

Journal of the House

Monday, May 7, 2018

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Third Reading; Bill Passed

H. 928

House bill, entitled

An act relating to compensation for certain State employees (Pay Act)

Was taken up, read the third time and passed.

Third Reading; Bill Passed in Concurrence With Proposal of Amendment

S. 224

Senate bill, entitled

An act relating to co-payment limits for visits to chiropractors

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Bill Committed to Committee

S. 261

Senate bill, entitled

An act relating to mitigating trauma and toxic stress during childhood by strengthening child and family resilience

Was taken up and pending third reading of the bill, **Rep. Yacovone of Morristown** moved that the House propose to the Senate to amend the bill as follows:

First: After Sec. 7 and before Sec. 8, by inserting Secs. 7a–7c and a reader assistance heading as follows:

* * * Appropriations and Personal Income Tax Rates * * *

Sec. 7a. APPROPRIATION; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

The amount of \$19,700,000.00 is appropriated to the Department for Children and Families' Child Development Division from the General Fund in fiscal year 2019 for the purposes of:

(1) providing all participants with a household income at or below 200 percent of the federal poverty level with a 100 percent subsidy benefit;

(2) providing all participants with a household income between 201 percent and 250 percent of the federal poverty level with a 50 percent subsidy benefit; and

(3) providing all participants with a household income between 251 percent and 300 percent of the federal poverty level with a graduated subsidy benefit that is no more than 50 percent of the full subsidy benefit.

Sec. 7b. 32 V.S.A. § 5828b(a) is amended to read:

(a) A resident individual or part-year resident individual who is entitled to an earned income tax credit granted under the laws of the United States shall be entitled to a credit against the tax imposed for each year by section 5822 of this title. The credit shall be ~~32~~ 85 percent of the earned income tax credit granted to the individual under the laws of the United States, multiplied by the percentage which the individual's earned income that is earned or received during the period of the individual's residency in this State bears to the individual's total earned income.

Sec. 7c. PERSONAL INCOME TAX RATES

(a) 2009 Spec. Sess. Acts and Resolves No. 2, Sec. 20 is repealed.

(b) For taxable year 2018 and after, income tax rates under 32 V.S.A. § 5822(a)(1)-(5), after taking into consideration any inflation adjustments to taxable income as required by 32 V.S.A. § 5822(b)(2), shall be as follows:

(1) taxable income that without the passage of this act would have been subject to a rate of 3.55 percent, 6.80 percent, or 7.80 percent shall continue to be taxed at those rates;

(2) taxable income that without the passage of this act would have been subject to a rate of 8.80 percent shall be taxed at the rate of 9.8 percent instead;

(5) taxable income that without the passage of this act would have been subject to a rate of 8.95 percent shall be taxed at the rate of 11 percent instead.

(c) When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Council shall revise the tables in 32 V.S.A. § 5822(a)(1)-(5) to reflect the changes to the tax rates and tax brackets made in this section.

Second: By striking out Sec. 8, effective date, and its reader assistance

heading in their entirety and inserting in lieu thereof:

* * * Effective Dates * * *

Sec. 8. EFFECTIVE DATES

This act shall take effect on July 1, 2018, except notwithstanding 2 V.S.A. § 214, Secs. 7b (earned income tax credit) and 7c (income tax rates) shall take effect retroactively on January 1, 2018 and apply to taxable year 2018 and after.

Thereupon, **Rep. Yacovone of Morristown** asked and was granted leave of the House to withdraw the amendment.

Pending third reading **Rep. Chestnut-Tangerman of Middletown Springs** moved that the House propose to the Senate to amend the bill as follows:

First: After Sec. 7 and before Sec. 8, by inserting Secs. 7a–7c and a reader assistance heading as follows:

* * * Appropriations and Personal Income Tax Rates * * *

Sec. 7a. APPROPRIATION; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

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Sec. 7c. PERSONAL INCOME TAX RATES

(a) 2009 Spec. Sess. Acts and Resolves No. 2, Sec. 20 is repealed.

(b) For taxable year 2018 and after, income tax rates under 32 V.S.A. § 5822(a)(1)-(5), after taking into consideration any inflation adjustments to taxable income as required by 32 V.S.A. § 5822(b)(2), shall be as follows:

(1) taxable income that without the passage of this act would have been subject to a rate of 3.55 percent, 6.80 percent, or 7.80 percent shall continue to be taxed at those rates;

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(5) taxable income that without the passage of this act would have been subject to a rate of 8.95 percent shall be taxed at the rate of 11 percent instead.

(c) When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Council shall revise the tables in 32 V.S.A. § 5822(a)(1)-(5) to reflect the changes to the tax rates and tax brackets made in this section.

Second: By striking out Sec. 8, effective date, and its reader assistance heading in their entirety and inserting in lieu thereof:

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This act shall take effect on July 1, 2018, except notwithstanding 2 V.S.A. § 214, Secs. 7b (earned income tax credit) and 7c (income tax rates) shall take effect retroactively on January 1, 2018 and apply to taxable year 2018 and after.

Pending the question, Shall the House propose to the Senate to amend the bill as offered by Rep. Chestnut-Tangerman of Middletown Springs? **Rep. Turner of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Thereupon, pending the call of the roll, **Rep. Chestnut-Tangerman of Middletown Springs** asked and was granted leave of the House to withdraw the amendment.

Pending third reading of the bill, **Rep. Turner of Milton** moved that the House propose to the Senate to amend the bill as follows:

First: After Sec. 7 and before Sec. 8, by inserting Secs. 7a-7c and a reader assistance heading as follows:

* * * Appropriations and Personal Income Tax Rates * * *

Sec. 7a. APPROPRIATION; CHILD CARE FINANCIAL ASSISTANCE
PROGRAM

The amount of \$19,700,000.00 is appropriated to the Department for Children and Families' Child Development Division from the General Fund in fiscal year 2019 for the purposes of:

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Sec. 7b. 32 V.S.A. § 5828b(a) is amended to read:

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Sec. 7c. PERSONAL INCOME TAX RATES

(a) 2009 Spec. Sess. Acts and Resolves No. 2, Sec. 20 is repealed.

(b) For taxable year 2018 and after, income tax rates under 32 V.S.A. § 5822(a)(1)-(5), after taking into consideration any inflation adjustments to taxable income as required by 32 V.S.A. § 5822(b)(2), shall be as follows:

(1) taxable income that without the passage of this act would have been subject to a rate of 3.55 percent, 6.80 percent, or 7.80 percent shall continue to be taxed at those rates;

(2) taxable income that without the passage of this act would have been subject to a rate of 8.80 percent shall be taxed at the rate of 9.8 percent instead;

(5) taxable income that without the passage of this act would have been subject to a rate of 8.95 percent shall be taxed at the rate of 11 percent instead.

(c) When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Council shall revise the tables in 32 V.S.A. § 5822(a)(1)-

(5) to reflect the changes to the tax rates and tax brackets made in this section.

Second: By striking out Sec. 8, effective date, and its reader assistance heading in their entirety and inserting in lieu thereof:

* * * Effective Dates * * *

Sec. 8. EFFECTIVE DATES

This act shall take effect on July 1, 2018, except notwithstanding 2 V.S.A. § 214, Secs. 7b (earned income tax credit) and 7c (income tax rates) shall take effect retroactively on January 1, 2018 and apply to taxable year 2018 and after.

Pending the question, Shall the House propose to the Senate to amend the bill as offered by Rep. Turner of Milton? **Rep Turner of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Pending the call of the roll, **Rep. Krowinski of Burlington** moved to commit the bill the committee on Appropriations which was agreed to.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 280

Senate bill, entitled

An act relating to the Advisory Council for Strengthening Families

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 94

Rep. Botzow of Pownal, for the committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to promoting remote work

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * ThinkVermont Innovation Initiative * * *

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.

* * * Promoting Remote Work, Maker, and Innovation Spaces * * *

Sec. 2. IMPROVING INFRASTRUCTURE AND SUPPORT FOR REMOTE WORK IN VERMONT; STUDY; REPORT

(a) The Secretary of Commerce and Community Development, in consultation with the Commissioners of Labor, of Public Service, and of Buildings and General Services and other interested stakeholders, shall identify and examine the infrastructure improvements and other support needed to:

(1) enable workers and businesses to establish or enhance a remote presence in Vermont;

(2) build capacity throughout the State to increase access to maker spaces, co-working spaces, remote work hubs, and innovation spaces; and

(3) support the interconnection of current and future maker spaces, co-working spaces, remote work hubs, innovation spaces, and regional technical centers.

(b) On or before January 15, 2019, the Secretary shall submit to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs a written

report detailing his or her findings and recommendations.

Sec. 3. INTEGRATED PUBLIC-PRIVATE STATE WORKSITES

(a) The Secretary of Administration, in consultation with the Secretary of Commerce and Community Development and the Commissioner of Buildings and General Services, shall examine the potential for the State to establish remote worksites that are available for use by both State employees and remote workers in the private sector.

(b) The Secretary shall examine the feasibility of and potential funding models for the worksites, including the opportunity to provide at low- or no-cost co-working space within State buildings that is currently vacant or underutilized.

(c) On or before January 15, 2019, the Secretary shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs detailing his or her findings and any recommendations for legislative action.

Sec. 4. BROADBAND AVAILABILITY FOR REMOTE WORKERS

On or before January 15, 2019, the Director of Telecommunications and Connectivity, in consultation with the Agency of Commerce and Community Development, shall submit with the annual report required by 30 V.S.A. § 202e findings and recommendations concerning:

(1) the current availability of broadband service in municipal downtown centers that do, or could at reasonable cost, support one or more co-working spaces or similar venues for remote workers and small businesses; and

(2) strategies for expanding and enhancing broadband availability for such spaces.

* * * Municipalities; Village Center Designation; Electronic Filings * * *

Sec. 5. 24 V.S.A. § 2793 is amended to read:

§ 2793. DESIGNATION OF DOWNTOWN DEVELOPMENT DISTRICTS

* * *

(c) A designation issued under this section shall be effective for eight years and may be renewed on application by the municipality. The State Board also shall review a community's designation every ~~five~~ four years after issuance or renewal and may review compliance with the designation requirements at more frequent intervals. ~~On and after July 1, 2014, any~~ Any community applying for renewal shall explain how the designation under this section has

furthered the goals of the town plan and shall submit an approved town plan map that depicts the boundary of the designated district. If at any time the State Board determines that the downtown development district no longer meets the standards for designation established in subsection (b) of this section, it may take any of the following actions:

* * *

Sec. 6. 24 V.S.A. § 2793a is amended to read:

§ 2793a. DESIGNATION OF VILLAGE CENTERS BY STATE BOARD

* * *

(d) The State Board shall review a village center designation every ~~five~~ eight years and may review compliance with the designation requirements at more frequent intervals. ~~On and after July 1, 2014, any~~ Any community applying for renewal shall explain how the designation under this section has furthered the goals of the town plan and shall submit an approved town plan map that depicts the boundary of the designated district. If at any time the State Board determines that the village center no longer meets the standards for designation established in subsection (a) of this section, it may take any of the following actions:

* * *

Sec. 7. 24 V.S.A. § 2793b is amended to read:

§ 2793b. DESIGNATION OF NEW TOWN CENTER DEVELOPMENT DISTRICTS

* * *

(d) A designation issued under this section shall be effective for eight years and may be renewed on application by the municipality. The State Board also shall review a new town center designation ~~every five~~ four years after issuance or renewal and may review compliance with the designation requirements at more frequent intervals. The State Board may adjust the schedule of review under this subsection to coincide with the review of a related growth center. If at any time the State Board determines the new town center no longer meets the standards for designation established in subsection (b) of this section, it may take any of the following actions:

* * *

Sec. 8. 24 V.S.A. § 4345b is amended to read:

§ 4345b. INTERMUNICIPAL SERVICE AGREEMENTS

(a)(1) Prior to exercising the authority granted under this section, a

regional planning commission shall:

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

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

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

* * *

Sec. 9. 24 V.S.A. § 4348 is amended to read:

§ 4348. ADOPTION AND AMENDMENT OF REGIONAL PLAN

* * *

(c) At least 30 days prior to the first hearing, a copy of the proposed plan or amendment, with a request for general comments and for specific comments with respect to the extent to which the plan or amendment is consistent with the goals established in section 4302 of this title, shall be delivered physically or electronically with proof of receipt, or sent by certified mail, return receipt requested, to each of the following:

(1) the chair of the legislative body of each municipality within the region;

(2) the executive director of each abutting regional planning commission;

(3) the Department of Housing and Community Development within the Agency of Commerce and Community Development;

(4) business, conservation, low-income advocacy, and other community or interest groups or organizations that have requested notice in writing prior to the date the hearing is warned; and

(5) the Agency of Natural Resources and the Agency of Agriculture, Food and Markets.

* * *

(e) The regional planning commission may make revisions to the proposed plan or amendment at any time not less than 30 days prior to the final public

hearing held under this section. If the proposal is changed, a copy of the proposed change shall be delivered, physically or electronically with proof of receipt or by certified mail, return receipt requested, to the ~~chairperson~~ chair of the legislative body of each municipality within the region, and to any individual or organization requesting a copy, at least 30 days prior to the final hearing.

* * *

Sec. 10. 24 V.S.A. § 4352 is amended to read:

§ 4352. OPTIONAL DETERMINATION OF ENERGY COMPLIANCE;
ENHANCED ENERGY PLANNING

* * *

(e) Process for issuing determinations of energy compliance. Review of whether to issue a determination of energy compliance under this section shall include a public hearing noticed at least 15 days in advance by direct mail or electronically with proof of receipt to the requesting regional planning commission or municipal legislative body, posting on the website of the entity from which the determination is requested, and publication in a newspaper of general publication in the region or municipality affected. The Commissioner or regional planning commission shall issue the determination in writing within two months ~~of~~ after the receipt of a request for a determination. If the determination is negative, the Commissioner or regional planning commission shall state the reasons for denial in writing and, if appropriate, suggest acceptable modifications. Submissions for a new determination that follow a negative determination shall receive a new determination within 45 days.

* * *

Sec. 11. 24 V.S.A. § 4384 is amended to read:

§ 4384. PREPARATION OF PLAN; HEARINGS BY PLANNING
COMMISSION

* * *

(e) At least 30 days prior to the first hearing, a copy of the proposed plan or amendment and the written report shall be delivered physically or electronically with proof of receipt, or mailed by certified mail, return receipt requested, to each of the following:

(1) the ~~chairperson~~ chair of the planning commission of each abutting municipality, or in the absence of any planning commission in an abutting municipality, to the clerk of that municipality;

(2) the executive director of the regional planning commission of the area in which the municipality is located;

(3) ~~the department of housing and community affairs~~ Department of Housing and Community Development within the ~~agency of commerce and community development~~ Agency of Commerce and Community Development; and

(4) business, conservation, ~~low-income~~ low-income advocacy, and other community or interest groups or organizations that have requested notice in writing prior to the date the hearing is warned.

* * *

Sec. 12. 24 V.S.A. § 4385 is amended to read:

§ 4385. ADOPTION AND AMENDMENT OF PLANS; HEARING BY
LEGISLATIVE BODY

* * *

(c) A plan of a municipality or an amendment thereof shall be adopted by a majority of the members of its legislative body at a meeting which is held after the final public hearing. If, however, at a regular or special meeting of the voters duly warned and held as provided in 17 V.S.A. chapter 55, a municipality elects to adopt or amend municipal plans by Australian ballot, that procedure shall then apply unless rescinded by the voters at a regular or special meeting similarly warned and held. If the proposed plan or amendment is not adopted so as to take effect within one year ~~of~~ after the date of the final hearing of the planning commission, it shall be considered rejected by the municipality. Plans and amendments shall be effective upon adoption, ~~and~~ Copies of newly adopted plans and amendments shall be provided to the regional planning commission and to the ~~commissioner of housing and community affairs~~ Commissioner of Housing and Community Development within 30 days ~~of~~ after adoption, which may be done electronically, provided the sender has proof of receipt. If a municipality wishes its plan or plan amendment to be eligible for approval under the provisions of section 4350 of this title, it shall request approval. The request for approval may be before or after adoption of the plan by the municipality, at the option of the municipality.

* * *

Sec. 13. 24 V.S.A. § 4424 is amended to read:

§ 4424. SHORELANDS; RIVER CORRIDOR PROTECTION AREAS;
FLOOD OR HAZARD AREA; SPECIAL OR FREESTANDING

 BYLAWS

(a) Bylaws; flood and other hazard areas; river corridor protection. Any municipality may adopt freestanding bylaws under this chapter to address particular hazard areas in conformance with the municipal plan or, for the purpose of adoption of a flood hazard area bylaw, a local hazard mitigation plan approved under 44 C.F.R. § 201.6. Such freestanding bylaws may include the following, which may also be part of zoning or unified development bylaws:

(1) Bylaws to regulate development and use along shorelands.

(2) Bylaws to regulate development and use in flood areas, river corridor protection areas, or other hazard areas. The following shall apply if flood or other hazard area bylaws are enacted:

* * *

(D)(i) Mandatory provisions. Except as provided in subsection (c) of this section, all flood and other hazard area bylaws shall provide that no permit for new construction or substantial improvement shall be granted for a flood or other hazard area until after both the following:

(I) A copy of the application is mailed or delivered by the administrative officer or by the appropriate municipal panel to the Agency of Natural Resources or its designee, which may be done electronically, provided the sender has proof of receipt.

(II) Either 30 days have elapsed following the mailing or the Agency or its designee delivers comments on the application.

(ii) The Agency of Natural Resources may delegate to a qualified representative of a municipality with a flood hazard area bylaw or ordinance or to a qualified representative for a regional planning commission the Agency's authority under this subdivision (a)(2)(D) to review and provide technical comments on a proposed permit for new construction or substantial improvement in a flood hazard area. Comments provided by a representative delegated under this subdivision (a)(2)(D) shall not be binding on a municipality.

* * *

Sec. 14. 24 V.S.A. § 4441 is amended to read:

§ 4441. PREPARATION OF BYLAWS AND REGULATORY TOOLS;

AMENDMENT OR REPEAL

* * *

(e) At least 15 days prior to the first hearing, a copy of the proposed bylaw, amendment, or repeal and the written report shall be delivered physically or electronically with proof of receipt, or mailed by certified mail, return receipt requested, to each of the following:

(1) The ~~chairperson~~ chair of the planning commission of each abutting municipality, or in the absence of any planning commission in a municipality, the clerk of that abutting municipality.

(2) The executive director of the regional planning commission of the area in which the municipality is located.

(3) The ~~department of housing and community affairs~~ Department of Housing and Community Development within the ~~agency of commerce and community development~~ Agency of Commerce and Community Development.

* * *

Sec. 15. 24 V.S.A. § 4445 is amended to read:

§ 4445. AVAILABILITY AND DISTRIBUTION OF DOCUMENTS

Current copies of plans, bylaws, and capital budgets and programs shall be available to the public during normal business hours in the office of the clerk of any municipality in which those plans, bylaws, or capital budgets or programs have been adopted. The municipality shall provide all final adopted bylaws, amendments, or repeals to the regional planning commission of the area in which the municipality is located and to the ~~department of housing and community affairs~~ Department of Commerce and Community Development, which may be done electronically, provided the sender has proof of receipt.

* * *

* * * Wastewater and Potable Water Lending * * *

Sec. 16. 24 V.S.A. § 4752 is amended to read:

§ 4752. DEFINITIONS

As used in this chapter:

* * *

(13) “Potable water supply facilities” ~~means municipal water sources, water treatment plants, structures, pipe lines, storage facilities, pumps, and attendant facilities necessary to develop a source of water and to treat and convey it in proper quantity and quality for public use within a municipality~~ has the same meaning as in 10 V.S.A. § 1972.

* * *

(17) “Designer” means a person authorized to design wastewater systems and potable water supplies as identified in 10 V.S.A. § 1975.

Sec. 17. 24 V.S.A. § 4753 is amended to read:

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

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

* * *

(10) The Vermont Wastewater and Potable Water Revolving Loan Fund, which shall be used to provide loans to individuals, in accordance with section 4763b of this title, for the design and construction of repairs to or replacement of wastewater systems and potable water supplies when the wastewater system or potable water supply is a failed system or supply as defined in 10 V.S.A. § 1972, or when a designer demonstrates that the wastewater system or potable water supply has a high probability of failing. The amount of up to \$275,000.00 from the fees collected pursuant to 3 V.S.A. § 2822(j)(4) shall be deposited on an annual basis into this Fund at the beginning of each fiscal year to ensure a minimum balance of available funds of \$275,000.00 exists for each fiscal year.

* * *

Sec. 18. 24 V.S.A. § 4763b is amended to read:

§ 4763b. LOANS TO INDIVIDUALS FOR FAILED WASTEWATER SYSTEMS AND FAILED POTABLE WATER SUPPLIES

(a) Notwithstanding any other provision of law, when the wastewater system or potable water supply serving only ~~one single-family residence on its own lot~~ single-family and multifamily residences either meets the definition of a failed supply or system in 10 V.S.A. § 1972 or is demonstrated by a designer to have a high probability of failing, the Secretary of Natural Resources may lend monies to ~~the owner of the residence~~ an owner of one or more of the residences from the Vermont Wastewater and Potable Water Revolving Loan Fund established in section 4753 of this title. In such cases, the following conditions shall apply:

(1) ~~loans a loan~~ a loan may only be made to ~~households with an owner with a household~~ household income equal to or less than 200 percent of the State average median household income;

(2) ~~loans a loan~~ a loan may only be made to ~~households where the recipient of the loan resides in the residence~~ an owner who resides in one of the residences served by the failed supply or system on a year-round basis;

(3) ~~loans a loan~~ may only be made ~~if the owner of the residence to an owner who~~ has been denied financing for the repair, replacement, or construction due to involuntary disconnection by at least one other financing entity;

(4) ~~when the failed supply or system also serves residences owned by persons other than the loan applicant, a loan may only be made for an equitable share of the cost to repair or replace the failed supply or system that is determined through agreement of all of the owners of residences served by the failed system or supply;~~

(5) no construction loan shall be made to an individual under this subsection, nor shall any part of any revolving loan made under this subsection be expended, until all of the following take place:

(A) the Secretary of Natural Resources determines that if a wastewater system and potable water supply permit is necessary for the design and construction of the project to be financed by the loan, the permit has been issued to the owner of the failed system or supply; and

(B) the individual applying for the loan certifies to the Secretary of Natural Resources that the proposed project has secured all State and federal permits, licenses, and approvals necessary to construct and operate the project to be financed by the loan;

~~(5)~~(6) all funds from the repayment of loans made under this section shall be deposited into the Vermont Wastewater and Potable Water Revolving Loan Fund.

(b) The Secretary of Natural Resources shall establish standards, policies, and procedures as necessary for the implementation of this section. The Secretary may establish criteria to extend the payment period of a loan or to waive all or a portion of the loan amount.

* * * Rural Economic Development Districts * * *

Sec. 19. 24 V.S.A. § 5704 is amended to read:

§ 5704. GOVERNING BOARD; COMPOSITION; MEETINGS; REPORT

(a) Governing board. The legislative power and authority of a district and the administration and the general supervision of all fiscal, prudential, and governmental affairs of a district shall be vested in a governing board, except as otherwise specifically provided in this chapter.

(b) Composition. The ~~first~~ governing board of the district shall consist of ~~four to eight~~ members appointed in equal numbers by the legislative bodies of the underlying municipalities. ~~It~~ The board shall draft the district's bylaws

~~specifying the size, composition, quorum requirements, and manner of appointing and removing members to the permanent governing board, including nonvoting, at-large board members. The bylaws shall require that a majority of the board shall be appointed annually by the legislative bodies of the underlying municipalities appoint board members and fill board member vacancies. Board members appointed by the underlying municipalities may appoint additional, nonvoting, at-large board members and fill at-large board member vacancies. Board members, including at-large members, are not required to be residents of an underlying municipality. However, a majority of the board shall be residents of an underlying municipality. Board members shall serve staggered, three-year terms, and shall be eligible to serve successive terms. The legislative bodies of the municipalities in which the district is located shall fill board vacancies, and may remove board members at will. At-large board members shall serve one-year terms, and shall be eligible to serve successive terms. Any bylaws developed by the governing board under this subsection shall be submitted for approval to the legislative bodies of the municipalities within the district and shall be considered duly adopted 45 days from after the date of submission, provided none of the legislative bodies disapprove of the bylaws.~~

(c) First meeting. The first meeting of the district shall be called upon 30 days' posted and published notice by a presiding officer of a legislative body in which the district is located. ~~Voters within a municipality in which the district is located are eligible to vote at annual and special district meetings. At the first meeting of the district, and at each subsequent annual meeting, there shall be elected from among board members a chair, vice chair, clerk, and treasurer who shall assume their respective offices upon election. At the first meeting, the fiscal year of the district shall be established and rules of parliamentary procedure shall be adopted. The board shall elect from among its members a chair, vice chair, clerk, and treasurer. The board shall establish the fiscal year of the district and shall adopt rules of parliamentary procedure.~~ Prior to assuming their offices, officers may be required to post bond in such amounts as determined by resolution of the board. The cost of such bond shall be borne by the district.

(d) Annual and special meetings. Unless otherwise established by the voters, the annual district meeting shall be held on the second Monday in January and shall be warned by the clerk or, in the clerk's absence or neglect, by a member of the board. Special meetings shall be warned in the same manner on application in writing by five percent of the voters of the district. A warning for a district meeting shall state the business to be transacted. The time and place of holding the meeting shall be posted in two or more public places in the district not more than 40 days nor less than 30 days before the

meeting and recorded in the office of the clerk before the same is posted.

(e) Annual report. The district shall report annually to the legislative bodies and the citizens of the municipalities in which the district is located on the results of its activities in support of economic growth, job creation, improved community efficiency, and any other benefits incident to its activities.

(f) Definition. For purposes of this section and section 5709 of this chapter, after a district has been established pursuant to section 5702 of this chapter, "voter" means a board member or subscriber or customer of a service provided by the district. "Voter" does not mean an at-large board member unless the vote is taken at an annual or special meeting and the at-large board member is a subscriber or customer of a service provided by the district.

Sec. 20. 24 V.S.A. § 5705 is amended to read:

§ 5705. OFFICERS

(a) Generally. The district board shall elect at its first meeting and at each annual meeting thereafter a chair, vice chair, clerk, and treasurer, who shall hold office until the next annual meeting and until others are elected. The board may fill a vacancy in any office.

(b) Chair. The chair shall preside at all meetings of the board and make and sign all contracts on behalf of the district upon approval by the board. The chair shall perform all duties incident to the position and office as required by the general laws of the State.

(c) Vice chair. During the absence of or inability of the chair to render or perform his or her duties or exercise his or her powers, the same shall be performed and exercised by the vice chair, and when so acting, the vice chair shall have all the powers and be subject to all the responsibilities given to or imposed upon the chair. During the absence or inability of the vice chair to render or perform his or her duties or exercise his or her powers, the board shall elect from among its members an acting vice chair who shall have the powers and be subject to all the responsibilities given to or imposed upon the vice chair.

(d) Clerk. The clerk shall keep a record of the meetings, votes, and proceedings of the district for the inspection of its inhabitants.

(e) Treasurer. The treasurer of the district shall be ~~appointed~~ elected by the board, and shall serve at its pleasure. The treasurer shall have the exclusive charge and custody of the funds of the district and shall be the disbursing officer of the district. When warrants are authorized by the board, the treasurer may sign, make, or endorse in the name of the district all checks and

orders for the payment of money and pay out and disburse the same and receipt therefor. The treasurer shall keep a record of every obligation issued and contract entered into by the district and of every payment made. The treasurer shall keep correct books of account of all the business and transactions of the district and such other books and accounts as the board may require. The treasurer shall render a statement of the condition of the finances of the district at each regular meeting of the board and at such other times as required of the treasurer. The treasurer shall prepare the annual financial statement and the budget of the district for distribution, upon approval of the board, to the legislative bodies of district members. Upon the treasurer's termination from office by virtue of removal or resignation, the treasurer shall immediately pay over to his or her successor all of the funds belonging to the district and at the same time deliver to the successor all official books and papers.

* * * Effective Date * * *

Sec. 21. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

Rep Ancel of Calais, for the committee on Ways and Means, recommended that the House propose to the Senate to amend the bill as recommended by the committee on Commerce and Economic Development.

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended that House propose to the Senate to amend the bill as recommended by the committee on Commerce and Economic Development.

The bill having appeared on the Calendar one day for notice, was taken up, read the second time, the reports of the committee on Commerce and Economic Development was agreed to on a division of Yeas, 101 and Nays, 0 and third reading was ordered.

Senate Proposal of Amendment to House Proposal of Amendment to Senate Proposal of Amendment Concurred in

H. 25

The Senate proposed to the House to amend House bill, entitled
An act relating to sexual assault survivors' rights

The Senate concurs in the House proposal of amendment to the Senate proposal of amendment with the following proposal of amendment thereto:

First: In Sec. 1, 13 V.S.A. § 4003, in the first sentence, by striking out the words "in violation of the criminal laws of this State"

Second: By striking out Sec. 2 in its entirety and inserting in lieu thereof the following:

Sec. 2. 13 V.S.A. § 1703 is added to read:

§ 1703. DOMESTIC TERRORISM

(a) As used in this section:

(1) “Domestic terrorism” means engaging in or taking a substantial step to commit a violation of the criminal laws of this State with the intent to:

(A) cause death or serious bodily injury to multiple persons; or

(B) threaten any civilian population with mass destruction, mass killings, or kidnapping.

(2) “Serious bodily injury” shall have the same meaning as in section 1021 of this title.

(3) “Substantial step” shall mean conduct that is strongly corroborative of the actor’s intent to complete the commission of the offense.

(b) A person who willfully engages in an act of domestic terrorism shall be imprisoned for not more than 20 years or fined not more than \$50,000.00, or both.

(c) It shall be an affirmative defense to a charge under this section that the actor abandoned his or her effort to commit the crime or otherwise prevented its commission under circumstances manifesting a complete and voluntary renunciation of his or her criminal purpose.

Which proposal of amendment was considered and concurred in.

Bill Committed

S. 123

House bill, entitled

An act relating to limiting liability for animal shelter and rescue organizations assisting law enforcement in animal cruelty investigations

Appearing on the Calendar for action, was taken up and pending the reading of the report of the committee on Judiciary, on motion of **Rep. Lalonde of South Burlington**, the bill was committed to the committee on Commerce and Economic Development.

Senate Proposal of Amendment Concurred in

H. 736

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

An act relating to lead poisoning prevention

The Senate proposes to the House to amend the bill as follows:

First: By inserting a new Sec. 1 before the existing Sec. 1 to read as follows:

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that the regulatory authority over lead poisoning prevention practices, which is currently divided between the State of Vermont and the U.S. Environmental Protection Agency (EPA), shall be assumed by the State. The Commissioner of Health shall take necessary steps to receive all appropriate authority from the EPA not later than December 2019.

Second: In Sec. 2, in 18 V.S.A. § 1751(b), in subdivision (18), following “or likely exposure to”, by striking out the following: “lead-based paint” and inserting in lieu thereof the following: ~~lead-based paint~~ lead

Third: In Sec. 2, in 18 V.S.A. § 1751(b), in subdivision (22)(B), by striking out the following: “lead-based paint” in the second instance in which it appears and inserting in lieu thereof the following: lead

Fourth: In Sec. 2, in 18 V.S.A. § 1751(b), by renumbering the existing subdivision (24) to appear after the existing subdivision (27) and by renumbering all affected subdivisions to be numerically correct

Fifth: In Sec. 2, 18 V.S.A. § 1759(f), by striking out the word “implantation” and inserting in lieu thereof implementation

Sixth: In Sec. 2, in 18 V.S.A. § 1763, in the first sentence, following “subsection 1759(e) of this chapter or”, by striking out the following: “lead-based paint” and inserting in lieu thereof the following: ~~lead-based paint~~ lead

Seventh: In Sec. 2, in 18 V.S.A. § 1764, following “under subsection”, by striking out the following: “1752(d)” and inserting in lieu thereof the following: ~~1752(d)~~ 1752(e)

Eighth: In Sec. 2, in 18 V.S.A. § 1765, in subsection (a), following “determines that”, by striking out the following: “lead-based paint” and inserting in lieu thereof the following: ~~lead-based paint~~ lead and following “rental target”, by striking out the word “property” and inserting in lieu thereof the following: ~~property~~ housing

Ninth: By inserting a new Sec. 3 to read as follows:

Sec. 3. STATUS UPDATES

On or before February 1 of 2019 and 2020, the Commissioner of Health

shall provide a status update regarding the implementation of the lead poisoning prevention program and associated fees to the House Committees on Human Services and on Ways and Means and to the Senate Committees on Finance and on Health and Welfare.

And by renumbering the remaining sections to be numerically correct

Which proposal of amendment was considered and concurred in.

Recess

At two o'clock and nineteen minutes in the afternoon, the Speaker declared a recess until three o'clock in the afternoon.

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

Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered

S. 285

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

An act relating to universal recycling requirements

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Solid Waste Management Facility Requirements * * *

Sec. 1. 10 V.S.A. § 6605 is amended to read:

§ 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

(a)(1) No person shall construct, substantially alter, or operate any solid waste management facility without first obtaining certification from the Secretary for such facility, site, or activity, except for sludge or septage treatment or storage facilities located within the fenced area of a domestic wastewater treatment plant permitted under chapter 47 of this title. This exemption for sludge or septage treatment or storage facilities shall exist only if:

(A) the treatment facility does not ~~utilize~~ use a process to ~~further~~ reduce pathogens further in order to qualify for marketing and distribution; and

(B) the facility is not a drying bed, lagoon, or nonconcrete bunker; and

(C) the owner of the facility has submitted a sludge and septage management plan to the Secretary and the Secretary has approved the plan. Noncompliance with an approved sludge and septage management plan shall constitute a violation of the terms of this chapter, as well as a violation under chapters 201 and 211 of this title.

(2) Certification shall be valid for a period not to exceed 10 years.

(b) Certification for a solid waste management facility, where appropriate, shall:

* * *

(3)(A) Specify the projected amount and types of waste material to be disposed of at the facility, which, in case of landfills and incinerators, shall include the following:

(A)(i) if the waste is being delivered from a municipality that has an approved implementation plan, hazardous materials and recyclables shall be removed from the waste according to the terms of that implementation plan;

(B)(ii) except as provided in subdivision (B) of this subdivision (3), if the waste is being delivered from a municipality that does not have an approved implementation plan, leaf and yard residuals shall be removed from the waste stream, and 100 percent of each of the following shall be removed from the waste stream: mandated recyclables, hazardous waste from households, and hazardous waste from small quantity generators.

(B) If waste delivered to the facility is process residuals from a material recovery facility, the facility receiving the waste shall not be required to remove 100 percent of mandated recyclables from the process residuals if the facility receiving the waste has a plan approved by the Secretary to remove mandated recyclables from the process residuals to the maximum extent practicable.

* * *

(j) A facility certified under this section that offers the collection of municipal solid waste shall:

(1) Beginning on July 1, 2014, collect mandated recyclables separate from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables. A facility shall not be required to accept mandated recyclables from a commercial hauler.

(2) Beginning on July 1, 2015, collect leaf and yard residuals between April 1 and December 15 separate from other solid waste and deliver leaf and

yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)-(5) of this title.

(3) Beginning on July 1, 2017, collect food residuals separate from other solid waste and deliver food residuals to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(2)-(5) of this title.

* * *

~~(1) A facility certified under this section that offers the collection of municipal solid waste shall not charge a separate fee for the collection of mandated recyclables. A facility certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of municipal solid waste and may adjust the charge for the collection of municipal solid waste. A facility certified under this section may charge a separate fee for the collection of mandated recyclables, leaf and yard residuals, or food residuals. If a facility collects mandated recyclables from a commercial hauler, the facility may charge a fee for the collection of those mandated recyclables.~~

* * *

* * * Commercial Hauler Requirements * * *

Sec. 2. 10 V.S.A. § 6607a is amended to read:

§ 6607a. WASTE TRANSPORTATION

(a) A commercial hauler desiring to transport waste within the State shall apply to the Secretary for a permit to do so, by submitting an application on a form prepared for this purpose by the Secretary and by submitting the disclosure statement described in section 6605f of this title. These permits shall have a duration of five years and shall be renewed annually. The application shall indicate the nature of the waste to be hauled. The Secretary may specify conditions that the Secretary deems necessary to assure compliance with State law.

(b) As used in this section:

(1) “Commercial hauler” means:

(A) any person that transports regulated quantities of hazardous waste; and

(B) any person that transports solid waste for compensation in a vehicle.

(2) The commercial hauler required to obtain a permit under this section is the legal or commercial entity that is transporting the waste, rather than the individual employees and subcontractors of the legal or commercial entity. In the case of a sole proprietorship, the sole proprietor is the commercial entity.

(3) The Secretary shall not require a commercial hauler to obtain a permit under this section, comply with the disclosure requirements of this section, comply with the reporting and registration requirements of section 6608 of this title, or pay the fee specified in 3 V.S.A. § 2822, if:

(A) the commercial hauler does not transport more than four cubic yards of solid waste at any time; and

(B) the solid waste transportation services performed are incidental to other nonwaste transportation-related services performed by the commercial hauler.

* * *

(g)(1) Except as set forth in subdivisions (2), (3), and (4) of this subsection, a commercial hauler that offers the collection of municipal solid waste ~~shall~~:

(A) Beginning on July 1, 2015, ~~shall~~ offer to collect mandated recyclables ~~separated~~ separate from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables.

(B) ~~Beginning on July 1, 2016, offer to collect leaf and yard residuals separate from other solid waste and deliver leaf and yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)-(5) of this title.~~

(C) Beginning on July 1, 2018, 2020, offer collection of food residuals separate from other solid waste and deliver to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(2)-(5) of this title.

(2) In a municipality that has adopted a solid waste management ordinance addressing the collection of mandated recyclables, ~~leaf and yard residuals~~, or food residuals, a commercial hauler in that municipality is not required to comply with the requirements of subdivision (1) of this subsection and subsection (h) of this section for the material addressed by the ordinance if the ordinance:

(A) is applicable to all residents of the municipality;

(B) prohibits a resident from opting out of municipally provided

solid waste services; and

(C) does not apply a variable rate for the collection for the material addressed by the ordinance.

(3) A commercial hauler is not required to comply with the requirements of subdivision (1)(A), ~~(B)~~, ~~or (C)~~ or (B) of this subsection in a specified area within a municipality if:

(A) the Secretary has approved a solid waste implementation plan for the municipality;

(B) for purposes of waiver of the requirements of subdivision (1)(A) of this subsection (g), the Secretary determines that under the approved plan:

(i) the municipality is achieving the per capita disposal rate in the State Solid Waste Plan; and

(ii) the municipality demonstrates that its progress toward meeting the diversion goal in the State Solid Waste Plan is substantially equivalent to that of municipalities complying with the requirements of subdivision (1)(A) of this subsection (g);

(C) the approved plan delineates an area where solid waste management services required by subdivision (1)(A), ~~(B)~~, ~~or (C)~~ or (B) of this subsection (g) are not required; and

(D) in the delineated area, alternatives to the services, including on-site management, required under subdivision (1)(A), ~~(B)~~, ~~or (C)~~ or (B) of this subsection (g) are offered, the alternative services have capacity to serve the needs of all residents in the delineated area, and the alternative services are convenient to residents of the delineated area.

(4) A commercial hauler is not required to comply with the requirements of subdivision (1)(A), ~~(B)~~, ~~or (C)~~ or (B) of this subsection for mandated recyclables, ~~leaf and yard residuals~~, or food residuals collected as part of a litter collection.

(h) A commercial hauler certified under this section that offers the collection of municipal solid waste may not charge a separate line item fee on a bill to a residential customer for the collection of mandated recyclables, provided that a commercial hauler may charge a fee for all service calls, stops, or collections at a residential property and a commercial hauler may charge a tiered or variable fee based on the size of the collection container provided to a residential customer or the amount of waste collected from a residential customer. A commercial hauler certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste. A

commercial hauler certified under this section that offers the collection of solid waste may charge a separate fee for the collection of ~~leaf and yard residuals or~~ food residuals from a residential customer.

(i) A commercial hauler that operates a bag-drop or fast-trash site at a fixed location to collect municipal solid waste shall offer at the site all collection services required under 10 V.S.A. § 6605(j).

Sec. 3. UNIVERSAL RECYCLING STAKEHOLDER GROUP;

COMMERCIAL HAULER SERVICES; FOOD RESIDUAL
COLLECTION SERVICES

(a) The Agency of Natural Resources has convened a Universal Recycling Stakeholder Group to provide valuable input, advice, and assistance to the Agency and the State in the implementation of 2012 Acts and Resolves No. 148 (Act 148). The work of the Stakeholder Group has been integral to the successful implementation of Act 148 and the work of the Stakeholder Group is commended by the General Assembly.

(b) As part of the ongoing Agency of Natural Resource's Universal Recycling Stakeholder Group, the Secretary of Natural Resources shall seek the input of the Stakeholder Group regarding the requirement under 10 V.S.A. § 6607a(g) that commercial solid waste haulers offer the service of collection of food residuals separate from other solid waste beginning July 1, 2020. The Secretary shall request that the Stakeholder Group review whether:

(1) the requirements under subsection 6607a(g) should be amended so that commercial haulers are only required to offer collection of food residuals:

(A) in municipalities, solid waste management districts, or other areas based on population, housing, or route density; or

(B) based on other appropriate criteria specified by the Working Group.

(2) sufficient regional capacity to process food residuals is available to allow for the collection of food residuals by all commercial solid waste haulers beginning on July 1, 2020.

(b) The Secretary of Natural Resources, after consultation with the Universal Recycling Stakeholder Group, shall include in the report the Agency shall submit under 6604(b) of this title recommendations addressing subdivisions (a)(1) and (2) of this section.

* * * Food Residual Management * * *

Sec. 4. 10 V.S.A. § 6605k(b) is amended to read:

(b) A person who produces more than an amount identified under subsection (c) of this section in food residuals ~~and is located within 20 miles of a certified organics management facility that has available capacity and that is willing to accept the food residuals shall:~~

(1) ~~Separate separate~~ food residuals from other solid waste, provided that a de minimis amount of food residuals may be disposed of in solid waste when a person has established a program to separate food residuals and the program includes a component for the education of program users regarding the need to separate food residuals; and

(2) ~~Arrange arrange~~ for the transfer of food residuals to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions (a)(2)-(5) of this section or shall manage food residuals on site.

* * * Plastic Film Recycling; Unclaimed Beverage

Container Deposits * * *

Sec. 5. AGENCY OF NATURAL RESOURCES REVIEW OF PRIVATE
PILOT PROJECT FOR THE RECYCLING OF PLASTIC FILM

(a) The Secretary of Natural Resources or designee shall provide written or oral testimony to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy in January 2019 and in January 2020 regarding the success of a pilot project funded by private beverage manufacturers and distributors and other private entities in the State for the collection and recycling of plastic film.

(b) The Secretary shall request from the pilot project information necessary for evaluation of the project, including:

(1) whether the pilot project was effectively implemented;

(2) the collection opportunities for plastic film, including convenience;

(3) the education or outreach provided regarding opportunities or methods for reducing the use or disposal of plastic film;

(4) costs to operate the pilot project; and

(5) any measurable reduction achieved in the amount of plastic film disposed of as solid waste.

(c) In the testimony required under subsection (a) of this section, the Secretary shall:

(1) summarize the effectiveness of the pilot project based on information collected under subsection (a);

(2) recommend whether the State should encourage the pilot project to continue; and

(3) recommend to what extent or at what percentage the unclaimed beverage container deposits should be allowed to be retained by beverage manufacturers or distributors to assist in paying for the costs of collection and recycling of plastic film or mandated recyclables.

(d) As used in this section:

(1) "Mandated recyclables" shall have the same meaning as in 10 V.S.A. § 6601.

(2) "Plastic film" means single-use bags or coverings of consumer products made from plastic resins or derived from nonrenewable, petroleum-based feedstocks, including laundry or dry cleaning coverings, coverings or bags for clothes sold at retail, plastic film grocery sacks, plastic film shopping bags, fresh produce bags, and newspaper sleeves.

Sec. 6. 10 V.S.A. § 1530 is added to read:

§ 1530. ABANDONED BEVERAGE CONTAINER DEPOSITS; DEPOSIT TRANSACTION ACCOUNT; BEVERAGE REDEMPTION FUND

(a) As used in this section, "deposit initiator" means the first distributor or manufacturer to collect the deposit on a beverage container sold to any person within the State.

(b) A deposit initiator shall open a separate interest-bearing account in a Vermont branch of a financial institution to be known as the deposit transaction account. The deposit initiator shall keep the deposit transaction account separate from all other revenues and accounts.

(c) Beginning on July 1, 2020, each deposit initiator shall deposit in its deposit transaction account the refund value established by section 1522 of this title for all beverage containers sold by the deposit initiator. The deposit initiator shall deposit the refund value for each beverage container in the account not more than three business days after the date on which the beverage container is sold. All interest, dividends, and returns earned on the deposit transaction account shall be paid directly to the account. The deposit initiator shall pay all refunds on returned beverage containers from the deposit transaction account.

(d) Beginning on October 10, 2020, and quarterly thereafter, every deposit initiator shall report to the Secretary of Natural Resources and the Commissioner of Taxes concerning transactions affecting the deposit initiator's deposit transaction account in the preceding quarter. The deposit initiator shall

submit the report on a form provided by the Commissioner of Taxes. The report shall include:

- (1) the balance of the account at the beginning of the preceding quarter;
- (2) the number of beverage containers sold in the preceding quarter and the number of beverage containers returned in the preceding quarter;
- (3) the amount of beverage container deposits received by the deposit initiator and deposited into the deposit transaction account;
- (4) the amount of refund payments made from the deposit transaction account in the preceding quarter;
- (5) any income earned on the deposit transaction account in the preceding quarter;
- (6) any other transactions, withdrawals, or service charges on the deposit transaction account from the preceding quarter; and
- (7) any additional information required by the Commissioner of Taxes.

(e)(1) On or before October 10, 2020, and quarterly thereafter, each deposit initiator shall remit from its deposit transaction account to the Commissioner of Taxes any abandoned beverage container deposits from the preceding quarter. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that should be in the deposit transaction account less the sum of:

(A) income earned on amounts on the account during that quarter; and

(B) the total amount of refund value paid out by the deposit initiator for beverage containers during that quarter.

(2) In any calendar quarter, the deposit initiator may submit to the Commissioner of Taxes a request for reimbursement of refunds paid under this chapter that exceed the funds that are or should be in the deposit initiator's deposit transaction account. The Commissioner of Taxes shall pay a request for reimbursement under this subdivision from the funds remitted to the Commissioner under subdivision (1) of this subsection, provided that:

(A) the Commissioner determines that the funds in the deposit initiator's deposit transaction action are insufficient to pay the refunds on returned beverage containers; and

(B) a reimbursement paid by the Commissioner to the deposit initiator shall not exceed the amount paid by the deposit initiator under subdivision (1) of this subsection (e) in the preceding 12 months less amounts

paid to the initiator pursuant to this subdivision (2) during that same 12-month period.

(f) The Secretary of Natural Resources may prohibit the sale of a beverage that is sold or distributed in the State by a deposit initiator who fails to comply with the requirements of this chapter. The Secretary may allow the sale of a beverage upon the deposit initiator's coming into compliance with the requirements of this chapter.

* * * Effective Dates * * *

Sec. 7. EFFECTIVE DATES

(a) This act shall take effect on passage, except that Sec. 4 (food residuals) shall take effect on July 1, 2020.

Rep. Young of Glover, for the committee on Ways and Means, recommended that the House propose to the Senate to amend the bill as recommended by the committee on Natural Resources, Fish, and Wildlife and when amended as follows:

By striking out Secs. 5 (plastic film pilot report), 6 (abandoned beverage container deposits; escheats), and 7 (effective dates) and the reader assistance headings in their entirety and inserting in lieu thereof a new Sec. 5 and reader assistance heading to read as follows:

* * * Effective Dates * * *

Sec. 5. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 4 (food residuals) shall take effect on July 1, 2020.

Rep Feltus of Lyndon for the committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the committees on Ways and Means and Natural Resources, Fish and Wildlife.

The bill having appeared on the Calendar one day for notice was taken up, read the second time, the reports of the committees on Ways and Means and Natural Resources, Fish, and Wildlife were agreed to and third reading was ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 287

Rep. Squirrell of Underhill, for the committee on Natural Resources, Fish, and Wildlife, to which had been referred Senate bill, entitled

An act relating to aquatic nuisance control

Reported in favor of its passage in concurrence with proposal of amendment as follows:

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

* * * Aquatic Nuisance and Rapid Response Control Activities * * *

Sec. 1. REPORT ON IMPLEMENTATION OF THE GENERAL PERMIT
FOR NONCHEMICAL AQUATIC NUISANCE AND RAPID
RESPONSE CONTROL ACTIVITIES

On or before January 15, 2019, the Secretary of Natural Resources shall submit to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy a report regarding the implementation in 2018 of the general permit for the use of nonchemical aquatic nuisance and rapid response control activities issued under 10 V.S.A. § 1455(m) and 2017 Acts and Resolves No. 67, Sec. 9. The report shall include a summary of the implementation of the general permit, the process for approval of notices of intent for coverage under the general permit, the number of persons who applied for coverage under the general permit, the number of persons who were approved for coverage under the general permit, and any recommendations to improve the implementation of the general permit.

* * * Act 250 Corrective Actions * * *

Sec. 2. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

* * *

(x)(1) No permit or permit amendment is required for the construction of improvements for any one of the actions or abatements authorized in this subdivision:

(A) a remedial or removal action for which the Secretary of Natural Resources has authorized disbursement under section 1283 of this title;

(B) abating a release or threatened release, as directed by the Secretary of Natural Resources under section 6615 of this title;

(C) a remedial or removal action directed by the Secretary of Natural Resources under section 6615 of this title;

(D) a corrective action authorized in a corrective action plan approved by the Secretary of Natural Resources under section 6615b of this title;

(E) a corrective action authorized in a corrective action plan approved by the Secretary of Natural Resources under chapter 159, subchapter 3 of this title; or

(F) the management of “development soils,” as that term is defined in subdivision 6602(39) of this title, under a plan approved by the Secretary of Natural Resources under section 6604c of this title.

(2) Any development subsequent to the construction of improvements for any one of the actions or abatements authorized in subdivision (1) of this subsection shall not be exempt from the provisions of this chapter.

* * * Beverage Container Redemption * * *

Sec. 3. WAIVER OF BEVERAGE CONTAINER REDEMPTION REQUIREMENTS

After consultation with interested parties, the Secretary of Natural Resources shall submit to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy recommended changes to the standards or criteria by which the Secretary of Natural Resources authorizes a retailer who sells beverage containers to refuse to redeem beverage containers. The Secretary shall submit the recommended changes as part of the report required under 10 V.S.A. § 6604(b).

Sec. 4. REPEAL; BEVERAGE CONTAINER REDEMPTION; REFUSAL TO REDEEM

Subsection 10-105(d) of the Agency of Natural Resources’ Environmental Protection Regulations for the Deposit for Beverage Containers shall be repealed on July 1, 2018.

* * * Effective Dates * * *

Sec. 5. EFFECTIVE DATES

(a) This section and Sec. 2 (Act 250 corrective action plans) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2018.

and that after passage the title of the bill be amended to read: “An act relating to aquatic nuisance control, Act 250 corrective actions, and beverage container redemption”

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

**Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto**

H. 132

The Senate proposed to the House to amend House bill, entitled
An act relating to limiting landowner liability for posting the dangers of
swimming holes

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

Sec. 1. 12 V.S.A. § 5793 is amended to read:

§ 5793. LIABILITY LIMITED

(a) Land. An owner shall not be liable for property damage or personal
injury sustained by a person who, without consideration, enters or goes upon
the owner's land for a recreational use unless the damage or injury is the result
of the willful or wanton misconduct of the owner.

(b) Equipment, fixtures, machinery, or personal property.

(1) Unless the damage or injury is the result of the willful or wanton
misconduct of the owner, an owner shall not be liable for property damage or
personal injury sustained by a person who, without consideration and without
actual permission of the owner, enters or goes upon the owner's land for a
recreational use and proceeds to enter upon or use:

(A) equipment, machinery, or personal property; or

(B) structures or fixtures not described in subdivision 5792(2)(A)(iii)
or (iv) of this title.

(2) Permission to enter or go upon an owner's land shall not, by itself,
include permission to enter or go upon structures or to go upon or use
equipment, fixtures, machinery, or personal property.

(c) Posting. An owner may post a sign warning against dangers on the
owner's land or water. An owner who posts a sign pursuant to this subsection
shall not be liable for any damage or injury allegedly arising out of the posting
unless the damage or injury is the result of the willful or wanton misconduct of
the owner.

Sec. 2. 9 V.S.A. chapter 152 is added to read:

CHAPTER 152. MODEL STATE CONSUMER JUSTICE
ENFORCEMENT ACT; STANDARD-FORM CONTRACTS

§ 6055. UNCONSCIONABLE TERMS IN STANDARD-FORM

CONTRACTS PROHIBITED

(a) Unconscionable terms. There is a rebuttable presumption that the following contractual terms are substantively unconscionable when included in a standard-form contract to which only one of the parties to the contract is an individual and that individual does not draft the contract:

(1) A requirement that resolution of legal claims take place in an inconvenient venue. An inconvenient venue is defined for State law claims as a place other than the state in which the individual resides or the contract was consummated and for federal law claims as a place other than the federal judicial district where the individual resides or the contract was consummated.

(2) A waiver of the individual's right to assert claims or seek remedies provided by State or federal statute.

(3) A waiver of the individual's right to seek punitive damages as provided by law.

(4) Pursuant to 12 V.S.A. § 465, a provision that limits the time in which an action may be brought under the contract or that waives the statute of limitations.

(5) A requirement that the individual pay fees and costs to bring a legal claim substantially in excess of the fees and costs that this State's courts require to bring such a State law claim or that federal courts require to bring such a federal law claim.

(b) Relation to common law and the Uniform Commercial Code. In determining whether the terms described in subsection (a) of this section are unenforceable, a court shall consider the principles that normally guide courts in this State in determining whether unconscionable terms are enforceable. Additionally, the common law and Uniform Commercial Code shall guide courts in determining the enforceability of unfair terms not specifically identified in subsection (a) of this section.

(c) Severability. If a court finds that a standard-form contract contains an illegal or unconscionable term, the court shall:

(1) refuse to enforce the entire contract or the specific part, clause, or provision containing the illegal or unconscionable term; or

(2) so limit the application of the illegal or unconscionable term or the clause containing such term as to avoid any illegal or unconscionable result.

(d) Unfair and deceptive act and practice. It is an unfair and deceptive practice in violation of section 2453 of this title to include one of the presumptively unconscionable terms identified in subsection (a) of this section

in a standard-form contract to which only one of the parties to the contract is an individual and that individual does not draft the contract. Notwithstanding any other provisions to the contrary, a party who prevails in a claim under this section shall be entitled to \$1,000.00 in statutory damages per violation and an award of reasonable costs and attorney's fees.

(e) Separate violations. Each term found to be unconscionable pursuant to subsection (a) of this section shall constitute a separate violation of this section.

(f) Applicability. This section shall not apply to contracts to which one party is:

- (1) regulated by the Vermont Department of Financial Regulation; or
- (2) a financial institution as defined by 8 V.S.A. § 11101(32).

Sec. 3. 12 V.S.A. § 5652 is amended to read:

§ 5652. VALIDITY OF ARBITRATION AGREEMENTS

(a) General rule. Unless otherwise provided in the agreement, a written agreement to submit any existing controversy to arbitration or a provision in a written contract to submit to arbitration any controversy thereafter arising between the parties creates a duty to arbitrate, and is valid, enforceable, and irrevocable, except:

- (1) upon such grounds as exist for the revocation of a contract; and
- (2) as provided in 9 V.S.A. chapter 152.

* * *

Sec. 4. EFFECTIVE DATES

(a) Sec. 1 and this section shall take effect on passage.

(b) Secs. 2 and Sec. 3 shall take effect on October 1, 2018.

Pending the question Will the House concur in the Senate proposal of amendment? **Rep. Viens of Newport City**, moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

By striking out Secs. 2, 3, and 4 in their entirety and inserting in lieu thereof the following:

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Which was agreed to.

Senate Proposal of Amendment Concurred in**H. 660**

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

An act relating to establishing the Commission on Sentencing Disparities and Criminal Code Reclassification

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

Sec. 1. 13 V.S.A. § 5451 is amended to read:

§ 5451. CREATION OF COMMISSION

(a) The Vermont ~~sentencing commission~~ Sentencing Commission is established for the purpose of overseeing criminal sentencing practices in the ~~state~~ State, reducing geographical disparities in sentencing, and making recommendations regarding criminal sentencing to the ~~general assembly~~ General Assembly.

(b) The ~~committee~~ Commission shall consist of the following members:

* * *

(2) the ~~administrative judge~~ Chief Superior Judge or designee, provided that the designee is a sitting or retired Vermont judge;

* * *

(16) the ~~executive director~~ Executive Director of the Vermont ~~center for justice research~~ Crime Research Group; and

* * *

Sec. 2. 13 V.S.A. § 5452 is amended to read:

§ 5452. DUTIES

* * *

(c) It shall be a priority for the Sentencing Commission to develop responses to the significant impacts that increased opioid addiction have had on the criminal justice system. The Commission shall consider:

(1) whether and under what circumstances offenses committed as a result of opioid addiction should be classified as civil rather than criminal offenses;

(2) whether the possession or sale of specific, lesser amounts of opioids and other regulated drugs should be classified as civil rather than criminal offenses;

(3) how to maximize treatment for offenders as a response to offenses committed as a result of opioid addiction.

Sec. 3. VERMONT SENTENCING COMMISSION; REPORT ON
SENTENCING DISPARITIES AND CRIMINAL CODE
RECLASSIFICATION

(a)(1) In order to improve the consistent and uniform application of criminal justice throughout Vermont, the Vermont Sentencing Commission established under 13 V.S.A. § 5451 shall review Vermont's criminal offenses and place each one in a standardized penalty classification system.

(2) The Commission shall develop a classification system that creates categories of criminal offenses on the basis of the maximum potential period of imprisonment and the maximum potential fine. The Commission shall propose legislation that places each of Vermont's criminal statutes into one of the classification offense categories it identifies.

(3) When determining the appropriate category for each offense, the Commission shall consider whether the existing statutory penalties for the offense are appropriate or in need of adjustment better to reflect prevailing average sentencing practices and the effective uses of criminal punishment. For purposes of this analysis, the Commission shall for each offense consider the average sentence and the average amount of time actually served. If the Commission is unable to determine an appropriate classification for a particular offense, the Commission shall indicate multiple classification possibilities for that offense. Unless there is a compelling rationale, the Commission shall not propose establishing new mandatory minimum sentences or increasing existing minimum or maximum sentences.

(4) For purposes of the classification system developed pursuant to this section, the Commission shall consider the recommendations of the Criminal Code Reclassification Study Committee and shall consider whether to propose:

(A) rules of statutory interpretation specifically for criminal provisions;

(B) the consistent use of mens rea terminology in all criminal provisions;

(C) a comprehensive section of definitions applicable to all criminal provisions;

(D) the decriminalization of some or all fine-only offenses and the transferal of them to the Judicial Bureau for consideration as civil offenses; and

(E) a redefinition of what constitutes an attempt in Vermont criminal

law, including whether the Model Penal Code's definition of attempt should be adopted in Vermont.

(b)(1) On or before December 15, 2018, the Commission shall report to the Joint Justice Oversight Committee on its progress toward achieving the goals of this section. The report required by this subdivision may be provided by oral testimony.

(2) On or before November 30, 2019, the Commission shall submit a report consisting of proposed legislation to the House and Senate Committees on Judiciary.

Sec. 4. APPROPRIATION

The sum of \$50,000.00 is appropriated from the General Fund to the Judiciary in FY 2018 to carry forward to FY 2019 to carry out the purposes of this act. It is the intent of the General Assembly to fund at least the same amount in FY 2020.

Sec. 5. REPEAL

13 V.S.A. §§ 5451 (creation of Vermont Sentencing Commission) and 5452 (creation of Vermont Sentencing Commission) shall be repealed on July 1, 2021.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 143

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

An act relating to automobile insurance requirements and transportation network companies

The Senate concurs in the House proposal of amendment with the following proposal of amendments thereto:

First: In Sec. 2, 23 V.S.A. chapter 10, in § 750(b)(3), by striking out subdivision (A) in its entirety and by inserting in lieu thereof a new subdivision (A) to read as follows:

(A) The following automobile insurance requirements shall apply while a driver is engaged in a prearranged ride:

(i) primary automobile liability insurance that provides at least

\$1,000,000.00 for death, bodily injury, and property damage;

(ii) uninsured and underinsured motorist coverage that provides at least \$1,000,000.00 for death, bodily injury, and property damage; and

(iii) \$10,000.00 in medical payments coverage (Med Pay).

Second: In Sec. 2, 23 V.S.A. chapter 10, in § 751(c)(3), by striking out the word “seven” and by inserting in lieu thereof three

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Botzow of Pownal** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. O'Sullivan of Burlington

Rep. Marcotte of Coventry

Rep. Kimbell of Woodstock

Senate Proposal of Amendment Concurred in

H. 899

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

An act relating to fees for records filed in town offices and a town fee report and request

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

Sec. 1. [Deleted.]

Sec. 2. 32 V.S.A. § 606 is amended to read:

§ 606. LEGISLATIVE FEE REVIEW PROCESS; FEE BILL

When the consolidated fee reports and requests are submitted to the General Assembly pursuant to sections 605 and, 605a, and 611 of this title, they shall immediately be forwarded to the House Committee on Ways and Means, which shall consult with other standing legislative committees having jurisdiction of the subject area of a fee contained in the reports and requests. As soon as possible, the Committee on Ways and Means shall prepare and introduce a “consolidated fee bill” proposing:

- (1) The creation, change, reauthorization, or termination of any fee.
- (2) The amount of a newly created fee, or change in amount of an existing or reauthorized fee.
- (3) The designation, or redesignation, of the fund into which revenue

from a fee is to be deposited.

Sec. 3. 32 V.S.A. chapter 7, subchapter 6A is added to read:

Subchapter 6A. Town Fee Report and Request

§ 611. CONSOLIDATED TOWN FEE REPORT AND REQUEST

(a) As used in this section:

(1) "Cost" shall be narrowly construed, and may include reasonable and directly related costs of administration, maintenance, and other expenses due to providing the service or product or performing the regulatory function.

(2) "Fee" means a monetary charge collected by or on behalf of a town for a service or product provided to, or the regulation of, specified classes of individuals or entities.

(3) "Town" means a town, city, unorganized town or gore, and the unified towns and gores in Essex County.

(b) On or before the third Tuesday of the legislative session of 2019 and every three years thereafter, the Vermont Municipal Clerks' and Treasurers' Association and the Vermont League of Cities and Towns shall jointly submit a consolidated town fee report and request. The report shall be submitted to the House Committee on Ways and Means, the Senate Committee on Finance, and the House and Senate Committees on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

(c) For each fee in existence on the preceding July 1, the report shall specify:

(1) its statutory authorization and termination date, if any;

(2) its current rate or amount and the date it was last set or adjusted by the General Assembly;

(3) the fund into which its revenues are deposited; and

(4) for each town, in each of the two previous fiscal years, the revenues derived from each fee.

(d) A fee request shall contain any proposal to:

(1) Create a new fee, or change, reauthorize, or terminate an existing fee, which shall include a description of the services provided or the function performed.

(2) Set a new or adjust an existing fee rate or amount. Each new or adjusted fee rate shall be accompanied by information justifying the rate,

which may include:

(A) the relationship between the revenue to be raised by the fee or change in the fee and the cost or change in the cost of the service, product, or regulatory function supported by the fee;

(B) the inflationary pressures that have arisen since the fee was last set;

(C) the effect on budgetary adequacy if the fee is not increased;

(D) the existence of comparable fees in other jurisdictions;

(E) policies that might affect the acceptance or the viability of the fee amount; and

(F) other considerations.

(3) Designate, or redesignate, the fund into which revenue from a fee is to be deposited.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

And that after passage the title of the bill be amended to read:

An act relating to a town fee report and request.

Which proposal of amendment was considered and concurred in.

Report of Committee of Conference Adopted

S. 29

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate bill, entitled

An act relating to decedents' estates

Respectfully reports that it has met and considered the same and recommends that the Senate recede from its proposal of amendment and concur with the House proposal of amendment with further amendment as follows:

In Sec. 9, 14 V.S.A. chapter 75, in § 1651, by striking out subdivision (12) in its entirety.

COMMITTEE ON THE PART OF THE SENATE

SEN. MARGARET K. FLORY

SEN. ALICE W. NITKA

SEN. JOSEPH C. BENNING

COMMITTEE ON THE PART OF THE HOUSE

REP. EILEEN G. DICKINSON

REP. MAXINE JO GRAD

REP. JANSSEN D. WILLHOIT

Which was considered and adopted on the part of the House.

**Proposal of Amendment agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 260

Senate bill, entitled

An act relating to funding the cleanup of State waters

Was taken up and pending third reading of the bill, **Rep. Helm of Fair Haven** moved that the House propose to the Senate to amend the bill as follows:

First: In Sec. 1 (findings), by striking out subdivision (10) in its entirety and inserting in lieu thereof a new subdivision (10) and a subdivision (11) to read:

(10) Vermont has a population of 623,657 persons. Approximately, 43 percent of the State's population, or 268,793 persons, reside in Chittenden, Franklin, and Washington counties. Within those counties, 161,382 persons reside in Chittenden County, 48,799 persons reside in Franklin County, and 58,612 persons reside in Washington County. In addition, approximately 40 percent of the rooms and meals taxes are assessed in Chittenden County, Washington County, and Franklin County.

(11) The General Assembly should in this act establish the necessary long-term revenue sources to support water quality improvement by increasing the rooms and meals taxes in the counties of the State with a significant share of the rooms and meals tax assessed.

Second: By striking out Secs. 2 and 3 in their entirety and inserting in lieu thereof the Secs. 2 and 3 to read as follows:

* * * Rooms and Meals Tax * * *

Sec. 2. 32 V.S.A. § 9241 is amended to read:

§ 9241. IMPOSITION OF TAX

(a) An operator in Chittenden County, Washington County, or Franklin

County shall collect a tax of nine and six-tenths percent of the rent of each occupancy. An operator in all other counties shall collect a tax of nine percent of the rent of each occupancy.

(b)(1) An operator in Chittenden County, Washington County, or Franklin County shall collect a tax on the sale of each taxable meal at the rate of nine and six-tenths percent of each full dollar of the total charge and on each sale for less than one dollar and on each part of a dollar in excess of a full dollar in accordance with the following formula:

| | |
|------------------|-------------|
| <u>0.01-0.10</u> | <u>0.01</u> |
| <u>0.11-0.21</u> | <u>0.02</u> |
| <u>0.22-0.31</u> | <u>0.03</u> |
| <u>0.32-0.42</u> | <u>0.04</u> |
| <u>0.43-0.52</u> | <u>0.05</u> |
| <u>0.53-0.63</u> | <u>0.06</u> |
| <u>0.64-0.73</u> | <u>0.07</u> |
| <u>0.74-0.83</u> | <u>0.08</u> |
| <u>0.84-1.00</u> | <u>0.09</u> |

(2) An operator in all other counties in the State shall collect a tax on the sale of each taxable meal at the rate of nine percent of each full dollar of the total charge and on each sale for less than one dollar and on each part of a dollar in excess of a full dollar in accordance with the following formula:

| | |
|------------------------|-------------------|
| \$0.01-0.11 | \$0.01 |
| 0.12-0.22 | 0.02 |
| 0.23-0.33 | 0.03 |
| 0.34-0.44 | 0.04 |
| 0.45-0.55 | 0.05 |
| 0.56-0.66 | 0.06 |
| 0.67-0.77 | 0.07 |
| 0.78-0.88 | 0.08 |
| 0.89-1.00 | 0.09 |
| <u>0.01-0.11</u> | <u>0.01</u> |
| <u>0.12-0.22</u> | <u>0.02</u> |

| | |
|------------------|-------------|
| <u>0.23-0.32</u> | <u>0.03</u> |
| <u>0.33-0.43</u> | <u>0.04</u> |
| <u>0.44-0.54</u> | <u>0.05</u> |
| <u>0.55-0.65</u> | <u>0.06</u> |
| <u>0.66-0.76</u> | <u>0.07</u> |
| <u>0.77-0.86</u> | <u>0.08</u> |
| <u>0.87-1.00</u> | <u>0.09</u> |

* * *

Sec. 3. 32 V.S.A. § 9242(c) is amended to read:

~~(c) A tax of nine percent of the gross receipts from meals and occupancies and 10 percent of the gross receipts from alcoholic beverages, exclusive of taxes collected pursuant to section 9241 of this title, received from occupancy rentals, taxable meals, and alcoholic beverages by an operator, is hereby levied and imposed and~~ The tax on occupancy rentals, taxable meals, and alcoholic beverages imposed under section 9241 of this title shall be paid to the State by the operator as herein provided. Every person required to file a return under this chapter shall, at the time of filing the return, pay the Commissioner the taxes imposed by this chapter as well as all other monies collected by him or her under this chapter; provided, however, that every person who collects the taxes on taxable meals and alcoholic beverages according to the tax bracket schedules of section 9241 of this title shall be allowed to retain any amount lawfully collected by the person in excess of the tax imposed by this chapter as compensation for the keeping of prescribed records and the proper account and remitting of taxes.

Third: By striking out Sec. 4a (Clean Water Fund) in its entirety and inserting in lieu thereof a new Sec. 4a to read as follows:

* * * Clean Water Fund; General Fund * * *

Sec. 4a. 10 V.S.A. § 1388 is amended to read:

§ 1388. CLEAN WATER FUND

(a) There is created a special fund to be known as the “Clean Water Fund” to be administered by the Secretary of Administration. The Fund shall consist of:

(1) ~~revenues dedicated for deposit into the Fund by the General Assembly, including from the Property Transfer Tax surcharge established under 32 V.S.A. § 9602a; and~~

(2) other gifts, donations, and impact fees received from any source, public or private, dedicated for deposit into the Fund and approved by the Secretary of Administration;

(3) the amount equal to the increase from nine percent to nine and six tenths percent of the rooms tax imposed in Chittenden County, Washington County, and Franklin County by 32 V.S.A. § 9241(a) and the revenue from the increase from nine percent to nine and six-tenths percent of the meals tax imposed in Chittenden County, Washington County, and Franklin County by 32 V.S.A. § 9241(b);

(4) the unclaimed beverage container deposits (escheats) remitted to the State under chapter 53 of this title; and

(5) other revenues dedicated for deposit into the Fund by the General Assembly.

Pending the question, Shall the House proposal of amendment be further amended as offered by Rep. Helm of Fair Haven? **Rep. Helm of Fair Haven** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House proposal of amendment be further amended as offered by Rep. Helm of Fair Haven? was decided in the negative. Yeas, 19. Nays, 112.

Those who voted in the affirmative are:

| | | |
|-------------------------|-------------------------|---------------------------|
| Batchelor of Derby | Helm of Fair Haven | Shaw of Pittsford |
| Browning of Arlington | Juskiewicz of Cambridge | Smith of Derby * |
| Canfield of Fair Haven | Keefe of Manchester | Strong of Albany |
| Cupoli of Rutland City | Martel of Waterford | Terenzini of Rutland Town |
| Devereux of Mount Holly | McCoy of Poultney | Viens of Newport City |
| Harrison of Chittenden | Norris of Shoreham | |
| Hebert of Vernon | Quimby of Concord | |

Those who voted in the negative are:

| | | |
|-------------------------|--------------------------|---------------------------|
| Ainsworth of Royalton | Gamache of Swanton | Nolan of Morristown |
| Ancel of Calais | Gannon of Wilmington | Ode of Burlington |
| Bancroft of Westford | Gardner of Richmond | O'Sullivan of Burlington |
| Bartholomew of Hartland | Gonzalez of Winooski | Pajala of Londonderry |
| Baser of Bristol | Grad of Moretown | Parent of St. Albans Town |
| Beck of St. Johnsbury | Haas of Rochester | Partridge of Windham |
| Belaski of Windsor | Head of South Burlington | Poirier of Barre City |
| Beyor of Highgate | Hooper of Montpelier | Potter of Clarendon |
| Bissonnette of Winooski | Hooper of Randolph | Pugh of South Burlington |
| Bock of Chester | Houghton of Essex | Rachelson of Burlington |
| Botzow of Pownal | Howard of Rutland City | Read of Fayston |
| Brennan of Colchester | Jessup of Middlesex | Rosenquist of Georgia |
| Briglin of Thetford | Jickling of Randolph | Savage of Swanton |
| Brumsted of Shelburne | Joseph of North Hero | Scheuermann of Stowe |

| | | |
|--|-----------------------------|---------------------------------|
| Buckholz of Hartford | Keenan of St. Albans City | Sharpe of Bristol |
| Burditt of West Rutland | Kimbell of Woodstock | Sheldon of Middlebury |
| Carr of Brandon | Kitzmiller of Montpelier | Sibilia of Dover |
| Chesnut-Tangerman of Middletown Springs | Krowinski of Burlington | Smith of New Haven |
| Christensen of Weathersfield | LaClair of Barre Town | Squirrell of Underhill |
| Christie of Hartford | Lalonde of South Burlington | Stevens of Waterbury |
| Colburn of Burlington | Lanpher of Vergennes | Stuart of Brattleboro |
| Connor of Fairfield | Lawrence of Lyndon | Sullivan of Dorset |
| Copeland-Hanzas of Bradford | Lefebvre of Newark | Sullivan of Burlington |
| Corcoran of Bennington | Lewis of Berlin | Taylor of Colchester |
| Dakin of Colchester | Lippert of Hinesburg | Toleno of Brattleboro |
| Deen of Westminster | Long of Newfane | Toll of Danville |
| Dickinson of St. Albans Town | Lucke of Hartford | Townsend of South Burlington |
| Donahue of Northfield | Macaig of Williston | Troiano of Stannard |
| Donovan of Burlington | Marcotte of Coventry | Van Wyck of Ferrisburgh |
| Dunn of Essex | Mattos of Milton | Walz of Barre City |
| Emmons of Springfield | McCormack of Burlington | Webb of Shelburne |
| Fagan of Rutland City | McCullough of Williston | Weed of Enosburgh |
| Feltus of Lyndon | McFaun of Barre Town | Willhoit of St. Johnsbury |
| Forguites of Springfield | Miller of Shaftsbury | Wood of Waterbury |
| Frenier of Chelsea | Morris of Bennington | Wright of Burlington |
| Gage of Rutland City | Morrissey of Bennington | Yantachka of Charlotte |
| | Mrowicki of Putney | Young of Glover |
| | Murphy of Fairfax | |
| | Myers of Essex | |

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

| | | |
|----------------------|------------------------|------------------------|
| Burke of Brattleboro | Giambatista of Essex | Pearce of Richford |
| Cina of Burlington | Graham of Williamstown | Scheu of Middlebury |
| Condon of Colchester | Higley of Lowell | Till of Jericho |
| Conlon of Cornwall | Hill of Wolcott | Trieber of Rockingham |
| Conquest of Newbury | Masland of Thetford | Turner of Milton |
| Fields of Bennington | Noyes of Wolcott | Yacovone of Morristown |

Rep. Smith of Derby explained his vote as follows:

“Madam Speaker:

Just last week a member stated that 9.25% rooms and meals is a tax that no one looks at anyway and that 9.25% passed. So whats wrong with 9.6% where jobs are plentiful and where Lake Champlain exists and where this added tax will go.”

Thereupon, pending third reading of the bill, **Rep. Weed of Enosburgh** moved that the House to propose to the Senate to amend the bill as follows:

First: In Sec. 1 (findings) by striking out subdivision (10) in its entirety

Second: By striking out Secs. 2 and 3 (rooms and meals tax) in their entirety and inserting in lieu thereof new Secs. 2 and 3 to read as follows:

Sec. 2. [Deleted.]

Sec. 3. [Deleted.]

Third: By striking out Secs. 4a (Clean Water Fund) in its entirety and inserting in lieu thereof a new Sec. 4a to read as follows:

Sec. 4a. 10 V.S.A. § 1388 is amended to read:

§ 1388. CLEAN WATER FUND

(a) There is created a special fund to be known as the “Clean Water Fund” to be administered by the Secretary of Administration. The Fund shall consist of:

(1) ~~revenues dedicated for deposit into the Fund by the General Assembly, including from~~ the Property Transfer Tax surcharge established under 32 V.S.A. § 9602a; ~~and~~

(2) other gifts, donations, and impact fees received from any source, public or private, dedicated for deposit into the Fund and approved by the Secretary of Administration;

(3) the unclaimed beverage container deposits (escheats) remitted to the State under chapter 53 of this title; and

(4) other revenues dedicated for deposit into the Fund by the General Assembly.

* * *

Fourth: By striking out Sec. 4b (General Fund) in its entirety and inserting in lieu thereof a new Secs. 4b to read as follows:

Sec. 4b. [Deleted.]

Pending the question Shall the House propose to the Senate to amend the bill as offered by Rep. Weed of Enosburgh? **Rep. Weed of Enosburgh** demanded the Yeas and Nays which demand was sustained.

Pending the call of the roll, **Rep. Deen of Westminster** asked that the question be divided and that Secs. 1 and 2 be taken first and the remaining sections be taken second.

Thereupon, **Rep. Deen of Westminster** raised a point of order that Secs. 1 and 2 substantially negate action taken the previous day which the Speaker ruled well taken.

Rep. Deen of Westminster asked the question be further divided and that Sec. 4 be taken first and Sec. 3 be taken second.

Thereupon, **Rep. Deen of Westminster** raised a point of order that

Sec. 4 substantially negated action previously taken which the Speaker ruled well taken.

Thereupon, **Rep. Weed of Enosburgh** asked and was granted leave of the House to withdraw the remaining amendment.

Pending third reading of the bill, **Rep. Smith of New Haven** moved that the House propose to the Senate to amend the bill as follows:

In Sec. 8, in 10 V.S.A. § 1310, in subsection (a), after “Secretary’s own motion” and before the period by striking out “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”

Thereupon, **Rep. Smith of New Haven** asked and was granted leave of the House to withdraw the amendment.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Action on Bill Postponed

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 consideration of the Senate proposal of amendment, on motion of **Rep. Lippert of Hinesburg**, action on the bill was postponed until May 8, 2018.

Action on Bill Postponed

S. 40

House bill, entitled

An act relating to increasing the minimum wage

Was taken up and pending the reading of the report of the committee on General, Housing, and Military Affairs, on motion of **Rep. Stevens of Waterbury**, action on the bill was postponed until May 8, 2018.

Action on Bill Postponed

H. 913

House bill, entitled

An act relating to boards and commissions

Was taken up and pending consideration of the Senate proposal of amendment, on motion of **Rep. Gannon of Wilmington**, action on the bill was postponed until May 8, 2018.

**Proposal of Amendment agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 234

Senate bill, entitled

An act relating to adjudicating all teenagers in the Family Division, except those charged with a serious violent felony

Was taken up and pending third reading of the bill, **Reps. Buckholz of Hartford and Donahue of Northfield** moved that the House propose to the Senate to amend the bill as follows:

First: In Sec. 2, 13 V.S.A. § 7609, by adding a subsection (c) as follows:

(c) Petitions. An individual who was 18-21 years of age at the time the individual committed a qualifying crime may file a petition with the court requesting expungement of the criminal history record related to the qualifying crime after 30 days have elapsed since the individual completed the terms and conditions for the sentence for the qualifying crime. The court shall grant the petition and issue an order sealing or expunging the record if it finds that sealing or expunging the record serves the interest of justice.

Second: In Sec. 13, 33 V.S.A. § 5201, by adding a subdivision (h) as follows:

(h) An individual 18 years of age shall only be adjudicated as a juvenile delinquent if the individual consents to such adjudication in the Family Division.

Third: In Sec. 17, 33 V.S.A. § 5201, by adding a subdivision (h) as follows:

(h) An individual 18 or 19 years of age shall only be adjudicated as a juvenile delinquent if the individual consents to such adjudication in the Family Division.

Fourth: By adding a Sec. 20a to read:

* * * Conforming Changes * * *

Sec. 20a. CONFORMING CHANGES; OFFICE OF LEGISLATIVE
COUNCIL

On or before January 1, 2019, the Office of Legislative Council shall

prepare draft legislation making any conforming changes to the Vermont Statutes Annotated that are necessary to reflect the amendments made in Sec. 4a of this act.

Fifth: In Sec. 21, effective dates, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) This section and Secs. 4, 33 V.S.A. § 3309 (compliance with the juvenile justice and delinquency prevention act); 5, 33 V.S.A. § 5103 (jurisdiction); 7, 33 V.S.A. § 5203 (transfer from other courts); 20 (funding); and 20a (conforming changes; Office of Legislative Council) shall take effect on passage.

Thereupon, **Rep. Donahue of Northfield** asked that the question be divided and that Sec 1 be taken first and that the remaining sections be taken second. Thereupon the first instance of amendment was agreed to.

Pending the question, Shall the House proposal of amendment be further amended as offered by Rep. Buckholz of Hartford and Rep. Donahue of Northfield in the second instance of amendment only (Sections 2-5)? **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 House proposal of amendment be further amended as offered by Rep. Buckholz of Hartford and Rep. Donahue of Northfield in the second instance of amendment only (Sections 2-5)? was decided in the negative. Yeas, 53. Nays, 70.

Those who voted in the affirmative are:

| | | |
|---------------------------------|-------------------------|---------------------------|
| Ainsworth of Royalton | Harrison of Chittenden | Nolan of Morristown |
| Bancroft of Westford | Helm of Fair Haven | Norris of Shoreham |
| Baser of Bristol | Jickling of Randolph | Pajala of Londonderry |
| Batchelor of Derby | Joseph of North Hero | Quimby of Concord |
| Beyor of Highgate | Kimbell of Woodstock | Read of Fayston |
| Buckholz of Hartford | LaClair of Barre Town | Rosenquist of Georgia |
| Canfield of Fair Haven | Lawrence of Lyndon | Savage of Swanton |
| Christie of Hartford | Lefebvre of Newark | Scheuermann of Stowe |
| Cupoli of Rutland City | Lewis of Berlin | Sheldon of Middlebury |
| Devereux of Mount Holly | Lucke of Hartford | Sibilia of Dover |
| Dickinson of St. Albans Town | Marcotte of Coventry | Smith of New Haven |
| Donahue of Northfield * | Mattos of Milton | Strong of Albany |
| Fagan of Rutland City | McCormack of Burlington | Sullivan of Dorset |
| Feltus of Lyndon | McCoy of Poultney | Taylor of Colchester |
| Forguites of Springfield | McFaun of Barre Town | Terenzini of Rutland Town |
| Gage of Rutland City | Morrissey of Bennington | Troiano of Stannard |
| Gamache of Swanton | Murphy of Fairfax | Van Wyck of Ferrisburgh |
| | Myers of Essex | Wood of Waterbury |

Those who voted in the negative are:

| | | |
|--|-----------------------------|---------------------------------|
| Ancel of Calais | Gannon of Wilmington | Ode of Burlington |
| Bartholomew of Hartland | Giambatista of Essex | O'Sullivan of Burlington |
| Beck of St. Johnsbury | Gonzalez of Winooski | Partridge of Windham |
| Belaski of Windsor | Grad of Moretown | Potter of Clarendon |
| Bissonnette of Winooski | Haas of Rochester | Pugh of South Burlington |
| Bock of Chester | Head of South Burlington | Rachelson of Burlington |
| Botzow of Pownal | Hill of Wolcott | Sharpe of Bristol |
| Brennan of Colchester | Hooper of Montpelier | Shaw of Pittsford |
| Briglin of Thetford | Hooper of Randolph | Squirrell of Underhill |
| Browning of Arlington | Houghton of Essex | Stevens of Waterbury |
| Brumsted of Shelburne | Howard of Rutland City | Stuart of Brattleboro |
| Burditt of West Rutland | Jessup of Middlesex | Sullivan of Burlington |
| Burke of Brattleboro | Juskiewicz of Cambridge | Toleno of Brattleboro |
| Carr of Brandon | Kitzmiller of Montpelier | Toll of Danville |
| Chesnut-Tangerman of Middletown Springs | Krowinski of Burlington | Townsend of South Burlington |
| Christensen of Weathersfield | Lalonde of South Burlington | Viens of Newport City |
| Colburn of Burlington | Lanpher of Vergennes | Walz of Barre City |
| Connor of Fairfield | Lippert of Hinesburg | Webb of Shelburne |
| Copeland-Hanzas of Bradford | Long of Newfane | Weed of Enosburgh |
| Corcoran of Bennington | Macaig of Williston | Willhoit of St. Johnsbury |
| Deen of Westminster | McCullough of Williston | Yacovone of Morristown |
| Dunn of Essex | Miller of Shaftsbury | Yantachka of Charlotte |
| Emmons of Springfield | Morris of Bennington | |
| | Mrowicki of Putney | |
| | Noyes of Wolcott | |

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

| | | |
|-----------------------|---------------------------|-----------------------|
| Cina of Burlington | Graham of Williamstown | Poirier of Barre City |
| Condon of Colchester | Hebert of Vernon | Scheu of Middlebury |
| Conlon of Cornwall | Higley of Lowell | Smith of Derby |
| Conquest of Newbury | Keefe of Manchester | Till of Jericho |
| Dakin of Colchester | Keenan of St. Albans City | Trieber of Rockingham |
| Donovan of Burlington | Martel of Waterford | Turner of Milton |
| Fields of Bennington | Masland of Thetford | Wright of Burlington |
| Frenier of Chelsea | Parent of St. Albans Town | Young of Glover |
| Gardner of Richmond | Pearce of Richford | |

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

Another little death knell for civil liberties in Vermont.”

Thereupon the bill was read the third time and passed in concurrence with proposal of amendment.

Action on Bill Postponed

H. 923

House bill, entitled

An act relating to capital construction and State bonding budget adjustment

Was taken up and pending consideration of the Senate proposal of amendment, on motion of **Rep. Emmons of Springfield**, action on the bill was postponed until May 8, 2018.

**Rules Suspended; Third Reading; Bill Passed in Concurrence with
Proposal of Amendment**

S. 94

Senate bill, entitled

An act relating to promoting remote work

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed in concurrence with proposal of amendment.

Rules Suspended; Third Reading; Bill Passed

S. 285

Senate bill, entitled,

An act relating to universal recycling requirements

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed

**Rules Suspended; Third Reading; Bill Passed in Concurrence with
Proposal of Amendment**

S. 287

Senate bill, entitled

An act relating to aquatic nuisance control

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed in concurrence with proposal of amendment.

Message from the Senate No. 67

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 adopted Senate concurrent resolution of the

following title:

S.C.R. 23. Senate concurrent resolution in memory of Gertrude Martha Hodge of Topsham.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 361. House concurrent resolution congratulating the 2017 West Rutland High School Golden Horde Division IV girls' championship softball team.

H.C.R. 362. House concurrent resolution congratulating the Migrant Justice organization on the progress achieved with its Milk with Dignity Program.

H.C.R. 363. House concurrent resolution honoring Vermont high school students who have achieved fluency in world languages other than English, and welcoming the establishment of a Vermont Seal of Biliteracy.

H.C.R. 364. House concurrent resolution congratulating the Clemmons family of Charlotte and it's A Sense of Place project on winning a National Creative Placemaking Fund grant.

H.C.R. 365. House concurrent resolution congratulating Cadence Wheeler of Springfield on his jumping achievements at State and New England indoor track and field championship meets.

H.C.R. 366. House concurrent resolution honoring former South Burlington Fire Captain Gary Rounds for his exemplary municipal public service.

H.C.R. 367. House concurrent resolution commemorating the 80th Anniversary of the Castleton Colonial Day Historic House Tour.

H.C.R. 368. House concurrent resolution congratulating the 2018 Essex High School Vermont-NEA Scholars' Bowl championship team.

H.C.R. 369. House concurrent resolution congratulating Carl Fung on winning the 2017 national LEGO REBRICK SuperBots contest.

H.C.R. 370. House concurrent resolution congratulating the Essex Junction all-stars Little League Baseball team on winning the 2017 Vermont State championship.

H.C.R. 371. House concurrent resolution designating Wednesday, June 27, 2018 as Post-Traumatic Stress Injury Awareness Day.

H.C.R. 372. House concurrent resolution congratulating the 2018 Vermont History Day winners.

H.C.R. 373. House concurrent resolution congratulating the Health Care & Rehabilitation Services of Southeastern Vermont on its 50th anniversary.

H.C.R. 374. House concurrent resolution congratulating Tessa Napolitano of Burlington on winning the 2018 Elks New England Regional Hoop Shoot for her age group.

H.C.R. 375. House concurrent resolution congratulating Ellie Whalen of Rutland Town on winning the 2018 Elks New England Regional Hoop Shoot for her age group.

H.C.R. 376. House concurrent resolution congratulating the 2017 Oxbow Union High School Olympians Division III championship girls' softball team and honoring Coach Robin Wozny on the completion of her outstanding high school coaching career.

H.C.R. 377. House concurrent resolution congratulating Alice Bennett of Bennington on her 100th birthday.

H.C.R. 378. House concurrent resolution congratulating Honorary Shaftsbury Fire Chief Charles O. Becker on 70 years of exemplary service.

H.C.R. 379. House concurrent resolution congratulating William Collins on 40 years of outstanding service as a Bennington Rescue Squad Emergency Medical Technician.

H.C.R. 380. House concurrent resolution in memory of former Georgia Justice of the Peace Charles Aubrey Thweatt.

H.C.R. 381. House concurrent resolution designating the week of May 7, 2018 as Women's Lung Health Week.

H.C.R. 382. House concurrent resolution recognizing the 2017 Miss Vermont's Outstanding Teen Jenna Lawrence's work on behalf of Alzheimer's public awareness and eradication.

H.C.R. 383. House concurrent resolution congratulating the Hinesburg Fire Department on its 75th anniversary.

H.C.R. 384. House concurrent resolution recognizing the importance of forests and forestry-related industries in Vermont in commemoration of Arbor Day.

H.C.R. 385. House concurrent resolution in memory of Bellows Falls educator and civic leader Francis X. Coyne.

H.C.R. 386. House concurrent resolution congratulating Wilson House in East Dorset on its 30th anniversary.

H.C.R. 387. House concurrent resolution congratulating Miss Vermont

2017 Erin Connor of Bridport.

Message from the Senate No. 68

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 considered House proposals of amendment to Senate bill of the following title:

S. 192. An act relating to transferring the professional regulation of law enforcement officers from the Vermont Criminal Justice Training Council to the Office of Professional Regulation.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has considered bills originating in the House of the following titles:

H. 897. An act relating to enhancing the effectiveness, availability, and equity of services provided to students who require additional support.

H. 911. An act relating to changes in Vermont's personal income tax and education financing system.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

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

H. 927. An act relating to approval of amendments to the charter of the City of Montpelier.

And has passed the same in concurrence.

Message from the Senate No. 69

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 considered a bill originating in the House of the following title:

H. 917. An act relating to the Transportation Program and miscellaneous changes to transportation-related law.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

Rules Suspended; Bill Messaged to Senate Forthwith

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

H. 132

House bill, entitled

An act relating to limiting landowner liability for posting the dangers of swimming holes

H. 143

House bill, entitled

An act relating to automobile insurance requirements and transportation network companies

H. 928

House bill, entitled

An act relating to compensation for certain State employees (Pay Act)

S. 94

House bill, entitled

An act relating to promoting remote work

S. 29

House bill, entitled

An act relating to decedents' estates

S. 224

House bill, entitled

An act relating to co-payment limits for visits to chiropractors

S. 234

House bill, entitled

An act relating to adjudicating all teenagers in the Family Division, except those charged with a serious violent felony

S. 260

House bill, entitled

An act relating to funding the cleanup of State waters

S. 280

House bill, entitled

An act relating to the Advisory Council for Strengthening Families

S. 285

House bill, entitled

An act relating to universal recycling requirements

S. 287

House bill, entitled

An act relating to aquatic nuisance control

Bill Referred to Committee on Appropriations

S. 276

House bill, entitled

An act relating to rural economic development

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

Adjournment

At six o'clock and twenty-three minutes in the evening, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at ten o'clock in the forenoon.