

1 H.35

2 Representatives Dickinson of St. Albans Town and Parent of St. Albans
3 City move that the bill be amended as follows:

4 First: In Sec. 37, by striking 10 V.S.A. §§ 1387 and 1388 (Clean Water
5 Fund), including the reader assistance preceding Sec. 37, in their entirety and
6 inserting in lieu thereof the following:

7 * * * Water Quality Funding; Clean Water Fund; Property Transfer Tax * * *

8 § 1387. PURPOSE

9 The General Assembly establishes in this subchapter a Vermont Clean
10 Water Fund as a mechanism for financing the improvement of water quality in
11 the State. The Clean Water Fund shall be used to:

12 (1) assist the State in complying with water quality requirements and
13 construction or implementation of water quality projects or programs;

14 (2) provide necessary funding for staff programs of the Agency of
15 Natural Resources and the Agency of Agriculture, Food and Markets; and

16 (3) provide funding to nonprofit organizations, regional associations,
17 and other entities for implementation and administration of community-based
18 water quality programs or projects.

19 § 1388. CLEAN WATER FUND

20 (a) There is created a special fund to be known as the “Clean Water Fund.”

21 Notwithstanding any contrary provisions of 32 V.S.A. chapter 7, subchapter 5:

1 (1) the Fund shall be administered by the Clean Water Fund Board
2 established under section 1389 of this title;

3 (2) the Fund shall consist of:

4 (A) revenues dedicated for deposit into the Fund by the General
5 Assembly, including 25 percent of the revenue from the property transfer tax
6 deposited under 32 V.S.A. chapter 231; and

7 (B) other gifts, donations, and impact fees received from any source,
8 public or private, dedicated for deposit into the Fund and approved by the
9 Board.

10 (b) The Clean Water Fund Board shall make recommendations on
11 expenditures from the Fund consistent with the following priorities:

12 (A) First priority shall be given to proposed projects or programs to
13 address areas of high risk of pollution or high loading of sediment in Lake
14 Champlain.

15 (B) Next priority shall be given to proposed projects or programs to
16 address areas of high risk of pollution or high loading of sediment in other
17 waters.

18 (C) Next priority shall be given to projects identified by the Secretary
19 as significant contributors to water quality problems or in critical need of water
20 quality remediation or response.

1 (D) Next priority shall be given to proposed projects or programs to
2 address areas of high risk of pollution or high loading of sediment to a water
3 listed as impaired on the list of waters required by 33 U.S.C. § 1313(d).

4 (E) Next priority shall be given to other projects implementing a total
5 maximum daily load plan in a water listed as impaired on the list of waters
6 required by 33 U.S.C. § 1313(d).

7 (F) Next priority shall be given to projects or programs to address
8 areas of high risk or high loading of sediment to an unimpaired water.

9 (c) In the first three years of its existence, the Clean Water Fund Board
10 shall prioritize under subsection (b) of this section recommendation of awards
11 or assistance to municipalities for municipal compliance with the water quality
12 requirements.

13 (d) Unexpended balances and any earnings shall remain in the Fund from
14 year to year.

15 Second: By striking Secs. 38 and 39 in their entirety (Clean Water
16 Surcharge; repeal) and inserting in lieu thereof the following:

17 Sec. 38. 32 V.S.A. § 9610(c) is amended to read:

18 (c) Prior to distributions of property transfer tax revenues under 10 V.S.A.
19 §§ 312, ~~and 1389~~, 24 V.S.A. § 4306(a), and ~~32 V.S.A. § subdivision~~
20 435(b)(10) of this title, two percent of the revenues received from the property
21 transfer tax shall be deposited in a special fund in the Department of Taxes for

1 Property Valuation and Review administration costs. Up to one-half of the
2 funds deposited in a special fund under this subsection shall be used for the
3 purpose of administering the current use value program electronically.

4 Sec. 38a. 2011 Acts and Resolves No. 45, Sec. 35 is amended to read:

5 Sec. 35. 32 V.S.A. § 9610(c) is amended to read:

6 (c) Prior to distributions of property transfer tax revenues under 10 V.S.A.
7 §§ 312, and 1389, 24 V.S.A. § 4306(a), and ~~32 V.S.A. § subdivision~~
8 435(b)(10) of this title, ~~two~~ one percent of the revenues received from the
9 property transfer tax shall be deposited in a special fund in the ~~tax department~~
10 Department of Taxes for ~~property valuation and review~~ Property Valuation and
11 Review administration costs. ~~Up to one-half of the funds deposited in a special~~
12 ~~under this subsection shall be used for the purpose of administering the current~~
13 ~~use value program electronically.~~

14 Sec. 39. 10 V.S.A. § 312 is amended to read:

15 § 312. CREATION OF VERMONT HOUSING AND CONSERVATION

16 TRUST FUND

17 There is created a special fund in the ~~state treasury~~ State Treasury to be
18 known as the “Vermont ~~housing and conservation trust fund~~ Housing and
19 Conservation Trust Fund.” The ~~fund~~ Fund shall be administered by the ~~board~~
20 Board and expenditures therefrom shall only be made to implement and
21 effectuate the policies and purposes of this chapter. The ~~fund~~ Fund shall be

1 ~~comprised~~ composed of ~~50~~ 35 percent of the revenue from the property
2 transfer tax under 32 V.S.A. chapter 231 ~~of Title 32~~ and any ~~moneys~~ monies
3 from time to time appropriated to the ~~fund~~ Fund by the ~~general assembly~~
4 General Assembly or received from any other source, private or public,
5 approved by the ~~board~~ Board. Unexpended balances and any earnings shall
6 remain in the ~~fund~~ Fund for use in accord with the purposes of this chapter.

7 Sec. 39a. 24 V.S.A. § 4306(a) is amended to read:

8 (a)(1) A Municipal and Regional Planning Fund for the purpose of
9 assisting municipal and regional planning commissions to carry out the intent
10 of this chapter is hereby created in the State Treasury.

11 (2) The Fund shall be comprised of ~~47~~ 15 percent of the revenue from
12 the property transfer tax under 32 V.S.A. chapter 231 and any monies from
13 time to time appropriated to the Fund by the General Assembly or received
14 from any other source, private or public. All balances at the end of any fiscal
15 year shall be carried forward and remain in the Fund. Interest earned by the
16 Fund shall be deposited in the Fund.

17 (3) Of the revenues in the Fund, each year:

18 (A) 10 percent shall be disbursed to the Vermont Center for
19 Geographic Information;

20 (B) 70 percent shall be disbursed to the Secretary of Commerce and
21 Community Development for performance contracts with regional planning

1 commissions to provide regional planning services pursuant to section 4341a
2 of this title; and

3 (C) 20 percent shall be disbursed to municipalities.

4 Sec. 39b. 32 V.S.A. § 435(b) is amended to read:

5 (b) The General Fund shall be composed of revenues from the following
6 sources:

7 * * *

8 (10) ~~33~~ 25 percent of the revenue from the property transfer taxes levied
9 pursuant to chapter 231 of this title and the revenue from the gains taxes levied
10 each year pursuant to chapter 236 of this title;

11 * * *

12 Third: In Sec. 4, in 6 V.S.A. 4871, by striking subsection (h) (small farm
13 fees) in its entirety

14 Fourth: By striking Secs. 7 (small farm fee fiscal years 2016 and 2017),
15 8 (Agricultural Water Quality Special Fund), and 9 (large farm permit fee),
16 including the reader assistance associated with these sections, in their entirety
17 and inserting in lieu thereof the following:

18 Sec. 7. [Deleted.]

19 Sec. 8. [Deleted.]

20 Sec. 9. [Deleted.]

1 Fifth: In Sec. 10, 6 V.S.A. § 4858, by striking out subsection (e) (medium
2 farm permit fee) in its entirety

3 Sixth: By striking out Sec. 11 (commercial feed fee) in its entirety and
4 inserting in lieu thereof the following:

5 Sec. 11. [Deleted.]

6 Seventh: By striking out Secs. 13 (nonagricultural fertilizer fee) and 14
7 (economic poison fee) in their entirety and inserting in lieu thereof the
8 following:

9 Sec. 13. [Deleted.]

10 Sec. 14. [Deleted.]

11 Eighth: By striking out Sec. 15 (Agency of Agriculture, Food and Markets;
12 appropriations) in its entirety and inserting in lieu thereof the following:

13 Sec. 15. APPROPRIATIONS FOR AGENCY OF AGRICULTURE, FOOD
14 AND MARKETS STAFF

15 In addition to any other funds appropriated to the Agency of Agriculture,
16 Food and Markets in fiscal year 2016, there is appropriated from the Clean
17 Water Fund created under 10 V.S.A. § 1388 to the Agency \$1,056,000.00 in
18 fiscal year 2016 for the purpose of hiring seven positions for implementation
19 and administration of agricultural water quality programs in the State.

1 Ninth: By striking out Secs. 41, 42, and 43 (DEC fees; appropriations) in
2 their entirety, including the reader assistance associated with these sections,
3 and inserting in lieu thereof the following:

4 * * * Agency of Natural Resources Appropriations and Staffing * * *

5 Sec. 41. APPROPRIATIONS FOR AGENCY OF NATURAL RESOURCES
6 STAFF

7 In addition to any other funds appropriated to the Agency of Natural
8 Resources in fiscal year 2016, there is appropriated from the Clean Water Fund
9 created under 10 V.S.A § 1388 to the Agency of Natural Resources
10 \$1,312,556.00 in fiscal year 2016 for the purpose of hiring 13 positions for
11 implementation of the State water quality initiative, including implementation
12 of the total maximum daily load plan for Lake Champlain.

13 Sec. 42. [Deleted.]

14 Sec. 43. [Deleted.]