

Senate Calendar

TUESDAY, APRIL 23, 2019

SENATE CONVENES AT: 9:30 A.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

CONSIDERATION POSTPONED UNTIL APRIL 24, 2019

Second Reading

Favorable with Proposal of Amendment

- H. 278** An act relating to acknowledgment or denial of parentage.....1110
Pending Question: Shall the Senate propose to the House to amend the bill as recommended by the Committee on Judiciary?

UNFINISHED BUSINESS OF APRIL 18, 2019

House Proposal of Amendment

- S. 154** An act relating to miscellaneous banking provisions..... 1110

NEW BUSINESS

Second Reading

Favorable with Proposal of Amendment

- H. 514** An act relating to miscellaneous tax provisions
Finance Report - Sen. Pearson 1111

House Proposal of Amendment

- S. 49** An act relating to the regulation of polyfluoroalkyl substances in drinking and surface waters..... 1114

Joint Resolution For Action

- J.R.H. 5** Joint resolution authorizing the Green Mountain Girls State educational program to use the State House..... 1120

NOTICE CALENDAR

Second Reading

Favorable with Proposal of Amendment

H. 205 An act relating to the regulation of neonicotinoid pesticides Agriculture Report - Sen. Pollina	1121
H. 249 An act related to the Reach Up and Reach Ahead pilot program Health and Welfare Report - Sen. Ingram	1127
H. 523 An act relating to miscellaneous changes to the State's retirement systems Government Operations Report - Sen. Bray	1131
Appropriations Report - Sen. McCormack	1131

Proposed Amendment to the Constitution (Fifth Day on Notice Calendar)

Prop 2 Declaration of rights; eliminating reference to slavery.....	1131
Government Operations Report - Sen. White	1132

ORDERS OF THE DAY

ACTION CALENDAR

CONSIDERATION POSTPONED UNTIL APRIL 24, 2019

Second Reading

Favorable with Proposal of Amendment

H. 278.

An act relating to acknowledgment or denial of parentage.

PENDING QUESTION: Shall the Senate propose to the House to amend the bill as recommended by the Committee on Judiciary?

Text of report of the Committee on Judiciary:

The Committee recommends that the Senate propose to the House to amend the bill by adding a new Sec. 6 to read as follows:

Sec. 6. 33 V.S.A. § 5111(a) is amended to read:

(a) If a child is placed in the legal custody of the Department and the identity of a parent has not been legally established at the time the petition is filed, the Court may order that ~~the mother, the child, and the alleged child's father~~ genetic parents submit to genetic testing and may issue an order establishing parentage pursuant to ~~15 V.S.A. chapter 5, subchapter 3A~~ 15C V.S.A. chapters 1 – 8 (parentage proceedings). A parentage order issued pursuant to this subsection shall not be deemed to be a confidential record.

And by renumbering the remaining section to be numerically correct.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 14, 2019, pages 406-408)

UNFINISHED BUSINESS OF THURSDAY, APRIL 18, 2019

House Proposal of Amendment

S. 154

An act relating to miscellaneous banking provisions.

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

First: In Sec. 2, in 8 V.S.A. § 2108(c), following the words "business days", by inserting the words after the licensee has reason to know

Second: In Sec. 40, in 8 V.S.A. § 2500(12), following “digital electronic format,” by inserting the following: including virtual currency,

Third: In Sec. 40, in 8 V.S.A. § 2500(13), by striking out the words “prepaid access” and inserting in lieu thereof the words a digital representation of value

Fourth: In Sec. 53, in 8 V.S.A. § 2534, by striking out the second sentence in its entirety and inserting in lieu thereof a new sentence to read as follows: A licensee shall maintain its records ~~the following~~ for at least five years, which records shall include:

(1) a record of each payment instrument or ~~stored-value~~ prepaid access obligation sold;

(2) a general ledger posted at least monthly containing all asset, liability, capital, income, and expense accounts;

(3) bank statements and bank reconciliation records;

(4) records of outstanding payment instruments and ~~stored-value~~ prepaid access obligations;

(5) records of each payment instrument and ~~stored-value~~ prepaid access obligation paid within the five-year period;

(6) a list of the last known names and addresses of all of the licensee’s authorized delegates; and

(7) any other records the Commissioner requires by rule.

Fifth: In Sec. 56, in 8 V.S.A. § 2546, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Section 2110 of this title applies to authorized delegates.

NEW BUSINESS

Second Reading

Favorable with Proposal of Amendment

H. 514.

An act relating to miscellaneous tax provisions.

Reported favorably with recommendation of proposal of amendment by Senator Pearson for the Committee on Finance.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 10, in subdivision (10)(D)(ii)(I), after “as defined in 24 V.S.A. § 1951,” by inserting or provides emergency medical services or first responder services, as defined under 24 V.S.A. § 2651,

Second: By inserting a Sec. 12a to read as follows:

Sec. 12a. TAX DATA ANALYSIS

(a) The Department of Taxes, with the cooperation of other executive agencies, shall analyze how existing federal and State tax data could be used to identify opportunities for State executive agencies to maximize the eligibility of Vermonters for federal and State programs. For each opportunity, the Department shall identify:

(1) how existing tax data could be used to streamline eligibility criteria and application processes;

(2) any current restrictions on the use of federal and State tax data in the context of the opportunity; and

(3) any changes to current law or to current data practices that would be required to maximize the benefit to the Vermont beneficiary while ensuring taxpayer confidentiality.

(b) The Department of Taxes shall submit its analysis in the form of a report to the Senate Committee on Finance and the House Committee on Ways and Means no later than December 1, 2019.

Third: In Sec. 17 after the section heading “REPORT ON NONPOSTSECONDARY USE OF HIGHER EDUCATION INVESTMENT PLAN FUNDS” by striking out the word “The” and inserting in lieu thereof the following: As far as practicable, the

Fourth: By inserting a Sec. 17a to read as follows:

Sec. 17a. REPEAL

Sec. 17 (report) of this act shall be repealed on July 1, 2021.

Fifth: In Sec. 32, land use change tax, in subsection (a), by striking out the following:

In the instance where a parcel is withdrawn and value established, and then a portion of the withdrawn parcel is developed, the land use change tax on the entire originally withdrawn parcel is due.

Sixth: By inserting a Sec. 32a to read as follows:

Sec. 32a. LAND USE CHANGE TAX

No later than October 15, 2019, the Department of Taxes shall make recommendations to the Current Use Advisory Board for rulemaking to address the application of the land use change tax when land is withdrawn from current use and subsequently only a portion of the land is developed.

Seventh: By inserting a Sec. 36b to read as follows:

Sec. 36b. 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.

* * *

(3) Agriculture feeds, seed, plants, baler twine, silage bags, agricultural wrap, sheets of plastic for bunker covers, liming materials, breeding and other livestock, semen breeding fees, baby chicks, turkey poults, agriculture chemicals other than pesticides, ~~veterinary supplies~~, and bedding; and fertilizers and pesticides for use and consumption directly in the production for sale of tangible personal property on farms, including stock, dairy, poultry, fruit and truck farms, orchards, nurseries, or in greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities for sale.

* * *

(53) Prescription drugs intended for animal use, and durable medical equipment and prosthetics intended for animal use, and veterinary supplies intended for animal use. As used in this subdivision, “prescription drugs intended for animal use” means a drug dispensed only by or upon the lawful written order of a licensed veterinarian, and “veterinary supplies” mean tangible personal property therapeutic in nature, not normally used absent illness or injury, and not intended for repeated usage.

Eighth: In Sec. 38, effective dates, in subdivision (3), by striking out “and” and inserting in lieu thereof , and after “36a (automotive parts)” by inserting and 36b (veterinary supplies)

(Committee vote: 6-0-1)

(No House amendments)

House Proposal of Amendment

S. 49

An act relating to the regulation of polyfluoroalkyl substances in drinking and surface waters.

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

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Perfluoroalkyl, polyfluoroalkyl substances (PFAS), and other perfluorochemicals are a large group of human-made chemicals that have been used in industry and consumer products worldwide since the 1950s.

(2) PFAS may enter the environment from numerous industrial or commercial sources, including when emitted during a manufacturing process, from the disposal of goods containing PFAS, or from leachate from landfills.

(3) Many PFAS do not readily break down and persist in the environment for a very long time, especially in water, and, consequently, PFAS can be found in many bodies of water and in the blood of humans and wildlife.

(4) The Vermont Department of Health has adopted a health advisory level for certain PFAS of 20 parts per trillion.

(5) The Vermont Water Supply Rule provides that the Secretary of Natural Resources may adopt a Vermont Department of Health advisory level as a maximum contaminant level for a substance.

(6) The Agency of Natural Resources (ANR) has adopted the 20 parts per trillion level as part of ANR's Remediation of Contaminated Properties Rule and Groundwater Protection Rule and Strategy, but not as part of the Vermont Water Supply Rule or the Vermont Water Quality Standards.

(7) To prevent further contamination of State water, and to reduce the potential harmful effects of PFAS on human health and the environment, the State of Vermont should:

(A) require the Agency of Natural Resources to adopt by rule maximum contaminant level or levels for PFAS under the Vermont Water Supply Rule;

(B) prior to adoption by rule of maximum contaminant level or levels for PFAS, require public water systems to monitor for certain PFAS chemicals

and respond appropriately when results indicate levels of PFAS in excess of the Vermont Department of Health advisory level;

(C) require the Agency of Natural Resource to adopt surface water quality standards for certain PFAS chemicals; and

(D) authorize the Agency of Natural Resources to require any permitted facility to monitor for any release of a chemical that exceeds a health advisory issued by the Vermont Department of Health.

Sec. 2. INTERIM DRINKING WATER STANDARD; TESTING; PER AND POLYFLUOROALKYL SUBSTANCES

(a) As used in this section:

(1) “Perfluoroalkyl, polyfluoroalkyl substances” or “PFAS substances” means perfluoroalkyl substances and polyfluoroalkyl substances that are detectable using standard analytical methods established by the U.S. Environmental Protection Agency, including regulated PFAS contaminants.

(2) “Regulated PFAS contaminants” means perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid, and perfluoroheptanoic acid.

(b) On or before December 1, 2019, all public community water systems and all nontransient, noncommunity water systems shall conduct monitoring for the maximum number of PFAS substances detectable from standard laboratory methods.

(c) After completion of initial monitoring under subsection (b), a public community water system or a nontransient, noncommunity water system shall conduct continued monitoring for the presence of regulated PFAS contaminants in drinking water supplied by the system as follows until adoption of the rules required under subsection 3(a) of this act:

(1) If initial monitoring results detect the presence of any regulated PFAS contaminants individually or in combination at or above the Vermont Department of Health advisory level of 20 parts per trillion, the public water system shall conduct continued quarterly monitoring.

(2) If initial monitoring results detect the presence of any regulated PFAS contaminants individually or in combination at or above the reporting level of two parts per trillion but below the Vermont Department of Health advisory level of 20 parts per trillion, the public water system shall conduct continued monitoring annually.

(3) If initial monitoring results detect the presence of any regulated PFAS contaminants below the reporting level of two parts per trillion, the public water system shall conduct continued monitoring every three years.

(d) If monitoring results under subsections (b) or (c) of this section confirm the presence of any regulated PFAS contaminants individually or in combination in excess of the Vermont Department of Health advisory level of 20 parts per trillion, the Agency of Natural Resources shall:

(1) direct the public water system to implement treatment or other remedy to reduce the levels of regulated PFAS contaminants in the drinking water of the public water system below the Vermont Department of Health advisory level; and

(2) direct the public water system to issue a “do not drink” notice to all users of the public water system until the treatment under subdivision (1) of this subsection is completed.

(e) The Secretary may enforce the requirements of this section under 10 V.S.A. chapter 201. A person may appeal the acts or decisions of the Secretary of Natural Resources under this section under 10 V.S.A. chapter 220.

Sec. 3. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATER SUPPLY RULE; MAXIMUM CONTAMINANT LEVEL
FOR PER AND POLYFLUOROALKYL SUBSTANCES;
STANDARD FOR PER AND POLYFLUOROALKYL
SUBSTANCES; CLASS OR SUBCLASSES

(a) On or before February 1, 2020, the Secretary of Natural Resources shall file under 3 V.S.A. § 841 a final proposed rule with the Secretary of State and the Legislative Committee on Administrative Rules establishing under the Department of Environmental Conservation’s Water Supply Rule a maximum contaminant level (MCL) for perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid, and perfluoroheptanoic acid. The Secretary shall use the Vermont Department of Health’s health advisory level for perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid, and perfluoroheptanoic acid as the initial basis for developing the MCL under this subsection and may propose adjustments or variances from the advisory level based on scientific evidence, industry standards, or public input.

(b) On or before August 1, 2020, the Secretary of Natural Resources shall initiate a public notice and comment process by publishing an advance notice of proposed rulemaking regarding the regulation under the Department of

Environmental Conservation's Water Supply Rule of per and polyfluoroalkyl (PFAS) compounds as a class or subclasses.

(c) On or before March 1, 2021, the Secretary of Natural Resources shall either:

(1) file a proposed rule with the Secretary of State regarding the regulation of PFAS compounds under the Department of Environmental Conservation's Water Supply Rule as a class or subclasses; or

(2) publish a notice of decision not to regulate PFAS compounds as a class or subclasses under the Department of Environmental Conservation's Water Supply Rule that includes, at a minimum, an identification of all legal, technical, or other impediments to regulating PFAS compounds as a class or subclasses and a detailed response to all public comments received.

(d) If the Secretary of Natural Resources proposes a rule pursuant to subsection (c), on or before December 31, 2021, the Secretary of Natural Resources shall file a final rule with the Secretary of State regarding the regulation of PFAS compounds as a class or subclasses under the Department of Environmental Conservation's Water Supply Rule.

Sec. 4. REPEAL; INTERIM DRINKING WATER MONITORING; PFAS CONTAMINANTS

Sec. 2 (interim drinking water monitoring; PFAS contaminants) shall be repealed on the effective date of the rules required under Sec. 3(a) of this act.

Sec. 5. VERMONT WATER QUALITY STANDARDS; PER AND POLYFLUOROALKYL SUBSTANCES

(a) On or before January 15, 2020, the Secretary of Natural Resources shall publish a plan for public review and comment for adoption of surface water quality standards for per and polyfluoroalkyl substances (PFAS) that shall include, at a minimum, a proposal for standards for:

(1) perfluorooctanoic acid; perfluorooctane sulfonic acid; perfluorohexane sulfonic acid; perfluorononanoic acid; and perfluoroheptanoic acid; and

(2) the PFAS class of compounds or subgroups of the PFAS class of compounds.

(b) On or before January 1, 2024, the Secretary of Natural Resources shall file a final rule with the Secretary of State to adopt surface water quality standards for, at a minimum, perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid, and perfluoroheptanoic acid.

Sec. 6. INVESTIGATION OF POTENTIAL SOURCES OF PER AND
POLYFLUOROALKYL SUBSTANCES CONTAMINATION

On or before June 1, 2019, the Secretary of Natural Resources shall publish a plan for public review and comment to complete a statewide investigation of potential sources of per and polyfluoroalkyl substances (PFAS) contamination. As part of this investigation, the Secretary shall conduct a pilot project at public water systems to evaluate PFAS that are not quantified by standard laboratory methods using a total oxidizable precursor assay or other applicable analytical method to evaluate total PFAS. The Secretary of Natural Resources shall initiate implementation of the plan not later than July 1, 2019.

Sec. 7. 3 V.S.A. § 2810 is added to read:

§ 2810. INTERIM ENVIRONMENTAL MEDIA STANDARDS

The Secretary of Natural Resources may require any entity permitted by the Agency of Natural Resources to monitor the operation of a facility, discharge, emission, or release for any constituent for which the Department of Health has established a health advisory. The Secretary may impose conditions on a permitted entity based on the health advisory if the Secretary determines that the operation of the facility, discharge, emission, or release may result in an imminent and substantial endangerment to human health or the natural environment. The authority granted to the Secretary under this section shall last not longer than two years from the date the health advisory was adopted.

Sec. 8. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

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

* * *

(28) 30 V.S.A. § 255, relating to regional coordination to reduce greenhouse gases; ~~and~~

(29) 10 V.S.A. § 1420, relating to abandoned vessels; and

(30) 3 V.S.A. § 2810, relating to interim environmental media standards.

* * *

Sec. 9. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

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

* * *

(2) 29 V.S.A. chapter 11 (management of lakes and ponds).

(3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

(4) 3 V.S.A. § 2810 (interim environmental media standards).

* * *

Sec. 10. ENVIRONMENTAL MEDIA STANDARDS; GUIDANCE; PLAN

(a) On or before January 1, 2020, the Secretary of Natural Resources shall publish a guidance document for public review and comment that sets forth detailed practices for implementation by the Secretary of Natural Resources of interim environmental media standards authority under 3 V.S.A. § 2810.

(b) On or before January 1, 2020, the Secretary of Natural Resources shall publish for public review and comment a plan to collect data for contaminants in drinking water from public community water systems and all nontransient noncommunity water systems for which a health advisory has been established but no maximum contaminant level has been adopted.

Sec. 11. AGENCY OF NATURAL RESOURCES CONTAMINANTS OF EMERGING CONCERN PILOT PROJECT

On or before January 15, 2020, the Agency of Natural Resources shall submit to the House Committees on Natural Resources, Fish, and Wildlife and on Commerce and Economic Development and the Senate Committees on Natural Resources and Energy and on Economic Development, Housing and General Affairs a report regarding the management at landfills of leachate containing contaminants of emerging concern (CECs). The report shall include:

(1) the findings of the leachate treatment evaluation conducted at any landfill in Vermont;

(2) the Agency of Natural Resources' assessment of the results of landfill leachate evaluations; and

(3) the Agency of Natural Resources' recommendations for treatment of CECs in leachate from landfills, including whether the State should establish a pilot project to test methods for testing or managing CECs in landfill leachate.

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

Joint Resolution For Action

J.R.H. 5.

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

PENDING QUESTION: Shall the resolution be adopted?

Text of resolution:

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

Whereas, the Green Mountain Girls State educational program serves as an outstanding leadership-training forum for future civic leaders in Vermont, and

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

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Girls State educational program on Wednesday, June 19, 2019, from 8:00 a.m. to 4:15 p.m., and be it further

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

NOTICE CALENDAR

Second Reading

Favorable with Proposal of Amendment

H. 205.

An act relating to the regulation of neonicotinoid pesticides.

**Reported favorably with recommendation of proposal of amendment
by Senator Pollina for the Committee on Agriculture.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out 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~~ \$185.00 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 of economic poison products and to provide educational services, training, and technical assistance to pesticide applicators, beekeepers, and the general public regarding the effects of pesticides on pollinators and the methods or best management practices to reduce the impacts of pesticides on pollinators. 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, sold into, or offered for sale within the 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 on a form provided by the Secretary.

(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; hive or colony in a registered apiary.

~~(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 apiary.

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

§ 3023a. VERMONT BEEKEEPER EDUCATIONAL PROGRAM

(a) The Secretary, in cooperation with the Vermont Beekeepers Association, shall establish a voluntary 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 60 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. 6 V.S.A. § 3022 is amended to read:

§ 3022. ENFORCEMENT; INSPECTION

(a) The Secretary shall enforce the provisions of this chapter.

(b) Any person who is the owner of any bees, apiary, colony, or hive shall pay a \$10.00 annual registration fee for each ~~location of hives~~ apiary. The fee revenue shall be collected by the Secretary and credited to the ~~Weights and~~

Measures Testing Fund Pesticide Monitoring Revolving Fund under section 929 of this title to be used to offset the costs of inspection services and to provide educational services and technical assistance to beekeepers in the State.

Sec. 8. POSITIONS; POLLINATOR SPECIALIST; PESTICIDE ENFORCEMENT

The establishment of the following new classified, full-time positions funded from fees collected under 6 V.S.A. § 918 is authorized in fiscal year 2020:

(1) In the Agency of Agriculture, Food and Markets – pollinator specialist.

(2) In the Agency of Agriculture, Food and Markets – enforcement specialist.

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 26, 2019, pages 659-665)

H. 249.

An act related to the Reach Up and Reach Ahead pilot program.

Reported favorably with recommendation of proposal of amendment by Senator Ingram for the Committee on Health and Welfare.

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

Sec. 1. 32 V.S.A. § 8903 is amended to read:

§ 8903. TAX IMPOSED

(a)(1) There is hereby imposed upon the purchase in Vermont of a motor vehicle by a resident a tax at the time of such purchase, ~~payable as hereinafter provided.~~ Except as otherwise provided in this subsection or excepted in section 8911 of this title, the amount of the tax shall be six percent of the taxable cost of a:

(A) pleasure car as defined in 23 V.S.A. § 4;

(B) motorcycle as defined in 23 V.S.A. § 4;

(C) motor home as defined in subdivision 8902(11) of this title; or

(D) vehicle weighing up to 10,099 pounds, registered pursuant to 23 V.S.A. § 367, other than a farm truck.

(2) For any other motor vehicle, it shall be six percent of the taxable cost of the motor vehicle or \$2,075.00 for each motor vehicle, whichever is smaller, except that pleasure cars that are purchased, leased, or otherwise acquired for use in short-term rentals shall be subject to taxation under subsection (d) of this section.

(b)(1) ~~There~~ Except as otherwise provided in this subsection or excepted in section 8911 of this title, there is hereby imposed upon the use within this State a tax of six percent of the taxable cost of a:

(A) pleasure car as defined in 23 V.S.A. § 4;

(B) motorcycle as defined in 23 V.S.A. § 4;

(C) motor home as defined in subdivision 8902(11) of this title; or

(D) vehicle weighing up to 10,099 pounds, registered pursuant to 23 V.S.A. § 367, other than a farm truck.

(2) For any other motor vehicle, it shall be six percent of the taxable cost of the motor vehicle or \$2,075.00 for each motor vehicle, whichever is smaller, by a person at the time of first registering or transferring a registration to such motor vehicle ~~payable as hereinafter provided~~, except no use tax shall be payable ~~hereunder~~ if the tax imposed by subsection (a) of this section has been paid, or the vehicle is a pleasure car that was purchased, leased, or otherwise acquired for use in short-term rentals, in which case the vehicle shall be subject to taxation under subsection (d) of this section.

(c) The Vermont registration, transfer of Vermont registration, or the issuance of a Vermont certificate of title of a motor vehicle shall be conclusive evidence that the purchase and use tax applies except as provided in section 8911 of this title.

(d) There is ~~hereby~~ imposed a use tax on the rental charge of each transaction, in which the renter takes possession of the vehicle in this State, during the life of a pleasure car purchased for use in short-term rentals, which tax is to be collected by the rental company from the renter and remitted to the Commissioner. The amount of the tax shall be nine percent of the rental charge. Rental charge means the total rental charge for the use of the pleasure car, but does not include a separately stated charge for insurance, or recovery of refueling cost, or other separately stated charges which are not for the use of the pleasure car. In the event of resale of the vehicle in this State for use other

than short-term rental, such transaction shall be subject to the tax imposed by subsection (a) of this section.

(e)(1) Any person registering a pleasure car in this State subject to the tax imposed by subsection (d) of this section must pay the tax imposed by subsection (a) or (b) upon demand of the Commissioner if:

(A) the vehicle is rented for less than 30 days in a continuous period of 365 days or for less than 60 days in a continuous period of 730 days; or

(B) the vehicle is no longer used in short-term rentals; and

(C) the vehicle has not been stolen, converted, or abandoned.

(2) For taxation purposes, the value of the vehicle shall be fixed in accordance with section 8907 of this title as of the time the event causing the imposition of the tax under subsection (a) or (b) of this section occurs.

(f) There is hereby imposed a tax at the rate prescribed in subsection (a) of this section on any amount charged at the end of a motor vehicle lease contract resulting from excess wear and tear or excess mileage.

(g)(1) There is hereby imposed upon the titling in this State a tax at the rate provided for in subsection (a) or (b) of this section of the taxable cost of a:

(A) pleasure car as defined in 23 V.S.A. § 4;

(B) motorcycle as defined in 23 V.S.A. § 4;

(C) motor home as defined in subdivision 8902(11) of this title; or

(D) vehicle weighing up to 10,099 pounds, registered pursuant to 23 V.S.A. § 367, other than a farm truck.

(2) For any other motor vehicle, it shall be at the rate provided for in subsection (a) or (b) of this section and paid by a person at the time of obtaining a certificate of title to the vehicle, except no tax shall be payable hereunder if the tax imposed by subsection (a) or (b) of this section has been paid, or the vehicle is a pleasure car which was purchased, leased, or otherwise acquired for use in short-term rentals, in which case the vehicle shall be subject to taxation under subsection (d) of this section.

Sec. 2. 32 V.S.A. § 8911 is amended to read:

§ 8911. EXCEPTIONS

The tax imposed by this chapter shall not apply to:

* * *

(6) A pleasure car purchased by the Department for Children and Families for a participant in the Reach Up Program established pursuant to 33 V.S.A. chapter 11 as a support service provided through the Department.

* * *

Sec. 3. 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 certain costs to a qualifying participant in the Reach Up Program who is provided with a pleasure car by the Department for Children and Families.

Sec. 4. 23 V.S.A. § 361 is amended to read:

§ 361. PLEASURE CARS

The annual fee for registration of any motor vehicle of the pleasure car type, and all vehicles powered by electricity, shall be \$74.00, and the biennial fee shall be \$136.00. The annual fee shall be waived for one year for pleasure cars purchased by the Department for Children and Families for a participant in the Reach Up Program established pursuant to 33 V.S.A. chapter 11 as a support service provided through the Department.

Sec. 5. 3 V.S.A. § 2822(m)(1) is amended to read:

(m)(1) Except as provided in subdivision (3) of this subsection, in addition to any other requirement or fee required for registration, on and after January 1, 1994, a motor vehicle registered under 23 V.S.A. chapter 7 shall be assessed an annual emission fee of \$2.00 at time of first registration and annually thereafter unless the registration fee is waived pursuant to 32 V.S.A. § 361.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

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: 5-0-0)

(For House amendments, see House Journal for March 22, 2019, pages 642-644)

H. 523.

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

Reported favorably by Senator Bray for the Committee on Government Operations.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 20, 2019, page 570)

Reported favorably with recommendation of proposal of amendment by Senator McCormack for the Committee on Appropriations.

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 4, Law Enforcement Retirement Benefits Study Committee; Recommendations; Report, by striking out subsection (e) in its entirety and by relettering the remaining subsections in Sec. 4 to be alphabetically correct.

(Committee vote: 5-0-2)

Proposed Amendment to the Vermont Constitution

PROPOSAL 2

(Fifth day on Notice Calendar pursuant to Rule 77)

Offered by: Senators Ingram, Ashe, Kitchel, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Hardy, Hooker, Lyons, Mazza, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr and White

Subject: Declaration of rights; eliminating reference to slavery

PENDING ACTION: Second reading of the proposed amendment

Text of Proposal 2:

PROPOSAL 2

Sec. 1. HISTORY; PURPOSE

(a) History. While Vermont was the first state to include a prohibition on slavery in its Constitution in 1777, it was only a partial prohibition, applicable to adults reaching a certain age, "unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like." The 13th Amendment to the U.S. Constitution, ratified in 1865, prohibited slavery within the United States "except as a punishment for crime whereof the party shall have been duly convicted[.]" Despite subsequent revisions to it, the Vermont Constitution continues to contain only a partial prohibition on slavery.

(b) Purpose. This proposal would amend the Constitution of the State of Vermont to eliminate reference to slavery. Eliminating reference to slavery in the Vermont Constitution will serve as a foundation for addressing systemic racism in our State's laws and institutions.

Sec. 2. Article 1 of Chapter I of the Vermont Constitution is amended to read:

Article 1. [All persons born free; their natural rights; ~~slavery prohibited~~]

That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; ~~therefore no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after arriving to the age of twenty-one years, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.~~

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

Reported favorably with recommendation of amendment by Senator White for the Committee on Government Operations

The Committee on Government Operations recommends that Proposal 2 be amended by striking out the proposal in its entirety and inserting in lieu thereof the following:

PROPOSAL 2

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to clarify that slavery and indentured servitude in any form are prohibited.

Sec. 2. Article 1 of Chapter I of the Vermont Constitution is amended to read:

Article 1. [All persons born free; their natural rights; slavery and indentured servitude prohibited]

That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; ~~therefore no person born in this country, or brought from over sea, ought to be holden by law, to serve any~~

~~person as a servant, slave or apprentice, after arriving to the age of twenty-one years, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like slavery and indentured servitude in any form are prohibited.~~

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

(Committee vote: 5-0-0)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Mark A. Levine of Shelburne – Commissioner, Department of Health – By Sen. Lyons for the Committee on Health and Welfare. (4/23/19)

Alfred J. Gobeille of Shelburne – Secretary, Agency of Human Services – By Sen. Lyons for the Committee on Health and Welfare. (4/24/19)

Kevin J. Mullin of Rutland – Chair, Green Mountain Care Board – By Sen. McCormack for the Committee on Health and Welfare. (4/24/19)

PUBLIC HEARINGS

April 23, 2019 - 5:00 - 7:00 P.M. - Room 11 - Re: H. 51, H. 175, H. 214
Fossil fuel Infrastructure- - House Committee on Natural Resources and
Energy and Technology.

**FOR INFORMATIONAL PURPOSES
CONSTITUTIONAL AMENDMENTS**

The 2019-2020 biennium is the second reading of a proposal of amendment; there is only a second reading this biennium. Third reading is during the 2021-2022 biennium.

Upon being reported by a committee, the proposal is printed in full in the Senate Calendar on the Notice Calendar for five legislative days. Senate Rule 77.

At second reading the proposal of amendment is read in full. Senate Rule 77.

The vote on any constitutional proposal of amendment and any amendment thereto is by yeas and nays. Senate Rules 77 and 80, and Vermont Constitutional §72 (requirement of 2/3 vote of members).

At second reading, the questions is: “Shall the Senate adopt the proposal of amendment to the Constitution of Vermont (as amended) as recommended by the Committee on ____ and request the concurrence of the House?” which requires 20 votes – 2/3 of the Senate. Vermont Constitution §72. Any amendments to the proposal of amendment require a majority. Senate Rule 80.

Amendments recommended by any senator shall be submitted to the committee of reference, in written form, where they shall be acted upon by the committee. Upon adoption or rejection of any amendment by the committee, the amendment and recommendation shall be printed in the calendar at least one legislative day before second reading. Senate Rule 78