

House Calendar

Thursday, March 21, 2019

72nd DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 P.M.

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ACTION CALENDAR

Action Postponed Until March 21, 2019

Committee Bill for Second Reading

H. 525

An act relating to miscellaneous agricultural subjects.

(Rep. Graham of Williamstown will speak for the Committee on Agriculture and Forestry.)

Favorable with Amendment

H. 460

An act relating to sealing and expungement of criminal history records

Rep. Colburn of Burlington, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 7601 is amended to read:

§ 7601. DEFINITIONS

As used in this chapter:

(1) “Court” means the Criminal Division of the Superior Court.

(2) “Criminal history record” means all information documenting an individual’s contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(3) “Predicate offense” means a criminal offense that can be used to enhance a sentence levied for a later conviction, and includes operating a vehicle under the influence of alcohol or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title. “Predicate offense” shall not include misdemeanor possession of marijuana, or a disorderly conduct offense under section 1026 of this title, or possession of a controlled substance in violation of 18 V.S.A. § 4230(a), § 4231(a), § 4232(a), § 4233(a), § 4234(a), § 4234a(a), § 4234b(a), § 4235(b), or § 4235a(a).

(4) “Qualifying crime” means:

(A) a misdemeanor offense that is not:

- (i) a listed crime as defined in subdivision 5301(7) of this title;
- (ii) an offense involving sexual exploitation of children in violation of chapter 64 of this title;
- (iii) an offense involving violation of a protection order in violation of section 1030 of this title;
- (iv) prostitution as defined in section 2632 of this title, or prohibited conduct under section 2601a of this title; or
- (v) a predicate offense;
- (B) a violation of subsection 3701(a) of this title related to criminal mischief;
- (C) a violation of section 2501 of this title related to grand larceny;
- (D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title; ~~or~~
- (E) a violation of 18 V.S.A. § 4223 related to fraud or deceit;
- (F) a violation of subdivision 1404(c)(4) of this title related to conspiracy to receive stolen property;
- (G) a violation of section 2001 of this title related to false personation;
- (H) a violation of section 2002 of this title related to false pretenses or tokens;
- (I) a violation of section 2561 of this title related to receiving stolen property;
- (J) a violation of section 2575 of this title related to retail theft;
- (K) a violation of 18 V.S.A. § 4230(a) related to possession of marijuana;
- (L) a violation of 18 V.S.A. § 4231(a) related to possession of cocaine;
- (M) a violation of 18 V.S.A. § 4232(a) related to possession of LSD;
- (N) a violation of 18 V.S.A. § 4233(a) related to possession of heroin;
- (O) a violation of 18 V.S.A. § 4234(a) related to possession of depressant, stimulant, and narcotic drugs;

(P) a violation of 18 V.S.A. § 4234a(a) related to possession of methamphetamine;

(Q) a violation of 18 V.S.A. § 4234b(a) related to possession of ephedrine and pseudoephedrine;

(R) a violation of 18 V.S.A. § 4235(b) related to possession of hallucinogenic drugs;

(S) a violation of 18 V.S.A. § 4235a(a) related to possession of ecstasy; or

(T) any offense for which a person has been granted an unconditional pardon from the Governor.

Sec. 2. 13 V.S.A. § 7606 is amended to read:

§ 7606. EFFECT OF EXPUNGEMENT

~~(a) Upon entry of an expungement order, the order shall be legally effective immediately and the person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. The court shall issue an order to expunge all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the sentence. The court shall issue the person a certificate stating that such person's behavior after the conviction has warranted the issuance of the order and that its effect is to annul the record of arrest, conviction, and sentence.~~ Order and notice. Upon finding that the requirements for expungement have been met, the court shall issue an order that shall include provisions that its effect is to annul the record of the arrest, conviction, and sentence, and that such person shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. The court shall provide notice of the expungement to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, and any other entity that may have a record related to the order to expunge. The VCIC shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.

(b) Effect.

(1) Upon entry of an expungement order, the order shall be legally effective immediately and the person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense.

(2) In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be

required to answer questions about a previous criminal history record only with respect to arrests or convictions that have not been expunged.

(3) The response to an inquiry from any person regarding an expunged record shall be that “NO RECORD EXISTS.”

(4) Nothing in this section shall affect any right of the person whose record has been expunged to rely on it as a bar to any subsequent proceedings for the same offense.

~~(c) Nothing in this section shall affect any right of the person whose record has been expunged to rely on it as a bar to any subsequent proceedings for the same offense~~ Process.

(1) The court shall remove the expunged offense from any publicly and privately accessible database that it maintains.

(2) Until all charges on a docket are expunged, the case file shall remain publicly accessible.

(3) When all charges on a docket have been expunged, the case file shall be destroyed pursuant to policies established by the Court Administrator.

(d) Special index.

(1) The court shall keep a special index of cases that have been expunged together with the expungement order ~~and the certificate issued pursuant to this chapter~~. The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the expungement.

(2) The special index and related documents specified in subdivision (1) of this subsection shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(3) Inspection of the expungement order ~~and the certificate~~ may be permitted only upon petition by the person who is the subject of the case. The ~~Administrative Judge~~ Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

~~(4) All other court documents in a case that are subject to an expungement order shall be destroyed [Repealed].~~

(5) The Court Administrator shall establish policies for implementing this subsection.

~~(e) Upon receiving an inquiry from any person regarding an expunged record, an entity shall respond that “NO RECORD EXISTS.”~~

Sec. 4. 13 V.S.A. § 7607 is amended to read:

§ 7607. EFFECT OF SEALING

~~(a) Upon entry of an order to seal, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. The court shall issue the person a certificate stating that such person’s behavior after the conviction has warranted the issuance of the order and that its effect is to annul the record of arrest, conviction, and sentence Notice. The court shall provide notice of the sealing to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, and any other entity that may have a record related to the order to seal. The VCIC shall provide notice of the sealing to the Federal Bureau of Investigation’s National Crime Information Center.~~

(b) Effect.

(1) Except as provided in subdivision (c) of this section, upon entry of a sealing order, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense.

(2) In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous criminal history record only with respect to arrests or convictions that have not been sealed.

(3) The response to an inquiry from any person regarding a sealed record shall be that “NO RECORD EXISTS.”

(c) Exceptions. Notwithstanding a sealing order:

(1) An entity that possesses a sealed record may continue to use it for any litigation or claim arising out of the same incident or occurrence or involving the same defendant.

(2) An entity may use the criminal history record sealed in accordance with section 7603 of this title, regarding a person who was cited or arrested, for future criminal investigations or prosecutions without limitation.

~~(d) Upon receiving a sealing order, an entity shall: Process.~~

~~(1) seal the investigation or prosecution record;~~ The court shall bar viewing of the sealed offense in any publicly and privately accessible database that it maintains.

~~(2) enter a copy of the sealing order into the record;~~ Until all charges on a docket have been sealed, the case file shall remain publicly accessible.

~~(3) flag the record as "SEALED" to prevent inadvertent disclosure of sealed information;~~ and When all charges on a docket have been sealed, the case file shall become exempt from public access.

~~(4) upon receiving an inquiry from any person regarding a sealed record, respond that "NO RECORD EXISTS."~~

Sec. 5. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

* * *

(e) ~~Prior to the filing of any postjudgment motion in the Civil, Criminal, or Environmental Division of the Superior Court, including motions to reopen civil suspensions and motions for sealing or expungement in the Criminal Division pursuant to 13 V.S.A. § 7602, or motions to reopen existing cases in the Probate Division of the Superior Court, there shall be paid to the clerk of the court for the benefit of the State a fee of \$90.00 except for small claims actions and estates. A filing fee of \$90.00 shall be paid to the clerk of the court for a civil petition for minor settlements. There shall be no filing fee for motions to seal or expunge a criminal history record pursuant to 13 V.S.A. § 7602.~~

* * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee Vote: 11-0-0)

Rep. Canfield of Fair Haven, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Judiciary.

(Committee Vote: 10-1-0)

NEW BUSINESS

Third Reading

H. 83

An act relating to female genital mutilation

H. 132

An act relating to adopting protections against housing discrimination for victims of domestic and sexual violence

H. 351

An act relating to workers' compensation, unemployment insurance

H. 436

An act relating to international wills

H. 523

An act relating to miscellaneous changes to the State's retirement systems

Committee Bill for Second Reading

H. 527

An act relating to Executive Branch and Judicial Branch fees.

(Rep. Scheu of Middlebury will speak for the Committee on Ways and Means.)

H. 528

An act relating to the Rural Health Services Task Force.

(Rep. Rogers of Waterville will speak for the Committee on Health Care.)

Amendment to be offered by Reps. Rogers of Waterville, Christensen of Weathersfield, Cina of Burlington, Cordes of Lincoln, Donahue of Northfield, Durfee of Shaftsbury, Houghton of Essex, Jickling of Randolph, Lippert of Hinesburg, Page of Newport City and Smith of New Haven to H. 528

Sec. 1. RURAL HEALTH SERVICES TASK FORCE; REPORT

(a) Creation. There is created the Rural Health Services Task Force to evaluate the current state of rural health care in Vermont and identify ways to sustain the system and to ensure it provides access to affordable, high-quality health care services.

(b) Membership. The Rural Health Services Task Force shall be composed of the following members:

(1) the Secretary of Human Services or designee;

(2) the Chair of the Green Mountain Care Board or designee;

(3) the Chief Health Care Advocate from the Office of the Health Care Advocate or designee;

(4) two representatives of rural Vermont hospitals, selected by the Vermont Association of Hospitals and Health Systems, who shall represent hospitals that are located in different regions of the State and that face different levels of financial stability;

(5) one representative of Vermont's federally qualified health centers, who shall be a Vermont-licensed health care professional, selected by Bi-State Primary Care Association;

(6) one Vermont-licensed physician from an independent practice located in a rural Vermont setting, selected jointly by the Vermont Medical Society and HealthFirst;

(7) one representative of Vermont's designated agencies, selected by Vermont Care Partners;

(8) one Vermont-licensed mental health professional from an independent practice located in a rural Vermont setting, selected by the Commissioner of Mental Health;

(9) one representative of Vermont's home health agencies, selected jointly by the VNAs of Vermont and Bayada Home Health Care; and

(10) one representative of long-term care facilities, selected by the Vermont Health Care Association.

(c) Powers and duties. The Rural Health Services Task Force shall consider issues relating to rural health care delivery in Vermont, including:

(1) the current system of rural health care delivery in Vermont, including the role of rural hospitals in the health care continuum;

(2) how to ensure the sustainability of the rural health care system, including identifying the major financial, administrative, and workforce barriers;

(3) ways to overcome any existing barriers to the sustainability of the rural health care system, including prospective ideas for the future of access to health care services in rural Vermont across the health care continuum; and

(4) the potential consequences of the failure of one or more rural Vermont hospitals.

(d) Assistance. The Rural Health Services Task Force shall have the administrative, technical, and legal assistance of the Agency of Human Services and the Green Mountain Care Board.

(e) Report. On or before December 31, 2019, the Rural Health Services Task Force shall submit a written report to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare with its findings and recommendations, including any recommendations for legislative action.

(f) Meetings.

(1) The Secretary of Human Services or designee shall call the first meeting of the Rural Health Services Task Force to occur on or before July 1, 2019.

(2) The Task Force shall select a chair from among its members at the first meeting.

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

(4) The Task Force shall cease to exist following submission of its report or on December 31, 2019, whichever occurs first.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

H. 532

An act relating to limited adjustments to the fiscal year 2019 budget.

(Rep. Toll of Danville will speak for the Committee on Appropriations.)

Amendment to be offered by Rep. Toll of Danville to H. 532

Sec. 6a to read as follows:

Sec. 6a. FISCAL YEAR 2019 ONE-TIME APPROPRIATIONS; LEAD TESTING

The following appropriations are made from the General Fund in fiscal year 2019:

(1) To the Department of Health: \$2,400,000 to fund the testing for lead content in schools' and licensed child care centers' drinking water

consistent with the program established in S.40 of 2019. These funds are allocated as follows:

(A) \$125,000 to fund the limited service program position established in S.40 of 2019.

(B) \$150,000 to fund program start-up and data management costs for the program.

(C) \$1,265,000 to fund the initial testing and retesting costs.

(D) \$860,000 to fund the estimated 50 percent of tap remediation costs.

(2) To the Department of Environmental Conservation: \$125,000 to fund the limited service remediation position established in S.40 of 2019.

NOTICE CALENDAR

Favorable with Amendment

H. 82

An act relating to the taxation of timber harvesting equipment

Rep. Bock of Chester, for the Committee on Agriculture and Forestry, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 32 V.S.A. § 9741 is amended to read:

§ 9741. SALES NOT COVERED

Retail sales and use of the following shall be exempt from the tax on retail sales imposed under section 9771 of this title and the use tax imposed under section 9773 of this title.

* * *

(51) The following machinery, including repair parts, used for timber cutting, timber removal, and processing of timber or other solid wood forest products intended to be sold ultimately at retail: skidders with grapple and cable_; feller bunchers_; cut-to-length processors_; forwarders_; delimiters_; loader slashers_; log loaders_; whole-tree chippers_; stationary screening systems_; and firewood processors, elevators, and screens; and when sold for use on any machinery listed under this subdivision, traction enhancement accessories, tire chains, track systems, and winch cables. The Department of Taxes shall publish guidance relating to the application of this exemption.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 8-0-0)

Rep. Browning of Arlington, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Agriculture and Forestry.

(Committee Vote: 9-2-0)

H. 205

An act relating to the regulation of neonicotinoid pesticides

Rep. Bartholomew of Hartland, for the Committee on Agriculture and Forestry, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. § 911 is amended to read:

§ 911. DEFINITIONS

As used in this chapter:

* * *

(4) “Secretary” means the Secretary of Agriculture, Food and Markets.

(5) “Economic poison” means:

(A) any substance produced, distributed, or used for preventing, destroying, or repelling any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living man humans or other animals, which the Secretary shall declare to be a pest;

(B) any substance produced, distributed, or used as a plant regulator, defoliant, or desiccant.

* * *

(7) “Fungicide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

(8) “Herbicide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

* * *

(12) “Insecticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects ~~which~~ that may be present in any environment whatsoever.

* * *

(16) “Person” means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

(17) “Registrant” means the person registering any economic poison pursuant to the provisions of this chapter.

(18) “Rodenticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal ~~which~~ that the Secretary shall declare to be a pest.

(19) “Weed” means any plant ~~which~~ that grows where not wanted.

(20) “Nematocide” means any substance produced, distributed, or used for preventing, destroying, or repelling nematodes.

(21) “Plant regulator” means any substance produced, distributed, or used for the purposes of accelerating or retarding the rate of growth or rate of maturation, or otherwise altering the behavior of plants but shall not include substances produced, distributed, or used for plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

(22) “Defoliant” means any substance produced, distributed, or used for causing the foliage to drop from a plant, with or without causing abscission.

(23) “Desiccant” means any substance produced, distributed, or used for artificially accelerating the drying of plant tissues.

* * *

(25) “Agricultural seed” has the same meaning as in section 641 of this title.

(26) “Neonicotinoid pesticide” means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals, including:

(A) imidacloprid;

(B) nithiazine;

(C) acetamiprid;

(D) clothianidin;

(E) dinotefuran;

(F) thiacloprid;

(G) thiamethoxam; and

(H) any other chemical designated by the Secretary by rule.

(27) “Treated article” or “treated article pesticide” shall have the same meaning as “treated article” in section 1101 of this title.

(28) “Treated article seed” means an agricultural seed, flower seed, or vegetable seed that is a treated article pesticide.

Sec. 2. 6 V.S.A. § 918 is amended to read:

§ 918. REGISTRATION

(a) Every economic poison ~~which~~ that is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be registered in the Office of the Secretary, and such registration shall be renewed annually; provided that products ~~which~~ that have the same formula are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison; and additional names and labels shall be added by ~~supplement~~ supplemental statements during the current period of registration. It is further provided that any economic poison imported into this State, which is subject to the provisions of any federal act providing for the registration of economic poisons and which has been duly registered under the provisions of this chapter, may, in the discretion of the Secretary, be exempted from registration under this chapter, when sold or distributed in the unbroken immediate container in which it was originally shipped. The registrant shall file with the Secretary a statement including:

(1) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant.

(2) The name of the economic poison.

(3) A complete copy of the labeling accompanying the economic poison and a statement of all claims to be made for it, including directions for use.

(4) If requested by the Secretary, a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information ~~which~~ that is different from that furnished when the economic poison was registered or last reregistered.

(b) The registrant shall pay an annual fee of ~~\$175.00~~ \$200.00 for each product registered, and \$160.00 of that amount shall be deposited in the special fund created in section 929 of this title, of which \$5.00 from each product registration shall be used for an educational program related to the proper purchase, application, and disposal of household pesticides, and \$5.00

from each product registration shall be used to collect and dispose of obsolete and unwanted pesticides. Of the registration fees collected under this subsection, \$15.00 of the amount collected shall be deposited in the Agricultural Water Quality Special Fund under section 4803 of this title. Of the registration fees collected under this subsection, \$25.00 of the amount collected shall be used to offset the additional costs of inspection and to provide educational services and technical assistance to the general public and beekeepers in the State. The annual registration year shall be from December 1 to November 30 of the following year.

* * *

(f) The Secretary shall register as a restricted use pesticide any neonicotinoid pesticide labeled as approved for outdoor use that is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State, provided that the Secretary shall not register the following products as restricted use pesticides, unless classified under federal law as restricted use products:

(1) pet care products used for preventing, destroying, repelling, or mitigating fleas, mites, ticks, heartworms, or other insects or organisms;

(2) personal care products used for preventing, destroying, repelling, or mitigating lice or bedbugs;

(3) indoor pest control products used for preventing, destroying, repelling, or mitigating insects indoors; and

(4) treated article seed.

Sec. 3. 6 V.S.A. § 3023 is amended to read:

§ 3023. ~~DUTIES TO REGISTRATION;~~ REPORT

~~(a) It shall be the duty of any Registration.~~ A person who is the owner of any bees, apiary, colony, or hive to report to in the State shall register with the Secretary in writing.

(b) Report. Annually the owner of any bees, apiary, colony, or hive registered under subsection (a) of this section shall submit a report to the Secretary that includes all of the following information:

(1) the The location of all such apiaries and number of colonies that the person owns. The location of an apiary shall become its registered location;

(2) the change of Whether the location of any apiary will change within two weeks of the date that the report is submitted unless the change of location

is to provide pollination services and the colonies will be returned to a registered apiary. Hives from a registered apiary may be moved to another registered apiary without reregistering.

(3) ~~the discovery of~~ Whether a serious disease was discovered within any of his or her colonies; registered colony.

(4) ~~the transportation~~ Whether the owner transported into this the State of any colonies or used equipment, except as noted in authorized under subsection 3032(c) of this title; and.

(5) ~~the fact that he or she~~ Whether the owner is engaged in the rearing of queen bees or any other bees for sale, if applicable.

(6) A current varroa mite and pest mitigation plan for each registered colony.

(7) Proof of certification, if required, under section 3023a of this title.

Sec. 4. 6 V.S.A. § 3023a is added to read:

§ 3023a. VERMONT BEEKEEPER CERTIFICATE

(a) The Secretary shall establish an educational program to train a person who owns bees, apiaries, colonies, or hives in the State. The educational program shall address:

(1) bee health;

(2) varroa mite identification and control;

(3) identification of common diseases or pests;

(4) proper maintenance of hives;

(5) State laws regarding beekeeping and pesticide application; and

(6) continued education opportunities.

(b) The Secretary shall award a certificate to a person who completes the Vermont beekeeper training program under subsection (a) of this section.

Sec. 5. 6 V.S.A. § 3032 is amended to read:

§ 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO THE STATE

(a) No Except as provided under subsections (c) and (d) of this section, bees, used equipment, or colonies shall not be brought into the State of Vermont unless approved by the Secretary by permit. The Secretary shall not approve the import of bees, used equipment, or colonies from out of state

unless accompanied by a valid certificate of inspection within the previous ten months 90 days from the state or country of origin stating that the bees, used equipment, or bee colonies are free from bee disease.

(b) Any person, other than a common carrier, who knowingly transports or causes to be transported used equipment or colonies to a point within this State shall provide the ~~secretary~~ Secretary with a copy of the certificate of inspection not more than 72 hours after entry into this State.

(c) This section shall not apply to a shipment of bees, equipment, or colonies which originated outside the state State and is destined for another point that is also located outside this State.

(d) The Secretary shall not require an import permit or a valid certificate of inspection under subsection (a) for bees, used equipment, or colonies that:

(1) are registered in Vermont;

(2) were transported no more than 75 miles from the registered location of the owner of the bees or colonies; and

(3) are imported back into the State within 90 days of the date of original transport.

Sec. 6. 6 V.S.A. § 3030 is amended to read:

§ 3030. RULES

The Secretary may adopt and enforce ~~such rules which may provide for to~~ implement the requirements of this chapter, including rules regarding:

(1) inspection, disinfection, seizure, destruction, or other disposition of bees, equipment, or bee products capable of carrying or transmitting any disease;

(2) importation of bees, equipment, or bee products capable of carrying or transmitting any disease; or

(3) registration and reporting by persons owning bees, an apiary, a colony, or a hive.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee Vote: 8-0-0)

Rep. Browning of Arlington, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Agriculture and Forestry and when further amended as follows:

In Sec. 2, 6 V.S.A. § 918, in subsection (b), in the first sentence, by striking out “\$160.00” where it appears and inserting in lieu thereof “~~\$160.00~~ \$185.00”

(Committee Vote: 11-0-0)

H. 249

An act relating to additional Reach Up Program benefits

Rep. Redmond of Essex, for the Committee on Human Services, recommends the bill be amended as follows:

First: In Sec. 2 (32 V.S.A. § 8911) before “a participant in the Reach Up Program”, by inserting “the Department for Children and Families for” and by striking out “benefit” and inserting in lieu thereof “support service”

Second: By adding a new section to be Sec. 2a to read:

Sec. 2a. 32 V.S.A. § 8900(g) is added to read:

(g) The statutory purpose of the exemption for participants in the Reach Up Program who are provided with a pleasure car by the Department for Children and Families in subdivision 8911(6) of this title is to remove every cost to a qualifying participant in the Reach Up Program who is provided with a pleasure car by the Department for Children and Families.

Third: In Sec. 3 (23 V.S.A. § 361), in the second sentence, before “a participant in the Reach Up Program”, by inserting “the Department for Children and Families for” and by striking out “benefit” and inserting in lieu thereof “support service”

Fourth: and that after passage the title of the bill be amended to read: “An act relating to additional Reach Up Program support services”

(Committee Vote: 11-0-0)

Rep. Trieber of Rockingham, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Human Services and when further amended as follows:

Sec. 1. REACH UP AND REACH AHEAD PILOT PROGRAM

In fiscal year 2020, the Department for Children and Families shall provide the Good News Garage with an additional \$434.00, beyond the \$6,000.00 purchase price, for each personal car purchased by the Department for a participant in the Reach Up or Reach Ahead programs. The \$434.00 shall be transferred by the Good News Garage to the participant in the Reach Up or Reach Ahead program for whom the Department purchased the personal car to

cover the costs of the motor vehicle sales and use tax pursuant to 32 V.S.A. § 8903 and the registration fee for the first year pursuant to 23 V.S.A. § 361.

Sec. 2. REACH UP AND REACH AHEAD PILOT PROGRAM REPORT

The Department for Children and Families, in consultation with the Good News Garage and the Departments of Motor Vehicles and of Taxes, shall file a written report on the pilot program established in Sec. 1 of this act with the House Committee on Human Services and the Senate Committee on Health and Welfare on or before March 1, 2020. The report shall address the number of personal cars purchased by the Department for Children and Families for participants in the Reach Up and Reach Ahead programs in fiscal year 2020 through January 31, 2020, the number of those personal cars subsequently registered with the Department of Motor Vehicles, whether the sales and use tax was paid on each of those personal cars, any difficulties or successes with the implementation of the pilot program, and anything else the Department for Children and Families wishes to address.

Sec. 3. SPENDING AUTHORITY

The Department for Children and Families is authorized to spend \$26,040.00 from any vacancy savings associated with bringing on new employees in the Family Services Division in fiscal year 2020 for the purpose of implementing the pilot program established in Sec. 1 of this act.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to the Reach Up and Reach Ahead pilot program”

(Committee Vote: 9-1-1)

H. 439

An act relating to the Home Weatherization Assistance Program

Rep. Masland of Thetford, for the Committee on Ways and Means, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 2503 is amended to read:

§ 2503. FUEL TAX

(a)(1) There is imposed a tax on the retail sale of heating oil, propane, kerosene, and other dyed diesel fuel delivered to a residence or business, at the rate of ~~\$0.02~~ \$0.04 per gallon.

(2) There is imposed a gross receipts tax of ~~0.75~~ 1.0 percent on the retail sale of natural gas and 1.5 percent on the retail sale of coal.

* * *

Sec. 2. FUEL TAX; RATE SETTING

A company subject to 30 V.S.A. § 218 shall be entitled to recovery of an increase in the fuel tax in 33 V.S.A. § 2503(a)(2), in Sec. 1 of this act, from the effective date of that increase. The manner of recovery shall be approved by the Vermont Public Utility Commission pursuant to its authority in 30 V.S.A. § 218.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee Vote: 6-5-0)

H. 513

An act relating to broadband deployment throughout Vermont.

(Rep. Sibilía of Dover will speak for the Committee on Energy and Technology.)

Rep. Young of Greensboro, for the Committee on Ways and Means, recommends the bill ought to pass when amended as follows:

in Sec. 7, 30 V.S.A. § 7521(e), concerning the application of the Universal Service Charge to prepaid wireless telecommunications service, in subdivision (1), by striking out the last sentence in its entirety and by inserting in lieu thereof a new sentence to read as follows: “The Commissioner of Taxes shall establish registration and payment procedures applicable to the Universal Service Charge imposed under this subsection consistent with the registration and payment procedures that apply to the sales tax imposed on such services and also consistent with the administrative provisions of 32 V.S.A. chapter 151, including any enforcement or collection action available for taxes owed pursuant to that chapter.”

(Committee Vote 11-0-0)

H. 529

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

(Rep. McCormack of Burlington will speak for the Committee on Transportation.)

Rep. Helm of Fair Haven, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 9-0-2)

Rep. Brennan of Colchester, for the Committee on Ways and Means, recommends the bill ought to pass when amended as follows:

That the bill be amended by striking out Secs. 29 (electric vehicle charging station fees) and 30 (electric vehicle charging station fees repeal) in their entirety and inserting in lieu thereof new Secs. 29 and 30 to read as follows:

Sec. 29. 32 V.S.A. § 604 is added to read:

§ 604. ELECTRIC VEHICLE CHARGING STATION FEES

Notwithstanding any other provision of this subchapter, any agency or department may establish, set, and adjust fees for the use of electric vehicle charging stations owned or controlled by the State. The agency or department may establish fees for electric vehicle charging at less than its costs, to cover its costs, or at the existing regional market rate. Electric vehicle charging stations owned or controlled by the State shall be subject to the same laws specifically governing electric vehicle charging stations owned or controlled by private parties. Fees collected under this section shall be credited to special funds established and managed pursuant to subchapter 5 of chapter 7 of this title and shall be available to the agencies and departments that collect fees for electric vehicle charging to offset the costs of providing the service.

Sec. 30. 32 V.S.A. § 604 is amended to read:

~~§ 604. ELECTRIC VEHICLE CHARGING STATION FEES~~

~~Notwithstanding any other provision of this subchapter, any agency or department may establish, set, and adjust fees for the use of electric vehicle charging stations owned or controlled by the State. The agency or department may establish fees for electric vehicle charging at less than its costs, to cover its costs, or at the existing regional market rate. Electric vehicle charging stations owned or controlled by the State shall be subject to the same laws specifically governing electric vehicle charging stations owned or controlled by private parties. Fees collected under this section shall be credited to special funds established and managed pursuant to subchapter 5 of chapter 7 of this title and shall be available to the agencies and departments that collect fees for electric vehicle charging to offset the costs of providing the service.~~
~~[Repealed.]~~

(Committee Vote 11-0-0)

H. 530

An act relating to the qualifications and election of the Adjutant and Inspector General.

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

Rep. Helm of Fair Haven, for the Committee on Appropriations, recommends the bill be amended as follows:

In Sec. 3, 20 V.S.A. § 370, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Legislative members of the Board shall be entitled to per diem compensation and reimbursement for expenses in accordance with 2 V.S.A. § 406 for not more than four meetings per biennium. Members of the Board who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses for not more than four meetings per biennium in the same manner as board members are compensated under 32 V.S.A. § 1010. The compensation and reimbursement for the six members appointed by the House and Senate shall be paid from the legislative appropriation. The compensation and reimbursement for the three members appointed by the Governor's Veterans Advisory Council shall be paid from the appropriation for the Military Department.

(Committee Vote: 11-0-0)

Favorable

S. 109

An act relating to captive insurance companies and risk retention groups

Rep. Kornheiser of Brattleboro, for the Committee on Commerce and Economic Development, recommends that the bill ought to pass in concurrence.

(Committee Vote: 11-0-0)

(For text see Senate Journal February 28, 2019)

Action Postponed Until March 22, 2019

**Senate Proposal of Amendment to House Proposal of Amendment to
Senate of Proposal of Amendment**

H. 97

An act relating to fiscal year 2019 budget adjustments

The Senate concurs in the House proposal of amendment to the Senate proposal of amendment with the following proposals of amendment as follows:

First: By striking out the *First* and *Second* House proposals of amendment in their entirety.

Second: By striking out the *Third* House proposal of amendment in its entirety and inserting in lieu thereof a new *Third* proposal of amendment to read as follows:

Third: In Sec. 56, by striking out subsection (e) in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

(e) The following General Fund amount shall be reserved for appropriation or transfer in the fiscal year 2020 budget: \$9,700,000.

Third: By striking out the *Sixth* House proposal of amendment in its entirety and inserting in lieu thereof a new *Sixth* proposal of amendment to read as follows:

Sixth: By striking out Sec. 88 in its entirety and inserting in lieu thereof a new Sec. 88 to read as follows:

Sec. 88. FISCAL YEAR 2019 ONE-TIME APPROPRIATIONS AND TRANSFERS FROM THE GENERAL FUND

(a) The following appropriations are made from the General Fund in fiscal year 2019:

(1) To the Agency of Digital Services: \$1,800,000 to be apportioned as follows:

(A) \$1,300,000 for firewalls;

(B) \$500,000 to invest in hardware for the data storage of State devices.

(2) To the Department of Health: \$2,400,000 to fund the testing for lead content in schools' and licensed child care centers' drinking water consistent with the program established in S.40 of 2019. These funds are allocated as follows:

(A) \$125,000 to fund the limited service program position established in S.40 of 2019.

(B) \$150,000 to fund program start-up and data management costs for the program.

(C) \$1,265,000 to fund the initial testing and retesting costs.

(D) \$860,000 to fund the estimated 50 percent State share of tap remediation costs. This State share funding commitment is limited to remediation of tap fixtures only. The funding will provide 50 percent of up to \$300 for each tap fixture replacement excluding labor at schools, and 50 percent of up to \$600 for each tap fixture replacement including labor at licensed childcare providers.

(3) To the Department of Environmental Conservation: \$125,000 to fund the limited service remediation position established in S.40 of 2019.

(4) To the Attorney General: \$22,662 for the increased diversion and pre-trial services caseload increases in fiscal year 2019.

(5) To Department of Public Safety: \$196,812 for the cost of replacement holsters, sidarm lighting, communications equipment, and less lethal weapons.

(6) To the Joint Fiscal Office: \$275,000 to be allocated as follows for studies that will be comprehensively defined in the fiscal year 2020 budget process:

(A) \$250,000 to be reserved to fund contracted services for research and findings to identify and examine the factors contributing to Vermont's high rate of children entering the custody of the State. Such research shall study the preventive and upstream services and interventions provided to families and the extent to which these supports to families have demonstrated effectiveness in allowing children to remain with their families. Policy recommendations resulting from this research is intended to inform funding decisions regarding these services to ensure the safety of Vermont's vulnerable children and to enhance the long-term stability and well-being of these families.

(B) \$25,000 to be reserved to fund contracted services for research and findings related to the detention population of the Department of Corrections (DOC) and policy recommendations to reduce this population and/or reduce the need for DOC in-state bed capacity for this population. The report shall be submitted to the General Assembly on or before December 15, 2019.

(b) The following transfers are made from the General Fund in fiscal year 2019:

(1) State Treasurer: \$22,200,000 from the General Fund to the Retired Teachers' Health and Medical Benefits Fund to repay-in-full in fiscal year 2019 the interfund loan obligation authorized by 16 V.S.A. § 1944b(e). This transfer shall be recognized as an additional contribution to the Retired Teachers' Health and Medical Fund in fiscal year 2019.

(2) State Treasurer: \$3,293,817 from the General Fund to the Vermont Teachers' Retirement Fund, established pursuant to 16 V.S.A. § 1944. This amount reflects an additional contribution above the actuarily determined employer contribution and the VSTRS Board of Trustees' request for fiscal year 2020. This amount shall be transferred in fiscal year 2019.

(For House Proposal of Amendment see House Journal March 14, 2019)

Consent Calendar

Concurrent Resolutions

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

H.C.R. 83

House concurrent resolution honoring Poultney civic leader and esteemed educator Francis Fressie

H.C.R. 84

House concurrent resolution honoring pharmacist, entrepreneur, and community leader Frank Buonincontro of Bristol

H.C.R. 85

House concurrent resolution honoring Weybridge's creative volunteer Michael A. Newkirk

H.C.R. 86

House concurrent resolution recognizing March 2019 as National Social Work Month in Vermont

H.C.R. 87

House concurrent resolution designating Friday, March 29, 2019 as Alzheimer's Awareness Day at the State House

H.C.R. 88

House concurrent resolution in memory of Lyndon Justice of the Peace Edith Bell-Brown

H.C.R. 89

House concurrent resolution honoring Vermont Economic Development Authority Chief Executive Officer Rosalea Bradley for her dynamic and innovative leadership

H.C.R. 90

House concurrent resolution congratulating the 2019 Vermont Prudential Spirit of Community Awards Honorees and Distinguished Finalists

H.C.R. 91

House concurrent resolution congratulating Richard E. Prentiss on 50 years of dedicated firefighting service in the Town of Bennington

H.C.R. 92

House concurrent resolution congratulating William Kinney on 50 years of outstanding firefighting service in the Town of Bennington

H.C.R. 93

House concurrent resolution congratulating the 2019 Mt. Anthony Union High School Patriots on winning their historic 31st consecutive State wrestling championship and 100th school victory

H.C.R. 94

House concurrent resolution congratulating Charles Harvey on 50 years of exemplary firefighting service in the Town of Bennington

H.C.R. 95

House concurrent resolution congratulating the 2019 Mt. Anthony Union High School Patriots Division I boys' Nordic skiing championship team

H.C.R. 96

House concurrent resolution in memory of former Representative Sylvia Rita Kennedy of Chelsea

H.C.R. 97

House concurrent resolution in memory of Ken Tohinaka

H.C.R. 98

House concurrent resolution congratulating Outright Vermont on its 30th anniversary

S.C.R. 7

Senate concurrent resolution congratulating Bag Balm on its 120th anniversary

S.C.R. 8

Senate concurrent resolution congratulating Alice Johnson Blair on her 100th birthday.

Information Notice

CROSSOVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2)) on or before **Friday, March 15, 2019**, and filed with the Secretary/Clerk so that they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 22, 2019**, and filed with the Secretary/Clerk so that they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.