An act relating to the removal of grievance decisions from the Vermont Labor Relations Board's website;

H. 580

House bill, entitled

An act relating to conservation easements;

H. 595

House bill, entitled

An act relating to potable water supplies from surface waters;

H. 623

House bill, entitled

An act relating to compassionate release and parole eligibility;

H. 640

House bill, entitled

An act relating to expenses for the repair of town cemeteries;

H. 690

House bill, entitled

An act relating to the practice of acupuncture by physicians and osteopaths;

H. 769

House bill, entitled

An act relating to strategies to reduce the incarcerated population;

H. 805

House bill, entitled

An act relating to employment rights for members of the National Guard and Reserve Components of the U.S. Armed Forces;

H. 824

House bill, entitled

An act relating to the adoption of occupational safety and health rules and standards;

H. 860

House bill, entitled

An act relating to on-farm livestock slaughter;

H. 862

House bill, entitled

An act relating to insurance laws;

Bill Amended, Read Third Time and Passed**H. 531**

House bill, entitled

An act relating to aboveground storage tanks

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

In Sec. 1, 10 V.S.A. § 1929a, in subsection (g), after “If the owner of an aboveground storage tank” and before “converts the type” by striking out “in a structure”

and after “from fuel oil or kerosene to natural gas” and before “, the owner” by striking out “or propane”

and by striking out the second sentence in its entirety

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

Bill Amended, Read Third Time and Passed**H. 812**

House bill, entitled

An act relating to consumer protections for accountable care organizations

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

First: In Sec. 5, 18 V.S.A. § 9382, in subsection (a), in subdivision (13), following the semicolon, by striking out the word “and”, in subdivision (14), preceding the period, by adding a semicolon and the word and, and by adding a new subdivision before the period to be subdivision (15) to read as follows:

(15) the ACO has in place a financial guarantee sufficient to cover its potential losses

Second: In Sec. 5, 18 V.S.A. § 9382, in subsection (b), in subdivision (1)(H), following “population health outcomes,” by inserting reward healthy lifestyle choices,

Third: In Sec. 5, 18 V.S.A. § 9382, in subdivision (b)(1), in subdivision (K), following the semicolon, by striking out the word “and”, in subdivision (L), preceding the period, by adding a semicolon and the word and, and by adding a new subdivision before the period to be subdivision (M) to read as follows:

(M) the extent to which the ACO makes its costs transparent and easy to understand so that patients are aware of the costs of the health care services they receive

Rep. Jewett in Chair.

Pending the question, Shall the bill be amended as proposed by Donahue of Northfield? **Rep. Savage of Swanton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as proposed by Donahue of Northfield? was decided in the affirmative. Yeas, 139. Nays, 2.

Those who voted in the affirmative are:

Ancel of Calais	Donahue of Northfield	Lawrence of Lyndon
Bancroft of Westford	Donovan of Burlington	Lefebvre of Newark
Bartholomew of Hartland	Eastman of Orwell	Lenes of Shelburne
Baser of Bristol	Emmons of Springfield	Lewis of Berlin
Beck of St. Johnsbury	Fagan of Rutland City	Lippert of Hinesburg
Berry of Manchester	Feltus of Lyndon	Long of Newfane
Beyor of Highgate	Fields of Bennington	Lucke of Hartford
Bissonnette of Winooski	Forguites of Springfield	Macaig of Williston
Botzow of Pownal	Frank of Underhill	Manwaring of Wilmington
Branagan of Georgia	French of Randolph	Marcotte of Coventry
Brennan of Colchester	Gage of Rutland City	Martel of Waterford
Briglin of Thetford	Gamache of Swanton	Martin of Wolcott
Browning of Arlington	Gonzalez of Winooski	Masland of Thetford
Burditt of West Rutland	Grad of Moretown	McCormack of Burlington
Burke of Brattleboro	Graham of Williamstown	McCoy of Poultney
Buxton of Tunbridge	Greshin of Warren	McCullough of Williston
Canfield of Fair Haven	Haas of Rochester	McFaun of Barre Town
Carr of Brandon	Head of South Burlington	Miller of Shaftsbury
Chesnut-Tangerman of Middletown Springs	Hebert of Vernon	Morris of Bennington
Cole of Burlington	Helm of Fair Haven	Morrissey of Bennington
Condon of Colchester	Higley of Lowell	Murphy of Fairfax
Connor of Fairfield	Hooper of Montpelier	Myers of Essex
Conquest of Newbury	Huntley of Cavendish	Nuovo of Middlebury
Copeland-Hanzas of Bradford	Jerman of Essex	O'Brien of Richmond
Corcoran of Bennington	Johnson of South Hero	Olsen of Londonderry
Cupoli of Rutland City	Juskiewicz of Cambridge	O'Sullivan of Burlington
Dakin of Colchester	Keenan of St. Albans City	Parent of St. Albans Town
Dame of Essex	Kitzmiller of Montpelier	Patt of Worcester
Davis of Washington	Klein of East Montpelier	Pearce of Richford
Deen of Westminster	Komline of Dorset	Pearson of Burlington
Devereux of Mount Holly	Krebs of South Hero	Poirier of Barre City
Dickinson of St. Albans Town	Krowinski of Burlington	Potter of Clarendon
	LaClair of Barre Town	Pugh of South Burlington
	Lalonde of South Burlington	Purvis of Colchester
	Lanpher of Vergennes	Quimby of Concord

Rachelson of Burlington	Strong of Albany	Turner of Milton
Ram of Burlington	Stuart of Brattleboro	Van Wyck of Ferrisburgh
Russell of Rutland City	Sullivan of Burlington	Viens of Newport City
Ryerson of Randolph	Sweaney of Windsor	Walz of Barre City
Savage of Swanton	Tate of Mendon	Webb of Shelburne
Scheuermann of Stowe	Terenzini of Rutland Town	Willhoit of St. Johnsbury
Sharpe of Bristol	Till of Jericho	Wood of Waterbury
Shaw of Pittsford	Toleno of Brattleboro	Woodward of Johnson
Shaw of Derby	Toll of Danville	Wright of Burlington
Sheldon of Middlebury	Townsend of South	Yantachka of Charlotte
Sibilia of Dover	Burlington	Young of Glover
Smith of New Haven	Trieber of Rockingham	Zagar of Barnard
Stevens of Waterbury	Troiano of Stannard	

Those who voted in the negative are:

Batchelor of Derby	Hubert of Milton
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Those members absent with leave of the House and not voting are:

Christie of Hartford	Evans of Essex	Partridge of Windham
Clarkson of Woodstock	Fiske of Enosburgh	Smith of Morristown
Dakin of Chester	Mrowicki of Putney	

Thereupon, the bill was read the third time and was passed on a Division vote. Yeas, 124. Nays, 2.

Speaker Smith in Chair.

Third Reading; Bill Passed

H. 861

House bill, entitled

An act relating to regulation of treated article pesticides

Was taken up and read the third time.

Pending the question, Shall the bill pass? **Rep. Deen of Westminster** 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 pass? was decided in the affirmative. Yeas, 123. Nays, 16.

Those who voted in the affirmative are:

Ancel of Calais	Berry of Manchester	Brennan of Colchester
Bartholomew of Hartland	Beyor of Highgate	Briglin of Thetford
Baser of Bristol	Bissonnette of Winooski	Browning of Arlington
Batchelor of Derby	Botzow of Pownal	Burke of Brattleboro
Beck of St. Johnsbury	Branagan of Georgia	Buxton of Tunbridge

Carr of Brandon	Juskiewicz of Cambridge	Potter of Clarendon
Chesnut-Tangerman of Middletown Springs	Keenan of St. Albans City	Pugh of South Burlington
Condon of Colchester	Kitzmiller of Montpelier	Quimby of Concord
Connor of Fairfield	Klein of East Montpelier	Rachelson of Burlington
Conquest of Newbury	Komline of Dorset	Ram of Burlington
Copeland-Hanzas of Bradford	Krebs of South Hero	Russell of Rutland City
Corcoran of Bennington	Krowinski of Burlington	Ryerson of Randolph
Cupoli of Rutland City	LaClair of Barre Town	Scheuermann of Stowe
Dakin of Colchester	Lalonde of South Burlington	Sharpe of Bristol
Dame of Essex	Lanpher of Vergennes	Shaw of Derby
Davis of Washington	Lawrence of Lyndon	Sheldon of Middlebury
Deen of Westminster	Lefebvre of Newark	Sibilia of Dover
Devereux of Mount Holly	Lenes of Shelburne	Stevens of Waterbury
Dickinson of St. Albans Town	Lewis of Berlin	Strong of Albany
Donahue of Northfield	Lippert of Hinesburg	Stuart of Brattleboro
Donovan of Burlington	Long of Newfane	Sullivan of Burlington
Eastman of Orwell	Lucke of Hartford	Sweaney of Windsor
Emmons of Springfield	Macaig of Williston	Tate of Mendon
Fagan of Rutland City	Manwaring of Wilmington	Terenzini of Rutland Town
Feltus of Lyndon	Marcotte of Coventry	Till of Jericho
Fields of Bennington	Martel of Waterford	Toleno of Brattleboro
Forguites of Springfield	Martin of Wolcott	Toll of Danville
Frank of Underhill	Masland of Thetford	Townsend of South Burlington
French of Randolph	McCormack of Burlington	Trieber of Rockingham
Gonzalez of Winooski	McCullough of Williston	Troiano of Stannard
Grad of Moretown	McFaun of Barre Town	Turner of Milton
Graham of Williamstown	Miller of Shaftsbury	Walz of Barre City
Greshin of Warren	Morris of Bennington	Webb of Shelburne
Haas of Rochester	Morrissey of Bennington	Willhoit of St. Johnsbury
Head of South Burlington	Murphy of Fairfax	Wood of Waterbury
Higley of Lowell	Nuovo of Middlebury	Woodward of Johnson
Hoopar of Montpelier	O'Brien of Richmond	Wright of Burlington
Huntley of Cavendish	Olsen of Londonderry	Yantachka of Charlotte
Jewett of Ripton	O'Sullivan of Burlington	Young of Glover
Johnson of South Hero	Patt of Worcester	Zagar of Barnard *
	Pearce of Richford	
	Pearson of Burlington	
	Poirier of Barre City	

Those who voted in the negative are:

Bancroft of Westford	Helm of Fair Haven	Shaw of Pittsford
Burditt of West Rutland	Hubert of Milton	Smith of New Haven
Canfield of Fair Haven	McCoy of Poultney	Van Wyck of Ferrisburgh
Gage of Rutland City	Myers of Essex	Viens of Newport City
Gamache of Swanton	Purvis of Colchester *	
Hebert of Vernon	Savage of Swanton	

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

Christie of Hartford	Evans of Essex	Parent of St. Albans Town
Clarkson of Woodstock	Fiske of Enosburgh	Partridge of Windham
Cole of Burlington	Jerman of Essex	
Dakin of Chester	Mrowicki of Putney	

Rep. Purvis of Colchester explained his vote as follows:

“Mr. Speaker:

Understanding and making good legislation takes more than one week.”

Rep. Zagar of Barnard explained his vote as follows:

“Mr. Speaker:

Choosing to not regulate toxic substances that may pose a threat to humans or the environment would be reckless and irresponsible. We’ve learned too many lessons the hard way.

Bill Committed

H. 866

House bill, entitled

An act relating to prescription drug manufacturer cost transparency;

Appearing on the Calendar for action, was taken up and pending second reading of the bill, on motion of **Rep. Lippert of Hinesburg**, the bill was committed to the committee on Health Care.

Action on Bill Postponed

H. 867

House bill, entitled

An act relating to classification of employees and independent contractors

Was taken up and pending second reading of the bill, on motion of **Rep. Botzow of Pownal**, action on the bill was postponed until Tuesday, March 22, 2016.

Bill Read Second Time; Third Reading Ordered

H. 869

Rep. Strong of Albany spoke for the committee on Judiciary.

House bill entitled

An act relating to judicial organization and operations

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Bill Amended; Third Reading Ordered

H. 183

Rep. Macaig of Williston, for the committee on Corrections & Institutions, to which had been referred House bill, entitled

An act relating to security in the Capitol Complex

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

Sec. 1. 2 V.S.A. chapter 30 is added to read:

CHAPTER 30. CAPITOL COMPLEX SECURITY ADVISORY COMMITTEE

§ 991. CAPITOL COMPLEX SECURITY ADVISORY COMMITTEE

(a) Creation. There is created an advisory committee for the purpose of:

(1) reviewing and coordinating security in the Capitol Complex; and

(2) enhancing communication, operability, and efficiency on security issues in the Capitol Complex among the Executive, Legislative, and Judicial branches.

(b) Membership.

(1) The Committee shall be composed of the following members:

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

(B) the Commissioner of Public Safety or designee;

(C) the Commissioner of Motor Vehicles or designee;

(D) the Chief of the Capitol Police or designee;

(E) the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions;

(F) the Sergeant at Arms;

(G) the Court Administrator or designee; and

(H) the Chief of the Montpelier Police Department or designee.

(2) The Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions shall co-chair the Committee.

(3) The Committee shall have the assistance of the staff of the Office of Legislative Council and the Joint Fiscal Office.

(c) Powers and duties. The Committee shall:

(1) review proposed security enhancements and security plans for the Capitol Complex, and make recommendations to the House Committee on Corrections and Institutions and the Senate Committee on Institutions;

(2) review the coordination of security plans and law enforcement services in the Capitol Complex among the Commissioner of Buildings and General Services, the Court Administrator, and the Sergeant at Arms; and

(3) annually review the memorandum of understanding coordinating the provision of security plans and law enforcement activities in the Capitol Complex, as required by 29 V.S.A. § 171(f).

(d) Meetings. The Committee may meet at any time at the call of the Co-Chairs, but no less than one time per year.

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

(f) Definition. As used in this section, "Capitol Complex" shall have the same meaning as in 29 V.S.A. § 182.

Sec. 2. 29 V.S.A. § 70(c) is amended to read:

~~(c) Coordination of Capitol Complex security. The Capitol Police Department shall coordinate provide security within the State House and assist the Commissioner of Buildings and General Services in providing security and law enforcement services within the Capitol Complex, as delineated in a memorandum of understanding signed by the Commissioner and the Sergeant at Arms no later than June 30, 2000, and as subsequently amended. In all other areas of the Capitol Complex, except the space occupied by the Supreme Court, the security, control of traffic, and coordination of law enforcement activity shall be under the direction of the Commissioner of Buildings and General Services, with which the Capitol Police Department may assist pursuant to the memorandum of understanding required by 29 V.S.A. § 171(f).~~

Sec. 3. 29 V.S.A. § 171 is amended to read:

§ 171. RESPONSIBILITY FOR SECURITY

(a) ~~The commissioner of buildings and general services~~ Commissioner of Buildings and General Services shall be responsible for ensuring the security of all ~~state~~ State facilities, regardless of funding source for construction or renovation, the lands upon which those facilities are located, and the occupants of those facilities and places, except that:

(1) in those ~~state-owned~~ State-owned or ~~state-leased~~ State-leased buildings which house a court plus one or more other functions, security for the space occupied by the court shall be under the jurisdiction of the ~~supreme court~~ Supreme Court and security elsewhere shall be under the jurisdiction of the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services;

(2) in those buildings which function exclusively as courthouses, security shall be under the jurisdiction of the ~~supreme court~~ Supreme Court;

(3) the space occupied by the ~~supreme court~~ Supreme Court shall be under the jurisdiction of the ~~supreme court~~ Supreme Court; and

(4) in the ~~state house~~ State House, security shall be under the jurisdiction of the ~~sergeant at arms~~ Sergeant at Arms.

(b) ~~The commissioner of buildings and general services~~ Commissioner of Buildings and General Services shall develop a security plan for each facility, except for those under the jurisdiction of the ~~supreme court~~ Supreme Court and of the ~~sergeant at arms~~ Sergeant at Arms, and shall regularly update these plans as necessary and be responsible for coordinating responses to all security needs. ~~The supreme court and the sergeant at arms shall, in cooperation with the commissioner of buildings and general services,~~ Supreme Court and the Sergeant at Arms shall, in cooperation with the Commissioner of Buildings and General Services, prepare and update such plans for the facilities under their respective jurisdictions.

* * *

(f) The Commissioner of Buildings and General Services, the Sergeant at Arms, and the Court Administrator shall execute a memorandum of understanding to coordinate the provision of security plans and law enforcement services within the Capitol Complex. The memorandum of understanding shall incorporate any existing agreements related to the provision of law enforcement services or security in the Capitol Complex. As used in this section, "Capitol Complex" shall have the same meaning as used in section 182 of this title.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Hooper of Montpelier, for the committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the committee on Corrections and Institutions, and when further amended as follows:

First: In Sec. 1, in subsection (d), by striking out “but no less than one time per year” and by inserting in lieu thereof “but no more than two times when the General Assembly is not in session”

Second: By inserting a Sec. 3a, Repeal, to read as follows:

Sec. 3a. REPEAL

2 V.S.A. chapter 30 (Capitol Complex Security Advisory Committee) is repealed on June 30, 2019.

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

Bill Amended; Third Reading Ordered

H. 518

Rep. Sheldon of Middlebury, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to the membership of the Clean Water Fund Board

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

Sec. 1. 10 V.S.A. § 1389 is amended to read:

§ 1389. CLEAN WATER FUND BOARD

(a) Creation. There is created a Clean Water Fund Board which shall recommend to the Secretary of Administration expenditures from the Clean Water Fund. The Clean Water Fund Board shall be attached to the Agency of Administration for administrative purposes.

(b) Organization of the Board. The Clean Water Fund Board shall be composed of:

- (1) ~~the~~ The Secretary of Administration or designee;₂
- (2) ~~the~~ The Secretary of Natural Resources or designee;₂
- (3) ~~the~~ The Secretary of Agriculture, Food and Markets or designee;₂

(4) ~~the~~ The Secretary of Commerce and Community Development or designee; and,

(5) ~~the~~ The Secretary of Transportation or designee.

(6) Three members of the public or the House of Representatives appointed by the Speaker of the House, each of whom shall be from a separate major watershed of the State. At least one of the members appointed under this subdivision shall be a municipal official.

(7) Three members of the public or the Senate appointed by the Committee on Committees, each of whom shall be from a separate major watershed of the State. At least one of the members appointed under this subdivision shall be a municipal official.

(c) Terms; public members. Members of the Clean Water Fund Board shall be appointed for terms of three years, except initially, appointments shall be made such that two members appointed by the Speaker shall be appointed for a term of two years, and two members appointed by the Committee on Committees shall be appointed for a term of one year. Vacancies on the Board shall be filled for the remaining period of the term in the same manner as initial appointments.

(d) Officers; committees; rules; reimbursement.

(1) The Clean Water Fund Board shall annually elect a chair from its members. The Clean Water Fund Board may elect additional officers from its members, establish committees or subcommittees, and adopt procedural rules as necessary and appropriate to perform its work.

(2) Members of the Board who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 paid from the budget of the Agency of Administration for attendance of meetings of the Board.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Toll of Danville, for the committee on Appropriations recommended that the bill ought to pass when amended, as recommended, by the committee on fish, Wildlife and Water Resources.

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

Bill Amended; Third Reading Ordered

H. 610

Rep. Browning of Arlington, for the committee on Corrections & Institutions, to which had been referred House bill, entitled

An act relating to clarifying the Clean Water State Revolving Fund and Water Pollution Control Grant Programs

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

Sec. 1. 10 V.S.A. chapter 55 is redesignated to read:

CHAPTER 55. AID TO MUNICIPALITIES FOR WATER SUPPLY,
AND WATER POLLUTION ABATEMENT AND
SEWER SEPARATION CONTROL

Sec. 2. 10 V.S.A. § 1251 is amended to read:

§ 1251. DEFINITIONS

Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context:

* * *

(18) “Pollution abatement facilities” means municipal sewage treatment plants, pumping stations, interceptor and outfall sewers, and attendant facilities as prescribed by the Department to abate pollution of the waters of the State.

Sec. 3. 10 V.S.A. § 1259(j) is amended to read:

(j) No person shall discharge waste from hydraulic fracturing, as that term is defined in 29 V.S.A. § 503, into or from a pollution abatement facility, as that term is defined in section ~~1571~~ 1251 of this title.

Sec. 4. 10 V.S.A. § 1278 is amended to read:

§ 1278. OPERATION, MANAGEMENT, AND EMERGENCY RESPONSE
PLANS FOR POLLUTION ABATEMENT FACILITIES

(a) Findings. The ~~general assembly~~ General Assembly finds that the ~~state~~ State shall protect Vermont’s lakes, rivers, and streams from pollution by implementing programs to prevent sewage spills to Vermont waters and by requiring emergency planning to limit the damage from spills which do occur.

In addition, the ~~general assembly~~ General Assembly finds it to be cost-effective and generally beneficial to the environment to continue ~~state~~ State efforts to ensure energy efficiency in the operation of treatment facilities.

(b) Planning requirement. Effective July 1, 2007, the ~~secretary of natural resources~~ Secretary of Natural Resources shall as part of a permit issued under section 1263 of this title, require a pollution abatement facility, as that term is defined in section ~~1574~~ 1251 of this title, to prepare and implement an operation, management, and emergency response plan for those portions of each pollution abatement facility that include the treatment facility, the sewage pumping stations, and the sewer line stream crossing.

(c) Collection system planning. As of July 1, 2010, the ~~secretary of natural resources~~ Secretary of Natural Resources, as part of a permit issued under section 1263 of this title, shall require a pollution abatement facility, as that term is defined in section ~~1574~~ 1251 of this title, to prepare and implement an operation, management, and emergency response plan for that portion of each pollution abatement facility that includes the sewage collection systems. The requirement to develop a plan under this subsection shall be included in a permit issued under section 1263 of this title, and a plan developed under this subsection shall be subject to public review and inspection.

* * *

Sec. 5. 10 V.S.A. § 1571 is amended to read:

§ 1571. DEFINITIONS

As used in this chapter:

(1) “Agency” means Agency of Natural Resources.

(2) “Board” means the Natural Resources Board.

(3) ~~“Combined sewer separation facilities” means sewers, pipe lines, pumps, structures and attendant facilities necessary to convey liquid wastes in such a manner that industrial wastes, domestic sewage, or both, are conveyed separately from storm water, and may include storm water treatment facilities. [Repealed.]~~

(4) “Department” means the Department of Environmental Conservation.

(5) “Municipality” means a municipality as defined in 1 V.S.A. § 126.

(6) ~~“Pollution Water pollution abatement and control facilities” means municipal sewage treatment plants, pumping stations, interceptor and outfall sewers, and attendant facilities as prescribed by the Department to abate~~

pollution of the waters of the State such equipment, conveyances, and structural or nonstructural facilities owned or operated by a municipality that are needed for and appurtenant to the prevention, management, treatment, storage, or disposal of stormwater, sewage, or waste, including a wastewater treatment facility, combined sewer separation facilities, an indirect discharge system, a wastewater system, flood resiliency work related to a structural facility, or a groundwater protection project.

(7) ~~“Potable water supply facilities” means municipal water sources, water treatment plants, structures, pipe lines, storage facilities, pumps and attendant facilities necessary to develop a source of water, and to treat and convey it in proper quantity and quality for public use within a municipality. [Repealed.]~~

* * *

(9) ~~“Disadvantaged municipality” means a municipality or the served area of a municipality which:~~

~~(A) Has a median household income below the State average median household income as determined by the Secretary, and which after construction of the proposed water supply improvements will have an annual household user cost greater than one percent of the median household income as determined by the Secretary; or~~

~~(B) Has a median household income equal to or greater than the State average median household income as determined by the Secretary, and which after construction of the proposed water supply improvements will have an annual household user cost greater than 2.5 percent of the median household income as determined by the Secretary. [Repealed.]~~

* * *

(11) “Sewage” shall have the same meaning as used in 24 V.S.A. § 3501.

(12) “Stormwater” shall have the same meaning as stormwater runoff in section 1264 of this title.

(13) “Waste” shall have the same meaning as used in section 1251 of this title.

Sec. 6. 10 V.S.A. § 1572 is amended to read:

§ 1572. ~~COORDINATED PLAN REVIEW~~

~~The department is designated the principal agency of the state to review and approve potable water supply projects funded under this chapter. The~~

~~department of health and any other state agency with a statutory responsibility to review such projects shall within 30 days of receipt of documents for review, advise the department of their comments, which the department shall resolve into a single state position to be transmitted to the applicant. Reviews of projects pursuant to chapter 151 of this title shall be exempt from the coordinated plan of review required by this section. [Repealed.]~~

Sec. 7. 10 V.S.A. § 1591 is amended to read:

§ 1591. PLANNING

~~(a) Planning advance. A municipality or a combination of two or more municipalities desiring an advance of funds for the development of engineering plans for potable water supply facilities or improvements, or for water pollution abatement facilities or improvements, or for combined sewer separation facilities, as the case may be, may apply to the department for an advance under this chapter. Engineering plans may include source exploration, surveys, reports, designs, plans, specifications or other engineering services necessary in preparation for construction of the types of facilities referred to in this section.~~

~~(b) The department, with the approval of the secretary, may use up to ten percent of the funds provided under this chapter to undertake regional engineering planning and process research. Funds approved for regional engineering planning may be awarded directly to a lead municipality and administered in accordance with this chapter. [Repealed.]~~

Sec. 8. 10 V.S.A. § 1592 is amended to read:

§ 1592. APPLICATION

The application shall be supported by data covering:

- ~~(1) A description of the project;~~
- ~~(2) A description of the engineering service to be performed;~~
- ~~(3) An explanation of the need for the project;~~
- ~~(4) An estimate of the cost of the project;~~
- ~~(5) The amount of advance requested;~~
- ~~(6) A schedule for project implementation;~~
- ~~(7) Such other information and assurances as the department may require. [Repealed.]~~

Sec. 9. 10 V.S.A. § 1593 is amended to read:

§ 1593. ~~AWARD OF ADVANCE~~

~~(a) The department may award an advance in an amount determined by the department to be suitable for the engineering planning under standards established by the department:~~

~~(1) For planning of potable water supply facilities, when it finds the same to be necessary in order to preserve or enhance the quality of water provided to the inhabitants of the municipality, or to alleviate an adverse public health condition, or to allow for orderly development and growth of the municipality, except that no funds may be awarded until the department determines that the applicant has complied with the provisions of section 1676a of this title, unless such funds are solely for the purpose of determining the effect of the proposed project on agriculture;~~

~~(2) For planning of pollution abatement facilities, in order to enable a municipality to comply with water quality standards established under chapter 47 of this title;~~

~~(3) For the planning of combined sewer separation facilities, when it finds the same to be necessary to allow improvement of the quality of the receiving water in order that increased legitimate water uses and recreational potential in the best interest of the public can be realized.~~

~~(b) The department shall award an advance for planning under this section only when it finds:~~

~~(1) That the cost of the project is reasonable for its intended purpose; and~~

~~(2) That local funds are not readily available for the planning, and funds are not readily available through other established planning and design programs. [Repealed.]~~

Sec. 10. 10 V.S.A. § 1594 is amended to read:

§ 1594. ~~PAYMENT OF AWARDS~~

~~On receipt of the engineering planning documents and their approval by the department, the department shall certify the award to the commissioner of finance and management who shall issue his or her warrant for payment thereof from the construction grant funds available to the department. The department may direct the commissioner of finance and management to issue his or her warrant for partial payments of the award upon receipt and approval of portions of the total engineering work to be performed under the advance,~~

~~together with recipient's certification that costs for which reimbursement has been requested have been incurred and paid by the recipient municipality. The recipient shall provide supporting evidence of payment upon the request of the department. Partial payments shall be made not more frequently than monthly. Interest costs incurred in local short term borrowing of the planning advance shall be reimbursed as part of the planning advance. [Repealed.]~~

Sec. 11. 10 V.S.A. § 1595 is amended to read:

§ 1595. ~~REPAYMENT OF ADVANCES~~

~~Advances under this subchapter shall be repaid when construction of the facilities or any portion thereof is undertaken. Where a construction grant is made by the department for the project, the amount of the outstanding advances shall be retained from the first payment of the grant funds. In other instances, if repayment is not made within 60 days upon demand by the department, the sum shall bear interest at the rate of 12 percent per annum from the date payment is demanded by the department to the date of payment by the municipality. The department may approve proportional repayment when construction is initiated on a small portion of the planned project. [Repealed.]~~

Sec. 12. 10 V.S.A. chapter 55, subchapter 3 is redesignated to read:

Subchapter 3. Construction Grants ~~in Aid~~

Sec. 13. 10 V.S.A. § 1621 is amended to read:

§ 1621. FINANCIAL ASSISTANCE

A municipality ~~which~~ that desires state ~~State~~ financial assistance for construction, improvement, or expansion of ~~potable water supply facilities, water pollution abatement and control facilities, or combined sewer separation facilities,~~ may make application to the ~~department~~ Department in accordance with this subchapter.

Sec. 14. 10 V.S.A. § 1622 is amended to read:

§ 1622. ELIGIBLE PROJECTS

~~For purposes of~~ As used in this subchapter, eligible project costs for water pollution abatement and control facilities projects shall include:

(1) ~~In the case of potable water supply projects receiving grants under subsection 1624(a) of this title, the costs of development of water sources, treatment facilities, pumping and storage facilities, the main transmission system to the center of the population area, and attendant facilities determined necessary by the department, an approved grant allowance to defray all or a~~

~~portion of the engineering costs, and up to a \$3,000.00 grant allowance for administrative and legal costs relating to the project, but shall exclude all costs of land and easements required for the project and legal and administrative costs incident thereto. For a potable water supply project receiving a loan under subsection 1624(b) of this title, the total project cost as determined by the secretary consistent with federal law equipment, conveyances, and structural or nonstructural facilities needed for and appurtenant to the prevention, management, treatment, storage, or disposal of sewage, waste, or stormwater, and the associated costs necessary to construct the improvements, including costs to acquire land for the project.~~

~~(2)(A) In the case of water pollution abatement projects, the cost of sewage treatment plants, outfall sewers, interceptor sewers, pumping or lift stations, overflow control structures and attendant facilities determined necessary by the department and such other sewers necessary for federal aid requirements, an approved grant allowance to defray all or a portion of the engineering costs, and up to a \$3,000.00 grant allowance for administrative and legal costs relating to the project, but shall exclude all costs of land and easements required for the project and legal and administrative costs incident thereto which are not eligible for federal assistance~~

~~(B) In the case of water pollution abatement projects utilizing innovative or alternative processes or techniques and determined eligible for federal grants under section 201(g)(5) of P.L. 92-500, and its subsequent amendment, the cost of building, acquisition, alteration, remodeling, improvement or extension of treatment works, an approved grant allowance to defray all or a portion of the engineering costs, and up to a \$3,000.00 grant allowance for administrative and legal costs relating to the project, but shall exclude all costs of land and easements required for the project and legal and administrative costs incident thereto which are not eligible for federal assistance.~~

~~(C) In the case of water pollution abatement projects utilizing privately owned treatment works serving one or more residences or small commercial establishments, and determined eligible for federal grant assistance under section 201(h) of P.L. 92-500, and its subsequent amendment, the cost of building, acquisition, and alteration of facilities, an approved grant allowance to defray all or a portion of the engineering costs, and up to a \$3,000.00 grant allowance for administrative and legal costs relating to the project, but shall exclude all costs of land and easements required for the project and legal and administrative costs incident thereto which are not eligible for federal assistance.~~

~~(3) In the case of combined sewer separation projects, the cost of combined sewer separation facilities, storm water treatment facilities, and attendant facilities determined necessary by the department, an approved grant allowance to defray all or a portion of the engineering costs, and up to a \$3,000.00 grant allowance for administrative and legal costs relating to the project, but shall exclude all costs of land and easements required for the project and legal and administrative costs incident thereto.~~

~~(4) All water pollution abatement projects shall be in conformance with the provisions of chapter 151 of this title.~~

Sec. 15. 10 V.S.A. § 1623 is amended to read:

§ 1623. APPLICATION

A municipality ~~which~~ that has voted funds in a specific amount to construct a water pollution abatement and control facility as described in section 1622 of this title, at a meeting duly warned for that purpose, which desires to avail itself of ~~state~~ State aid funds under this subchapter, shall apply for such funds in writing to the ~~department~~ Department in a manner prescribed by the ~~department~~ Department. ~~Municipalities whose water pollution abatement facilities have been previously constructed and which meet the permit requirements established under chapter 47 of this title may make application for state aid funds without further vote of the municipality:~~

~~(1) if the local share of the project costs are formally authorized by the municipal officials from funds available to them, or~~

~~(2) if the project is to construct facilities to remove phosphorus to a level of 1 milligram per liter,~~

~~(3) and provided the project meets all other requirements of the department.~~

Sec. 16. 10 V.S.A. § 1624 is amended to read:

§ 1624. ~~FINANCIAL ASSISTANCE WITH WATER SUPPLY PROJECTS~~

~~(a) Grants. The secretary may award a municipality a state grant for a potable water supply facility of up to 35 percent of its total eligible project cost, when the municipality contributes at least ten percent of the total eligible costs, for which purpose the municipality may use federal funds obtained from other programs, and when the secretary finds that:~~

~~(1) the project is necessary, and the proposed type, size and estimated cost of the project are suitable for its intended purpose;~~

~~(2) at least one half of the property owners of the new area of the municipality to be served by the project have contracted to connect to the water system and pay for service at rates which the legislative body of the municipality determines to be adequate to cover the anticipated operating and maintenance costs including debt services;~~

~~(3) the proposed rate and fee schedule provide for reasonable contributions by all persons in the municipality benefited by the project; and~~

~~(4) the municipality has voted bonds for the project prior to April 5, 1997 in anticipation of the receipt of a construction grant authorized under this subsection.~~

~~(b) Loans.~~

~~(1) The secretary may certify to the Vermont municipal bond bank established by 24 V.S.A. § 4571 the award of a loan to a municipality to assist with a potable water supply facility project, when the secretary finds that:~~

~~(A) the project is necessary;~~

~~(B) the proposed type, size, and estimated cost of the project are suitable for its intended purpose; and~~

~~(C) the municipality will have the technical, financial, and managerial ability to operate the facility in compliance with federal and state law.~~

~~(2) The certification by the secretary shall specify the interest rate, and indicate which of the following loan conditions concerning construction loans apply:~~

~~(A) The term shall not exceed 20 years, and the annual interest rate, plus administrative fee, shall be no more than three percent or less than zero percent, except that when the applicant municipality is disadvantaged as defined by subdivision 1571(9) of this title, the term shall not exceed 30 years. When the applicant municipality is disadvantaged as defined in subdivision 1571(9)(A) of this title, the annual interest rate, plus administrative fee, shall be no less than minus three percent.~~

~~(B) In no instance shall the annual interest rate, plus administrative fee, be less than necessary to achieve an annual household user cost equal to one percent of the median household income of the applicant municipality or served area, taking into account:~~

~~(i) debt retirement of the project, including any monies a municipality may borrow to match federal funds available to the drinking water state revolving fund pursuant to subsection (d) of this section;~~

~~(ii) prior drinking water projects; and~~

~~(iii) estimated annual operation and maintenance costs as determined by the secretary.~~

~~(3) A municipal legislative body may execute a loan agreement under this subsection, provided the loan is authorized by municipal voters and secured by the full faith and credit of the municipality.~~

~~(4) A loan shall be issued and administered pursuant to chapter 120 of Title 24.~~

~~(5) Loans shall be available to the extent funds are available and according to priorities established by the secretary.~~

~~(6) For purposes of this subsection, the secretary shall determine the median household income of a municipality from the most recent federal census data available when the priority list used for funding the project was approved, or at the option of an applicant municipality, based on the recommendation of an independent contractor hired by the municipality and approved by the secretary. The determination of the secretary shall be final. The cost of an independent contractor may be included in the total cost of a project. When using federal census data to determine the median household income of a municipality, the census data shall be adjusted for inflation beginning in the second year of availability by increasing it four percent per year.~~

~~(7) Loans awarded for the purpose of refinancing old debt shall be for a term of no more than 20 years and at an interest rate set by the state treasurer at no less than zero percent and no more than 80 percent of the average rate on marketable obligations of the state, except that municipalities or private water system owners which qualify for loan awards under 24 V.S.A. § 4770 and which incurred debt and initiated construction after April 5, 1997 may receive loans at interest rates and terms pursuant to subdivision (b)(2)(A) of this section.~~

~~(8) Loans awarded for the purpose of conducting feasibility studies and preparation of engineering plans and designs shall be for a term of no more than five years at an interest rate of zero percent.~~

~~(9) Loans awarded for the purpose of purchasing land or conservation easements to protect public water sources shall be for a term of no more than 20 years at an annual interest rate of three percent.~~

~~(10) The secretary may forgive up to \$25,000.00 of a loan from the Vermont environmental protection agency (EPA) drinking water state revolving fund to municipalities for improvements to public school water systems following substantial completion of the project. The secretary shall establish amounts, eligibility, policies, and procedures for loan forgiveness in the annual state intended use plan (IUP) with public review and comment prior to finalization and submission to the EPA.~~

~~(11) Subject to the interest rate and administrative fee limitations of subdivision (b)(2) of this section, the secretary may designate projects as United States Department of Agriculture Rural Development Vermont EPA drinking water state revolving fund jointly funded projects, and reduce the Vermont EPA revolving fund interest rate, plus administrative fee, in order to make the total loan cost of the joint loan to the municipality equivalent to the total loan cost of a separately funded Vermont EPA revolving loan for the same project.~~

~~(e)(1) Zebra mussel control. The department may award supplemental financial aid for the construction of zebra mussel control measures, upon finding that the proposed project is necessary. The supplemental aid shall be awarded in such a manner that the total financial burden of a water system, including zebra mussel controls, shall not exceed, in the first year after receiving the supplemental aid, an annual cost to a typical household of 1.5 percent of median household income for the project area as determined by the department. The estimate of such cost shall include all awards of aid under subsections (a) and (b) of this section, all other aid available to the applicant, and the estimated new and existing capital debt retirement and annual operating costs of the system. Awards of supplemental aid may, in accordance with the eligibility limitations of subdivision 1622(1) of this title, consist of:~~

~~(A) a loan under chapter 120 of Title 24 with an interest rate sufficient to assure that annual user costs do not exceed 1.5 percent of the median household income; or~~

~~(B) a grant for up to, but not exceeding, the total capital cost of the proposed project, in order to assure as closely as possible that annual household user costs do not exceed 1.5 percent of the median household income for the project area.~~

~~(2) In awarding financial assistance under this section, the department shall determine the existing and proposed annual user cost in accordance with procedures or rules adopted under chapter 25 of Title 3.~~

~~(d) Municipal match of federal revolving funds.~~

~~(1) A municipality may choose to provide the state money necessary to match federal monies available to the drinking water state revolving fund established by 24 V.S.A. § 4753(a)(3), and thereby become eligible to receive a loan from the revolving fund in the amount of the total cost of a water facility project approved under this section. Such a loan from the revolving fund, for up to the total project cost, shall be approved by municipal voters and secured by the full faith and credit of the municipality or anticipated revenues from municipal water charges.~~

~~(2) The amount of such a municipal match of federal funds shall be equal to one sixth of the total project cost, which shall constitute a sum in addition to the amount of a loan for the total project cost to be received by the municipality from the revolving fund. A municipality is authorized to borrow monies needed for the match amount, from sources other than the revolving fund, which shall be approved by municipal voters and secured by the full faith and credit of the municipality or anticipated revenues from municipal water charges, or a municipality may use other funds or tax revenues available to it for this purpose.~~

~~(e) Upon request of the owner of a privately owned public water system, a municipality shall apply for and support an application for a community development block grant to receive use of state State and federal funds; provided:~~

~~(1) the private water system owner agrees to pay all administrative and legal costs incurred by the municipality in pursuit of the grant;~~

~~(2) the municipality finds that the project to be supported by the grant is consistent with applicable local and regional plans, and local ordinances or other local enactments;~~

~~(3) the private water system owner, to the extent practicable, undertakes the administration of logistical and legal work necessary to prepare the application materials; and~~

~~(4) the private water system owner agrees to hold the municipality harmless from any claims of liability arising from the grant application or project.~~

~~(f) The secretary may use federal funds to award grants to municipalities to complete studies, or for start up costs associated with the physical and operational consolidation of public water systems or the interconnection of public water systems. The secretary shall establish amounts, eligibility, priorities, policies, and procedures in the annual state intended use plan (IUP). [Repealed.]~~

Sec. 17. 10 V.S.A. § 1624a is amended to read:

~~§ 1624a. AWARDS FOR POLLUTION ABATEMENT PROJECTS FOR COMBINED SEWER OVERFLOWS~~

~~(a) When the Department finds that a proposed water pollution abatement project not covered under section 1625 of this title is necessary, that the proposed type, kind, quality, size, and estimated cost of the project, including operation cost and sewage disposal charges, are suitable for abatement of pollution, and that the project or the prescribed project phases are necessary to meet the intent of the water quality classifications established by the Secretary or by statute under chapter 47 of this title, the Department may award State financial assistance to the project. These projects may include ancillary work determined by the Secretary to be necessary to attain the water quality goals.~~

~~(b) The assistance shall consist of:~~

~~(1) A grant of 25 percent of the eligible project cost.~~

~~(2) A loan from the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund or the Vermont Pollution Control Revolving Fund of 50 percent of the eligible project cost. No interest shall be charged. In a certificate to the Vermont Municipal Bond Bank, the Secretary shall recommend the term, repayment schedule, and other terms and conditions of the loan.~~

~~(c) Notwithstanding the percentages of assistance provided for in subsection (b) of this section, when a municipality is certified by the Secretary of Commerce and Community Development to be within a designated job development zone, the grant to the municipality shall be 50 percent of eligible project costs and the loan shall be 25 percent of eligible project costs.~~

~~(d) Grants and loans under this section may be made from State and federal sources, as determined by the Secretary.~~

~~(e) A loan agreement may be entered into by action of the legislative body of the municipality, using procedures specified by applicable general or special enabling authority, following:~~

~~(1) authorization by the electorate of issuance of bonds in the amount of 25 percent of project costs, unless the municipality has determined to use some other method of financing its share of project cost; and~~

~~(2) authorization by the electorate of indebtedness in the amount of the loan under this section.~~

~~(f) A loan agreement may include provisions for deferred repayment if the electorate has authorized the future issuance of bonds to make a final repayment of the loan, and the authorization specifies whether the bond agreements will pledge the full faith and credit of the municipality or sufficient revenues from municipal sewage disposal charges.~~

~~(1) Except as provided in subdivision (2) of this subsection, loan repayments shall be according to the following schedule:~~

~~(A) 0.50 percent in the first year and increasing thereafter at 0.50 percent per year through the ninth year; and~~

~~(B) 5.0 percent in the 10th year through the 19th year; and~~

~~(C) the remainder in the 20th year.~~

~~(2) Notwithstanding subdivision (1) of this subsection, a municipality shall be entitled to loan repayment under this subdivision if repayment would produce municipal sewer rates in the municipality which exceed 150 percent of the current State average rate for a family of four. For purposes of this calculation, the municipality's sewer rates shall be deemed to include operating costs, payments on the municipality's water pollution control debt, and repayment of five percent of the principal of the loan under this section. The following shall be minimum repayments under this subdivision:~~

~~(A) 0.25 percent per year in the first through the tenth year, dating from the issuance of the certification of completion of the project;~~

~~(B) 0.50 percent in the 11th year and increasing thereafter at 0.50 percent per year through the 19th year; and~~

~~(C) the remainder in the 20th year.~~

~~(3) When a loan is issued with deferred repayment provisions pursuant to authorization of the electorate under this section for the future issuance of bonds, upon maturity of the loan, if other sources of revenue are available, the legislative body of the municipality may elect not to issue bonds to make the final payment on the loan. The term of these bonds, if issued, shall not exceed 20 years. As authorized in the initial vote, these bonds may be secured by a~~

pledge of the full faith and credit of the municipality or by sufficient revenues from municipal sewage disposal charges.

~~(g) State financial assistance under this section shall be made to the extent that funds are available and according to a system of priorities established by the Secretary. In establishing this system, priority shall be given to pollution abatement and not to the support of demand growth, and to projects discharging into or near lakes on January 1, 1988.~~

~~(h) Notwithstanding subsection (b) of this section, a loan awarded from the Vermont Environmental Protection Agency Pollution Control Revolving Loan Fund for a combined sewer overflow abatement project may be for up to 100 percent of the eligible project cost if:~~

~~(1) the project is included on a priority list; and~~

~~(2) the project is capitalized, at least in part, with a Federal Clean Water State Revolving Fund grant that includes loan forgiveness provisions. [Repealed.]~~

Sec. 18. 10 V.S.A. § 1625 is amended to read:

§ 1625. ~~AWARDS FOR POLLUTION ABATEMENT PROJECTS TO ABATE DRY WEATHER SEWAGE FLOWS~~

~~(a) When the Department finds that a proposed water pollution abatement project is necessary to maintain water quality standards during dry weather sewage flows, and that the proposed type, kind, quality, size, and estimated cost, including operation cost and sewage disposal charges, of the project are suitable for abatement of pollution, and the project or the prescribed project phases are necessary to meet the intent of the water quality classifications established by the Secretary or by statute under chapter 47 of this title, the Department may award to municipalities a State assistance grant of up to 25 percent of the eligible project cost, provided that in no case shall the total of the State and federal grants exceed 90 percent of the eligible project costs:~~

~~(1) except that the 90 percent limitation shall not apply when the municipality provides, as their local share, federal funds allocated to them for the purpose of matching other federal grant programs having a matching requirement; and~~

~~(2) except that the total of State and federal grants issued under P.L. 92-500 section 202(a)(2) may equal up to 95 percent of the eligible costs for innovative or alternative wastewater treatment processes and techniques.~~

~~(b) In carrying out the purposes of this subchapter, the Department shall define the purpose and scope of an eligible project, including a determination~~

~~of the area to be served, type of treatment, effluent limitations, eligible construction costs, cost accounting procedures and methods and other such project construction, operation and fiscal elements necessary to meet federal aid requirements. The Department shall, as a part of the administration of this grant program, encourage municipalities to undertake capital development planning and to establish water and sewer charges along public utility concepts.~~

~~(c) Any municipality having proceeded with construction of facilities with a State grant of 25 percent since July 1, 1984 shall be eligible for an increase in the State grant to a total of 35 percent of the eligible project costs.~~

~~(d) The Department may award a State assistance grant of up to 50 percent of the eligible costs of an approved pollution abatement project or a portion thereof not eligible for federal financial assistance in a municipality that is certified by the Secretary of Commerce and Community Development to be within the designated job development zone. To achieve the objectives of chapter 29, subchapter 2 of this title, the eligibility and priority provisions of this chapter do not apply to municipalities within a designated job development zone.~~

~~(e) [Repealed.] [Repealed.]~~

Sec. 19. 10 V.S.A. § 1626a is amended to read:

§ 1626a. ~~AWARDS FOR WASTEWATER TREATMENT PLANTS WITH A CAPACITY OF 250,000 GALLONS OR MORE PER DAY~~

~~(a) Definitions. For the purpose of this section:~~

~~(1) "Septage" means the product of an individual or a group septic tank, which is removed from the tank for further processing and disposal.~~

~~(2) "Sludge" means the intermediate product of a municipal wastewater treatment plant which receives further processing by the same plant in a manner similar to the processing of septage by the plant.~~

~~(3) The project or plant "cost" means the cost of the enlargement or new construction of a wastewater treatment plant which the commissioner of environmental conservation finds is eligible for financial assistance under this section.~~

~~(b) Loan eligibility. The proposed enlargement or new construction of a wastewater treatment plant with a total design hydraulic capacity of 250,000 or more gallons per day shall be eligible for a loan for 100 percent of the total project cost, as provided by chapter 120 of Title 24, if the commissioner of environmental conservation finds that:~~

~~(1) the proposed plant capacity is necessary to accommodate anticipated municipal growth; and that~~

~~(2) the proposed plant capacity will be sufficient to receive, treat and dispose of septage in a quantity equivalent to the ratio of 2,000 gallons or more of such septage per day for each 1,000,000 gallons per day of plant design hydraulic capacity. However, this condition shall not be required if the commissioner finds that such septage treatment capacity by the plant is not needed within the region of the state in which the plant is or will be located.~~

~~(c) Additional state assistance eligibility.~~

~~(1) Grants. A proposed wastewater treatment plant which is eligible for a loan under subsection (b) of this section, and a wastewater treatment plant with a design hydraulic capacity of 250,000 or more gallons per day which is being refurbished, shall in addition be eligible for a grant of up to 50 percent of the cost of that portion of the plant to be used to treat septage, or septage and sludge in combination, if the commissioner of environmental conservation finds that the proposed plant capacity will be sufficient to receive, treat and dispose of septage alone in a quantity equivalent to the ratio of 4,000 gallons or more of such septage per day for each 1,000,000 gallons per day of plant design hydraulic capacity. The portion of the plant used for processing septage, or septage and sludge in combination, shall include facilities for receiving septage and for the storage, treatment, transfer, and disposal of both septage and sludge.~~

~~(2) Loans. A proposed wastewater treatment plant which is eligible for a grant under this subsection may receive an interest free loan for the remaining amount of the total project cost, from revolving funds established by chapter 120 of Title 24.~~

~~(d) Conditions of additional state assistance. The additional state assistance provided by subsection (c) of this section shall be awarded under the following conditions:~~

~~(1) To be eligible for additional assistance, a proposed plant shall be consistent with any solid waste implementation plan adopted pursuant to 24 V.S.A. § 2202a, or chapter 117 of Title 24, which is approved by the secretary of natural resources and which addresses septage and sludge management. However, the commissioner of environmental conservation shall not withhold additional assistance because of an absence of an adopted or approved solid waste implementation plan.~~

~~(2) Plants eligible for additional assistance shall receive increased funding priority in accordance with rules adopted by the secretary.~~

~~(3) A plant receiving additional assistance shall, for the useful life of the facility, maintain its additional processing capacity for use only in receiving and processing septage. Such septage shall be accepted from any Vermont municipality, and shall not be restricted to specific municipalities. The rate or rates charged for acceptance by the plant of septage from sources other than the users for whom the plant is designed primarily to serve, shall be equal to the rate or rates charged the primary users, and shall not subsidize the primary users. The agency shall include these requirements in any permit issued for the construction and operation of the plant, and the requirements shall be enforceable in the manner prescribed for that permit.~~

~~(4) Project costs eligible for additional assistance shall include the cost of: land used for the direct disposal of septage and sludge; facilities to receive, store, treat, transfer and dispose of septage and sludge; and facilities to compost or pelletize or otherwise process septage and sludge.~~

~~(5) When other state or federal assistance is awarded to a plant eligible for additional assistance under this section, such other assistance shall reduce, first, the loan amount awarded under this section, and secondly, the grant amount awarded under this section. [Repealed.]~~

Sec. 20. 10 V.S.A. § 1626b is added to read:

§ 1626b. MUNICIPAL WATER POLLUTION CONTROL GRANTS

(a) Projects. The Secretary may award State assistance grants to municipalities for water pollution abatement and control facilities.

(b) Application. The Secretary shall prescribe the form of application to apply for a grant under this section. The application shall include:

(1) a description of the project;

(2) a schedule for project implementation;

(3) an estimate of the project cost;

(4) the information necessary for the Secretary to determine the grant amount using the criteria described in section 1628 of this title;

(5) whether the project requires a permit under chapter 151 of this title; and

(6) any other information that the Secretary deems necessary to implement this section.

(c) Grant award. The Secretary shall make grant awards pursuant to the project priority system adopted under section 1628 of this title in an amount not to exceed 35 percent of eligible project costs. The Secretary shall not

award a grant under this section until the applicant provides a permit or jurisdictional opinion that a permit is not required, issued pursuant to chapter 151 of this title.

(d) Payment of awards. Payment of awards shall be made pursuant to section 1627 of this title.

Sec. 21. 10 V.S.A. § 1628 is amended to read:

§ 1628. PRIORITIES

The Department shall make grant awards under this chapter to eligible municipal water pollution abatement and control projects on the basis of urgency of need as determined according to a system of priorities adopted by rule by the Department and to the extent appropriate funds are available. The system of priorities shall include increased priority to eligible municipal projects in designated centers. The Department shall assure that projects sponsored by a town school district, or incorporated school district shall be given increased priority for purposes of the receipt of engineering planning advances awarded under section 1593 of this chapter. The total amount of the engineering planning advances made and still outstanding during a period for this purpose shall not exceed 30 percent of the bond issue or appropriation voted for construction grant funds by the General Assembly for the period in which the award is made require consideration of criteria, including:

(1) whether a project is grant or loan eligible;

(2) the condition of the waters affected by the project and whether the waters are:

(A) not in compliance with the Vermont Water Quality Standards; or

(B) have a total maximum daily load (TMDL);

(3) whether the project will address water quality issues identified in a basin plan;

(4) whether the project will abate or control pollution that is causing or may cause a threat to public health;

(5) whether the project will address an emergency situation affecting or constituting a threat to the environment or the public health, safety, or welfare;

(6) if the project repairs or replaces existing infrastructure, the condition and integrity of such infrastructure;

(7) whether the project incorporates principles of environmental resiliency or sustainability, including energy efficiency, which reduce the

environmental impacts of the project or a water pollution abatement and control facility;

(8) the fiscal integrity and sustainability of the project, including whether the project is a cost-effective alternative, when compared to other alternatives;

(9) whether the project serves a designated center;

(10) affordability factors for the municipality or municipalities in which the project is located, including:

(A) median household income;

(B) unemployment rate; and

(C) population trends; and

(11) if the project removes a pollutant for which the water or waters affected by the project are impaired, the cost-effectiveness of the project at removing that pollutant.

Sec. 22. 10 V.S.A. § 1630 is amended to read:

§ 1630. ~~REGULATIONS~~ RULES

The ~~department~~ Department with the approval of the ~~secretary~~ Secretary shall adopt ~~regulations~~ rules consistent with this subchapter as it finds necessary for proper administration of the subchapter.

Sec. 23. 10 V.S.A. § 1632 is amended to read:

§ 1632. STATE ADMINISTRATIVE DEPARTMENTS

For the purpose of constructing or substantially improving a water pollution abatement and control facility ~~or potable water supply facility~~ any state State administrative department as authorized in Title 3 shall be deemed a municipality under section 1623 of this title; and subject to the terms and conditions applicable to municipalities; provided, however, that a State administrative department deemed a municipality shall only receive State assistance under this chapter if the Department has a surplus of funds at the end of each fiscal year after all municipal grant applicants have received committed funds.

Sec. 24. 24 V.S.A. § 4751 is amended to read:

§ 4751. DECLARATION OF POLICY

It is hereby declared to be in the public interest to foster and promote timely expenditures by municipalities for water ~~supply~~ systems, water pollution

abatement and control facilities, and solid waste management, each of which is declared to be an essential governmental function when undertaken and implemented by a municipality. It is also declared to be in the public interest to promote expenditures for certain existing privately owned public water systems and certain privately owned wastewater and public and potable water supply systems to bring those systems into compliance with federal and ~~state~~ State standards and to protect public health and the environment.

Sec. 25. 24 V.S.A. § 4752 is amended to read:

§ 4752. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

* * *

(3) “Municipality” means any city, town, village, town school district, incorporated school district, union school district, or other school district, fire district, consolidated sewer district, consolidated water district, solid waste district, or statewide or regional water quality utility, or mechanism organized under laws of the State.

* * *

(6) “Noncommunity water system” ~~means a noncommunity water system as that term is defined~~ shall have the same meaning as in 10 V.S.A. § 1671.

(7) “Privately owned water system” means any water system ~~which~~ that is not owned or operated by a municipality.

(8) “Community water system” ~~means a public community water system as that term is defined~~ shall have the same meaning as in 10 V.S.A. § 1671.

(9) “Public water ~~system~~ supply systems” means a public water system as that term is defined in 10 V.S.A. § 1671, except for bottled water facilities and for-profit noncommunity systems, which includes water systems, water treatment plants, structures, pipe lines, storage facilities, pumps, and attendant facilities necessary to develop a source of water, and to treat and convey it in proper quantity and quality.

(10) “Privately owned wastewater system” means a privately owned wastewater ~~conveyance, treatment, and disposal system or elements thereof~~ which is privately owned and system, which ~~handles~~ receives primarily domestic type wastes.

(11) “Water pollution abatement and control facilities” means such equipment, conveyances, and structural or nonstructural facilities owned or

operated by a municipality that are needed for and appurtenant to the prevention, management, treatment, storage, or disposal of stormwater, sewage, or waste, including a wastewater treatment facility, combined sewer separation facilities, an indirect discharge system, a wastewater system, flood resiliency work related to a structural facility, or a groundwater protection project.

(12) “Disadvantaged municipality” means a municipality or the served area of a municipality which:

(A) has a median household income below the State average median household income as determined by the Secretary and which, after construction of the proposed water supply improvements, will have an annual household user cost greater than one percent of the median household income as determined by the Secretary; or

(B) has a median household income equal to or greater than the State average median household income as determined by the Secretary and which, after construction of the proposed water supply improvements, will have an annual household user cost greater than 2.5 percent of the median household income as determined by the Secretary.

(13) “Potable water supply facilities” means municipal water sources, water treatment plants, structures, pipe lines, storage facilities, pumps and attendant facilities necessary to develop a source of water and to treat and convey it in proper quantity and quality for public use within a municipality.

(14) “Sewage” shall have the same meaning as used in section 3501 of this chapter.

(15) “Stormwater” shall have the same meaning as stormwater runoff in section 1264 of this title.

(16) “Waste” shall have the same meaning as used in 10 V.S.A. § 1251.

Sec. 26. 24 V.S.A. § 4753 is amended to read:

§ 4753. REVOLVING LOAN FUNDS; AUTHORITY TO SPEND; REPORT

(a) There is hereby established a series of special funds to be known as:

(1) The Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund, which shall be used, consistent with federal law, to provide loans to municipalities; and State agencies; and the Vermont Housing Finance Agency for planning sewage systems and sewage treatment or disposal plants as defined in subdivisions 3501(6) and 3601(3) of this title, for constructing publicly owned sewage systems and sewage treatment or disposal

~~plants as defined in subdivisions 3501(6) and 3601(3) of this title, for planning or construction of certain privately owned wastewater systems, and~~ construction of water pollution abatement and control facilities, including acquisitions of project-related easements, land, options to purchase land, and temporary or permanent rights-of-way, and for implementing related management programs.

(2) The Vermont Pollution Control Revolving Fund, which shall be used to provide loans to municipalities, ~~and State agencies, and the Vermont Housing Finance Agency for planning and construction of water pollution abatement and control facilities, for constructing publicly owned pollution control facilities, and for constructing certain privately owned wastewater systems and potable water supply systems~~ including acquisitions of project-related easements, land, options to purchase land, and temporary or permanent rights-of-way.

(3) The Vermont Environmental Protection Agency (EPA) Drinking Water State Revolving Fund, which shall be used to provide loans to municipalities and certain privately owned water systems for:

(A) ~~planning, designing, constructing, repairing, or improving a public water system~~ supply systems, including acquisitions of project-related easements, land, options to purchase land, and temporary or permanent rights-of-way, in order to comply with State and federal standards and protect public health and the environment; and

(B) implementing related management programs.

(4) The Vermont Solid Waste Revolving Fund, which shall be used to provide loans to municipalities (including union municipal districts formed under ~~subchapter 3 of chapter 121, subchapter 3~~ subchapter 3 of this title) for planning solid waste handling and disposal facilities as enumerated in section 2203a of this title, and for constructing publicly owned solid waste handling and disposal facilities as enumerated in section 2203a of this title.

(5) The Vermont Drinking Water Planning Loan Fund, which shall be used to provide loans to municipalities and privately owned, nonprofit community water systems, with populations of less than 10,000, for conducting feasibility studies and for the preparation of preliminary engineering planning studies and final engineering plans and specifications for improvements to public water supply systems in order to comply with State and federal standards and to protect public health. The Secretary may forgive up to \$50,000.00 of the unpaid balance of a loan made from the Vermont Drinking Water Planning Loan Fund to municipalities after project construction is substantially completed or upon approval of a plan. The

Secretary shall establish amounts, eligibility, policies, and procedures for loan forgiveness in the annual State ~~Intended Use Plan~~ intended use plan (IUP), as required by the Safe Drinking Water Act, 42 U.S.C. § 300f et seq., with public review and comment prior to finalization and submission to the U.S. Environmental Protection Agency.

(6) The Vermont Drinking Water Source Protection Fund, which shall be used to provide loans to municipalities for purchasing land or conservation easements in order to protect public water sources and ensure compliance with State and federal drinking water regulations.

(7) The Vermont Drinking Water Emergency Use Fund, which shall be within the control of the Secretary. Disbursements from the Fund may be made by the Secretary for costs required to undertake the following emergency actions that the Secretary considers necessary to protect public health:

(A) collecting and analyzing samples of drinking water;

(B) hiring contractors to perform or cause to be performed infrastructure repairs of ~~a public water system~~ supply systems;

(C) hiring certified operators to perform operational activities at a public water ~~system~~ supply systems; and

(D) providing or causing to be provided bottled or bulk water for a public water ~~system~~ supply systems due to problems with quality or quantity, or both.

(8) [Repealed.]

(9) The Vermont Drinking Water Revolving Loan Fund, which shall be used to provide loans to a municipality for the design, land acquisition, if necessary, and construction of a potable water supply when a household in the municipality has been disconnected involuntarily from a public water supply system for reasons other than nonpayment of fees.

(10) The Vermont Wastewater and Potable Water Revolving Loan Fund, which shall be used to provide loans to individuals, in accordance with section 4763b of this title, for the design and construction of repairs to or replacement of wastewater systems and potable water supplies when the wastewater system or potable water supply is a failed system or supply as defined in 10 V.S.A. § 1972. The amount of \$275,000.00 from the fees collected pursuant to 3 V.S.A. § 2822(j)(4) shall be deposited on an annual basis into this Fund.

(b) Each of such funds shall be established and held separate and apart from any other funds or monies of the State and shall be used and administered

exclusively for the purpose of this chapter with the exception of transferring funds from the Vermont Drinking Water Planning Loan Fund and the Vermont Drinking Water Source Protection Fund to the Vermont Environmental Protection Agency (EPA) Drinking Water State Revolving Fund, and from the Vermont Pollution Control Revolving Fund to the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund, when authorized by the Secretary. These funds shall be administered by the Bond Bank on behalf of the State, except that: the Vermont EPA Drinking Water State Revolving Fund shall be administered by VEDA concerning loans to privately owned water systems under ~~subdivision~~ subdivisions (a)(3) and (5) of this section; and the Vermont Wastewater and Potable Water Revolving Loan Fund may be administered by a community development financial institution, as that term is defined in 12 U.S.C. § 4702, that is contracted with by the State for the purpose of providing loans to individuals for failed wastewater systems and potable water supplies under subdivision (a)(10) of this section. The funds shall be invested in the same manner as permitted for investment of funds belonging to the State or held in the Treasury. The funds shall consist of the following:

(1) such sums as may be appropriated or transferred thereto from time to time by the General Assembly, the State Emergency Board, or the Joint Fiscal Committee during such times as the General Assembly is not in session;

(2) principal and interest received from the repayment of loans made from each of such funds;

(3) capitalization grants and awards made to the State by the United States of America for any of the purposes for which such funds have been established;

(4) interest earned from the investment of fund balances;

(5) private gifts, bequests, and donations made to the State for any of the purposes for which such funds have been established; and

(6) other funds from any public or private source intended for use for any of the purposes for which such funds have been established.

(c) In addition to the purposes established in subsection (a) of this section, the various loan funds created herein may be used for one or more of the purposes established in section 4757 of this title.

(d) ~~Funds from the Vermont Environmental Protection Agency Pollution Control Fund and the Vermont Pollution Control Revolving Fund, established by subdivisions (a)(1) and (2) of this section, may be awarded for:~~

~~(1) the refurbishment or construction of a new or an enlarged wastewater treatment plant with a resulting total capacity of 250,000 gallons or more per day in accordance with the provisions of this chapter and 10 V.S.A. § 1626a; or~~

~~(2) the construction of stormwater management facilities as specifically or generally described in Vermont's Nonpoint Source Management Plan, and which are necessary to remedy or prevent pollution of waters of the State, provided, in any year in which the federal grant for the Fund established in subdivision (a)(1) of this section does not exceed the amount available to the State in the 2002 federal appropriation, no more than 30 percent of that year's federal and State appropriations to that Fund shall be used for the purpose outlined in this subdivision. [Repealed.]~~

(e) The Secretary may bring an action under this subsection or other available State and federal laws against the owner or permittee of the public water ~~system~~ supply systems to seek reimbursement to the Vermont Drinking Water Emergency Use Fund for all disbursements from the Fund made pursuant to subdivision (a)(7) of this section. To the extent compatible with the urgency of the situation, the Secretary shall provide an opportunity for the responsible water system owner or permittee to undertake the necessary actions under the direction of the Secretary prior to making disbursements.

Sec. 27. 24 V.S.A. § 4753a is amended to read:

§ 4753a. AWARDS FROM REVOLVING LOAN FUNDS

(a) Pollution control. The General Assembly shall approve all categories of awards made from the special funds established by section 4753 of this title for water pollution abatement and facility construction, in order to assure that such awards conform with State policy on water quality and pollution abatement, and with the State policy that municipal entities shall receive first priority in the award of public monies for such construction, including monies returned to the revolving funds from previous awards. To facilitate this legislative oversight, the Secretary of Natural Resources shall annually ~~no later than~~ on or before January 15 report to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the House and Senate Committees on Natural Resources and Energy on all awards made from the relevant special funds during the prior and current fiscal years, and shall report on and seek legislative approval of all the types of projects for which awards are proposed to be made from the relevant special funds during the current or any subsequent fiscal year. Where feasible, the specific projects shall be listed. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

~~(b) Water supply. The Secretary of Natural Resources shall no later than January 15, 2000 recommend to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the House and Senate Committees on Natural Resources and Energy a procedure for reporting to and seeking the concurrence of the Legislature with regard to the special funds established by section 4753 of this title for water supply facility construction. [Repealed.]~~

~~(c) [Repealed.]~~

~~(d) Loan forgiveness; pollution control. Notwithstanding any other provision of law regarding loan forgiveness, upon the award of a loan from the Vermont Environmental Protection Agency Pollution Control Revolving Fund (CWSRF), the Secretary of Natural Resources, in a manner that is consistent with federal grant provisions, may forgive up to 50 percent of a loan if the award is made for a project on a priority list and the project is capitalized, at least in part, from funds derived from a federal CWSRF capitalization grant that includes provisions authorizing loan forgiveness. Such loan forgiveness shall be based on the loan value, but funds to be forgiven shall only consist of federal funds, except where the loan is used as a match to other federal grants requiring nonfederal funds as a match provide loan forgiveness.~~

~~(e) Loan forgiveness; drinking water.~~

~~(1) Notwithstanding any other provision of law regarding loan forgiveness, upon the award of a loan from the Vermont Environmental Protection Agency Drinking Water State Revolving Fund (DWSRF), the Secretary of Natural Resources, in a manner that is consistent with federal grant provisions, may forgive up to 100 percent of a loan if the award is made for a project on the priority list and the project is capitalized, at least in part, from funds derived from a federal DWSRF capitalization grant that includes provisions authorizing loan forgiveness. Such loan forgiveness shall be based on the loan value, but funds to be forgiven shall only consist of federal funds, except where the loan is used as a match to other federal grants requiring nonfederal funds as a match provide loan forgiveness.~~

~~(2) Notwithstanding any other provision of law regarding loan forgiveness, upon the award of a loan from the Vermont Drinking Water State Revolving Loan Fund, the Secretary of Natural Resources may provide loan forgiveness for preliminary engineering and final design costs when a municipality undertakes such engineering on behalf of a household that has been disconnected involuntarily from a public water supply system for reasons other than nonpayment of fees, provided it is not the same municipality that is disconnecting the household.~~

(f) Loan forgiveness standard. The Secretary shall establish standards, policies, and procedures as necessary for implementing subsections (d) and (e) of this section for allocating the funds among projects and for revising standard priority lists in order to comply with requirements associated with federal capitalization grant agreements.

Sec. 28. 24 V.S.A. § 4754 is amended to read:

§ 4754. LOAN APPLICATION

A municipality may apply for a loan, the proceeds of which shall be used to acquire, design, plan, construct, enlarge, repair or improve a ~~publicly owned sewage system, sewage treatment or disposal plant, publicly owned water pollution abatement and~~ pollution control facility, water supply, water system, public water supply systems as defined in section 4752(9) of this title, or a solid waste handling and disposal facility, or certain privately owned privately owned wastewater systems as described in section 4763 of this title, or to implement a related management program. In addition, the loan proceeds shall be used to pay the outstanding balance of any engineering planning advances made to the municipal applicant under this ~~chapter 55 of Title 10~~ and determined by the ~~secretary of the agency of natural resources~~ Secretary to be due and payable following construction of the improvements to be financed by the proceeds of the loan. The ~~bond bank~~ Bond Bank may prescribe any form of application or procedure required of a municipality for a loan hereunder. Such application shall include such information as the ~~bond bank~~ Bond Bank shall deem necessary for the purpose of implementing this chapter.

Sec. 29. 24 V.S.A. § 4755 is amended to read:

§ 4755. LOAN; LOAN AGREEMENTS; GENERAL PROVISIONS

(a) Except as provided by subsection (c) of this section, the Bond Bank may make loans to a municipality on behalf of the State for one or more of the purposes set forth in section 4754 of this chapter. Each of such loans shall be made subject to the following conditions and limitations:

(1) ~~no~~ No loan shall be made for any purpose permitted under this chapter other than from the revolving fund in which the same purpose is included;

(2) ~~the~~ The total amount of loan out of a particular revolving fund shall not exceed the balance of that fund;

(3) ~~the~~ The loan shall be evidenced by a municipal bond, payable by the municipality over a term not to exceed 30 years or the projected useful life of the project, ~~which ever~~ whichever is less, except:

(A) there shall be no deferral of payment, ~~unless authorized by 10 V.S.A. § 1624a;~~

(B) the term of the loan shall not exceed 20 years when required by ~~10 V.S.A. § 1624(b)~~ section 4763c of this title; and

(C) the loan may be evidenced by any other permitted debt instrument payable as permitted by chapter 53 of this title;

(4) ~~notwithstanding~~ Notwithstanding any other provisions of law, municipal legislative bodies may execute notes and incur debt on behalf of municipalities;

(A) with voter approval at a duly warned meeting, for amounts less than \$75,000.00; or

(B) ~~increase by increasing~~ increase by increasing previously approved bond authorizations by up to \$75,000.00 to cover unanticipated project costs; ~~and.~~

(5) ~~the~~ The rate of interest charged for the loans made to municipalities under this chapter, or the manner of determining the same, shall be established from time to time by the State Treasurer after consultation with the Secretary ~~of the Agency~~ taking into consideration the current average rate on outstanding marketable obligations of the State as of the last day of the preceding month. The rate of interest shall be no less than zero percent ~~nor more than 80 percent of the average rate on marketable obligations of the State and no more than the market interest rate, as determined by the Bond Bank, except as provided in section 4763c of this title.~~ Effective July 1, 1999, an An administrative fee of no more than two percent shall be charged for the loans made to municipalities under this chapter from the Clean Water State Revolving Fund. ~~Effective July 1, 2001, an administrative fee of no more than two percent may be charged for loans made to municipalities under this chapter from and~~ and the Vermont Environmental Protection Agency Drinking Water State Revolving Fund. The Secretary shall establish the method used to determine such administrative fee. Fee proceeds shall be deposited into a nonlapsing account and be held separately from the funds established pursuant to section 4753 of this title. ~~Moneys~~ Monies from such account shall be used to pay the costs of administering each of the funds established by subsection 4753(a) of this title, and any excess shall be transferred to the appropriate account established by subsection 4753(a) of this title. ~~Notwithstanding all other requirements of this subdivision, the interest rate charged for municipal water supply projects shall be established by the Secretary pursuant to 10 V.S.A. § 1624.~~

(b) Loans made to a municipality by the Bond Bank on behalf of the State under this chapter shall be evidenced by and made in accordance with the

terms and conditions specified in a loan agreement to be executed by the Bond Bank on behalf of the State and the municipality. The loan agreement shall specify the terms and conditions of loan repayment by the municipality, as well as the terms, conditions, and estimated schedule of disbursement of loan proceeds. Disbursement of loan proceeds shall be based upon certification of the loan recipient showing that costs for which reimbursement is requested have been incurred and paid by the recipient. The recipient shall provide supporting evidence of payment upon the request of the ~~department~~ Department. Partial payments of loan proceeds shall be made not more frequently than monthly. Interest costs incurred in local short-term borrowing of the loan amount shall be reimbursed as part of the loan. The loan agreement shall state the term and interest rate of the loan, the scheduling of loan repayments, and such other terms and conditions as shall be deemed necessary by the Bond Bank.

(c) The Vermont Economic Development Authority shall make loans on behalf of the ~~state~~ State when the loan recipient is a privately owned public water system. Such loans shall be issued and administered pursuant to subchapter 3 of this chapter.

~~(d) The Secretary of Natural Resources shall by January 15, 2003 submit a comprehensive report to the House Committees on Corrections and Institutions and on Natural Resources and Senate Committees on Institutions and on Natural Resources and Energy on the use by the state and by municipalities of the two percent administrative fee authorized by subdivision (a)(4) of this section. [Repealed.]~~

(e) For the purposes of this chapter, a State administrative department as authorized in Title 3 shall be deemed a municipality and subject to the terms and conditions applicable to municipalities; provided, however, that a State administrative department deemed a municipality shall only receive State assistance under this chapter if the Department has a surplus of funds at the end of each fiscal year after all municipal loan applicants have received committed funds.

Sec. 30. 24 V.S.A. § 4758 is amended to read:

§ 4758. LOAN PRIORITIES

(a) Periodically, and at least annually, the ~~secretary~~ Secretary shall prepare and certify to the ~~bond bank~~ Bond Bank a project priority list of those municipalities whose publicly owned projects, or privately owned wastewater systems, are eligible for financing or assistance under this chapter. In determining financing availability for ~~wastewater projects~~ water pollution

~~abatement and control facilities under this chapter, the secretary of the agency having jurisdiction~~ Secretary shall apply the following criteria:

~~(1) the probable public benefit to be gained or preserved by the project to be financed;~~

~~(2) the long term costs and the resulting benefits to be derived from the project. In determining benefits, induced growth from a project that is not consistent with a town, city, or village plan, duly adopted under chapter 117 of this title, will not be considered;~~

~~(3) the cost of comparable credit or financing alternatives available to the municipality;~~

~~(4) the existence of immediate public health, safety and welfare factors, and compliance therewith;~~

~~(5) the existence of an emergency constituting a threat to public health, safety and welfare; and~~

~~(6) the current area and population to be served by the proposed project adopted pursuant to 10 V.S.A. § 1628.~~

~~(b) In determining financing availability for stormwater projects under this chapter, the secretary of the agency having jurisdiction shall apply the following criteria:~~

~~(1) that the project is specifically or generally described in Vermont's nonpoint source management plan;~~

~~(2) that the project will remedy or prevent the impairment of waters, and the severity of that existing or prevented impairment; and~~

~~(3) that the project is consistent with the applicable basin plan for the waters affected by the project. [Repealed.]~~

Sec. 31. 24 V.S.A. § 4763c is added to read:

§ 4763c. LOANS FOR PUBLIC WATER SUPPLY SYSTEMS

(a) The Secretary may certify to the Vermont Municipal Bond Bank established by section 4571 of this title the award of a loan to a municipality to assist with a public water supply system project, when the Secretary finds that:

(1) the project is necessary;

(2) the proposed type, size, and estimated cost of the project are suitable for its intended purpose; and

(3) the municipality will have the technical, financial, and managerial ability to operate the facility in compliance with federal and State law.

(b) The certification by the Secretary shall specify the interest rate, and indicate which of the following loan conditions concerning construction loans apply:

(1) The term shall not exceed 20 years, and the annual interest rate, plus the administrative fee, shall be no more than three percent or less than zero percent, except that when the applicant municipality is disadvantaged as defined by subdivision 4752(12) of this title, the term shall not exceed 30 years. When the applicant municipality is disadvantaged as defined in subdivision 4752(12), the annual interest rate, plus the administrative fee, shall be no less than minus three percent.

(2) In no instance shall the annual interest rate, plus the administrative fee, be less than necessary to achieve an annual household user cost equal to one percent of the median household income of the applicant municipality or served area, taking into account:

(A) debt retirement of the project, including any monies a municipality may borrow to match federal funds available to the Vermont EPA Drinking Water State Revolving Fund pursuant to section 4763d of this title;

(B) prior drinking water projects; and

(C) estimated annual operation and maintenance costs as determined by the Secretary.

(c) A municipal legislative body may execute a loan agreement under this subsection provided the loan is authorized by municipal voters and secured by the full faith and credit of the municipality.

(d) A loan shall be issued and administered pursuant to this chapter.

(e) Loans shall be available to the extent funds are available and according to priorities established by the Secretary.

(f) For purposes of this section, the Secretary shall determine the median household income of a municipality from the most recent federal census data available when the priority list used for funding the project was approved, or at the option of an applicant municipality, based on the recommendation of an independent contractor hired by the municipality and approved by the Secretary. The determination of the Secretary shall be final. The cost of an independent contractor may be included in the total cost of a project.

(g) Loans awarded for the purpose of refinancing old debt shall be for a term of no more than 20 years and at an interest rate set by the State Treasurer at no less than zero percent and no more than the market interest rate, as determined by the Bond Bank, except that municipalities or private water system owners that qualify for loan awards under section 4770 of this title and that incurred debt and initiated construction after April 5, 1997 may receive loans at interest rates and terms pursuant to subdivision (b)(2)(A) of this section.

(h) Loans awarded for the purpose of conducting feasibility studies and preparation of engineering plans and designs shall be for a term of no more than five years at an interest rate of zero percent.

(i) Loans awarded for the purpose of purchasing land or conservation easements to protect public water sources shall be for a term of no more than 20 years at an annual interest rate of three percent.

(j) The Secretary may forgive up to \$25,000.00 of a loan from the Vermont Environmental Protection Agency (EPA) Drinking Water State Revolving Fund to municipalities for improvements to public school water systems following substantial completion of the project. The Secretary shall establish amounts, eligibility, policies, and procedures for loan forgiveness in the annual State intended use plan (IUP), as required by the Safe Drinking Water Act, 42 U.S.C. § 300f et seq., with public review and comment prior to finalization and submission to the EPA.

(k) Subject to the interest rate and administrative fee limitations of subsection (b) of this section, the Secretary may designate projects as U.S. Department of Agriculture Rural Development-Vermont EPA Drinking Water State Revolving Fund jointly funded projects, and reduce the Vermont EPA revolving fund interest rate, plus administrative fee, in order to make the total loan cost of the joint loan to the municipality equivalent to the total loan cost of a separately funded Vermont EPA revolving loan for the same project.

Sec. 32. 24 V.S.A. § 4763d is added to read:

§ 4763d. MUNICIPAL MATCH OF FEDERAL REVOLVING FUNDS

(a) A municipality may choose to provide the State money necessary to match federal monies available to the Vermont EPA Drinking Water State Revolving Fund established by subdivision 4753(a)(3) of this title, and thereby become eligible to receive a loan from the Revolving Fund in the amount of the total cost of a water facility project approved under this section. Such a loan from the Revolving Fund, for up to the total project cost, shall be

approved by municipal voters and secured by the full faith and credit of the municipality or anticipated revenues from municipal water charges.

(b) The amount of such a municipal match of federal funds shall be equal to one-sixth of the total project cost, which shall constitute a sum in addition to the amount of a loan for the total project cost to be received by the municipality from the Revolving Fund. A municipality is authorized to borrow monies needed for the match amount, from sources other than the Revolving Fund, which shall be approved by municipal voters and secured by the full faith and credit of the municipality or anticipated revenues from municipal water charges, or a municipality may use other funds or tax revenues available to it for this purpose.

(c) Upon request of the owner of a privately owned public water system, a municipality may apply for and support an application for a community development block grant to receive use of State and federal funds, provided:

(1) the private water system owner agrees to pay all administrative and legal costs incurred by the municipality in pursuit of the grant;

(2) the municipality finds that the project to be supported by the grant is consistent with applicable local and regional plans, and local ordinances or other local enactments;

(3) the private water system owner, to the extent practicable, undertakes the administration of logistical and legal work necessary to prepare the application materials; and

(4) the private water system owner agrees to hold the municipality harmless from any claims of liability arising from the grant application or project.

(d) The Secretary may use federal funds to award grants to municipalities to complete studies, or for start-up costs associated with the physical and operational consolidation of public water systems or the interconnection of public water systems. The Secretary shall establish amounts, eligibility, priorities, policies, and procedures in the annual State intended use plan (IUP), as required by the Safe Drinking Water Act, 42 U.S.C. § 300f et seq.

Sec. 33. 24 V.S.A. § 4764 is added to read:

§ 4764. PLANNING

(a) Engineering planning advance. A municipality or a combination of two or more municipalities desiring an advance of funds for engineering planning for public water supply systems, as defined in subdivision 4752(9) of this title, or improvements, or for water pollution abatement and control facilities or

improvements, may apply to the Department for an advance under this chapter. As used in this subsection, "engineering planning" may include source exploration, surveys, reports, designs, plans, specifications, or other engineering services necessary in preparation for construction of the types of systems or facilities referred to in this section.

(b) Regional engineering planning. The Department, with the approval of the Secretary, may use up to ten percent of the total capital appropriation for construction grants to undertake regional engineering planning and process research. Funds approved for regional engineering planning may be awarded directly to a lead municipality and administered in accordance with this chapter.

(c) Funding. In each fiscal year, the Department may use up to 30 percent of the total capital appropriation for construction grants provided under 10 V.S.A. chapter 55 to award engineering planning advances.

Sec. 34. 24 V.S.A. § 4765 is added to read:

§ 4765. APPLICATION

The application shall be supported by data covering:

- (1) a description of the project;
- (2) a description of the engineering service to be performed;
- (3) an explanation of the need for the project;
- (4) an estimate of the cost of the project;
- (5) the amount of advance requested;
- (6) a schedule for project implementation;

(7) such other information and assurances as the Department may require.

Sec. 35. 24 V.S.A. § 4766 is added to read:

§ 4766. AWARD OF ADVANCE

(a) The Department may award an engineering planning advance, as defined in section 4764 of this title, in an amount determined by standards established by the Department, and pursuant to the following:

(1) for public water supply systems, as defined in subdivision 4752(9) of this title, when it finds the same to be necessary in order to preserve or enhance the quality of water provided to the inhabitants of the municipality, or to alleviate an adverse public health condition, or to allow for orderly

development and growth of the municipality, except that no funds may be awarded until the Department determines that the applicant has complied with the provisions of 10 V.S.A. § 1676a, unless such funds are solely for the purpose of determining the effect of the proposed project on agriculture; or

(2) for planning of water pollution abatement and control facilities, in order to enable a municipality to comply with water quality standards established under 10 V.S.A. chapter 47.

(b) The Department shall award an advance for engineering planning under this section only when it finds:

(1) that the cost of the project is reasonable for its intended purpose; and

(2) that local funds are not readily available.

Sec. 36. 24 V.S.A. § 4767 is added to read:

§ 4767. PAYMENT OF AWARDS

On receipt of the engineering planning documents and their approval by the Department, the Department shall certify the award to the Commissioner of Finance and Management who shall issue his or her warrant for payment of the award from the construction grant funds available to the Department. The Department may direct the Commissioner of Finance and Management to issue his or her warrant for partial payments of the award upon receipt and approval of portions of the total engineering work to be performed under the advance, together with the recipient's certification that costs for which reimbursement has been requested have been incurred and paid by the recipient municipality. The recipient shall provide supporting evidence of payment upon the request of the Department. Partial payments shall be made not more frequently than monthly. Interest costs incurred in local short-term borrowing of the engineering planning advance shall be reimbursed as part of the advance.

Sec. 37. 24 V.S.A. § 4768 is added to read:

§ 4768. REPAYMENT OF ADVANCES

Advances under this subchapter shall be repaid when construction of the facilities or any portion thereof is undertaken. Where a construction grant or loan is authorized by the Department for the project, the amount of the outstanding advances shall be retained from the initial payments of the grant or loan funds. In other instances, if repayment is not made within 60 days upon demand by the Department, the sum shall bear interest at the rate of 12 percent per annum from the date payment is demanded by the Department to the date of payment by the municipality. The Department may approve proportional

repayment when construction is initiated on a small portion of the planned project.

Sec. 38. REPORT ON LOANS TO PRIVATE ENTITIES FOR WATER POLLUTION ABATEMENT AND CONTROL FACILITIES AND PUBLIC WATER SUPPLY SYSTEMS

(a) On or before December 15, 2016, the Secretary of Natural Resources shall submit to the House Committees on Corrections and Institutions, on Fish, Wildlife and Water Resources, and on Commerce and Economic Development and the Senate Committee on Institutions a report regarding whether and how to provide loans under 24 V.S.A. chapter 120 to private entities for water pollution abatement and control facilities, and public water supply systems.

(b) The report shall include:

(1) an assessment of the total funds available from the State for grants and loans to municipalities and the total funds available from the State for loans to private entities to improve water quality;

(2) an estimate of the costs to municipalities over the next 10 years of complying with State and federal water quality and water supply requirements, including any necessary improvements to water pollution abatement and control facilities or public water supply systems;

(3) an estimate of the likely demand by municipalities in the next 10 years for grants and loans for municipal compliance with State and federal water quality and water supply requirements;

(4) a recommendation of whether to authorize loans under 24 V.S.A. chapter 120 to private entities for water pollution abatement and control facilities or public water supply systems;

(A) if the Secretary recommends that private entities should not receive loans under 24 V.S.A. chapter 120 for water pollution abatement and control facilities or public water supply systems, the basis for the recommendation;

(B) if the Secretary recommends that private entities should be authorized to receive loans under 24 V.S.A. chapter 120 for water pollution abatement and control facilities or public water supply systems:

(i) the basis for the recommendation;

(ii) how loans to municipal projects would retain priority over private entities in eligibility;

(iii) whether loans to private entities should be limited to certain types of water pollution abatement and control facilities or public water supply systems projects, including whether:

(I) loans for correcting sewage problems should only be authorized to private residences or development with failed systems, as that term is defined in 10 V.S.A. § 1972; and

(II) loans to private entities for stormwater management should be limited to situations when stormwater runoff contributes to combined sewer overflow issues in a municipality and the State or the municipality lacks regulatory authority to require the private entity to implement stormwater controls;

(iv) which financial institution or institutions should administer the loans; and

(v) recommendations on loan eligibility requirements, conditions of loan agreements, and other provisions necessary to administer loans to private entities.

Sec. 39. TRANSITION; WATER POLLUTION ABATEMENT CONTROL FACILITIES

(a) Notwithstanding any conflict with this act, the Department is authorized to continue to award assistance under the Municipal Pollution Control Priority System Rule, adopted August 1, 2014, until new rules are adopted to implement this act pursuant to 10 V.S.A. § 1628. Until such new rules are adopted, the Department shall award grants pursuant to subsection (b) of this section.

(b) When the Department finds that a proposed water pollution abatement and control facility is necessary to maintain or achieve compliance with the Vermont Water Quality Standards; that the proposed type, kind, quality, size, and estimated cost of the project, including operation cost and sewage disposal charges, are suitable for abatement of pollution; and that the project or the prescribed project phases are necessary to meet the intent of the water quality classifications established by the Secretary or by statute under 10 V.S.A. chapter 47, the Department may award State financial assistance to the project as follows:

(1) Combined sewer separation facilities and combined sewer overflow abatement projects shall be eligible for a grant of 25 percent of the eligible project costs.

(2) Projects to abate dry weather sewage flows shall be eligible for a grant of up to 25 percent of the eligible project costs, except that any municipality having proceeded with construction of facilities with a State grant of 25 percent since July 1, 1984 shall be eligible for an increase in the State grant to a total of 35 percent of the eligible project costs.

(3) A project to construct, enlarge, or refurbish a wastewater treatment plant with a design hydraulic capacity of 250,000 or more gallons per day shall be eligible for a grant of up to 50 percent of the cost of that portion of the plant used to treat septage, or septage and sludge in combination, if the Commissioner of Environmental Conservation finds that the proposed plant capacity will be sufficient to receive, treat, and dispose of septage alone in a quantity equivalent to the ratio of 4,000 gallons or more of such septage per day for each 1,000,000 gallons per day of plant design hydraulic capacity. The portion of the plant used for processing septage, or septage and sludge in combination, shall include facilities for receiving septage and for the storage, treatment, transfer, and disposal of both septage and sludge.

Sec. 40. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Johnson of South Hero, for the committee on Appropriations, reported the bill without recommendation.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Corrections & Institutions agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 629

Rep. Devereux of Mount Holly, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to the administration and issuance of vital records

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

Sec. 1. VITAL RECORDS STUDY COMMITTEE; REPORT

(a) Creation and membership. There is created a Vital Records Study Committee composed of the following members:

(1) one current member of the House of Representatives, who shall be appointed by the Speaker of the House;

(2) one current member of the Senate, who shall be appointed by the Committee on Committees;

(3) the State Archivist or designee;

(4) the Commissioner of Health or designee;

(5) a town clerk appointed by the Vermont Municipal Clerks' and Treasurers' Association.

(b) Powers and duties. The Committee shall study Vermont's laws governing the administration and issuance of vital records and best practices in other jurisdictions with regard to the administration and issuance of vital records, and recommend proposed legislation to reform Vermont's vital records laws. At a minimum, the Committee's recommendations shall address the following issues:

(1) the persons who should be entitled to receive certified copies of birth and death certificates and the process and evidence used to verify the identity of such persons;

(2) the collection and maintenance of information about persons who request certified copies of vital records;

(3) the persons who should have authority to issue certified copies of vital records and the process and standards under which such persons should be granted such authority and audited for compliance;

(4) physical requirements and security standards for storage of vital record certificates and related supplies;

(5) whether the existing process for filing and registering birth certificates should be streamlined;

(6) the penalties that should be associated with fraudulent activities related to vital records;

(7) which vital records or specific information contained in vital records should be designated confidential and any exceptions to confidentiality that should be created;

(8) rulemaking that the Department of Health should be required to carry out related to the administration and issuance of vital records;

(9) appropriate fees for certified and informational copies of vital records; and

(10) effective dates and any transition provisions needed to implement the Committee's recommendations.

(c) Assistance. The Committee shall receive technical assistance from the Office of the Secretary of State and from the Department of Health. For purposes of scheduling meetings and preparing recommended legislation, the Committee shall have the assistance of the Office of Legislative Council.

(d) Report. On or before November 15, 2016, the Committee shall submit a written report to the House and Senate Committees on Government Operations with its findings and recommendations for proposed legislation.

(e) Meetings.

(1) The legislative members shall co-chair the Committee.

(2) The co-chairs shall call the first meeting of the Committee to occur on or before June 15, 2016.

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

(f) Termination. The Committee shall cease to exist on January 15, 2017.

(g) Reimbursement. For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than four meetings.

Sec. 2. 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 a study committee to examine laws related to the administration and issuance of vital records”

Rep. Keenan of St. Albans City, for the committee on Appropriations recommended that the bill ought to pass when amended, as recommended by the committee on Government Operations.

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

Bill Amended; Third Reading Ordered

H. 789

Rep. Sheldon of Middlebury, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to forest integrity and municipal and regional planning

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. § 4302 is amended to read:

§ 4302. PURPOSE; GOALS

* * *

(c) In addition, this chapter shall be used to further the following specific goals:

(1) To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

(A) Intensive residential development should be encouraged primarily in areas related to community centers, and strip development along highways should be discouraged.

(B) Economic growth should be encouraged in locally designated growth areas, employed to revitalize existing village and urban centers, or both, and should be encouraged in growth centers designated under chapter 76A of this title.

(C) Public investments, including the construction or expansion of infrastructure, should reinforce the general character and planned growth patterns of the area.

(D) Development should be undertaken in accordance with smart growth principles as defined in subdivision 2791(13) of this title.

(2) To provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes.

(3) To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.

(4) To provide for safe, convenient, economic, and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.

~~(A)~~ Highways, air, rail, and other means of transportation should be mutually supportive, balanced, and integrated.

(5) To identify, protect, and preserve important natural and historic features of the Vermont landscape, including:

(A) significant natural and fragile areas;

(B) outstanding water resources, including lakes, rivers, aquifers, shorelands, and wetlands;

(C) significant scenic roads, waterways, and views;

(D) important historic structures, sites, or districts, archaeological sites, and archaeologically sensitive areas.

(6) To maintain and improve the quality of air, water, wildlife, forests, and other land resources.

(A) Vermont's air, water, wildlife, mineral, and land resources should be planned for use and development according to the principles set forth in 10 V.S.A. § 6086(a).

(B) Vermont's water quality should be maintained and improved according to the policies and actions developed in the basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

(C) Vermont's forestlands should be managed so as to maintain and improve forest blocks and habitat connectors.

* * *

(9) To encourage and strengthen agricultural and forest industries.

(A) Strategies to protect long-term viability of agricultural and ~~forest lands~~ forestlands should be encouraged and should include maintaining low overall density.

(B) The manufacture and marketing of value-added agricultural and forest products should be encouraged.

(C) The use of locally-grown food and forest products should be encouraged.

(D) Sound forest and agricultural management practices should be encouraged.

(E) Public investment should be planned so as to minimize development pressure on agricultural and forest land.

* * *

Sec. 2. 24 V.S.A. § 4303 is amended to read:

§ 4303. DEFINITIONS

The following definitions shall apply throughout this chapter unless the context otherwise requires:

* * *

(10) “Land development” means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

* * *

(34) “Forest block” means a contiguous area of forest in any stage of succession and not currently developed for nonforest use. A forest block may include recreational trails, wetlands or other natural features that do not themselves possess tree cover, and uses exempt from regulation under subsection 4413(d) of this title.

(35) “Forest fragmentation” means the division or conversion of a forest block by land development other than by a recreational trail or a use exempt from regulation under subsection 4413(d) of this title.

(36) “Habitat connector” means land or water, or both, that links patches of wildlife habitat within a landscape, allowing the movement, migration, and dispersal of animals and plants and the functioning of ecological processes. A habitat connector may include recreational trails.

(37) “Recreational trail” means a corridor that is not paved and that is used for hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other similar recreational activity.

Sec. 3. 24 V.S.A. § 4348a is amended to read:

§ 4348a. ELEMENTS OF A REGIONAL PLAN

(a) A regional plan shall be consistent with the goals established in section 4302 of this title and shall include the following:

(1) A statement of basic policies of the region to guide the future growth and development of land and of public services and facilities, and to protect the environment.

(2) A land use element, which shall consist of a map and statement of present and prospective land uses, that:

(A) ~~indicating~~ Indicates those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses,

open spaces, areas reserved for flood plain, and areas identified by the State, regional planning commissions, or municipalities, which that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes;.

(B) ~~indicating~~ Indicates those areas within the region that are likely candidates for designation under sections 2793 (downtown development districts), 2793a (village centers), 2793b (new town centers), and 2793c (growth centers) of this title;.

(C) ~~indicating~~ Indicates locations proposed for developments with a potential for regional impact, as determined by the regional planning commission, including flood control projects, surface water supply projects, industrial parks, office parks, shopping centers and shopping malls, airports, tourist attractions, recreational facilities, private schools, public or private colleges, and residential developments or subdivisions;.

(D) ~~setting~~ Sets forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and services;.

(E) ~~indicating~~ Indicates those areas that have the potential to sustain agriculture and recommendations for maintaining them which may include transfer of development rights, acquisition of development rights, or farmer assistance programs;.

(F) Indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the regional planning commission.

* * *

(b) The various elements and statements shall be correlated with the land use element and with each other. The maps called for by this section may be incorporated on one or more maps, and may be referred to in each separate statement called for by this section.

Sec. 4. 24 V.S.A. § 4382 is amended to read:

§ 4382. THE PLAN FOR A MUNICIPALITY

(a) A plan for a municipality may be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan and shall include the following:

(1) A statement of objectives, policies, and programs of the municipality to guide the future growth and development of land, public services, and facilities, and to protect the environment.

(2) A land use plan:

~~(A) consisting of, which shall consist of a map and statement of present and prospective land uses, that:~~

~~(A) indicating~~ Indicates those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses, and open spaces, areas reserved for flood plain, and areas identified by the State, the regional planning commission or the municipality that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes;

~~(B) setting~~ Sets forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and service;

~~(C) identifying~~ Identifies those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of section 4302 of this title, and how the area meets the requirements for the type of designation to be sought.

~~(D)~~ Indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the municipality.

* * *

Sec. 5. STUDY AND REPORT; LAND USE REGULATION; FOREST INTEGRITY

(a) Creation. There is created a Study Committee on Land Use Regulation and Forest Integrity to study potential revisions to 10 V.S.A. chapter 151 (Act 250) and to 24 V.S.A. chapter 117, subchapter 7 (bylaws) to protect contiguous areas of forestland from fragmentation and promote habitat connectivity between forestlands.

(b) Membership. The Committee shall be composed of the following nine members:

(1) a current member of the House of Representatives appointed by the Speaker of the House;

(2) a current member of the Senate appointed by the Committee on Committees;

(3) a current officer of a municipality, appointed by the Vermont League of Cities and Town;

(4) a representative of the Vermont Association of Planning and Development Agencies, appointed by the Association;

(5) the Commissioner of Housing and Community Development or designee;

(6) the Chair of the Natural Resources Board or designee;

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

(8) a representative of the Vermont Forest Roundtable through the Vermont Natural Resources Council; and

(9) a representative of the Vermont Working Lands Enterprise Board established under 6 V.S.A. § 4606, appointed by that Board.

(c) Powers and duties. The Committee shall study potential revisions to Act 250 and 24 V.S.A. chapter 117, subchapter 7 (bylaws) to protect contiguous areas of forestland from fragmentation and promote habitat connectivity between forestlands. This study shall include the following:

(1) review of the relevant provisions of Act 250 and 24 V.S.A. chapter 117 as they exist on passage of this act;

(2) development and review of options to revise Act 250 and the bylaw provisions of chapter 117 to protect forestland from fragmentation and promote habitat connectivity;

(3) evaluation of the impact of those options on land use;

(4) a recommendation on whether to make such revisions and the reason for the recommendation and, if the recommendation is affirmative, the revisions that the Committee suggests be made; and

(5) review of the definitions added by Sec. 2 of this act to 24 V.S.A. § 4303 and the amendments made by Secs. 3 and 4 of this act to 24 V.S.A. §§ 4348a and 4382, a recommendation on whether to make revisions to these provisions and the reasons for the recommendation and, if the recommendation is affirmative, the revisions that the Committee suggests be made.

(d) Assistance. For purposes of scheduling meetings, preparing its recommendation on whether to make statutory revisions, and preparing any recommended legislation, the Committee shall have the assistance of the Office of Legislative Council. The Committee also shall be entitled to the technical and professional assistance of the Departments of Housing and Community Development and of Forests, Parks and Recreation and of the Natural Resources Board.

(e) Report. On or before July 1, 2017, the Committee shall submit its written recommendation and any proposed legislation to the House Committee on Fish, Wildlife and Water Resources and the House and Senate Committees on Natural Resources and Energy.

(f) Meetings.

(1) The Office of Legislative Council shall call the first meeting of the Committee to occur on or before July 15, 2016.

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

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

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than four meetings.

(2) Other members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than four meetings.

Sec. 6. EFFECTIVE DATES

(a) This section and Sec. 5 (study and report) shall take effect on passage.

(b) Secs. 1 (purpose; goals) and 2 (definitions) shall take effect on July 1, 2016.

(c) Secs. 3 (elements of a regional plan) and 4 (plan for municipality) shall take effect on January 1, 2018.

Rep. Feltus of Lyndon, for the committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the committee on Fish, Wildlife and Water Resources.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Fish, Wildlife & Water Resources and Appropriations agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Higley of Lowell** 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 read a third time? was decided in the affirmative. Yeas, 105. Nays, 29.

Those who voted in the affirmative are:

Ancel of Calais	Devereux of Mount Holly	Klein of East Montpelier
Bartholomew of Hartland	Donovan of Burlington	Komline of Dorset
Baser of Bristol	Eastman of Orwell	Krebs of South Hero
Beck of St. Johnsbury	Emmons of Springfield	Krowinski of Burlington
Berry of Manchester	Fagan of Rutland City	Lalonde of South Burlington
Beyor of Highgate	Feltus of Lyndon	Lanpher of Vergennes
Bissonnette of Winooski	Fields of Bennington	Lawrence of Lyndon
Branagan of Georgia	Forguites of Springfield	Lenes of Shelburne
Briglin of Thetford	Frank of Underhill	Lippert of Hinesburg
Browning of Arlington	French of Randolph	Long of Newfane
Burke of Brattleboro	Gamache of Swanton	Lucke of Hartford
Buxton of Tunbridge	Gonzalez of Winooski	Macaig of Williston
Carr of Brandon	Grad of Moretown	Manwaring of Wilmington
Chesnut-Tangerman of Middletown Springs	Greshin of Warren	Martin of Wolcott
Cole of Burlington	Haas of Rochester	McCormack of Burlington
Connor of Fairfield	Head of South Burlington	McCullough of Williston
Conquest of Newbury	Hebert of Vernon	Miller of Shaftsbury
Copeland-Hanzas of Bradford	Hooper of Montpelier	Morris of Bennington
Corcoran of Bennington	Jerman of Essex	Nuovo of Middlebury
Dakin of Colchester	Jewett of Ripton	O'Brien of Richmond
Davis of Washington	Johnson of South Hero	Olsen of Londonderry
Deen of Westminster	Juskiewicz of Cambridge	O'Sullivan of Burlington
	Keenan of St. Albans City	Partridge of Windham
	Kitzmiller of Montpelier	Patt of Worcester

Pearce of Richford	Sheldon of Middlebury	Trieber of Rockingham
Pearson of Burlington	Sibilia of Dover	Troiano of Stannard
Poirier of Barre City	Smith of New Haven	Van Wyck of Ferrisburgh
Potter of Clarendon	Stevens of Waterbury	Walz of Barre City
Pugh of South Burlington	Stuart of Brattleboro	Webb of Shelburne
Rachelson of Burlington	Sullivan of Burlington	Willhoit of St. Johnsbury
Ram of Burlington	Sweaney of Windsor	Wood of Waterbury
Russell of Rutland City	Till of Jericho	Woodward of Johnson
Ryerson of Randolph	Toleno of Brattleboro	Wright of Burlington
Savage of Swanton	Toll of Danville	Yantachka of Charlotte
Scheuermann of Stowe	Townsend of South	Young of Glover
Sharpe of Bristol	Burlington	Zagar of Barnard

Those who voted in the negative are:

Bancroft of Westford	Helm of Fair Haven	Murphy of Fairfax
Batchelor of Derby	Higley of Lowell	Myers of Essex
Burditt of West Rutland	Hubert of Milton	Quimby of Concord
Canfield of Fair Haven	LaClair of Barre Town	Shaw of Pittsford
Cupoli of Rutland City	Lefebvre of Newark	Shaw of Derby
Dame of Essex	Lewis of Berlin	Strong of Albany
Dickinson of St. Albans Town	Martel of Waterford	Tate of Mendon
Donahue of Northfield	McCoy of Poultney	Terenzini of Rutland Town
Gage of Rutland City	McFaun of Barre Town	Turner of Milton
	Morrissey of Bennington	Viens of Newport City

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

Botzow of Pownal	Dakin of Chester	Marcotte of Coventry
Brennan of Colchester	Evans of Essex	Masland of Thetford
Christie of Hartford	Fiske of Enosburgh	Mrowicki of Putney
Clarkson of Woodstock	Graham of Williamstown	Parent of St. Albans Town
Condon of Colchester	Huntley of Cavendish	Purvis of Colchester

Favorable Report; Third Reading Ordered

H. 855

Rep. Yantachka of Charlotte spoke for the committee on Natural Resources and Energy.

Rep. Feltus of Lyndon, for the committee on Appropriations, to which had been referred House bill, entitled

An act relating to forest fire suppression and forest fire wardens

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Adjournment

At six o'clock and twenty-one minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.