

# House Calendar

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Wednesday, March 14, 2018

71st DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 PM

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**ACTION CALENDAR**

**Action Postponed Until March 14, 2018**

**Committee Bill for Second Reading**

**H. 903**

An act relating to regenerative farming.

**(Rep. Smith of New Haven** will speak for the Committee on Agriculture and Forestry.)

**H. 907**

An act relating to improving rental housing safety.

**(Rep. Stevens of Waterbury** will speak for the Committee on General; Housing; and Military Affairs.)

**Favorable with Amendment**

**H. 639**

An act relating to banning cost-sharing for all breast imaging services

**Rep. Dunn of Essex**, for the Committee on Health Care, recommends the bill be amended as follows:

In Sec. 2, effective dates, by striking out “October 1, 2018” both times it appears and inserting in lieu thereof “January 1, 2019” and by striking out “October 1, 2019” the one time it appears and inserting in lieu thereof “January 1, 2020”

**( Committee Vote: 8-3-0)**

**H. 856**

An act relating to miscellaneous amendments to municipal law

**Rep. LaClair of Barre Town**, for the Committee on Government Operations, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Municipal Elections and Appointments \* \* \*

Sec. 1. 17 V.S.A. § 2651a is amended to read:

§ 2651a. CONSTABLES; APPOINTMENT; REMOVAL

(a)(1) A town may vote by Australian ballot at an annual meeting to authorize the selectmen selectboard to appoint a first constable, and if needed a

second constable, in which case at least a first constable shall be appointed.

(2) A constable so appointed may be removed by the ~~selectmen~~ selectboard for just cause after notice and hearing.

(3) When a town votes to authorize the ~~selectmen~~ selectboard to appoint constables, the ~~selectmen's~~ selectboard's authority to make such appointments shall remain in effect until the town rescinds that authority by the majority vote of the ~~legal~~ registered voters present and voting at an annual meeting, duly warned for that purpose.

(b) Notwithstanding the provisions of subsection (a) to the contrary, a vote to authorize the ~~selectmen~~ selectboard to appoint constables shall become effective only upon a two-thirds vote of those present and voting, if a written protest against the authorization is filed with the ~~legislative body~~ selectboard at least 15 days before the vote by at least five percent of the voters of the ~~municipality~~ town.

(c) The authority to authorize the selectboard to appoint the constable as provided in this section shall extend to all towns except those that have a charter that specifically provides for the election or appointment of the office of constable.

Sec. 2. 17 V.S.A. § 2651b is amended to read:

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

(a)(1) A town may vote by ballot at an annual meeting to eliminate the office of town auditor.

(2)(A) If a town votes to eliminate the office of town auditor, the selectboard shall contract with a public accountant, licensed in this State, to perform an annual financial audit of all funds of the town except the funds audited pursuant to 16 V.S.A. § 323.

(B) Unless otherwise provided by law, the selectboard shall provide for all other ~~auditor~~ auditor's duties to be performed.

(3) A vote to eliminate the office of town auditor shall remain in effect until rescinded by majority vote of the ~~legal~~ registered voters present and voting, by ballot, at an annual meeting duly warned for that purpose.

(b) The term of office of any auditor in office on the date a town votes to eliminate that office shall expire on the 45th day after such vote or on the date upon which the selectboard enters into a contract with a public accountant under this section, whichever occurs first.

(c) The authority to vote to eliminate the office of town auditor as provided

in this section shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of town auditor.

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

§ 2651c. LACK OF ELECTED LISTER; APPOINTMENT OF LISTER;  
ELIMINATION OF OFFICE

(a)(1) Notwithstanding any other provisions of law to the contrary and except as provided in subsection (b) of this section, in the event the board of listers of a ~~municipality town~~ falls below a majority and the selectboard is unable to find a person or persons to appoint as a lister or listers under the provisions of 24 V.S.A. § 963, the selectboard may appoint an assessor to perform the duties of a lister as set forth in ~~Title 32 V.S.A. chapter 121, subchapter 2~~ until the next annual meeting.

(2) The appointed person need not be a resident of the ~~municipality town~~ and shall have the same powers and be subject to the same duties and penalties as a duly elected lister for the ~~municipality town~~.

(b)(1) A town may vote by ballot at an annual meeting to eliminate the office of lister.

(2)(A) If a town votes to eliminate the office of lister, the selectboard shall contract with or employ a professionally qualified assessor, who need not be a resident of the town.

(B) The assessor shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers or the board of listers under the provisions of Title 32.

(2)(3) A vote to eliminate the office of lister shall remain in effect until rescinded by majority vote of the ~~legal~~ registered voters present and voting at an annual meeting warned for that purpose.

(3)(c) The term of office of any lister in office on the date a town votes to eliminate that office shall expire on the 45th day after the vote or on the date upon which the selectboard appoints an assessor under this subsection, whichever occurs first.

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

Sec. 4. 17 V.S.A. § 2651d is amended to read:

§ 2651d. COLLECTOR OF DELINQUENT TAXES; APPOINTMENT;  
REMOVAL

(a)(1) A municipality may vote at an annual or special municipal meeting to authorize the legislative body to appoint a collector of delinquent taxes, who may be the municipal treasurer.

(2) A collector of delinquent taxes so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) When a municipality votes to authorize the legislative body to appoint a collector of delinquent taxes, the legislative body's authority to make such appointment shall remain in effect until the municipality rescinds that authority by the majority vote of the ~~legal~~ registered voters present and voting at an annual or special meeting, duly warned for that purpose.

Sec. 5. 17 V.S.A. § 2651e is amended to read:

§ 2651e. MUNICIPAL CLERK; APPOINTMENT; REMOVAL

(a)(1) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal clerk.

(2) A municipal clerk so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the municipal clerk shall remain in effect until rescinded by the majority vote of the ~~legal~~ registered voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a municipal clerk in office on the date a municipality votes to allow the legislative body to appoint a municipal clerk shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a municipal clerk under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the municipal clerk as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal clerk.

Sec. 6. 17 V.S.A. § 2651f is amended to read:

§ 2651f. MUNICIPAL TREASURER; APPOINTMENT; REMOVAL

(a)(1) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal treasurer.

(2) A treasurer so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the treasurer shall remain in effect until rescinded by the majority vote of the ~~legal~~ registered voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a treasurer in office on the date a municipality votes to allow the legislative body to appoint a treasurer shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a treasurer under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the treasurer as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal treasurer.

\* \* \* Local Incompatible Offices \* \* \*

Sec. 7. 17 V.S.A. § 2647 is amended to read:

§ 2647. INCOMPATIBLE OFFICES

(a)(1) An auditor shall not be town clerk, town treasurer, selectboard member, first constable, collector of current or delinquent taxes, trustee of public funds, town manager, road commissioner, water commissioner, sewage system commissioner, sewage disposal commissioner, cemetery commissioner, or town district school director; nor shall a spouse of or any person assisting any of these officers in the discharge of official duties be eligible to hold office as auditor.

(2) A selectboard member or school director shall not be first constable, collector of taxes, town treasurer, assistant town treasurer, auditor, or town agent. A selectboard member shall not be lister or assessor.

(3) A cemetery commissioner or library trustee shall not be town treasurer, assistant town treasurer, or auditor.

(4) A town manager shall not hold any elective office in ~~the~~ that town or town school district.

(5) Election officers at local elections shall be disqualified as provided in section 2456 of this title.

\* \* \*

\* \* \* Smoking on Municipal Grounds \* \* \*



Sec. 8. 18 V.S.A. § 1742 is amended to read:

§ 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

(a) The possession of lighted tobacco products or use of tobacco substitutes in any form is prohibited in:

(1) the common areas of all enclosed indoor places of public access and publicly owned buildings and offices;

(2) all enclosed indoor places in lodging establishments used for transient traveling or public vacationing, such as resorts, hotels, and motels, including sleeping quarters and adjoining rooms rented to guests;

(3) designated smoke-free areas of property or grounds owned by or leased to the State or a municipality; and

(4) any other area within 25 feet of State-owned buildings and offices, except that to the extent that any portion of the 25-foot zone is not on State property, smoking is prohibited only in that portion of the zone that is on State property unless the owner of the adjoining property chooses to designate his or her property smoke-free.

\* \* \*

\* \* \* Animal Pounds \* \* \*

Sec. 9. 20 V.S.A. chapter 191, subchapter 2 is amended to read:

Subchapter 2. Pounds and Impounding

Article 1. General Provisions

§ 3381. MAINTENANCE OF POUNDS

(a)(1) Each organized town shall maintain as many good and sufficient pounds as it may need for the impounding of ~~beasts~~ animals liable to be impounded.

(2) The pound may be kept in an adjacent town if the adjacent town consents and the poundkeeper may be a resident of an adjacent town.

(b) Each town may regulate the operation of its pounds except as to matters regulated by ~~statute~~ law.

~~§ 3382. PENALTY FOR FAILURE TO MAINTAIN POUND~~

~~If a town, for the term of six months at one time, is without such pound, it shall be fined \$30.00. [Repealed.]~~

\* \* \*

Sec. 10. LEGISLATIVE COUNCIL; CONFORMING REVISIONS;

20 V.S.A. CHAPTER 191, SUBCHAPTER 2; REPLACE “BEAST”  
WITH “ANIMAL”

When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Council shall replace “beast” with “animal” and “beasts” with “animals” throughout 20 V.S.A. chapter 191, subchapter 2 (pounds and impounding), provided the revisions have no other effect on the meaning of the affected statutes.

\* \* \* Assistant Town Clerks \* \* \*

Sec. 11. 24 V.S.A. § 1171 is amended to read:

§ 1171. DUTIES OF ASSISTANT CLERK

(a) ~~Such~~ The assistant clerk shall be sworn and is authorized to perform the recording and filing duties of the town clerk, to issue licenses and certified copies of records, and, in the absence, death, or disability of the town clerk, is further authorized to perform all other duties of ~~such~~ the clerk.

(b) ~~If there~~ there is a vacancy in the office of town clerk dies, the authority of the ~~assistant town clerk~~ assistant town clerk to perform the duties of the town clerk shall continue until a successor is appointed by the selectboard under section 963 of this title.

\* \* \* Municipal Managers \* \* \*

Sec. 12. 24 V.S.A. § 1236 is amended to read:

§ 1236. POWERS AND DUTIES IN PARTICULAR

The manager shall have authority and it shall be his or her duty:

\* \* \*

(4) To have charge and supervision of all public town buildings, and repairs thereon, and repairs of buildings of the town school district upon requisition of the school directors; and all building done undertaken by the town or town school district, unless otherwise specially voted provided for by the selectboard, shall be done under his or her charge and supervision.

\* \* \*

(8) To supervise and expend all special appropriations of the town, as if the same were a separate department of the town, unless otherwise ~~voted~~ provided for by the town selectboard.

\* \* \*

\* \* \* Municipal Finances \* \* \*

Sec. 13. 24 V.S.A. chapter 51 is amended to read:

CHAPTER 51. FINANCES; ACCOUNTS AND AUDITS

Subchapter 1. Taxes

\* \* \*

§ 1533. TOWN BOARD FOR THE ABATEMENT OF TAXES

(a) The board of civil authority, with the listers and the town treasurer, shall constitute a board for the abatement of town, ~~town school district,~~ and ~~current-use property taxes and water and sewer charges.~~

(b) The act of a majority of a quorum at a meeting shall be treated as the act of the board. This quorum requirement need not be met if the town treasurer, a majority of the listers, and a majority of the selectboard are present at the meeting.

\* \* \*

§ 1535. ABATEMENT

(a) The board may abate in whole or part taxes, water charges, sewer charges, interest, ~~or~~ and collection fees, other than those arising out of a corrected classification of homestead or nonresidential property, accruing to the town in the following cases:

- (1) taxes or charges of persons who have died insolvent;
- (2) taxes or charges of persons who have removed from the State;
- (3) taxes or charges of persons who are unable to pay their taxes or charges, interest, and collection fees;
- (4) taxes in which there is manifest error or a mistake of the listers;
- (5) taxes or charges upon real or personal property lost or destroyed during the tax year;
- (6) the exemption amount available under 32 V.S.A. § 3802(11) to persons otherwise eligible for exemption who file a claim on or after May 1 but before October 1 due to the claimant's sickness or disability or other good cause as determined by the board of abatement; but that exemption amount shall be reduced by 20 percent of the total exemption for each month or portion of a month the claim is late filed;
- (7), (8) [Repealed.]
- (9) taxes or charges upon a mobile home moved from the town during the tax year as a result of a change in use of the mobile home park land or parts thereof, or closure of the mobile home park in which the mobile home was sited, pursuant to 10 V.S.A. § 6237.

(b) The board's abatement of an amount of tax or charge shall automatically abate any uncollected interest and fees relating to that amount.

(c) The board shall, in any case in which it abates taxes or charges, interest, or collection fees accruing to the town, or denies an application for abatement, state in detail in writing the reasons for its decision.

(d)(1) The board may order that any abatement as to an amount or amounts already paid be in the form of a refund or in the form of a credit against the tax or charge for the next ensuing tax year, or charge billing cycle and for succeeding tax years or billing cycles if required to use up the amount of the credit.

(2) Whenever a municipality votes to collect interest on overdue taxes pursuant to 32 V.S.A. § 5136, interest in a like amount shall be paid by the municipality to any person for whom an abatement has been ordered.

(3) Interest on taxes or charges paid and subsequently abated shall accrue from the date payment was due or made, whichever is later. However, abatements issued pursuant to subdivision (a)(5) of this section need not include the payment of interest.

(4) When a refund has been ordered, the board shall draw an order on the town treasurer for such payment of the refund.

\* \* \*

### Subchapter 3. Orders Drawn by ~~Selectboard~~ Municipal Bodies

\* \* \*

#### § 1622. TOWN ORDERS; RECORD

(a)(1) The chair of the selectboard shall keep or cause to be kept a single record of all orders drawn by the board showing the number, date, to whom payable, for what purpose, and the amount of each ~~such~~ order.

(2) All other officers authorized by law to draw orders upon the town treasurer shall keep or cause to be kept a like record.

(b) Such records shall be submitted to the town auditors annually on or before February 1.

(c) If the records of orders named in this section are made by an assistant clerk, the assistant clerk shall not be the town treasurer, or the ~~wife or husband~~ spouse of ~~such~~ the town treasurer, or any person acting in the capacity of clerk for the town treasurer.

#### § 1623. SIGNING ORDERS

(a) The selectboard may do either of the following:

(1) Authorize one or more members of the board to examine and allow claims against the town for town expenses and draw orders for such claims to the party entitled to payment.

(A) Orders shall state definitely the purpose for which ~~they are~~ each is drawn and shall serve as full authority to the treasurer to make the payments.

(B) The selectboard shall be provided with a record of orders drawn under this subdivision (1) whenever orders are signed by less than a majority of the board; ~~or.~~

(2) Submit to the town treasurer a certified copy of those portions of the selectboard minutes, properly signed by the clerk and chair or by a majority of the board, showing to whom and for what purpose each payment is to be made by the treasurer. The certified copy of the minutes shall serve as full authority to the treasurer to make the approved payments.

(b) This section shall apply to all municipal public bodies authorized by law to draw orders on the municipal treasurer.

\* \* \*

Subchapter. 5. Auditors and Audits

\* \* \*

§ 1684. TRUST ASSETS; INDEBTEDNESS

The auditors shall make a detailed statement showing:

(1) ~~The~~ the condition of all trust funds in which the town is interested ~~with~~ and a list of the assets of such funds, including the account of receipts and disbursements for the preceding year;

(2) ~~What~~ what bonds of the town ~~or town school district~~ are outstanding ~~with~~ and the rate of interest and the amount thereof; and

(3) ~~What interest bearing~~ what interest-bearing notes or orders of the town ~~or town school district~~ are outstanding ~~with~~ and the serial number, date, amount, payee, and rate of interest of each, and the total amount thereof.

\* \* \* Penalties for Municipal Violations \* \* \*

Sec. 14. 24 V.S.A. § 1974 is amended to read:

§ 1974. ENFORCEMENT OF CRIMINAL ORDINANCES

(a)(1) The violation of a criminal ordinance or rule adopted by a municipality under this chapter shall be a misdemeanor.

(2) The criminal ordinance or rule may provide for a fine or imprisonment, but no fine ~~may~~ shall exceed \$500.00 ~~\$800.00~~, nor may any

term of imprisonment exceed one year.

(3) Each day the violation continues shall constitute a separate offense.

\* \* \*

Sec. 15. 24 V.S.A. § 2201 is amended to read:

§ 2201. THROWING, DEPOSITING, BURNING, AND DUMPING  
REFUSE; PENALTY; SUMMONS AND COMPLAINT

(a)(1) Prohibition. Every person shall be responsible for proper disposal of his or her own solid waste. A person shall not throw, dump, deposit, or cause, or permit to be thrown, dumped, or deposited any solid waste as defined in 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing in or on lands or waters of the State outside a solid waste management facility certified by the Agency of Natural Resources.

\* \* \*

(b) Prosecution of violations. A person who violates a provision of this section commits a civil violation and shall be subject to a civil penalty of not more than ~~\$500.00~~ \$800.00.

(1) This violation shall be enforceable in the Judicial Bureau pursuant to the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a municipal attorney, a solid waste management district attorney, an environmental enforcement officer employed by the Agency of Natural Resources, a grand juror, ~~or~~ a designee of the legislative body of the municipality, or ~~by~~ any duly authorized law enforcement officer.

(2) If the throwing, placing, or depositing was done from a snowmobile, vessel, or motor vehicle, except a motor bus, there shall be a rebuttable presumption that the throwing, placing, or depositing was done by the operator of ~~such~~ the snowmobile, vessel, or motor vehicle.

(3) Nothing in this section shall be construed as affecting the operation of an automobile graveyard or salvage yard as defined in section 2241 of this title, nor shall anything in this section be construed as prohibiting the installation and use of appropriate receptacles for solid waste provided by the State or towns.

\* \* \*

Sec. 16. 24 V.S.A. § 2297a is amended to read:

§ 2297a. ENFORCEMENT OF SOLID WASTE ORDINANCE BY TOWN,  
CITY, OR INCORPORATED VILLAGE

(a) Solid waste order. A legislative body may issue and enforce a solid

waste order in accordance with this section. A solid waste order may include a directive that the respondent take actions necessary to achieve compliance with the ordinance, to abate hazards created as a result of noncompliance, or to restore the environment to the condition existing before the violation and may include a civil penalty of not more than ~~\$500.00~~ \$800.00 for each violation and in the case of a continuing violation, not more than \$100.00 for each succeeding day. In determining the amount of civil penalty to be ordered, the legislative body shall consider the following:

- (1) the degree of actual or potential impact on public health, safety, welfare, and the environment resulting from the violation;
- (2) whether the respondent has cured the violation;
- (3) the presence of mitigating circumstances;
- (4) whether the respondent knew or had reason to know the violation existed;
- (5) the respondent's record of compliance;
- (6) the economic benefit gained from the violation;
- (7) the deterrent effect of the penalty;
- (8) the costs of enforcement;
- (9) the length of time the violation has existed.

\* \* \*

(e) Contents of proposed order. A proposed order shall include:

\* \* \*

(5) if applicable, a civil penalty of not more than ~~\$500.00~~ \$800.00 for each violation and in the case of a continuing violation, not more than \$100.00 for each succeeding day.

\* \* \* Road Commissioner Compensation \* \* \*

Sec. 17. 32 V.S.A. § 1225 is amended to read:

§ 1225. TOWN ROAD COMMISSIONER

The compensation of a town road commissioner shall be fixed by the selectboard, ~~shall not be less than \$2.00 per day for time actually spent, and shall be paid out of the Transportation Fund.~~

\* \* \* Property Appraisal Appeals \* \* \*

Sec. 18. 32 V.S.A. § 4404 is amended to read:

§ 4404. APPEALS FROM LISTERS AS TO GRAND LIST

(a) Within 14 days after the date of notice thereof, a person aggrieved by the final decision of the listers under the provisions of section 4221 of this title, may appeal in writing therefrom to the board of civil authority, by lodging his or her appeal with the town clerk, who shall record the same in the book containing the abstract of individual lists. The grounds upon which ~~such~~ the appeal is based shall therein be briefly set forth.

(b)(1) The town clerk forthwith shall call a meeting of the board to hear and determine such appeals, which shall be held at ~~such~~ a time, not later than 14 days after the last date allowed for notice of appeal, and at ~~such~~ a place within the town as that he or she shall designate.

(2) Notice of ~~such~~ the time and place shall be given by posting a warning therefor in three or more public places in ~~such~~ the town, and by mailing a copy of ~~such~~ the warning, postage prepaid, to each member of the board, the agent of the town to prosecute and defend suits, the chair of the board of listers, and to all persons so appealing.

(c)(1) The ~~Board~~ board shall meet at the time and place so designated, and on that day and from day to day thereafter shall hear and determine ~~such~~ the appeals until all questions and objections are heard and decided.

(2)(A) Each property, the appraisal of which is being appealed, shall be inspected by a committee of not less than three members of the board ~~who~~. At least one lister shall be allowed to attend the inspection. The committee shall report to the board within 30 days from the hearing on the appeal and before the final decision pertaining to the property is given.

(B) If, after notice, the appellant refuses to allow an inspection of the property or attendance of at least one lister as required under this subsection, including the interior and exterior of any structure on the property, the appeal shall be deemed withdrawn.

(3) The board shall, within 15 days from the time of the report, certify in writing its notice of decision, with reasons, in the premises, and shall file ~~such~~ the notice with the town clerk, who shall thereupon record the same in the book wherein the appeal was recorded and forthwith notify the appellant in writing of the action of ~~such~~ the board, by certified mail.

(4)(A) If the board does not substantially comply with the requirements of this subsection and if the appeal is not withdrawn by filing written notice of withdrawal with the board or deemed withdrawn as provided in this subsection, the grand list of the appellant for the year for which appeal is being made shall remain at the amount set before the appealed change was made by the listers; except, if there has been a complete reappraisal, the grand list of the appellant for the year for which appeal is being made shall be set at a value



which that will produce a tax liability equal to the tax liability for the preceding year.

(B) The town clerk shall immediately record the same in the book wherein the appeal was recorded and forthwith notify the appellant in writing of ~~such~~ the action, by certified mail. Thereupon the appraisal so determined pursuant to this subsection shall become a part of the grand list of such person.

(d) Listers and agents to prosecute and defend suits wherein a town is interested shall not be eligible to serve as members of the board while convened to hear and determine ~~such~~ those appeals nor shall an appellant, or his or her servant, agent, or attorney be eligible to serve as a member of the ~~Board~~ board while convened to hear and determine any appeals. However, listers and agents to prosecute and defend suits wherein a town is interested shall be given the opportunity to defend the appraisals in question.

\* \* \* State Holidays \* \* \*

Sec. 19. 1 V.S.A. § 371 is amended to read:

§ 371. LEGAL HOLIDAYS

(a) The following shall be legal holidays:

New Year's Day, January 1;

Martin Luther King, Jr.'s Birthday, the third Monday in January;

~~Lincoln's Birthday, February 12;~~

~~Washington's Birthday~~ Presidents' Day, the third Monday in February;

Town Meeting Day, the first Tuesday in March;

Memorial Day, the last Monday in May;

Independence Day, July 4;

Bennington Battle Day, August 16;

Labor Day, the first Monday in September;

Columbus Day, the second Monday in October;

Veterans' Day, November 11;

Thanksgiving Day, the fourth Thursday in November;

Christmas Day, December 25.

\* \* \*

\* \* \* Effective Date \* \* \*

Sec. 20. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

**( Committee Vote: 10-0-1)**

**Amendment to be offered by Rep. Graham of Williamstown to the recommendation of amendment of the Committee on Government Operations to H. 856**

First: In Sec. 5, 17 V.S.A. § 2651e (municipal clerk; appointment; removal), by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read:

(c) The ~~term of office of a~~ elected municipal clerk in office on the date a municipality votes to allow the legislative body to appoint a municipal clerk shall ~~expire 45 calendar days after the vote or on the date upon which~~ be permitted to serve the remainder of his or her term. ~~Provided, however, that unless the vote to allow the legislative body appoints a~~ to appoint the municipal clerk under this section, ~~whichever occurs first, unless a petition for reconsideration or rescission is filed~~ is rescinded in accordance with section 2661 of this title, the legislative body may remove the elected clerk for just cause after notice and hearing.

Second: In Sec. 6, 17 V.S.A. § 2651f (municipal treasurer; appointment; removal), by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read:

(c) The ~~term of office of a~~ elected treasurer in office on the date a municipality votes to allow the legislative body to appoint a treasurer shall ~~expire 45 calendar days after the vote or on the date upon which~~ be permitted to serve the remainder of his or her term. ~~Provided, however, that unless the vote to allow the legislative body appoints a~~ to appoint the treasurer under this section, ~~whichever occurs first, unless a petition for reconsideration or rescission is filed~~ is rescinded in accordance with section 2661 of this title, the legislative body may remove the elected treasurer for just cause after notice and hearing.

**ACTION CALENDAR**

**Third Reading**

**H. 599**

An act relating to games of chance organized by nonprofit organizations

**H. 620**

An act relating to State-owned airports and economic development

**H. 660**

An act relating to establishing the Geographic Justice Criminal Code  
Reclassification Commission

**H. 696**

An act relating to establishing a State individual mandate

**H. 707**

An act relating to the prevention of sexual harassment

**H. 739**

An act relating to energy productivity investments under the self-managed  
energy efficiency program

**H. 771**

An act relating to the Vermont National Guard

**H. 802**

An act relating to rural economic development infrastructure districts

**H. 854**

An act relating to promoting television and film production

**H. 874**

An act relating to inmate access to prescription drugs

**H. 894**

An act relating to pensions, retirement, and setting the contribution rates for  
municipal employees

**H. 906**

An act relating to professional licensing for service members and veterans

**H. 908**

An act relating to the Administrative Procedure Act

**H. 909**

An act relating to technical and clarifying changes in transportation-related  
laws

**H. 910**

An act relating to the Open Meeting Law and the Public Records Act

**H. 912**

An act relating to the health care regulatory duties of the Green Mountain Care Board

**H. 914**

An act relating to reporting requirements for the second year of the Vermont Medicaid Next Generation ACO Pilot Project

**H. 915**

An act relating to the protection of pollinators

**Committee Bill for Second Reading**

**H. 920**

An act relating to the authority of the Agency of Digital Services.

**(Reps. Carr of Brandon** will speak for the Committee on Energy and Technology.)

**H. 921**

An act relating to nursing home oversight.

**(Rep. Pugh of South Burlington** will speak for the Committee on Human Services.)

**Favorable with Amendment**

**H. 730**

An act relating to State response to waters in crisis

**Rep. Ode of Burlington**, for the Committee on Natural Resources; Fish; and Wildlife, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. chapter 47, subchapter 2A is added to read:

Subchapter 2A. Lake in Crisis

§ 1310. DESIGNATION OF LAKE IN CRISIS

(a) The Secretary of Natural Resources (Secretary) shall review whether a lake in the State should be designated as a lake in crisis upon the Secretary's own motion or upon petition of 15 or more persons or a selectboard of a municipality in which the lake or a portion of the lake is located.

(b) The Secretary shall designate a lake as a lake in crisis if, after review under subsection (a) of this section, the Secretary determines that:

(1) the lake or segments of the lake have been listed as impaired;

(2) the condition of the lake will cause:

(A) a potential harm to the public health; and

(B) a risk of damage to the environment or natural resources; and

(3) a municipality in which the lake or a portion of the lake is located has reduced the valuation of real property due to the condition of the lake.

§ 1311. STATE RESPONSE TO A LAKE IN CRISIS

(a) Adoption of crisis response plan. When a lake is declared in crisis, the Secretary shall within 90 days after the designation of the lake in crisis issue a comprehensive crisis response plan for the management of the lake in crisis in order to improve water quality in the lake or to mitigate or eliminate the potential harm to public health or the risk of damages to the environment or natural resources. The Secretary shall coordinate with the Secretary of Agriculture, Food and Markets, and the Secretary of Transportation in the development of the crisis response plan. The crisis response plan shall require implementation of one or both of the following in the watershed of the lake in crisis:

(1) water quality requirements not set forth in existing statute or rule that are designed to address specific harms to public health or risks to the environment or natural resources; or

(2) implementation of or compliance with existing water quality requirements under one or more of the following:

(A) water quality requirements under chapter 47 of this title, including requiring a property owner to obtain a permit or implement best management practices for the discharge or stormwater runoff from any size of impervious surfaces if the Secretary determines that the treatment of the discharge or stormwater runoff is necessary to reduce the adverse impacts to water quality of the discharge or stormwater on the lake in crisis;

(B) agricultural water quality requirements under 6 V.S.A. chapter 215, including best management practices under 6 V.S.A. § 4810 to reduce runoff from the farm; or

(C) water quality requirements adopted under section 1264 of this section for stormwater runoff from municipal or State roads.

(b) Agency cooperation and services. All other State agencies shall cooperate with the Secretary in responding to the lake in crisis, and the Secretary shall be entitled to seek technical and scientific input or services from the Agency of Agriculture, Food and Markets, the Agency of Transportation, or other necessary State agencies.

§ 1312. LAKE IN CRISIS ORDER

(a) Lake in crisis order. The Secretary, after consultation with the Secretary of Agriculture, Food and Markets, may issue a lake in crisis order to require a person to:

(1) take an action identified in the lake in crisis response plan;

(2) cease any acts, discharges, or processes contributing to the impairment of the lake in crisis;

(3) mitigate a significant contributor of a pollutant to the lake in crisis; or

(4) conduct testing, sampling, monitoring, surveying, or other analytical operations required to determine the nature, extent, duration, or severity of the potential harm to the public health or a risk of damage to the environment or natural resources.

(b) Notice. Prior to issuing a lake in crisis order under this section, the Secretary shall provide notice as provided in this subsection.

(1) The Secretary shall prepare a notice of intent to seek the order, setting forth the reasons to believe a lake in crisis order should be issued.

(2) The notice of intent, together with the supporting evidence and a statement of procedural rights available under this section, shall be served on the person or persons against whom the lake in crisis order is sought in accordance with the procedures set forth in Vermont Rules of Civil Procedure.

(3) Upon request of a person against whom a lake in crisis order is sought, the Secretary shall hold a hearing. At the hearing, the person against whom the order is sought shall be given an opportunity to rebut the allegations and demonstrate that the Secretary should not issue the lake in crisis order against the person.

(c) Phosphorus practices. If the source of pollution in the lake in crisis includes phosphorus from a specific source, the Secretary shall issue a lake in crisis order requiring the source of phosphorus in the watershed to implement practices that reduce the phosphorus loads to the lake.

(d) Term of order. When the Secretary issues a lake in crisis order under this section, the order shall include a term for the duration of any water quality requirement in the order.

§ 1313. ASSISTANCE

(a) A person subject to a lake in crisis order shall be eligible for technical and financial assistance from the Secretary to be paid from the Lake in Crisis Response Program Fund. The Secretary shall adopt by procedure the process

for application for assistance under this section.

(b) State financial assistance awarded under this section shall be in the form of a grant. An applicant for a State grant shall pay at least 35 percent of the total eligible project cost. The dollar amount of a State grant shall be equal to the total eligible project cost, less 35 percent of the total as paid by the applicant, and less the amount of any federal assistance awarded.

(c) A grant awarded under this section shall comply with all terms and conditions for the issuance of State grants.

#### § 1314. FUNDING OF STATE RESPONSE TO A LAKE IN CRISIS

(a) Initial response. Upon designation of a lake in crisis, the Secretary, notwithstanding the requirement of 32 V.S.A. § 706, may transfer the balances of appropriations not to exceed \$50,000.00 made under any appropriation act for the support of the Agency from one department or other unit of the Agency to fund the initial response to the lake in crisis.

(b) Long-term funding. In the subsequent budget submitted to the General Assembly under 32 V.S.A. § 701, the Secretary of Administration shall propose appropriations to the Lake in Crisis Response Program Fund to implement fully the crisis response plan for the lake in crisis, including recommended appropriations from one or more of the following:

(1) the Clean Water Fund established under section 1389 of this title;

(2) the Environmental Contingency Fund established under section 1289 of this title;

(3) the Vermont Housing and Conservation Trust Fund established under section 312 of this title;

(4) capital funds and other monies available from the Secretary of Agriculture, Food and Markets for water quality programs or projects;

(5) capital funds and other monies available from the Secretary of Natural Resources for water quality programs or projects; and

(6) General Fund appropriations.

#### § 1315. LAKE IN CRISIS RESPONSE PROGRAM FUND

(a) There is created a special fund known as the Lake in Crisis Response Program Fund to be administered by the Secretary of Natural Resources. The Fund shall consist of funds that may be appropriated by the General Assembly.

(b) The Secretary shall use monies deposited in the Fund for the Secretary's implementation of a crisis response plan for a lake in crisis and for financial assistance under section 1313 of this title to persons subject to a lake

in crisis order.

(c) Notwithstanding the requirements of 32 V.S.A. § 588(3) and (4), interest earned by the Fund and the balance of the Fund at the end of the fiscal year shall be carried forward in the Fund and shall not revert to the General Fund.

§ 1316. PUBLIC HEARING; TRANSPARENCY

The Secretary shall hold at least one public hearing in the watershed of the lake in crisis and shall provide an opportunity for public notice and comment for each water quality program, project, or crisis order proposed for implementation in the watershed of the lake in crisis.

Sec. 2. LAKE CARMI; LAKE IN CRISIS

The General Assembly declares Lake Carmi as a lake in crisis under 10 V.S.A. chapter 47, subchapter 2A. The crisis response plan for Lake Carmi shall include implementation of runoff controls.

Sec. 3. 10 V.S.A. § 8003(a) is amended to read:

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes, and the Board may take such action with respect to subdivision (10) of this subsection:

- (1) 10 V.S.A. chapter 23, relating to air quality;
- (2) 10 V.S.A. chapter 32, relating to flood hazard areas;
- (3) 10 V.S.A. chapters 47 and 56, relating to water pollution control, water quality standards, and public water supply, and lakes in crisis;

\* \* \*

Sec. 4. 10 V.S.A. § 8503(a) is amended to read:

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

- (1) The following provisions of this title:
  - (A) chapter 23 (air pollution control);
  - (B) chapter 50 (aquatic nuisance control);
  - (C) chapter 41 (regulation of stream flow);
  - (D) chapter 43 (dams);



(E) chapter 47 (water pollution control; lakes in crisis);

\* \* \*

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

**( Committee Vote: 7-1-1)**

**Rep. Feltus of Lyndon**, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Natural Resources; Fish; and Wildlife and when further amended as follows:

First: In Sec. 1, in 10 V.S.A. § 1314, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Initial response. Upon designation of a lake in crisis, the Secretary may, for the purposes of the initial response to the lake in crisis, expend up to \$50,000.00 appropriated to the Agency of Natural Resources from the Clean Water Fund for authorized contingency spending.

Second: In Sec. 1, in 10 V.S.A. § 1315, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) There is created a special fund known as the Lake in Crisis Response Program Fund to be administered by the Secretary of Natural Resources. The Fund shall consist of:

(1) funds that may be appropriated by the General Assembly; and

(2) other gifts, donations, or funds received from any source, public or private, dedicated for deposit into the Fund.

**( Committee Vote: 9-1-1)**

**Action Postponed Until March 15, 2018**

**Third Reading**

**H. 859**

An act relating to requiring municipal corporations to affirmatively vote to retain ownership of lease lands

**NOTICE CALENDAR**

**Favorable with Amendment**

**H. 767**

An act relating to adopting the ThinkVermont Innovation Initiative

**Rep. Myers of Essex**, for the Committee on Commerce and Economic

Development, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. THINKVERMONT INNOVATION INITIATIVE

(a) Purpose.

(1) The ThinkVermont Innovation Initiative is created to respond to the growth needs of Vermont small businesses with 20 or fewer employees by funding innovative strategies that accelerate small business growth and meet the project criteria specified in this section.

(2) The Initiative shall enable the State to invest in projects with grants that can be accessed more quickly and with fewer restrictions than traditional federal initiatives.

(b) Process; grant distribution.

(1) The Secretary of Commerce and Community Development, in consultation with the Vermont Economic Progress Council shall:

(A) adopt a schedule and process for accepting, reviewing, and approving grant proposals on a competitive basis;

(B) distribute grants across geographic areas of the State; and

(C) distribute grants across diverse industries, sectors, and business types, including for-profit and nonprofit organizations.

(2)(A) A grant shall provide funding in only one fiscal year.

(B) A recipient shall be eligible for a grant through the Initiative in not more than two fiscal years.

(c) Funding; matching requirements.

(1) The Secretary shall reserve not less than 10 percent of the funding through the Initiative for microgrants of not more than \$10,000.00.

(2) The Secretary shall require a grant recipient to provide matching funds for a grant as follows:

(A) for a microgrant reserved under subdivision (3) of this subsection, a funding match of 25 percent of the value of the grant; and

(B) for all other grants, a funding match of 100 percent of the value of the grant.

(d) Eligibility criteria. To be eligible for a grant, a project shall:

(1) provide workforce training that is not eligible for funding through another State or federal program and that serves an immediate employer need to fill one or more job vacancies;

(2) enable a business to attract, retain, or support remote workers in Vermont;

(3) establish or enhance a facility that attracts small companies or remote workers, or both, including generator and maker spaces, co-working spaces, remote work hubs, and innovation spaces, with special emphasis on facilities that promote colocation of nonprofit, for-profit, and government entities;

(4) enable or support deployment of broadband telecommunications connectivity;

(5) leverage economic development funding outside State government, including the federal New Market Tax Credit program and Small Business Innovation Research grants;

(6) support growth in Vermont's aerospace, aviation, or aviation technology sectors; or

(7) provide technical assistance to support small business growth.

(e) Outcomes; measures. The Secretary shall adopt measures to evaluate a grant to determine its impact, including job growth measured at one-, three-, and five-year intervals.

(f) Appropriation. In fiscal year 2019, the amount of \$400,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to implement the ThinkVermont Innovation Initiative pursuant to this section.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

**( Committee Vote: 10-0-1)**

**Rep. Keenan of St. Albans City**, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development.

**(Committee Vote: 11-0-0)**

## H. 831

An act relating to funding for an accelerated weatherization program

**Reps. Howard of Rutland City**, for the Committee on General; Housing; and Military Affairs, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

## Sec. 1. ACCELERATED WEATHERIZATION PROGRAM; STATE TREASURER; FUNDING

(a) The General Assembly finds that, in addition to the weatherization efforts provided under the Home Weatherization Assistance Program established in 33 V.S.A. chapter 25, an increased pace of weatherization would result in both environmental and economic benefits to the State. Accelerated weatherization efforts will:

- (1) decrease the emission of greenhouse gases; and
- (2) increase job opportunities in the field of weatherization.

(b) In fiscal years 2019 and 2020, the State Treasurer is authorized to invest up to \$5,000,000.00 of funds from the credit facility established in 10 V.S.A. § 10 for an accelerated weatherization program, provided that the funds shall be used to support weatherization efforts for households with a median family income that is not more than 120 percent of the statewide median family income as reported by the Vermont Department of Taxes for the most recent year for which data are available.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

**( Committee Vote: 9-0-2)**

**Rep. Dakin of Colchester**, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on General; Housing; and Military Affairs.

**(Committee Vote: 11-0-0)**

### **Favorable**

#### **H. 911**

An act relating to changes in Vermont's personal income tax and education financing system.

**(Rep. Ancel of Calais** will speak for the Committee on Ways and Means.)

**Rep. Sharpe of Bristol**, for the Committee on Education, recommends the bill ought to pass.

**(Committee Vote: 9-2-0)**

#### **H. 916**

An act relating to increasing the moral obligation authority of the Vermont Economic Development Authority.

**(Rep. O'Sullivan of Burlington** will speak for the Committee on Commerce and Economic Development.)

**Rep. Keenan of St. Albans City**, for the Committee on Appropriations,

recommends the bill ought to pass.

**(Committee Vote: 11-0-0)**

**Ordered to Lie**

**H. 167**

An act relating to alternative approaches to addressing low-level illicit drug use.

Pending Question: Shall the House concur in the Senate proposal of amendment?

**H. 219**

An act relating to the Vermont spaying and neutering program.

Pending Question: Shall the House concur in the Senate proposal of amendment?

**S. 103**

An act relating to the regulation of toxic substances and hazardous materials.

Pending Question: Shall the ouse concur in the Senate proposal of amendment to the House proposal of amendment??

**S. 267**

An act relating to timing of a decree nisi in a divorce proceeding.

Pending Question: Second reading?