

Journal of the House

Wednesday, March 14, 2018

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Bill Referred to Committee on Ways and Means

H. 897

House bill, entitled

An act relating to enhancing the effectiveness, availability, and equity of services provided to students who require additional support

Affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations

H. 911

House bill, entitled

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

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Bill Referred to Committee on Appropriations

H. 920

House bill, entitled

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

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Joint Resolution Placed on Calendar

J.R.H. 14

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House

Offered by: Representatives Marcotte of Coventry and Lawrence of

Lyndon

Whereas, the American Legion Department of Vermont sponsors the Green Mountain Boys State educational program, providing a group of boys entering the 12th grade a special opportunity to study the workings of State government in Montpelier, and

Whereas, as part of their visit to the State's capital city, the boys conduct a mock legislative session in the State House, now therefore be it

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Boys State educational program on Thursday, June 21, 2018, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont in Montpelier.

Which was read and, in the Speaker's discretion, placed on the Calendar for action on the next legislative day under Rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 51

By Senator Ashe,

J.R.S. 51. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 16, 2018, it be to meet again no later than Tuesday, March 20, 2018.

Was taken up, read and adopted in concurrence.

**Committee Relieved of Consideration
and Bill Placed on Calendar for Notice**

H. 710

Rep. Lucke of Hartford moved that the committee on Ways and Means be relieved of House bill entitled

An act relating to beer and wine franchises

Which was agreed to. Thereupon, under the rule, the bill was placed on the Calendar for notice tomorrow.

Committee Bill; Second Reading; Third Reading Ordered**H. 903**

Rep. Smith of New Haven spoke for the committee on Agriculture and Forestry.

House bill entitled

An act relating to regenerative farming

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

Committee Bill; Second Reading; Third Reading Ordered**H. 907**

Rep. Stevens of Waterbury spoke for the committee on General, Housing, and Military Affairs.

House bill entitled

An act relating to improving rental housing safety

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

Second Reading; Bill Amended; Third Reading Ordered**H. 856**

Rep. LaClair of Barre Town, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to miscellaneous amendments to municipal law

Reported in favor of its passage when 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 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 ~~specialy 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~~ 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.

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

Pending the question, Shall the bill be amended as recommended by the committee on Government Operations? **Rep. Graham of Williamstown** moved to amend the report of the Committee on Government Operations as follows:

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.

Thereupon, **Rep. Graham of Williamstown** asked and was granted leave of the House to withdraw his amendment.

Thereupon, the recommendation of amendment as offered by the committee on Government Operations was agreed to and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 639

Rep. Dunn of Essex, for the committee on Health Care, to which had been referred House bill, entitled

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

Reported in favor of its passage when 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”

Thereupon, pending the question shall the bill be amended as recommended by the committee on Health Care? **Reps. Dunn of Essex, Briglin of Thetford, Christensen of Weathersfield, Cina of Burlington, Copeland-Hanzas of Bradford, Gage of Rutland City, Houghton of Essex, Jickling of Randolph and Lippert of Hinesburg** moved to substitute an amendment for the report of the committee on Health Care by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4100a is amended to read:

§ 4100a. MAMMOGRAMS AND OTHER BREAST IMAGING SERVICES;
COVERAGE REQUIRED

(a) Insurers shall provide coverage for screening ~~by mammography and for medically necessary diagnostic mammography for, ultrasound, and magnetic resonance imaging to detect the presence of occult breast cancer, as provided by this subchapter and other abnormalities of the breast or breast tissue.~~ Benefits provided shall cover the full cost of the ~~mammography service ultrasound, and magnetic resonance imaging services~~ and shall not be subject to any co-payment, deductible, coinsurance, or other cost-sharing requirement or additional charge, ~~except to the extent that such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223.~~

(b) ~~For females 40 years or older, coverage shall be provided for an annual screening. For females less than 40 years of age, coverage for screening shall be provided upon recommendation of a health care provider. [Repealed.]~~

(c) ~~After January 1, 1994, this~~ This section shall apply only to screening procedures conducted by test facilities accredited by the American College of Radiologists.

(d) As used in this subchapter:

(1) “Insurer” means any insurance company ~~which~~ that provides health insurance as defined in subdivision 3301(a)(2) of this title, nonprofit hospital and medical service corporations, and health maintenance organizations. The term does not apply to coverage for specified ~~disease~~ diseases or other limited

benefit coverage.

(2) “Mammography” means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, screens, films, and cassettes. The term includes breast tomosynthesis.

(3) “Screening” includes the mammography test procedure and a qualified physician’s interpretation of the results of the procedure, including additional views and interpretation as needed.

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2019 and shall apply to all health insurance plans issued on and after January 1, 2019 on such date as a health insurer offers, issues, or renews the health insurance plan, but in no event later than January 1, 2020.

Which was agreed to. Thereupon the amendment, as substituted, was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Lippert of Hinesburg** 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, 2.

Those who voted in the affirmative are:

Ancel of Calais	Giambatista of Essex	Ode of Burlington
Bancroft of Westford	Gonzalez of Winooski	O'Sullivan of Burlington
Bartholomew of Hartland	Grad of Moretown	Pajala of Londonderry
Baser of Bristol	Graham of Williamstown	Parent of St. Albans Town
Batchelor of Derby	Haas of Rochester	Partridge of Windham
Beck of St. Johnsbury	Harrison of Chittenden	Pearce of Richford
Belaski of Windsor	Head of South Burlington	Poirier of Barre City
Beyor of Highgate	Helm of Fair Haven	Potter of Clarendon
Bissonnette of Winooski	Higley of Lowell	Pugh of South Burlington
Bock of Chester	Hill of Wolcott	Quimby of Concord
Botzow of Pownal	Hooper of Montpelier	Read of Fayston
Brennan of Colchester	Hooper of Randolph	Rosenquist of Georgia
Briglin of Thetford	Houghton of Essex	Savage of Swanton
Browning of Arlington	Howard of Rutland City	Scheu of Middlebury
Brumsted of Shelburne	Jessup of Middlesex	Scheuermann of Stowe
Buckholz of Hartford	Jickling of Randolph	Sharpe of Bristol
Burke of Brattleboro	Joseph of North Hero	Shaw of Pittsford
Canfield of Fair Haven	Juskiewicz of Cambridge	Sheldon of Middlebury
Carr of Brandon	Keefe of Manchester	Sibilia of Dover
Chesnut-Tangerman of	Keenan of St. Albans City	Smith of Derby
Middletown Springs	Kimbell of Woodstock	Smith of New Haven
Christensen of Weathersfield	Kitzmiller of Montpelier	Stevens of Waterbury

Christie of Hartford	Krowinski of Burlington *	Strong of Albany
Cina of Burlington	LaClair of Barre Town	Stuart of Brattleboro
Colburn of Burlington	Lalonde of South Burlington	Sullivan of Dorset
Conlon of Cornwall	Lanpher of Vergennes	Sullivan of Burlington
Connor of Fairfield	Lawrence of Lyndon	Taylor of Colchester
Conquest of Newbury	Lefebvre of Newark	Terenzini of Rutland Town
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Till of Jericho *
Corcoran of Bennington	Long of Newfane	Toleno of Brattleboro
Cupoli of Rutland City	Lucke of Hartford	Toll of Danville
Dakin of Colchester	Macaig of Williston	Townsend of South Burlington
Deen of Westminster	Marcotte of Coventry	Trieber of Rockingham
Devereux of Mount Holly	Martel of Waterford	Troiano of Stannard
Dickinson of St. Albans Town	Masland of Thetford	Van Wyck of Ferrisburgh
Donovan of Burlington	Mattos of Milton	Viens of Newport City
Dunn of Essex	McCormack of Burlington	Walz of Barre City
Emmons of Springfield	McCoy of Poultney	Webb of Shelburne
Fagan of Rutland City	McCullough of Williston	Weed of Enosburgh
Feltus of Lyndon	McFaun of Barre Town	Willhoit of St. Johnsbury
Fields of Bennington	Miller of Shaftsbury	Wood of Waterbury
Forguites of Springfield	Morrissey of Bennington	Wright of Burlington
Gage of Rutland City	Mrowicki of Putney	Yacovone of Morristown
Gamache of Swanton	Murphy of Fairfax	Yantachka of Charlotte
Gannon of Wilmington	Myers of Essex	Young of Glover
Gardner of Richmond	Nolan of Morristown	
	Norris of Shoreham	
	Noyes of Wolcott	

Those who voted in the negative are:

Donahue of Northfield * Hebert of Vernon

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

Ainsworth of Royalton	Frenier of Chelsea	Rachelson of Burlington
Burditt of West Rutland	Lewis of Berlin	Squirrell of Underhill
Condon of Colchester	Morris of Bennington	Turner of Milton

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

Access to relevant diagnostic imaging for all diseases is vital, but we have not found a way to get there yet. This bill forces those who are on their own with cost sharing for imaging for their lung cancer, heart disease, or prostate cancer, to pay added costs in their insurance for the benefit of those with one specific illness. This is bad public policy.”

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

I vote yes because 2 out of 8 Vermont women will be diagnosed with breast cancer and that is unacceptable. Any barriers we remove to ensure women have access to critical screenings will save lives. Thank you.”

Rep. Till of Jericho explained his vote as follows:

“Madam Speaker:

The women of Vermont deserve this victory. H.639 removes the financial barriers to early detection of breast cancer which is so painfully common in Vermont. This bill will reduce cases of advanced breast cancer in our state and increase chance of survival for those unfortunate enough to develop the disease.”

Third Reading; Bill Passed

H. 599

House bill, entitled

An act relating to games of chance organized by nonprofit organizations

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 620

House bill, entitled

An act relating to State-owned airports and economic development

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 660

House bill, entitled

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

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 696

House bill, entitled

An act relating to establishing a State individual mandate

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 707**

House bill, entitled

An act relating to the prevention of sexual harassment

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 739**

House bill, entitled

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

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 771**

House bill, entitled

An act relating to the Vermont National Guard

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 802**

House bill, entitled

An act relating to rural economic development infrastructure districts

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 854**

House bill, entitled

An act relating to promoting television and film production

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 874**

House bill, entitled

An act relating to inmate access to prescription drugs

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 894

House bill, entitled

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

Was taken up, read the third time and passed.

Bill Amended; Read Third Time; Bill Passed

H. 906

House bill, entitled

An act relating to professional licensing for service members and veterans

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

First: In Sec. 1, 26 V.S.A. § 906, subdivision (c)(3), by striking out the word “or” and inserting in lieu thereof the word “and”

Second: In Sec. 3, 26 V.S.A. § 2194, subdivision (b)(3), by striking out the word “or” and inserting in lieu thereof the word “and”

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

Third Reading; Bill Passed

H. 908

House bill, entitled

An act relating to the Administrative Procedure Act

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 909

House bill, entitled

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

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 910**

House bill, entitled

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

Was taken up, read the third time and passed.

Bill Amended; Read Third Time; Bill Passed**H. 912**

House bill, entitled

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

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill in Sec. 9, 18 V.S.A. § 9383, as follows:

First: In subsection (b), in the first sentence, following “physician,” by inserting “mental health,”

Second: In subsection (c), by striking out “House Committees on Appropriations and on Health Care” and inserting in lieu thereof “House Committees on Appropriations, on Health Care, and on Human Services”

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

Third Reading; Bill Passed**H. 914**

House bill, entitled

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

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 915**

House bill, entitled

An act relating to the protection of pollinators

Was taken up, read the third time and passed.

Second Reading; Bill Amended; Consideration Interrupted**H. 730**

Rep. Ode of Burlington for the committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill entitled,

An act relating to State response to waters in crisis

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 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 CARMİ; 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.

Rep. Feltus of Lyndon, for the committee on Appropriations, recommended that 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.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time and the report of the committee on Natural Resources, Fish and Wildlife was amended as recommended by the committee on Appropriations.

Thereupon, **Rep. Donahue of Northfield** asked that the question be divided and that Sections 1, 3, 4, and 5 be taken first and that Section 2 be taken second.

Pending the question, Shall the bill be amended as offered by the Committee on Natural Resources, Fish, and Wildlife as amended in the first instance only (Sections 1,3,4, and 5)? **Rep. Donahue of Northfield** 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 offered by the Committee on Natural Resources, Fish, and Wildlife as amended in the first instance only (Sections 1,3,4, and 5)? was decided in the affirmative. Yeas, 106. Nays, 32.

Those who voted in the affirmative are:

Ancel of Calais	Gardner of Richmond	Ode of Burlington
Bancroft of Westford	Giambatista of Essex	O'Sullivan of Burlington
Bartholomew of Hartland	Gonzalez of Winooski	Pajala of Londonderry
Baser of Bristol	Grad of Moretown	Partridge of Windham
Belaski of Windsor	Haas of Rochester	Potter of Clarendon
Bissonnette of Winooski	Head of South Burlington	Pugh of South Burlington
Bock of Chester	Helm of Fair Haven	Read of Fayston
Botzow of Pownal	Hill of Wolcott	Savage of Swanton
Brennan of Colchester	Hooper of Montpelier	Scheu of Middlebury
Briglin of Thetford	Hooper of Randolph	Scheuermann of Stowe
Browning of Arlington	Houghton of Essex	Sharpe of Bristol
Brumsted of Shelburne	Howard of Rutland City	Shaw of Pittsford
Buckholz of Hartford	Jessup of Middlesex	Sheldon of Middlebury
Burke of Brattleboro	Jickling of Randolph	Sibilia of Dover
Carr of Brandon	Joseph of North Hero	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Juskiewicz of Cambridge	Stuart of Brattleboro
Christensen of Weathersfield	Keenan of St. Albans City	Sullivan of Dorset
Cina of Burlington	Kimbell of Woodstock	Sullivan of Burlington
Colburn of Burlington	Kitzmilller of Montpelier	Taylor of Colchester
Conlon of Cornwall	Krowinski of Burlington	Till of Jericho
	Lalonde of South Burlington	Toleno of Brattleboro

Connor of Fairfield	Lanpher of Vergennes	Toll of Danville
Conquest of Newbury	Lefebvre of Newark	Townsend of South
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Burlington
Corcoran of Bennington	Long of Newfane	Trieber of Rockingham
Dakin of Colchester	Lucke of Hartford	Troiano of Stannard
Deen of Westminster	Macaig of Williston	Walz of Barre City
Donahue of Northfield	Masland of Thetford	Webb of Shelburne
Donovan of Burlington	McCormack of Burlington	Weed of Enosburgh
Dunn of Essex	McCoy of Poultney	Willhoit of St. Johnsbury
Emmons of Springfield	McCullough of Williston	Wood of Waterbury
Fagan of Rutland City	McFaun of Barre Town	Wright of Burlington
Fields of Bennington	Miller of Shaftsbury	Yacovone of Morristown
Forguites of Springfield	Mrowicki of Putney	Yantachka of Charlotte
Gamache of Swanton	Murphy of Fairfax	Young of Glover
Gannon of Wilmington	Nolan of Morristown	
	Noyes of Wolcott	

Those who voted in the negative are:

Batchelor of Derby	Higley of Lowell	Pearce of Richford
Beck of St. Johnsbury	Keefe of Manchester *	Poirier of Barre City
Beyor of Highgate	LaClair of Barre Town	Quimby of Concord
Canfield of Fair Haven	Lawrence of Lyndon	Rosenquist of Georgia
Cupoli of Rutland City	Marcotte of Coventry	Smith of Derby
Devereux of Mount Holly	Martel of Waterford	Smith of New Haven
Feltus of Lyndon	Mattos of Milton	Strong of Albany
Gage of Rutland City	Morrissey of Bennington	Terenzini of Rutland Town
Graham of Williamstown	Myers of Essex	Van Wyck of Ferrisburgh
Harrison of Chittenden	Norris of Shoreham	Viens of Newport City
Hebert of Vernon	Parent of St. Albans Town	

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

Ainsworth of Royalton	Dickinson of St. Albans	Morris of Bennington
Burditt of West Rutland	Town	Rachelson of Burlington
Christie of Hartford	Frenier of Chelsea	Squirrell of Underhill
Condon of Colchester	Lewis of Berlin	Turner of Milton

Keefe of Manchester explained his vote as follows:

“Madam Speaker:

I grew up in Franklin County, as did my mom. I believe we should be giving Lake Carmi help and attention. But this bill seems to give the Secretary of Natural Resources unlimited power to impose conditions that are beyond anything set forth in existing statute or rule. Irregardless of other intentions of this bill, I cannot endorse conveying this seemingly limitless power to an executive agent.”

Pending the question, Shall the bill be amended as recommended by the Committee on Natural Resources, Fish, and Wildlife as amended in the second

instance only (Section 2)? **Rep. Krowinski of Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Recess

Pending the call of the roll, at four o'clock and ten minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At four o'clock and forty-eight minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Bill Amended; Third Reading Ordered

H. 730

Consideration resumed on House bill, entitled

An act relating to State response to waters in crisis

Thereupon, the Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the Committee on Natural Resources, Fish, and Wildlife as amended in the second instance only? (Section 2) was decided in the affirmative. Yeas, 85. Nays, 52.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Mrowicki of Putney
Bartholomew of Hartland	Gardner of Richmond	Noyes of Wolcott
Belaski of Windsor	Giambatista of Essex	Ode of Burlington
Beyor of Highgate	Gonzalez of Winooski	O'Sullivan of Burlington
Bissonnette of Winooski	Grad of Moretown	Partridge of Windham
Bock of Chester	Haas of Rochester	Pearce of Richford
Botzow of Pownal	Harrison of Chittenden	Potter of Clarendon
Briglin of Thetford	Head of South Burlington	Pugh of South Burlington
Browning of Arlington	Hooper of Montpelier	Scheu of Middlebury
Burke of Brattleboro	Hooper of Randolph	Sharpe of Bristol
Carr of Brandon	Houghton of Essex	Sheldon of Middlebury *
Christensen of Weathersfield	Howard of Rutland City	Stevens of Waterbury
Cina of Burlington	Jessup of Middlesex	Stuart of Brattleboro
Colburn of Burlington	Joseph of North Hero	Sullivan of Burlington
Conlon of Cornwall	Juskiewicz of Cambridge	Taylor of Colchester
Connor of Fairfield	Keenan of St. Albans City	Till of Jericho
Conquest of Newbury	Kitzmillier of Montpelier	Toleno of Brattleboro
Copeland-Hanzas of Bradford	Krowinski of Burlington	Toll of Danville
Corcoran of Bennington	Lalonde of South Burlington	Townsend of South Burlington
Dakin of Colchester	Lanpher of Vergennes	Trieber of Rockingham
Deen of Westminster	Lefebvre of Newark	Troiano of Stannard
Donovan of Burlington	Lippert of Hinesburg	Walz of Barre City
Dunn of Essex	Long of Newfane	Webb of Shelburne
Emmons of Springfield	Lucke of Hartford	Weed of Enosburgh *
Fagan of Rutland City	Macaig of Williston	Wood of Waterbury
	Masland of Thetford	

Fields of Bennington	McCormack of Burlington	Yacovone of Morristown
Forguites of Springfield	McCullough of Williston	Yantachka of Charlotte
Gage of Rutland City	Miller of Shaftsbury	Young of Glover

Those who voted in the negative are:

Bancroft of Westford	Higley of Lowell	Poirier of Barre City
Baser of Bristol	Jickling of Randolph	Quimby of Concord
Batchelor of Derby	Keefe of Manchester	Read of Fayston
Beck of St. Johnsbury	Kimbell of Woodstock	Rosenquist of Georgia
Brennan of Colchester	LaClair of Barre Town	Savage of Swanton
Brumsted of Shelburne *	Lawrence of Lyndon	Scheuermann of Stowe
Buckholz of Hartford	Marcotte of Coventry	Shaw of Pittsford
Canfield of Fair Haven	Martel of Waterford	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Mattos of Milton	Smith of Derby
Cupoli of Rutland City	McCoy of Poultney	Smith of New Haven
Devereux of Mount Holly	McFaun of Barre Town	Strong of Albany
Donahue of Northfield	Morrissey of Bennington	Sullivan of Dorset
Feltus of Lyndon	Murphy of Fairfax	Terenzini of Rutland Town
Gamache of Swanton	Myers of Essex	Van Wyck of Ferrisburgh
Graham of Williamstown	Nolan of Morristown	Viens of Newport City
Hebert of Vernon	Norris of Shoreham	Willhoit of St. Johnsbury
Helm of Fair Haven	Pajala of Londonderry	Wright of Burlington *
	Parent of St. Albans Town	

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

Ainsworth of Royalton	Town	Rachelson of Burlington
Burditt of West Rutland	Frenier of Chelsea	Squirrell of Underhill
Christie of Hartford	Hill of Wolcott	Turner of Milton
Condon of Colchester	Lewis of Berlin	
Dickinson of St. Albans	Morris of Bennington	

Rep. Brumsted of Shelburne explained her vote as follows:

“Madam Speaker:

I stand in explanation of my no vote, Madame Speaker. I am very supportive of clean waterways for our ponds and lakes, and I applaud the committee for setting up a process for designating a lake in crisis so that they can access important state assistance, but to set up a process and then declare who will realize this designation first in the same bill seems unfair. I agree that Lake Carmi is in need and has met all three criteria but after setting up this process shouldn't we give the Secretary the chance to designate the lake, in his/her own and if it does not happen then consider more legislation, otherwise we will be setting up a precedent for more neighbors, communities and towns to come to us to declare their lakes and ponds in crisis.”

Rep. Sheldon of Middlebury explained her vote as follows:

“Madam Speaker:

I voted yes today because Vermonters have waited long enough for clean water. A yes vote is a vote for clean water.”

Rep. Weed of Enosburgh explained her vote as follows:

“Madam Speaker:

Lake Carmi is in crisis and it is up to the legislature to deem it so by statute. This bill puts together a process for other lakes to come forward and request the same consideration. It is a good bill and demonstrated commitment to clean water, the reason that many people choose to love and work here. Without clean water we lose our ability to draw people to Vermont to occupy some of these jobs that we are trying to fill. It is not only a necessity, it is our moral obligation to future generations.”

Rep. Wright of Burlington explained his vote as follows:

“Madam Speaker:

My no vote simply reflects a concern about creating a precedent for the legislature in the future, rather than waiting to see if the Secretary would declare the lake in crisis as the process has been designed. I do support all efforts to clean up Lake Carmi.”

Thereupon third reading was ordered.

Message from the Senate No. 34

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 241. An act relating to the makeup and duties of the Emergency Medical Services Advisory Committee.

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

Adjournment

At five o'clock and thirteen minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at one o'clock in the afternoon.