

Senate Calendar

THURSDAY, APRIL 25, 2019

SENATE CONVENES AT: 1:00 P.M.

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ACTION CALENDAR

UNFINISHED BUSINESS OF TUESDAY, APRIL 23, 2019

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.

UNFINISHED BUSINESS OF WEDNESDAY, APRIL 24, 2019

Third Reading

H. 514.

An act relating to miscellaneous tax provisions.

**Proposal of amendment to H. 514 to be offered by Senator Pearson before
Third Reading**

Senator Pearson moves that the Senate propose to the House to amend the bill as follows:

First: By striking out Sec. 10 in its entirety and inserting in lieu thereof a new Sec 10 to read as follows:

Sec. 10. 32 V.S.A. § 9202(10)(D)(iii) is added to read:

(iii) Food or beverage purchased for resale, provided that at the time of sale the purchaser provides the seller an exemption certificate in a form approved by the Commissioner. However, when the food or beverage purchased for resale is subsequently resold, the subsequent purchase does not come within this exemption unless the subsequent purchase is also for resale and an exemption certificate is provided.

Second: In Sec. 20, in subsection 6061(4)(B)(i), after “former spouse of the claimant,” by inserting the following: for any period that the spouse or former spouse is not a member of the household,

NEW BUSINESS

Third Reading

H. 278.

An act relating to acknowledgment or denial of parentage.

H. 523.

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

Second Reading
Favorable with Proposal of Amendment

H. 133.

An act relating to miscellaneous energy subjects.

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

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:

* * * Report Consolidation * * *

Sec. 1. 30 V.S.A. § 203a is amended to read:

§ 203a. FUEL EFFICIENCY FUND

* * *

~~(c) Report. On or before January 15, 2010, and annually thereafter, the Department of Public Service shall report to the General Assembly on the expenditure of funds from the Fuel Efficiency Fund to meet the public's needs for energy efficiency services. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. [Repealed.]~~

* * *

Sec. 2. 2012 Act and Resolves No. 165, Sec. 2 is amended to read:

Sec. 2. MEMORANDUM OF UNDERSTANDING; SMALL
HYDROELECTRIC PROJECTS

* * *

~~(e) No later than January 15, 2014 and annually by each second January 15 thereafter, the commissioner shall submit a written report to the general assembly detailing the progress of the MOU program, including an identification of each hydroelectric project participating in the program. After five hydroelectric projects participating in the program are approved and commence operation, reports filed under this subsection shall evaluate and provide lessons learned from the program, including recommendations, if any, on how to improve procedures for obtaining approval of micro hydroelectric projects (100 kilowatts capacity or less). The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be submitted under this subsection. [Repealed.]~~

* * *

Sec. 3. 30 V.S.A. § 8105 is amended to read:

§ 8105. REPORTING

~~(a) A host community for which a Vermont village green renewable project has been certified under this chapter shall file a report to the Commission and the Commissioner of Public Service by December 31 of each year following certification. The report shall contain such information as is required by the Commission and the Commissioner. The report shall include at a minimum sufficient information for the Commissioner of Public Service to submit the report required by subsection (b) of this section.~~

~~(b) Beginning on March 1, 2010, and annually thereafter, the Commissioner of Public Service shall submit a report to the Senate Committees on Economic Development, Housing and General Affairs, on Finance, and on Natural Resources and Energy, and the House Committees on Ways and Means, on Commerce and Economic Development, and on Energy and Technology, and the Governor, which shall include an update on progress made in the development of the Vermont village green renewable projects authorized under this chapter. The report also shall include an analysis of the costs and benefits of the projects as well as any recommendations consistent with the purposes of this chapter. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. [Repealed.]~~

Sec. 4. 30 V.S.A. § 202b is amended to read:

§ 202b. STATE COMPREHENSIVE ENERGY PLAN

* * *

(e) The Commissioner of Public Service (Commissioner) shall file an annual report on progress in meeting the goals of the Plan. The report shall address each of the following sectors of energy consumption in the State: electricity, nonelectric fuels for thermal purposes, and transportation. In preparing the report, the Commissioner shall consult with the Secretaries of Administration, of Agriculture, Food and Markets, of Natural Resources, and of Transportation and the Commissioner of Buildings and General Services.

* * *

(7) The report shall include any activity that occurs under the Vermont Small Hydropower Assistance Program, the Vermont Village Green Program, and the Fuel Efficiency Fund.

Sec. 5. 30 V.S.A. § 8005b is amended to read:

§ 8005b. RENEWABLE ENERGY PROGRAMS; REPORTS

(a) The Department shall file reports with the General Assembly in accordance with this section.

* * *

(2) The Department shall ~~file the report under~~ include the components of subsection (b) of this section annually each January 15 in its Annual Energy Report required under subsection 202b(e) of this title commencing in 2018 2020 through 2033.

(3) The Department shall ~~file the report under~~ include the components of subsection (c) of this section biennially each March 1 in its Annual Energy Report required under subsection 202b(e) of this title biennially commencing in 2017 2020 through 2033.

* * *

(c) The biennial report under this section shall include at least each of the following:

* * *

(2) Commencing with the report to be filed in 2019, each retail electricity provider's required amount of renewable energy during the two preceding ~~calendar~~ years using the most recent available data for each category of the RES as set forth in section 8005 of this title.

* * *

Sec. 6. 30 V.S.A. § 8010 is amended to read:

§ 8010. SELF-GENERATION AND NET METERING

* * *

(d) ~~On or before January 15, 2020 and every third January 15 thereafter~~ Commencing in 2021 and biennially thereafter, the Department shall submit to the Commission ~~a report that evaluates~~ its evaluation of the current state of net metering in Vermont, which shall be included within the Department's Annual Energy Report required under subsection 202b(e) of this title and shall also be submitted to the Committees listed under subdivision 202b(e)(2) of this title. ~~The Department shall make this report publicly available. The report evaluation shall:~~

* * *

* * * Connectivity Fund * * *

Sec. 7. 30 V.S.A. § 202f is amended to read:

§ 202f. TELECOMMUNICATIONS AND CONNECTIVITY ADVISORY BOARD

(a) There is created the Telecommunications and Connectivity Advisory Board for the purpose of making recommendations to the Commissioner of Public Service regarding his or her telecommunications responsibilities and duties as provided in this section. The Connectivity Advisory Board shall consist of eight members, ~~seven voting and one nonvoting~~, selected as follows:

- (1) the State Treasurer or designee;
- (2) the Secretary of Commerce and Community Development or designee;
- (3) five at-large members appointed by the Governor, who shall not be employees or officers of the State at the time of appointment; and
- (4) the Secretary of Transportation or designee, ~~who shall be a nonvoting member.~~

* * *

(h) ~~On September 15, 2015~~ November 15, 2019, and annually thereafter, the Commissioner shall submit to the Connectivity Advisory Board an accounting of monies in the Connectivity Fund and anticipated revenue for the next year. ~~On or before January 1 of each year, the Commissioner, after consulting with the Connectivity Advisory Board, shall recommend to the relevant legislative committees of jurisdiction a plan for apportioning such funds to the High-Cost Program and the Connectivity Initiative.~~

* * *

Sec. 8. 30 V.S.A. § 7516 is amended to read:

§ 7516. CONNECTIVITY FUND

There is created a Connectivity Fund for the purpose of providing support to the High-Cost Program established under section 7515 of this chapter and the Connectivity Initiative established under section 7515b of this chapter. The fiscal agent shall determine annually, on or before ~~September~~ November 1, the amount of monies available to the Connectivity Fund. Such funds shall be apportioned as follows: 45 percent to the High-Cost Program and 55 percent to the Connectivity Initiative.

* * * Dig Safe * * *

Sec. 9. 30 V.S.A. § 7001 is amended to read:

§ 7001. DEFINITIONS

In this chapter:

(1) “Commission” means the Public Utility Commission under section 3 of this title.

(2) “Company” means any public utility ~~company which~~, municipality, or person that supplies gas, electricity, hot water, steam, or telecommunications service and ~~which that~~ maintains underground utility facilities, and any cable television company operating a cable television system as defined in section 501 of this title ~~and which that~~ maintains underground utility facilities.

(3) “Damage” includes the substantial weakening of structural or lateral support of an underground utility facility;₂ penetration or destruction of any underground utility facility’s protective coating, housing, or device;₂ or the partial or complete severance of any underground utility facility.

(4) “Excavation activities” means any activities involving that will disturb the subsurface of the earth or could damage underground utility facilities and that may involve the removal of earth, rock, or other materials in the ground, ~~disturbing the subsurface of the earth,~~ or the demolition of any structure,₅ by the discharge of explosives or the use of powered or mechanized equipment, including digging, trenching, blasting, boring, drilling, hammering, post driving, wrecking, razing, ~~or~~ tunneling, or pavement or concrete slab removal within 100 feet of an underground utility facility. Excavation activities shall not include the tilling of the soil for agricultural purposes, routine home gardening with hand tools outside easement areas and public rights-of-way, activities relating to routine public highway maintenance, or the use of hand tools by a company, or the company’s agent or a contractor working under the agent’s direction, to locate or service the company’s facilities, provided the company has a written damage prevention program.

(5) “Person” means any individual, trust, firm, joint stock company, corporation including a government corporation, partnership, association, state, municipality, commission, political subdivision of the state State, or any interstate body.

(6) “Public agency” means the State or any political subdivision thereof, including any governmental agency.

(7) “Approximate location of underground utility facilities” means a strip of land extending not more than 18 inches on either side of the underground utility facilities.

(8) “System” means the public utility underground facility damage prevention system referred to in section 7002 of this title.

(9) “Underground utility facility” or “facility” means any pipe, conduit, wire, or cable located beneath the surface of the earth and maintained by a company, including the protective covering of the pipe, conduit, wire, or cable, as well as any manhole, vault, ~~or pedestal,~~ or component maintained by a company.

(10) “Premark” means to identify the general scope of excavation activities using white paint, stakes, or other suitable white markings, in a manner that will enable the operators of the underground utility facilities to know the boundaries of the proposed excavation activities.

(11) “Powered or mechanized equipment” means equipment that is powered or energized by any motor, engine, or hydraulic or pneumatic device and that is used for excavation or demolition work.

(12) “Hand tools” means tools powered solely by human energy.

(13) “Verified” means the location and depth have been ~~physically determined by hand digging~~ visually determined using careful and prudent excavating techniques such as hand digging, water excavation, or other safe means.

(14) “Damage prevention program” means a program established to ensure employees involved in excavation activities are aware of and utilize appropriate and safe excavating practices.

Sec. 10. 30 V.S.A. § 7003 is amended to read:

§ 7003. RULEMAKING

The Commission shall adopt rules, pursuant to 3 V.S.A. chapter 25 relative to:

(1) minimum requirements for the operation of the System, including notification procedures and the reporting of underground utility facility locations;

(2) procedures for the investigation of complaints;

(3) emergency situations ~~for which notice of excavation activities is not required;~~

(4) uniform standards for the marking of the approximate location of underground utility facilities;

(5) uniform standards for the future installation of underground utility facilities, including the following:

(A) color coding of facilities;

- (B) depth requirements for the laying of facilities;
- (C) subsurface marking of facilities;
- (D) surface marking of facilities;
- (E) the filing of as-built plans of facilities with municipalities; and
- (F) capability for location of facilities by sensors;

(6) standards for the granting of exemptions under section 7002 of this title; and

(7) situations where the premarks cannot be found.

Sec. 11. 30 V.S.A. § 7004 is amended to read:

§ 7004. NOTICE OF EXCAVATION ACTIVITIES

(a) No person or company shall engage in excavation activities, except in an emergency situation as defined by the Commission, without premarking the proposed area of excavation activities and giving notice as required by this section.

(b) Prior to notifying the System, the person shall premark the area of proposed excavation activities in a manner that will enable operators of underground facilities to identify the boundaries of the proposed excavation activities.

(c) At least 48 hours, excluding Saturdays, Sundays, and legal holidays, but not more than 30 days before commencing excavation activities, each person required to give notice of excavation activities shall notify the System referred to in section 7002 of this title. Such notice shall set forth a reasonably accurate and readily identifiable description of the geographical location of the proposed excavation activities and the premarks.

~~(e)(d)~~ Notice to the System may be in writing or by telephone. For purposes of this section, the System shall provide a toll-free telephone number.

~~(d) Prior to notifying the System, the person must premark the area of proposed excavation activities in a manner that will enable operators of underground facilities to identify the boundaries of the proposed excavation activities. Premarking is not required if the actual excavation will be continuous and will exceed 500 feet in length.~~

(e) Notice of excavation activities shall be valid for an excavation site until one of the following occurs:

- (1) the excavation is not completed within 30 days of the notification;
- (2) the markings become faded, illegible, or destroyed; or

(3) the company installs new underground facilities in a marked area still under excavation.

Sec. 12. 30 V.S.A. § 7006b is amended to read:

§ 7006b. EXCAVATION AREA PRECAUTIONS

Any person engaged in excavating activities in the approximate location of underground utility facilities marked pursuant to section 7006 of this title shall take reasonable precautions to avoid damage to underground utility facilities, including any substantial weakening of the structural or lateral support of such facilities or penetration, severance, or destruction of such facilities. ~~When excavation activities involve horizontal or directional boring, the~~ The person engaged in excavation activities shall expose underground facilities to verify their location and depth, in a safe manner, at each location where the work will cross a facility and at reasonable intervals when paralleling an underground facility. Powered or mechanized equipment may only be used within the approximate location where the facilities have been verified.

Sec. 13. 30 V.S.A. § 7007 is amended to read:

§ 7007. NOTICE OF DAMAGE

When any underground utility facility is damaged during excavation activities, the excavator shall immediately notify the affected company. Under no circumstances shall the excavator backfill or conceal the damaged area until the company inspects and repairs the damage, provided that the excavator shall take reasonable and prudent actions to protect the public from serious injury from the damaged facilities until the company or emergency response personnel arrive at the damaged area. An excavator who causes damage to a pipeline that results in a release of natural or other gas or hazardous liquid shall promptly report the release to emergency responders by calling 911.

* * * Thermal Energy Funds * * *

Sec. 14. 30 V.S.A. § 209(e) is amended to read:

(e) Thermal energy and process fuel efficiency funding.

(1) Each of the following shall be used to deliver thermal energy and process fuel energy efficiency services in accordance with this section for unregulated fuels to Vermont consumers of such fuels. In addition, the Commission may authorize an entity appointed to deliver such services under subdivision (d)(2)(B) of this section to use monies subject to this subsection for the engineering, design, and construction of facilities for the conversion of thermal energy customers using fossil fuels to district heat if the majority of

the district's energy is from biomass sources, the district's distribution system is highly energy efficient, and such conversion is cost effective.

* * *

* * * Standard Offer Program Small Hydroelectric Power * * *

Sec. 15. 30 V.S.A. § 8005a(p) is amended to read:

(p) Existing hydroelectric plants. Notwithstanding any contrary requirement of this section, no later than January 15, 2013, the Commission shall make a standard offer contract available to existing hydroelectric plants in accordance with this subsection.

(1) In this subsection:

(A) "Existing hydroelectric plant" means a hydroelectric plant of five MW plant capacity or less that is located in the State, that was in service as of January 1, 2009, that is a qualifying small power production facility under 16 U.S.C. § 796(17)(C) and 18 C.F.R. part 292, and that does not have an agreement with the Commission's purchasing agent for the purchase of its power pursuant to subdivision 209(a)(8) of this title and Commission rules adopted under subdivision (8). The term includes hydroelectric plants that have never had such an agreement and hydroelectric plants for which such an agreement has expired, ~~provided that the expiration date is prior to December 31, 2015.~~

(B) "LIHI" means the Low-Impact Hydropower Institute.

(2) The term of a standard offer contract under this subsection shall be 10 or 20 years, at the election of the plant owner.

(3) Unless inconsistent with applicable federal law, the price of a standard offer contract shall be ~~the lesser of the following~~ the sum of the following elements:

~~(A) \$0.08 per kWh, adjusted for inflation annually commencing January 15, 2013 using the CPI; or~~

~~(B) The sum of the following elements:~~

~~(i)(A)~~ a two-year rolling average of the ISO New England Inc. (ISO-NE) Vermont zone hourly locational marginal price for energy;

~~(ii)(B)~~ a two-year rolling average of the value of the plant's capacity in the ISO-NE forward capacity market;

~~(iii)(C)~~ the value of avoided line losses due to the plant as a fixed increment of the energy and capacity values;

~~(iv)(D)~~ a two-year rolling average of the market value of environmental attributes, including renewable energy credits; and

~~(v)(E)~~ the value of a 10- or 20-year contract.

(4) The Commission shall determine the price to be paid under this subsection (p) ~~no~~ not later than January 15, 2013.

(A)(i) Annually by January 15 commencing in 2014, the Commission shall recalculate and adjust the energy, and capacity, and environmental attribute elements of the price under subdivisions ~~(3)(B)(i) and (ii)~~ subdivision (3) of this subsection (p). The recalculated and adjusted energy, and capacity, and environmental attribute elements shall apply to all contracts executed under this subdivision, whether or not the contracts were executed prior to the adjustments.

(ii) the Commission may periodically adjust the value of environmental attributes that are applicable to an executed contract based upon whether the plant becomes certified by LIHI or loses such certification.

(B) With respect to the price elements specified in subdivisions ~~(3)(B)(iii)(3)(C)~~ (avoided line losses), ~~(iv) (environmental attributes)~~, and ~~(v)(E)~~ (value of long-term contract) of this subsection (p):

(i) These elements shall remain fixed at their values at the time a contract is signed for the duration of the contract, ~~except that the Commission may periodically adjust the value of environmental attributes that are applicable to an executed contract based upon whether the plant becomes certified by LIHI or loses such certification.~~

(ii) The Commission annually may adjust these elements for inclusion in contracts that are executed after the date any such adjustments are made.

~~(5) In addition to the limits specified in subdivision (3) of this subsection (p), in no event shall an existing hydroelectric plant receive a price in one year higher than its price in the previous year, adjusted for inflation using the CPI, except that if a plant becomes certified by LIHI, the Commission may add to the price any incremental increase in the value of the plant's environmental attributes resulting from such certification.~~

~~(6) Once a plant owner has executed a contract for a standard offer under this subsection (p), the plant owner shall continue to receive the pricing terms agreed on in that contract regardless of whether the Commission subsequently changes any pricing terms under this subsection.~~

(7)(6) Capacity of existing hydroelectric plants executing a standard offer contract under this subsection shall not count toward the cumulative capacity amount of subsection (c) of this section.

* * * Public Records Exemption * * *

Sec. 16. 1 V.S.A. § 317 is amended to read:

§ 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND DOCUMENTS

* * *

(c) The following public records are exempt from public inspection and copying:

* * *

(27) Information and records provided to the Department of Public Service or the Public Utility Commission by an individual for the purposes of having the Department or Commission assist that individual in resolving a dispute with a utility regulated by the Department or Commission, or by the utility or any other person in connection with the individual's dispute.

* * *

* * * Certificate of Public Good Hearings * * *

Sec. 17. 30 V.S.A. § 248 is amended to read:

§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND FACILITIES; CERTIFICATE OF PUBLIC GOOD

* * *

(4)(A) With respect to a facility located in the State, in response to a request from one or more members of the public or a party, the Public Utility Commission shall hold a ~~nontechnical~~ nonevidentiary public hearing on ~~each~~ a petition for such finding and certificate in at least one county in which any portion of the construction of the facility is proposed to be located. The Commission in its discretion may hold a nonevidentiary public hearing in the absence of any request from a member of the public or a party. From the comments made at ~~the~~ a public hearing, the Commission shall derive areas of inquiry that are relevant to the findings to be made under this section and shall address each such area in its decision. Prior to making findings, if the record does not contain evidence on such an area, the Commission shall direct the parties to provide evidence on the area. This subdivision does not require the Commission to respond to each individual comment.

(B) The Public Utility Commission shall hold ~~technical~~ evidentiary hearings at locations that it selects in any case conducted under this section in which contested issues remain or when any party to a case requests that an evidentiary hearing be held. In the event a case is fully resolved and no party requests a hearing, the Commission may exercise its discretion and determine that an evidentiary hearing is not necessary to protect the interests of the parties or the public, or for the Commission to reach its decision on the matter.

* * *

(i)(1) No company, as defined in sections 201 and 203 of this title, without approval by the Commission, after giving notice of such investment, or filing a copy of that contract, with the Commission and the Department at least 30 days prior to the proposed effective date of that contract or investment:

* * *

(3) The Commission, upon its own motion, or upon the recommendation of the Department, may determine to initiate an investigation. If the Commission does not initiate an investigation within such 30-day period, the contract or investment shall be deemed to be approved. If the Commission determines to initiate an investigation, it shall give notice of that decision to the company proposing the investment or contract, the Department, and such other persons as the Commission determines are appropriate. The Commission shall conclude its investigation within 120 days of issuance of its notice of investigation, or within such shorter period as it deems appropriate. If the Commission fails to issue a decision within that 120-day period, the contract or investment shall be deemed to be approved. The Commission may hold informal, public, or ~~technical~~ evidentiary hearings on the proposed investment or contract.

* * *

* * * Rate Change Hearings * * *

Sec. 18. 30 V.S.A. § 225 is amended to read:

§ 225. RATE SCHEDULES

* * *

(b) Immediately upon receipt of notice of a change in a rate schedule filed by a company, the Department shall investigate the justness and reasonableness of that change. ~~At least 15 days prior to the date on which the change is to become effective~~ Within 30 days of receipt of this notice, the Department shall either report to the Commission the results of its investigations together with its recommendation for acceptance of the change, or it shall notify the

Commission and other parties that it opposes the change. If the Department of Public Service reports its acceptance of the change in rates, the Commission may accept the change, or it may on its own motion conduct an investigation into the justness and reasonableness of the change, or it may order the Department to appear before it to justify its recommendation to accept the change. In no event shall a change go into effect without the approval of the Commission, except when a rate change is suspended and temporary or permanent rates are allowed to go into effect pursuant to subsection 226(a) or 227(a) of this title. The Commission shall consider the Department's recommendation and take action pursuant to sections 226 and 227 of this title ~~before the date on which the changed rate is to become effective~~ within 45 days of receipt of notice of a change in a rate schedule. In the event that the Department opposes the change, the Commission shall hear evidence on the matter and make such orders as justice and law require. In any hearing on a change in rates, whether or not opposed by the Department, the Commission may request the appearance of the Attorney General or appoint a member of the Vermont bar to represent the public or the State.

Sec. 19. 30 V.S.A. § 226 is amended to read:

§ 226. RATES, HEARINGS, BOND

* * *

(c) If the Department does not oppose the change as provided in section 225 of this title, five persons adversely affected by the change, or, if the change adversely affects ~~less~~ fewer than five persons, any one person so affected may apply at their own expense to the Commission by petition alleging why the change is unreasonable and unjust and asking that the Commission investigate the matter and make such orders as justice and law require. The petition shall be filed ~~at least seven days before the date the rates become effective~~ within 38 days of the date of the notice of rate change that was filed pursuant to section 225 of this title. The Commission may suspend the rates as a result of the petition. The Commission may hold a hearing on the petition. Whether or not a hearing is held, the Commission shall make such orders as justice and law require.

Sec. 20. 30 V.S.A. § 227 is amended to read:

§ 227. SUSPENSION, REFUND

(a) If the Commission orders that a change shall not go into effect until final determination of the proceedings, it shall proceed to hear the matter as promptly as possible and shall make its determination within seven months from the date that ~~the change otherwise would have gone into effect~~ it orders

the investigation. If a company files for a change in rate design among classes of ratepayers, and the company has a rate case pending before the Commission, the Commission shall make its determination on the rate design change within seven months after the rate case is decided by the Commission. If the Commission fails to make its determination within the time periods set by this subsection, the changed rate schedules filed by the company shall become effective and final.

* * *

Sec. 21. 30 V.S.A. § 11 is amended to read:

§ 11. PLEADINGS; RULES OF PRACTICE; HEARINGS; FINDINGS OF FACT

(a) The forms, pleadings, and rules of practice and procedure before the Commission shall be prescribed by it. The Commission shall adopt rules ~~which~~ that include, among other things, provisions that:

* * *

(2) A ~~prehearing~~ scheduling conference shall be ordered in every contested rate case. At such conference the Commission may require the State or any person opposing such rate increase to specify what items shown by the filed exhibits are conceded. Further proof of conceded items shall not be required.

* * *

Sec. 22. 30 V.S.A. § 10 is amended to read:

§ 10. SERVICE OF PROCESS; NOTICE OF HEARINGS; TEMPORARY RESTRAINING ORDERS

* * *

(c) A ~~prehearing~~ scheduling or procedural conference may be held upon any reasonable notice.

* * *

Sec. 23. POSITION TITLE CHANGE

Notwithstanding any provision to the contrary, the General Assembly authorizes the conversion of the permanent exempt position of Executive Assistant (#377021) within the Public Utility Commission to the permanent exempt position of "Deputy Clerk."

Sec. 24. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee vote: 6-0-1)

(For House amendments, see House Journal for March 19, 2019, pages 503-511)

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

The Committee recommends that the bill be amended as recommended by the Committee on Finance with the following amendment thereto:

In Sec. 23, position title change, by striking out the section in its entirety and inserting in lieu thereof a new Sec. 23 to read as follows:

Sec. 23. PUBLIC UTILITY COMMISSION; POSITION

Establishment of a new permanent exempt position of one Deputy Clerk within the Public Utility Commission is authorized in fiscal year 2020.

And by renumbering the remaining section to be numerically correct.

(Committee vote: 7-0-0)

H. 275.

An act relating to the Farm-to-Plate Investment Program.

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

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

First: In Sec. 1, 10 V.S.A. § 330, in subdivision (c)(1), by striking out the words “~~agricultural-economie~~” and inserting in lieu thereof: agricultural economie and

Second: By striking out Sec. 2 (repeal; Farm-to-Plate Investment Program) in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. FARM-TO-PLATE INVESTMENT PROGRAM; REPORT

On or before January 1, 2031, the Sustainable Jobs Fund shall report to the Senate Committee on Agriculture and the House Committee on Agriculture and Forestry a recommendation of whether the Farm-to-Plate Investment Program should continue to operate as authorized under 10 V.S.A. § 330 or whether the Program should be repealed. The Sustainable Jobs Fund shall

provide a rationale for its recommendation and any proposed legislative action to implement the recommendation.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 1, 2019, pages 375-378)

H. 511.

An act relating to criminal statutes of limitations.

Reported favorably with recommendation of proposal of amendment by Senator Sears for the Committee on Judiciary.

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. 13 V.S.A. § 44501 is amended to read:

§ 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN CRIMES

(a) Prosecutions for aggravated sexual assault, aggravated sexual assault of a child, sexual assault, human trafficking, aggravated human trafficking, murder, manslaughter, arson causing death, and kidnapping may be commenced at any time after the commission of the offense.

(b) Prosecutions for ~~manslaughter~~, lewd and lascivious conduct, sexual abuse of a vulnerable adult under subsection 1379(a) of this title, maiming, first degree aggravated domestic assault, grand larceny, robbery, burglary, embezzlement, forgery, bribery offenses, false claims, fraud under 33 V.S.A. § 141(d), and felony tax offenses shall be commenced within six years after the commission of the offense, and not after.

(c) Prosecutions for any of the following offenses shall be commenced within 40 years after the commission of the offense, and not after:

(1) lewd and lascivious conduct alleged to have been committed against a child under 18 years of age;

(2) sexual exploitation of a minor as defined in subsection 3258(c) of this title;

(3) lewd or lascivious conduct with a child;

(4) sexual exploitation of children under chapter 64 of this title; ~~and~~

(5) manslaughter alleged to have been committed against a child under 18 years of age; and

(6) sexual abuse of a vulnerable adult under subsection 1379(b) of this title.

(d) Prosecutions for arson shall be commenced within 11 years after the commission of the offense, and not after.

(e) Prosecutions for other felonies and for misdemeanors shall be commenced within three years after the commission of the offense, and not after.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

(No House amendments)

H. 526.

An act relating to town clerk recording fees and town restoration and preservation reserve funds.

Reported favorably with recommendation of proposal of amendment by Senator Pollina for the Committee on Government Operations.

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

First: In Sec. 9, 24 V.S.A. § 1159, subdivision (a)(2), immediately following the words “certificate of the date” by inserting the words and time before the words “of recording”

Second: In Sec. 9, 24 V.S.A. § 1159, subsection (b), immediately following the words “and the date” by inserting the words and time before the words “of recording in a day book”

(Committee vote: 5-0-0)

(No House amendments)

Reported favorably by Senator Campion for the Committee on Finance.

The Committee recommends that the Senate propose to the House to amend the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Government Operations.

(Committee vote: 5-0-2)

NOTICE CALENDAR

Second Reading

Favorable with Proposal of Amendment

H. 13.

An act relating to miscellaneous amendments to alcoholic beverage and tobacco laws.

Reported favorably with recommendation of proposal of amendment by Senator Clarkson for the Committee on Economic Development, Housing and General Affairs.

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

First: In Sec. 3, 7 V.S.A. § 64, after “who intentionally removes or defaces the label attached to a keg shall be” by striking out “imprisoned not more than ~~two years~~ one year or”, and after “fined not more than \$1,000.00” by striking out “, or both”.

Second: By striking out Sec. 15, 7 V.S.A. § 1005, in its entirety and inserting in lieu thereof a new Sec. 15 to read as follows:

Sec. 15. [Deleted.]

Third: By striking out Sec. 45, effective date, and its reader assistance heading in their entirety and inserting in lieu thereof new Secs. 45–47 and their respective reader assistance headings to read as follows:

* * * Tax on Spirits and Fortified Wines * * *

Sec. 45. 7 V.S.A. § 422 is amended to read:

§ 422. TAX ON SPIRITS AND FORTIFIED WINES

(a) A tax of five percent is assessed on the gross revenue from the sale of spirits and fortified wines in the State of Vermont by the Board of Liquor and Lottery or the retail sale of spirits and fortified wines in Vermont by a manufacturer or rectifier of spirits or fortified wines, in accordance with the provisions of this title. ~~The tax shall be at the following rates based on the gross revenue of the retail sales by the seller in the current year:~~

~~(1) if the gross revenue of the seller is \$500,000.00 or lower, the rate of tax is five percent;~~

~~(2) if the gross revenue of the seller is between \$500,000.00 and \$750,000.00, the rate of tax is \$25,000.00 plus 10 percent of the gross revenues over \$500,000.00;~~

~~(3) if the gross revenue of the seller is \$750,000.00 or more, the rate of tax is 25 percent.~~

* * *

* * * Board of Liquor and Lottery; Duties * * *

Sec. 46. 7 V.S.A. § 104 is amended to read:

§ 104. DUTIES; AUTHORITY TO RESOLVE ALLEGED VIOLATIONS

The Board shall supervise and manage the sale of spirits and fortified wines within the State in accordance with the provisions of this title, and through the Commissioner of Liquor and Lottery shall:

* * *

(13) Set and periodically revise the prices for spirits and fortified wines sold in Vermont in a manner that is designed to ensure that the Department generates revenue for the State that is equal to or greater than the revenue generated by the Department during the prior fiscal year.

* * * Effective Date * * *

Sec. 47. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 19, 2019, pages 429-449)

H. 79.

An act relating to eligibility for farm-to-school grant assistance.

Reported favorably with recommendation of proposal of amendment by Senator Hardy 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. § 4721 is amended to read:

§ 4721. LOCAL FOODS GRANT PROGRAM

(a) There is created in the Agency of Agriculture, Food and Markets the Roza McLaughlin Farm-to-School Program to execute, administer, and award local grants for the purpose of helping Vermont schools develop farm-to-school programs that will sustain relationships with local farmers and

producers, enrich the educational experience of students, improve the health of Vermont children, and enhance Vermont's agricultural economy.

(b) A school, a school district, a consortium of schools, a consortium of school districts, ~~or a registered or licensed child care providers~~ provider, or an organization administering or assisting the development of farm-to-school programs may apply to the Secretary of Agriculture, Food and Markets for a grant award to:

(1) fund equipment, resources, training, and materials that will help to increase use of local foods in child nutrition programs;

(2) fund items, including local food products, gardening supplies, field trips to farms, gleanings on farms, and stipends to visiting farmers, that will help educators to use hands-on educational techniques to teach children about nutrition and farm-to-school connections;

(3) fund professional development and technical assistance, in partnership with the Agency of Education and farm-to-school technical service providers, to help teachers, child nutrition personnel, organizations administering or assisting the development of farm-to-school programs, and members of the farm-to-school community educate students about nutrition and farm-to-school connections and assist schools and licensed or registered child care providers in developing a farm-to-school program; and

(4) fund technical assistance or support strategies to increase participation in federal child nutrition programs that increase the viability of sustainable meal programs.

(c) The Secretaries of Agriculture, Food and Markets and of Education and the Commissioner of Health, in consultation with farmers, child nutrition staff, educators, organizations administering or assisting the development of farm-to-school programs, and farm-to-school technical service providers jointly shall adopt procedures relating to the content of the grant application and the criteria for making awards.

(d) The Secretary shall determine that there is significant interest in the school community before making an award and shall give priority consideration to schools, school districts, and registered or licensed child care providers that are developing farm-to-school connections and education, that indicate a willingness to make changes to their child nutrition programs to increase student access and participation, and that are making progress toward the implementation of the Vermont School Wellness Policy Guidelines developed by the Agency of Agriculture, Food and Markets, the Agency of

Education, and the Department of Health, updated in June 2015 or of the successor of these guidelines.

(e) No award shall be greater than ~~\$15,000.00~~ 20 percent of the total annual amount available for granting except that a grant award to the following entities may, at the discretion of the Secretary of Agriculture, Food and Markets, exceed the cap:

(1) Farm-to-School service providers; or

(2) school districts or consortiums of school districts that completed merger under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46 on or before July 1, 2019, provided that the grant is used for the purpose of expanding Farm-to-School projects to additional schools within the new school district.

Sec. 2. 6 V.S.A. § 4722 is amended to read:

§ 4722. FARM ASSISTANCE; SECRETARY OF AGRICULTURE, FOOD AND MARKETS

(a) The Secretary of Agriculture, Food and Markets shall work with existing programs and organizations to develop and implement educational opportunities for farmers to help them increase their markets through selling their products to schools, registered or licensed child care providers, and State government agencies that operate or participate in child nutrition programs.

(b) The Secretary of Agriculture, Food and Markets shall work with distributors that sell products to schools, registered or licensed child care providers, and State government agencies to increase the availability of local products. The Secretary of Agriculture, Food and Markets shall consult and cooperate with the Secretary of Education when working with distributors to schools under this subsection.

Sec. 3. 6 V.S.A. § 4724(b) is amended to read:

(b) The duties of the Food Systems Administrator shall include:

(1) working with institutions, schools, the Agency of Education, registered or licensed child care providers, distributors, producers, commercial markets, and others to create matchmaking opportunities that increase the number of Vermont institutions that purchase foods grown or produced in Vermont;

* * *

Sec. 4. 16 V.S.A. § 1264 is amended to read:

§ 1264. FOOD PROGRAM

(a)(1) Each school board operating a public school shall cause to operate within the school district a food program that makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending student every school day.

(2) Each school board operating a public school shall offer a summer snack or meals program funded by the Summer Food Service program or the National School Lunch Program for participants in a summer educational or recreational program or camp if:

(A) at least 50 percent of the students in a school in the district were eligible for free or reduced-price meals under subdivision (1) of this subsection for at least one month in the preceding academic year;

(B) the district operates or funds the summer educational or recreational program or camp; and

(C) the summer educational or recreational program or camp is offered 15 or more hours per week.

(b) In the event of an emergency, the school board may apply to the Secretary for a temporary waiver of the requirements in subsection (a) of this section. The Secretary shall grant the requested waiver if he or she finds that it is unduly difficult for the school district to provide a school lunch, breakfast, or summer meals program, or any combination of the three, and if he or she finds that the school district and supervisory union have exercised due diligence to avoid the emergency situation that gives rise to the need for the requested waiver. In no event shall the waiver extend for a period to exceed 20 school days or, in the case of a summer meals program, the remainder of the summer vacation.

(c) The State shall be responsible for the student share of the cost of breakfasts provided to all students eligible for a reduced-price breakfast under the federal school breakfast program and for the student share of the cost of lunches provided to all students eligible for a reduced-price lunch under the federal school lunch program.

(d) It is a goal of the State that by the year 2022 school boards operating a school lunch, breakfast, or summer meals program shall purchase at least 20 percent of all food for those programs from local producers.

(e)(1) On or before December 31, 2020, and annually thereafter, a school board operating a school lunch, breakfast, or summer meals program shall submit to the Agency of Education an estimate of the percentage of foods that were produced locally that are purchased for those programs and a summary of how the school board defined food purchased locally for the purposes of these purchases.

(2) On or before January 31, 2021, and annually thereafter, the Agency of Education shall submit to the Senate Committees on Agriculture and on Education and the House Committees on Agriculture and Forestry and on Education in an aggregated form the information received from school boards regarding the percentage of foods produced within the State that are purchased as part of a school lunch, breakfast, or summer meals program. The provisions of 2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the report required by this subdivision.

Sec. 5. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

(a) When the cost exceeds \$15,000.00. A school board or supervisory union board shall publicly advertise or invite three or more bids from persons deemed capable of providing items or services if costs are in excess of \$15,000.00 for any of the following:

- (1) the construction, purchase, lease, or improvement of any school building;
- (2) the purchase or lease of any item or items required for supply, equipment, maintenance, repair, or transportation of students; or
- (3) a contract for transportation, maintenance, or repair services.

* * *

(c) Contract award.

(1) A contract for any such item or service to be obtained pursuant to subsection (a) of this section shall be awarded to one of the three lowest responsible bids conforming to specifications, with consideration being given to quantities involved, time required for delivery, purpose for which required, competency and responsibility of bidder, and his or her ability to render satisfactory service. A board shall have the right to reject any or all bids.

* * *

(e) Application of this section. Any contract entered into or purchase made in violation of the provisions of this section shall be void; provided, however, that:

* * *

(4) Nothing in this section shall be construed to prohibit a school board from awarding a school nutrition contract after using any method of bidding or requests for proposals permitted under federal law for award of the contract. Notwithstanding the monetary amount in subsection (a) of this section for which a school board is required to advertise publicly or invite three or more bids or requests for proposal, a school board is required to publicly advertise or invite three or more bids or requests for proposal for purchases made from the nonprofit school food service account for purchases in excess of the federal simplified acquisition threshold when purchasing food or in excess of \$25,000.00 when purchasing nonfood items, unless a municipality sets a lower threshold for purchases from the nonprofit school food service account.

* * *

Sec. 6. NATIONAL SCHOOL LUNCH PROGRAM; FREE AND REDUCED LUNCH; INCREASED QUALIFIED PARTICIPANTS

(a) It is the goal of the General Assembly that the State attempt to identify as many families as possible in the State who are qualified to receive free and reduced lunches under the National School Lunch Program.

(b)(1) The Department of Taxes shall consult with the Agency of Education and the Department for Children and Families regarding whether existing tax data in the possession of the Department, including earned income tax credit data, can be used to:

(A) maximize enrollment in State and federal assistance programs;
and

(B) increase enrollment in State and federal assistance programs that may be used to directly certify families in the State as qualified to receive free and reduced lunches under the National School Lunch Program.

(2) If the Department of Taxes determines that tax data may be used to directly certify families as qualified to receive free and reduced lunches, the Agency of Education shall apply to the U.S. Department of Agriculture for a waiver to use the relevant tax data to directly certify qualified families in the State.

(3) On or before January 15, 2020, the Department of Taxes shall submit to the Senate Committees on Agriculture and on Education and the

House Committees on Agriculture and Forestry and on Education a report regarding the status of State efforts under subdivision (1) of this subsection to directly certify families as qualified to receive free and reduced lunches.

Sec. 7. APPROPRIATIONS; SCHOOL NUTRITION PROGRAMS

In addition to any other funds appropriated to the Agency of Education in fiscal year 2020, there is appropriated from the General Fund to the Agency of Education:

(1) \$45,000.00 for the purpose of increasing the State match payment to schools participating in the National School Lunch Program;

(2) \$15,000.00 for the purpose of increasing the State match payment to schools participating in the National School Breakfast Program; and

(3) \$15,000.00 for the purpose of increasing the State match payments to schools participating in the National Summer Food Service Program.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 20, 2019, page 205)

H. 529.

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

Reported favorably with recommendation of proposal of amendment by Senator Mazza for the Committee on Transportation.

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:

* * * Transportation Program Adopted as Amended; Definitions * * *

Sec. 1. TRANSPORTATION PROGRAM ADOPTED AS AMENDED;
DEFINITIONS

(a) The Agency of Transportation's proposed fiscal year 2020 Transportation Program appended to the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019), as amended by this act, is adopted to the extent federal, State, and local funds are available.

(b) As used in this act, unless otherwise indicated:

(1) “Agency” means the Agency of Transportation.

(2) “Electric vehicle supply equipment” has the same meaning as in 30 V.S.A. § 201 as amended by Sec. 30 of this act.

(3) “Plug-in electric vehicle” has the same meaning as in 23 V.S.A. § 4(85) as added by Sec. 29 of this act and is abbreviated “PEV.”

(4) “Secretary” means the Secretary of Transportation.

(5) The table heading “As Proposed” means the Transportation Program referenced in subsection (a) of this section; the table heading “As Amended” means the amendments as made by this act; the table heading “Change” means the difference obtained by subtracting the “As Proposed” figure from the “As Amended” figure; and the terms “change” or “changes” in the text refer to the project- and program-specific amendments, the aggregate sum of which equals the net “Change” in the applicable table heading.

(6) “TIB funds” means monies deposited into the Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

(c) In the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Public Transit, the abbreviation “FAA” is struck and “FTA” is inserted in lieu thereof.

* * * Summary of Transportation Investments * * *

Sec. 2. FISCAL YEAR 2020 TRANSPORTATION INVESTMENTS
INTENDED TO REDUCE TRANSPORTATION-RELATED
GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL
USE, AND SAVE VERMONT HOUSEHOLDS MONEY

This act includes the State’s fiscal year 2020 transportation investments intended to reduce transportation-related greenhouse gas emissions, reduce fossil fuel use, and save Vermont households money in furtherance of the policies articulated in 19 V.S.A. § 10b and the goals of the Comprehensive Energy Plan, and to satisfy the Executive and Legislative Branches’ commitments to the Paris Agreement climate goals. In fiscal year 2020, these efforts will include the following:

(1) Park and Ride Program. This act provides for a fiscal year expenditure of \$2,651,588.00, which will fund four park and ride construction projects—creating 277 new spaces across the State—and the design of five additional facilities—totaling 277 additional spaces—scheduled for construction in fiscal year 2021. Once completed, these 554 new park and ride spaces will increase the number of State-owned parking spaces by 34 percent.

Specific additions and improvements include:

- (A) Williston - Construction of 142 spaces;
- (B) Saint Johnsbury - Construction of 44 spaces;
- (C) Royalton - Construction of 91 spaces;
- (D) Cambridge - Improvements to existing spaces;
- (E) Thetford - Design for 40 spaces;
- (F) Berlin (Exit 6) - Design for 62 spaces;
- (G) Berlin (Exit 7) - Design for 75 spaces;
- (H) Manchester - Design for 50 spaces; and
- (I) Williamstown - Design for 50 spaces.

(2) Bike and Pedestrian Facilities Program. This act provides for a fiscal year expenditure of \$14,737,044.00, which will fund 34 bike and pedestrian construction projects, and 20 bike and pedestrian design or right-of-way projects, or both, for construction in fiscal year 2021. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared use paths, bike paths, and cycling lanes. Projects are funded in Albany, Arlington, Bennington, Burlington, Castleton, Chester, Colchester, Dover, East Montpelier, Enosburg Falls, Essex, Fair Haven, Fairfield, Franklin, Hardwick, Hartford, Hinesburg, Jericho, Lake Champlain causeway, Manchester, Middlebury, Milton, Montpelier-Berlin, Moretown, Norwich, Pittsford, Plainfield, Pownal, Richford, Royalton, Rutland City, South Burlington, Springfield, Stowe, Sheldon, Swanton, Thetford, Underhill, Waitsfield, Waterbury, West Rutland, Williston, and Winooski.

(3) Transportation Alternatives Program. This act provides for a fiscal year expenditure of \$4,085,772.00, which will fund 21 transportation alternatives construction projects and 14 design or right-of-way projects, or both. Of these 35 projects, 12 involve environmental mitigation related to clean water or stormwater concerns, or both, and the remaining 23 involve bicycle and pedestrian facilities. Projects are funded in Bennington, Brandon, Burlington, Castleton, Chester, Colchester, East Montpelier, Enosburg, Essex, Essex Junction, Hartford, Hyde Park, Jericho, Montpelier, Newfane, Pomfret, Putney, Rutland City, Shelburne, South Burlington, Springfield, St. Albans, St. Johnsbury, Thetford, Williston, Wilmington, and Winooski.

(4) Public Transit Program. This act authorizes \$36,824,399.00 in funding for public transit uses throughout the State, which is a 17.2 percent increase over fiscal year 2019 levels. This authorization includes

\$1,884,000.00 for two large all-electric transit buses for the Burlington area, \$480,000.00 for two all-electric small shuttle buses for the Montpelier area, and \$3,000,000.00 from the Federal Transit Authority that flows through the State directly to the Green Mountain Transportation Authority. Also included in the authorization are:

(A) Go! Vermont at \$858,434.00, which supports the promotion and use of carpools and vanpools.

(B) Barre Transit Expansion at \$275,000.00, which increases service available through Barre Transit.

(C) Capital Commuters at \$100,000.00, which provides discounted bus passes to those commuting to work in Montpelier.

(D) Vermont Kidney Association Grant at \$50,000.00, which supports the transit needs of Vermonters in need of dialysis services.

(5) Rail Program. This act authorizes \$35,983,865.00 for passenger and freight rail uses throughout the State, which is an 11 percent increase over fiscal year 2019 levels. This authorization includes \$5,200,000.00 for infrastructure upgrades to bring passenger rail service to Burlington from Rutland and \$8,300,000.00 to support Amtrak service. Since one freight rail car holds the equivalent of four tractor trailer trucks, increased usage of freight rail lines will reduce carbon emissions and minimize wear and tear on the State's highway network.

(6) Multi-Modal Facilities Program. This act authorizes \$1,250,000.00 to complete the \$7,750,000.00 multi-modal transit center, bike path, and pedestrian facility in Montpelier.

(7) Transformation of the State Vehicle Fleet. The State Vehicle Fleet, which is under the management of the Department of Buildings and General Services, contains 734 vehicles. Presently, 54 of those vehicles are hybrid or plug-in electric vehicles. Secs. 40, 41, and 42 of this act will requires that not less than 50 percent of vehicles purchased or leased by the Department of Buildings and General Services on or after July 1, 2019 be hybrid or plug-in electric vehicles, and not less than 75 percent beginning July 1, 2021.

(8) Vehicle incentive and emissions repair programs. Sec. 34 of this act authorizes \$1,500,000.00 to support two programs.

(A) Plug-in electric vehicle incentive program. This program will offer financial incentives to income-eligible Vermont households purchasing or leasing new plug-in electric vehicles. As more fully described in Sec. 34 of this act, the Agency of Transportation will administer this program, which will be offered on a first-come first-served basis until the funds are exhausted.

(B) High fuel efficiency vehicle incentive and emissions repair program. This program will offer financial incentives to income-eligible Vermont households to replace older, fuel inefficient vehicles with used high fuel efficiency vehicles, including hybrid vehicles, and emissions repair vouchers for certain vehicles that failed the on board diagnostic (OBD) systems inspection but could, with less than \$2,500.00 in emissions repair work, pass the OBD systems inspection. As more fully described in Sec. 34 of this act, the Agency of Transportation will administer this program, which will target incentives to households that are served by the State's network of community action agencies. These households, for whom the purchase of new plug-in electric vehicles is financially out of reach, will benefit financially by switching to far more efficient vehicles as envisioned by this program or having emissions repair work done to their existing vehicle.

(9) Report on methods to increase public transit ridership. This act, through the spending authorization for the Policy and Planning Program, includes funding for and direction to the Agency of Transportation to conduct a comprehensive study of strategies to increase public transit ridership, with an emphasis on rural areas.

(10) Report on time-of-acquisition feebates. This act, through the spending authorization for the Policy and Planning Program, includes funding for and directs the Agency of Transportation to conduct a study on time-of-acquisition feebates and make a recommendation on whether Vermont should establish a time-of-acquisition feebate program on the purchase and lease, if applicable, of new vehicles. Such a program would establish one or more levels of fuel efficiency based on miles per gallon or miles per gallon equivalent and provide an immediate cash incentive for vehicles that exceed that level, or levels, or assess a financial fee on vehicles that perform less than the established level, or levels.

(11) Report on weight-based annual registration fees. This act, through the spending authorization for the Policy and Planning Program, includes funding for and directs the Agency of Transportation to conduct a study on whether Vermont should establish an annual vehicle registration fee schedule based upon the weight of the vehicle. As gas sales decline, revenues to support transportation infrastructure will continue to decline if not replaced with another source reflecting impact on roads, the environment, and State policies.

(12) Plug-in electric vehicle charging regulatory report. This act lays the groundwork for a regulatory structure in support of transportation electrification. The policies in this act, combined with impending action at the Public Utility Commission, will provide predictability for plug-in electric

vehicle owners and the sustainability of Vermont's transportation infrastructure.

(13) Electrification of the State's motor vehicle fleet. This act, in concert with the Big Bill, appropriates \$512,000.00 to electrify the State's motor vehicle pool. The expenditures support the purchase of 12 fully electric vehicles and electric vehicle supply equipment at the following State facilities:

(A) 134 State St., Montpelier;

(B) Rutland;

(C) Springfield; and

(D) Barre.

(14) Transportation and Climate Initiative (TCI). This act, through the spending authorization for the Policy and Planning Program, supports staff work in collaboration with the Agency of Natural Resources to negotiate the Transportation and Climate Initiative agreement with other participating jurisdictions. TCI jurisdictions are negotiating a regional low-carbon transportation policy proposal that would cap and reduce carbon emissions from the combustion of transportation fuels through a cap-and-invest program or other pricing mechanism and allow each TCI jurisdiction to invest proceeds from the program into low-carbon and more resilient transportation infrastructure.

* * * Amendments to Transportation Program – Program Development * * *

Sec. 3. FISCAL YEAR SPENDING AUTHORITY; PROGRAM DEVELOPMENT

If the Agency's fiscal year 2019 maintenance of effort requirement is attained and toll credits are approved by the Federal Highway Administration in fiscal year 2020, then spending authority in Program Development in the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is amended as follows:

(1) transportation funds is reduced by the amount of toll credits approved, but not to exceed \$845,416.64; and

(2) federal funds is increased by the amount of toll credits approved, but not to exceed \$845,416.64.

Sec. 4. PROGRAM DEVELOPMENT; ROADWAY

(a) Within the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Program Development—Roadway authorized spending for Burlington MEGC M 5001

(1) is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	500,000	500,000	0
Construction	10,500,000	5,500,000	-5,000,000
Total	11,000,000	6,000,000	-5,000,000
<u>Sources of funds</u>			
TIB	330,000	180,000	-150,000
Federal	10,450,000	5,700,000	-4,750,000
Local	220,000	120,000	-100,000
Total	11,000,000	6,000,000	-5,000,000

(b) Within the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Program Development—Roadway authorized spending for Waterbury FEGC F 013-4(13) is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	10,000,000	10,000,000	0
Total	10,000,000	10,000,000	0
<u>Sources of funds</u>			
TIB	0	150,000	150,000
State	300,000	150,000	-150,000
Federal	9,500,000	9,500,000	0
Local	200,000	200,000	0
Total	10,000,000	10,000,000	0

Sec. 5. PROGRAM DEVELOPMENT; TRAFFIC & SAFETY

Within the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Program Development—Traffic & Safety authorized spending for Shelburne – South Burlington – NHG SGNL(51) is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	10,000	75,000	65,000
Construction	0	50,000	50,000
Total	10,000	125,000	115,000
<u>Sources of funds</u>			
Federal	10,000	125,000	115,000
Total	10,000	125,000	115,000

* * * Amendment to Transportation Program –
Municipal Mitigation Assistance Program * * *

Sec. 6. SPENDING AUTHORITY IN THE MUNICIPAL MITIGATION ASSISTANCE PROGRAM

(a) Spending authority for grants in the Municipal Mitigation Assistance Program in the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is increased by \$135,000.00 in transportation funds.

(b) If the Agency’s fiscal year 2019 maintenance of effort requirement is attained and toll credits are approved by the Federal Highway Administration in fiscal year 2020, then spending authority for grants in the Municipal Mitigation Assistance Program in the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is further increased by the amount of toll credits approved, but not to exceed \$845,416.64.

* * * Amendment to Transportation Program –
Public Transit (Opioid Treatment Pilot) * * *

Sec. 7. OPIOID TREATMENT PILOT

Within the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Public Transit authorized spending for Opioid Treatment Pilot is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	200,000	0	-200,000
Total	200,000	0	-200,000
<u>Sources of funds</u>			
State	200,000	0	-200,000
Total	200,000	0	-200,000

* * * Amendment to Transportation Program – Aviation * * *

Sec. 8. CLARENDON SRE BUILDING

Within the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Aviation authorized spending for Clarendon SRE Building is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	105,000	105,000	0
Construction	553,472	453,472	-100,000
Total	658,472	558,472	-100,000
<u>Sources of funds</u>			
State	658,472	558,472	-100,000
Total	658,472	558,472	-100,000

* * * Voluntary Cancellation of Municipal Projects * * *

Sec. 9. 19 V.S.A. § 10g(h) is amended to read:

(h) Should capital projects in the Transportation Program be delayed because of unanticipated problems with permitting, right-of-way acquisition, construction, local concern, or availability of federal or State funds, the Secretary is authorized to advance projects in the approved Transportation Program. The Secretary is further authorized to undertake projects to resolve emergency or safety issues. Upon authorizing a project to resolve an emergency or safety issue, the Secretary shall give prompt notice of the decision and action taken to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session, and when the General Assembly is not in session, to the Joint Transportation Oversight Committee, the Joint Fiscal Office, and the Joint Fiscal Committee. Should an approved project in the current Transportation Program require additional funding to maintain the approved schedule, the Agency is authorized to allocate the necessary resources. However, the Secretary shall not delay or suspend work on approved projects to reallocate funding for other projects except when other funding options are not available. In such case, the Secretary shall notify ~~the members of the Joint Transportation Oversight Committee,~~ and the Joint Fiscal Office, and the Joint Fiscal Committee when the General Assembly is not in session and the House and Senate Committees on Transportation and the Joint Fiscal Office when the General Assembly is in session. With respect to projects in the approved Transportation Program, the Secretary shall notify, in the district affected, the

regional planning commission, the municipality, Legislators, ~~members~~ of the Senate and House Committees on Transportation, and the Joint Fiscal Office of any change ~~which~~ that likely will affect the fiscal year in which the project is planned to go to construction. No project shall be canceled without the approval of the General Assembly, except that the Agency may cancel a municipal project when requested by the municipality or when the Agency and the municipality concur that the project no longer is necessary.

* * * Project Additions * * *

Sec. 10. ADDITION OF COLCHESTER – BAYSIDE INTERSECTION PROJECT

The following project is added to the candidate list of Program Development—Traffic & Safety Program within the Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019): Colchester – Bayside Intersection Roundabout and Stormwater Improvements.

Sec. 11. ADDITION OF SHELBURNE – SOUTH BURLINGTON PROJECT AND SPENDING AUTHORITY

(a) The following project is added to the candidate list of the Program Development—Traffic & Safety Program within the fiscal year 2020 Transportation Program (Revised February 21, 2019): Shelburne – South Burlington – Automated Traffic Signal Performance Measures.

(b) Spending authority for the Shelburne – South Burlington – Automated Traffic Signal Performance Measures project is authorized as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	15,000	15,000
Construction	0	50,000	50,000
Total	0	65,000	65,000
<u>Sources of funds</u>			
State	0	13,000	13,000
Federal	0	52,000	52,000
Total	0	65,000	65,000

* * * BUILD Grant Acceptance * * *

Sec. 12. BETTER UTILIZING INVESTMENTS TO LEVERAGE DEVELOPMENT (BUILD) GRANT (RAIL)

Notwithstanding 32 V.S.A. § 5 (acceptance of grants) and 19 V.S.A. § 7(k)

(Secretary; powers and duties), the Agency of Transportation is authorized to accept the Better Utilizing Investments to Leverage Development (BUILD) grant awarded in federal fiscal year 2019 for the Vermont Regional Freight Rail Corridor Upgrade Project in the amount of \$20,000,000.00.

* * * CRISI Grant Acceptance and Project Addition * * *

Sec. 13. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS (CRISI) GRANT (RAIL)

(a) Notwithstanding 32 V.S.A. § 5 (acceptance of grants) and 19 V.S.A. § 7(k) (Secretary; powers and duties), the Agency of Transportation is authorized to accept the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant in the amount of \$2,082,519.00 for the following project, which is added to the fiscal year 2020 Transportation Program: Windsor – St. Albans CRISI (17) Vermonter Amtrak Safety Project.

(b) Spending authority for the Windsor – St. Albans CRISI (17) Vermonter Amtrak Safety Project is authorized as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	2,082,519	2,082,519
Total	0	2,082,519	2,082,519
<u>Sources of funds</u>			
Federal	0	2,082,519	2,082,519
Total	0	2,082,519	2,082,519

* * * Central Garage * * *

Sec. 14. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2020, the amount of \$355,358.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

Sec. 15. CENTRAL GARAGE EQUIPMENT

Authorized spending in fiscal year 2020 for operating expenses in the Central Garage is reduced by \$39,904.00 in internal service funds.

Sec. 16. 19 V.S.A. § 13(c)(1) is amended to read:

(c)(1) For the purpose specified in subsection (b) of this section, the following amount shall be transferred from the Transportation Fund to the Central Garage Fund:

(A) in fiscal year 2019 ~~2021~~, \$1,318,442.00 \$1,355,358.00; and

(B) in subsequent fiscal years, at a minimum, the amount specified in subdivision (A) of this subdivision (1) as adjusted annually by increasing the previous fiscal year's amount by the percentage increase in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) during the ~~previous~~ two most recently closed State fiscal year years.

* * * State Aid for Town Highways * * *

Sec. 17. 19 V.S.A. § 306(a) is amended to read:

§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

(a) General State aid to town highways.

(1) An annual appropriation to class 1, 2, and 3 town highways shall be made. This appropriation shall increase over the previous fiscal year's appropriation by the same percentage as the following, whichever is less:

(A) the year-over-year increase in the two most recently closed fiscal years in the Agency's total appropriations ~~in the previous fiscal year~~ funded by Transportation Fund revenues, excluding ~~the appropriation~~ appropriations for town highways under this subsection (a) ~~for that year~~; or

(B) the percentage increase in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) during the ~~previous State fiscal year~~ same period in subdivision (1)(A) of this subsection.

(2) If the year-over-year change in appropriations specified in either subdivision (1)(A) or (B) of this subsection is negative, then the appropriation to town highways under this subsection shall be equal to the previous fiscal year's appropriation.

(3) The funds appropriated shall be distributed to towns as follows:

(A) Six percent of the State's annual town highway appropriation shall be apportioned to class 1 town highways. The apportionment for each town shall be that town's percentage of class 1 town highways of the total class 1 town highway mileage in the State.

(B) Forty-four percent of the State's annual town highway appropriation shall be apportioned to class 2 town highways. The apportionment for each town shall be that town's percentage of class 2 town highways of the total class 2 town highway mileage in the State.

(C) Fifty percent of the State's annual town highway appropriation shall be apportioned to class 3 town highways. The apportionment for each town shall be that town's percentage of class 3 town highways of the total class 3 town highway mileage in the State.

(D) Monies apportioned under subdivisions (1), (2), and (3) of this subsection shall be distributed to each town in quarterly payments beginning July 15 in each year.

(E) Each town shall use the monies apportioned to it solely for town highway construction, improvement, and maintenance purposes or as the nonfederal share for public transit assistance. These funds may also be used for the establishment and maintenance of bicycle routes and sidewalks. The members of the selectboard shall be personally liable to the State, in a civil action brought by the Attorney General, for making any unauthorized expenditures from money apportioned to the town under this section.

* * * Public Transit Funding * * *

Sec. 18. 24 V.S.A. § 5083 is amended to read:

§ 5083. DECLARATION OF POLICY

(a) It shall be the State's policy to make maximum use of available federal funds for the support of public transportation. State operating support funds shall be included in Agency operating budgets to the extent that funds are available. State policy shall support the maintenance of existing public transit services and creation of new services including, ~~in order of precedence,~~ the following goals:

(1) Provision for basic mobility for transit-dependent persons, as defined in the current public transit policy plan of ~~January 15, 2000~~, including meeting the performance standards for urban, suburban, and rural areas. The density of a service area's population is an important factor in determining whether the service offered is fixed route, demand-response, or volunteer drivers.

(2) Expanding public transit service in rural areas and increasing ridership statewide.

(3) Access to employment, including creation of demand-response service.

~~(3)~~(4) Congestion mitigation to preserve air quality, decrease greenhouse gas emissions, and ~~the sustainability of~~ sustain the highway network.

~~(4)~~(5) Advancement of economic development objectives, including services for workers and visitors that support the travel and tourism industry. Applicants for "new starts" in this service sector shall demonstrate a high level of locally derived income for operating costs from fare-box recovery, contract income, or other income.

(b) The Agency of Transportation shall evaluate proposals for new public transit service submitted by providers in response to a notice of funding availability, by examining feasibility studies submitted by providers. The feasibility studies shall address criteria set forth in the most recent public transit policy plan.

(c) The Agency, in cooperation with the Public Transit Advisory Council, shall adopt appropriate performance and service standards for transit systems receiving federal or State assistance. The Agency of Transportation shall provide guidance, training, funding, and technical assistance to transit systems in order to meet the performance and service standards established.

(d) The Agency of Transportation shall provide written guidance, funding, and technical assistance in the preparation of financial and management plans for public transit systems for each fiscal year. To provide a foundation for financial stability and reliability in the provision of transportation services to the public, the Agency of Transportation shall, in cooperation with the Public Transit Advisory Council, establish both short and long-range fiscal, operating, and capital investment plans to support the goals outlined in this section and regional transportation development plan proposals and regional plans as required by section 5089 of this title.

Sec. 19. 24 V.S.A. § 5091(i) is amended to read:

(i) To implement The Agency of Transportation shall distribute State and federal funds to public transit systems through an annual competitive program that implements the public transportation policy goals set forth in section 5083 of this title and 19 V.S.A. § 10f, ~~the Agency of Transportation shall use the following formula for distribution of operating funds to public transit systems:~~

~~(1)(A) 10 percent based on the percentage of the State's population of elders (persons age 60 and above) in each of the designated transit service areas;~~

~~(B) 10 percent based on the percentage of the State's youth population (persons ages 12 through 17) in each of the designated transit service areas;~~

~~(C) 10 percent based on the percentage of the State's population of people who have limited physical mobility in each of the designated transit service areas;~~

~~(D) 10 percent based on the percentage of the State's population of people who are in poverty in each of the designated transit service areas;~~

~~(E) 10 percent based on the percentage of the State's households lacking access to an automobile in each of the designated transit service areas.~~

[Repealed]

~~(2) 20 percent of operating funds shall be based on need for employment transportation, as measured by the percentage of the State's employed persons residing in each of the designated transit service areas, using data developed by the Vermont Department of Labor. [Repealed.]~~

~~(3) 15 percent of operating funds shall be based on the need for congestion mitigation and air quality, as measured by the percentage of the State's overall population living in high density areas in each of the designated transit service areas, using data from the U.S. Bureau of the Census. [Repealed.]~~

~~(4) 15 percent of the operating funds shall be based on need for economic development transportation, as measured by the percentage of the State's jobs in each of the designated transit service areas, using data developed annually by the Vermont Department of Labor. [Repealed.]~~

* * * Public Transit Study * * *

Sec. 20. STUDY OF METHODS TO INCREASE PUBLIC TRANSIT RIDERSHIP IN VERMONT

(a) The Agency of Transportation shall, in consultation with stakeholders, study methods to increase use of public transit in Vermont for both residents and visitors. This study shall review the Agency's current initiatives and those in other territories, states, and countries; review literature, marketing, and activities regarding methods to increase ridership with special emphasis on rural areas; determine unmet needs from current studies; examine the benefit of providing local connectivity to transit; and evaluate what factors affect public transit ridership in Vermont.

(c) The Agency shall deliver a written report of its findings and any recommendations, including where and how to make the most effective improvements in service and criteria to use to determine the priorities of investments, to the House and Senate Committees on Transportation on or before January 15, 2020.

(d) The Agency shall evaluate recommendations for potential inclusion in its fiscal year 2021 budget proposal and estimated funding necessary to achieve the recommendations for any new initiatives identified in the study.

* * * State Highway Condemnation and Acquisition * * *

Sec. 21. 19 V.S.A. § 503(d) is amended to read:

(d) Notice and other documents. The Agency shall hand-deliver or send by mail to ~~interested persons~~ owners of property to be acquired a notice of

procedures and rights and the offer of just compensation. The notice of procedures and rights shall include an explanation of the proposed State highway project and its purpose, and statements that:

* * *

Sec. 22. 19 V.S.A. § 504(a) is amended to read:

(a) Verified complaint. If a property owner has not entered into an agreement stipulating to the necessity of a taking and the public purpose of a highway project, and the Agency wishes to proceed with the taking, the Agency shall file a verified complaint in the Civil Division of the Superior Court in a county where the project is located seeking a judgment of condemnation. The complaint shall name as defendants each ~~interested person~~ property owner who has not stipulated to a proposed taking, and shall include:

(1) ~~statements~~ Statements that the Agency has complied with subsection 503(d) of this chapter; ;

(2) ~~the~~ The Agency's written determination of necessity; ;

(3) ~~a~~ A general description of the negotiations undertaken; ~~and~~ ;

(4) ~~a~~ A survey of the proposed project, and legal descriptions of the property and of the interests therein proposed to be taken. As used in this subdivision, "survey" means a plan, profile, or cross section of the proposed project. The survey and legal descriptions served upon the property owner only need to include the particular property or properties at issue.

Sec. 23. 19 V.S.A. § 502(a) is amended to read:

(a) Authority. The Agency, when in its judgment the ~~interest~~ interests of the State ~~requires~~ require, may take any property necessary to lay out, relocate, alter, construct, reconstruct, maintain, repair, widen, grade, or improve any State highway, including affected portions of town highways. In furtherance of these purposes, the Agency may enter upon lands to conduct necessary examinations and surveys; however, the Agency shall do this work with minimum damage to the land and disturbance to the owners and shall be subject to liability for actual damages. All property taken permanently shall be taken in fee simple whenever practicable. The Agency's acquisition of property pursuant to this chapter, whether by condemnation or conveyance in lieu of condemnation, shall not require subdivision approval under any law, regulation, or municipal ordinance. For all State highway projects involving property acquisitions, the Agency shall follow the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act (~~"Act"~~) (Act) and its implementing regulations, as may be amended.

* * * Public-Private Partnership (P3) Definition * * *

Sec. 24. 19 V.S.A. § 2612(4) is amended to read:

(4) “Public-private partnership” or “P3” means an alternative project delivery mechanism that may be used by the Agency to permit private sector participation in a project, including in its financing, development, operation, management, ownership, leasing, or maintenance. As used in this subchapter, “partnership” shall refer solely to a “public-private partnership” and “partner” shall refer to the State or to the private entity participant or participants in a public-private partnership.

* * * Highway Work; Minimum Wages * * *

Sec. 25. 19 V.S.A. § 18 is amended to read:

§ 18. WAGES

In making up specifications and advertising for bids on highway work, the ~~board~~ Agency shall fix, subject to local conditions, the minimum wage per hour for various classes of labor and the minimum to be paid per hour or per cubic yard for trucks ~~which~~ that the contractor shall be bound to pay.

* * * Junior Operator Use of Portable Electronic Devices * * *

Sec. 26. 23 V.S.A. § 1095a(d) is added to read:

(d) A person who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a civil penalty of not less than \$100.00 and not more than \$200.00 for a first violation, and of not less than \$250.00 and not more than \$500.00 for a second or subsequent violation within any two-year period.

* * * School Bus Driver Blood Alcohol Content Limitation * * *

Sec. 27. 23 V.S.A. § 1201(a) is amended to read:

(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway:

(1) when the person’s alcohol concentration is 0.08 or more, or 0.02 or more if the person is operating a school bus ~~as defined in subdivision 4(34) of this title~~ vehicle when the operation requires an operator’s license with a school bus endorsement; or

* * *

* * * Evidentiary Blood Sample * * *

Sec. 28. 23 V.S.A. § 1203(b) is amended to read:

(b) Only a physician, licensed nurse, medical technician, physician assistant, medical technologist, ~~or~~ laboratory assistant, intermediate or advanced emergency medical technician, or paramedic acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the presence of alcohol or ~~other~~ another drug. This limitation does not apply to the taking of a breath sample. A medical facility or business may not charge more than \$75.00 for services rendered when an individual is brought to a facility for the sole purpose of an evidentiary blood sample or when an emergency medical technician or paramedic draws an evidentiary blood sample.

* * * Electric Vehicle Definitions * * *

Sec. 29. 23 V.S.A. § 4(85) is added to read:

(85) “Plug-in electric vehicle” means a motor vehicle that can be powered by an electric motor drawing current from a rechargeable energy storage system, such as from storage batteries or other portable electrical energy storage devices provided that the vehicle can draw recharge energy from a source off the vehicle such as electric vehicle supply equipment. A “plug-in electric vehicle” includes both a motor vehicle that can only be powered by an electric motor drawing current from a rechargeable energy storage system and a motor vehicle that can be powered by an electric motor drawing current from a rechargeable energy storage system but also has an onboard combustion engine.

Sec. 30. 30 V.S.A. § 201 is amended to read:

§ 201. DEFINITIONS

(a) As used in this chapter, ~~the word~~ “company”:

(1) “Company” or “companies” means and includes individuals, partnerships, associations, corporations, and municipalities owning or conducting any public service business or property used in connection therewith and covered by the provisions of this chapter. The term “company” or “companies” also includes electric cooperatives organized and operating under chapter 81 of this title, the Vermont Public Power Supply Authority to the extent not inconsistent with chapter 84 of this title, and the Vermont Hydroelectric Power Authority to the extent not inconsistent with chapter 90 of this title. In the context of actions requiring prior approval under section 107 of this title, the term “company” shall also mean any individual, partnership, association, corporation, group, syndicate, operating division, joint stock company, trust, other entity, or municipality which would be defined as a company pursuant to this section if such approval were to be granted.

(2) “Electric vehicle supply equipment” means a device or system designed and used specifically to transfer electrical energy to a plug-in electric vehicle as defined in 23 V.S.A. § 4(85), either as charge transferred via a physical or wireless connection, by loading a fully charged battery, or by other means. “Electric vehicle supply equipment available to the public” shall:

(A) be located at a publicly available parking space, which does not include a parking space that is part of or associated with a private residence or a parking space that is reserved for the exclusive use of an individual driver, vehicle, or group of drivers or vehicles including employees, tenants, visitors, residents of a common interest development, residents of an adjacent building, or customers of a business whose primary business is not electric vehicle charging;

(B) disclose all charges for the use of the electric vehicle supply equipment at the point of sale; and

(C) provide multiple payment options that allow access by the public, if a fee is required, and shall not require persons desiring to use such public electric vehicle supply equipment to pay a subscription fee or otherwise obtain a membership in any club, association, or organization as a condition of using such electric vehicle supply equipment, but may have different price schedules that are conditioned on a subscription or membership in a club, association, or organization.

(b) As used in this chapter, “energy”

(3) “Energy” means not only the traditional scientific characteristic of “ability to do work” but also the substances or processes used to produce heat, light, or motion, including petroleum or other liquid fuels, natural or synthetic fuel gas, solid carbonaceous fuels, solar radiation, geothermal sources, nuclear sources, biomass, organic waste products, wind, or flowing water.

Sec. 31. 9 V.S.A. § 2651(14) is amended to read:

(14) “Weights and measures” means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices including electric vehicle supply equipment available to the public, as defined in subdivision 2730(a)(14) of this title, but not including meters for the measurement of electricity, gas (natural or manufactured), or water when they are operated in a public utility system. Such electricity, gas, and water meters are specifically excluded from the purview of this chapter, and this chapter shall not apply to such meters or to any appliances or accessories associated therewith.

Sec. 32. 9 V.S.A. § 2730(a)(14) is added to read:

(14) “Electric vehicle supply equipment” and “electric vehicle supply equipment available to the public” have the same meanings as in 30 V.S.A. § 201.

* * * Net Metering at Electric Vehicle Supply Equipment * * *

Sec. 33. 30 V.S.A. § 8002(16) is amended to read:

(16) “Net metering system” means a plant for generation of electricity that:

(A) is of no more than 500 kW capacity;

(B) operates in parallel with facilities of the electric distribution system;

(C) is intended primarily to offset the customer’s own electricity requirements and does not supply electricity to electric vehicle supply equipment, as defined in section 201 of this title, for the for profit resale of electricity to the public by the kWh or for other retail sales to the public, including those based in whole or in part on a flat fee per charging session or a time-based fee for occupying a parking space while using electric vehicle supply equipment; and

(D)(i) employs a renewable energy source; or

(ii) is a qualified micro-combined heat and power system of 20 kW or fewer that meets the definition of combined heat and power in subsection 8015(b) of this title and uses any fuel source that meets air quality standards.

* * * Vehicle Incentive and Emissions Repair Programs * * *

Sec. 34. VEHICLE INCENTIVE AND EMISSIONS REPAIR PROGRAMS

(a) Vehicle incentive and emissions repair programs administration. The Agency of Transportation (Agency), in consultation with the Agency of Natural Resources, the Agency of Human Services, the Department of Public Service, Vermont electric distribution utilities that are offering incentives for PEVs, and the State’s network of community action agencies, shall establish and administer the programs described in subsections (b) and (c) of this section. The Agency is authorized to spend \$1,500,000.00 on the two programs. Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the two programs and up to \$150,000.00 of program funding may be set aside for this purpose. The Agency shall annually evaluate the two

programs to gauge effectiveness and submit a written report on the effectiveness of the programs to the House and Senate Committees on Transportation, the House Committee on Energy and Technology, and the Senate Committee on Finance on or before the 31st day of December in each year that an incentive or repair voucher is provided through one of the programs.

(b) Electric vehicle incentive program. A new PEV purchase and lease incentive program for Vermont residents shall structure PEV purchase and lease incentive payments by income to help all Vermonters benefit from electric driving, including Vermont's most vulnerable. Specifically, the program shall:

(1) apply to both purchases and leases of new PEVs with an emphasis on creating and matching incentives for exclusively electric powered vehicles that do not contain an onboard combustion engine;

(2) provide incentives to Vermont households with low and moderate income at or below 140 percent of the State's prior five-year average Median Household Income (MHI) level; and

(3) apply to manufactured PEVs with a Base Manufacturer's Suggested Retail Price (MSRP) of \$40,000.00 or less.

(c) High fuel efficiency vehicle incentive and emissions repair program. A used high fuel efficiency vehicle purchase incentive and emissions repair program for Vermont residents shall structure high fuel efficiency purchase incentive payments and emissions repair vouchers by income to help all Vermonters benefit from more efficient driving, including Vermont's most vulnerable. Specifically, the program shall:

(1) apply to purchases of used high fuel efficient motor vehicles, which for purposes of this program shall be pleasure cars with a combined city/highway fuel efficiency of at least 40 miles per gallon or miles per gallon equivalent as rated by the Environmental Protection Agency when the vehicle was new, and repairs of certain vehicles that failed the on board diagnostic (OBD) systems inspection;

(2) base eligibility on the same criteria used for income qualification for weatherization services through the Weatherization Program and provide vouchers through the State's network of community action agencies; and

(3) provide one of the following to qualifying individuals:

(A) a point-of-sale voucher of up to \$5,000.00 to assist in the purchase of a used high fuel efficient motor vehicle that may require that a condition of the voucher be that if the individual is the owner of either a motor

vehicle that failed the OBD systems inspection or a motor vehicle that is more than 15 years old and has a combined city/highway fuel efficiency of less than 25 miles per gallon as rated by the Environmental Protection Agency when the vehicle was new that the vehicle will be removed from operation and either donated to a non-profit organization to be used for parts or destroyed; or

(B) a point-of-repair voucher to repair a motor vehicle that was ready for testing, failed the OBD systems inspection, requires repairs that are not under warranty, and will be able to pass the State's vehicle inspection once the repairs are made provided that the point-of-repair voucher is commensurate with the fair market value of the vehicle to be repaired and does not exceed \$2,500.00, with \$2,500.00 vouchers only being available to repair vehicles with a fair market value of at least \$5,000.00.

* * * Public Utility Commission Report * * *

Sec. 35. PUBLIC UTILITY COMMISSION TARIFF DESIGN REPORT

As a follow up to the report due on or before July 1, 2019, the Public Utility Commission, in consultation with those Vermont electric distribution utilities that wish to participate, the Agency of Transportation, the Department of Public Service, and Efficiency Vermont, shall report back to the Senate Committees on Transportation and on Natural Resources and Energy and the House Committees on Transportation and on Energy and Technology on or before December 15, 2019 concerning the steps necessary to implement fees on PEV charging if fees are to be collected on PEV charging:

(1) Fees and assessments. Whether or not electric distribution utilities should collect both a transportation efficiency fee, as defined in subdivision (A) of this subdivision, and a transportation infrastructure assessment, as defined in subdivision (B) of this subdivision, or just a transportation infrastructure assessment and how best to implement:

(A) A transportation efficiency fee. A per-kWh transportation efficiency fee on electricity provided by an electric distribution utility for electric vehicle supply equipment equal to the energy efficiency charge rate set by the Commission, and to be charged instead of an energy efficiency charge; and

(B) A transportation infrastructure assessment. A per-kWh transportation infrastructure assessment on electricity provided by an electric distribution utility for electric vehicle supply equipment.

(2) Electric vehicle charging tariff design. The design of an electric vehicle charging tariff for electric utilities with more than 17,000 customers, and other electric utilities at their discretion, that allows a customer, including

a company that owns and operates electric vehicle supply equipment, to purchase electricity solely to charge a plug-in electric vehicle. The report should consider whether the tariff should:

(A) contain either a time-of-day or off-peak rate, as elected by the electric utility that takes advantage of lower-cost electricity and minimizes adverse grid effects and investment costs, maximizes the grid benefits of PEV charging, including electric distribution utility control of charging, and reduces the negative environmental effects of burning fossil fuels for transportation and electrical generation;

(B) include the per-kWh transportation efficiency fee;

(C) include the per-kWh transportation infrastructure assessment;

(D) offer a customer the option to purchase electricity from the utility's current mix of energy supply sources or entirely from renewable energy sources;

(E) include a mechanism to allow the recovery of costs reasonably necessary to comply with electric vehicle charging tariff setting, such as costs to inform and educate customers about the financial, energy conservation, and environmental benefits of electric vehicles and to publicly advertise and promote participation in a customer-optional tariff;

(F) provide for clear and transparent customer billing statements including the amount of energy consumed under the tariff;

(G) incorporate any necessary costs of metering or submetering within the rate charged to the customer; and

(H) factor in other considerations as the Commission deems appropriate.

(3) Reporting by electric distribution utilities. Whether there should be a mandatory periodic report from electric distribution utilities to the Commission and what should be included in those reports, consideration should be given to:

(A) participation and impact highlights, including participation levels and new electric vehicle supply equipment installed by county;

(B) the overall costs and benefits of the tariff, including any changes or issues encountered during the reporting period; and

(C) other data required by the Commission.

(4) Incremental revenue and costs. The amount of incremental revenue to electric distribution utilities expected to be generated by PEVs and all other

financial benefits that PEVs may bring to electric distribution utilities over the next 10 years, whether there are necessary costs and technical feasibility problems to meter PEV charging separate from other electrical demand on the same account, and all other costs expected to be incurred by the electric distribution utilities related to PEV deployment and associated infrastructure.

(5) Net metering. How to address the use of net metering energy and net metering energy credits for electric vehicle supply equipment.

* * * Reporting by the Agency of Agriculture, Food and Markets * * *

Sec. 36. REPORTING BY THE AGENCY OF AGRICULTURE, FOOD AND MARKETS

(a) The Agency of Agriculture, Food and Markets shall file a written report with the Senate Committees on Transportation and on Finance and the House Committees on Transportation and on Ways and Means on or before December 1, 2019 that provides an update on the National Institute of Standards and Technology's progress towards adopting a code on electric vehicle fueling systems and makes a recommendation for an annual licensing fee for electric vehicle supply equipment available to the public for inclusion in 9 V.S.A. § 2730(f)(1).

(b) If the National Institute of Standards and Technology has not adopted a code on electric vehicle fueling systems by December 1, 2020 then the Agency of Agriculture, Food and Markets shall file a written report with the House and Senate Committees on Transportation on or before December 1, 2020 that provides an update on the National Institute of Standards and Technology's progress towards adopting a code on electric vehicle fueling systems.

* * * Fees for Use of Electric Vehicle Supply Equipment * * *

Sec. 37. 32 V.S.A. § 604 is added to read:

§ 604. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES

Notwithstanding any other provision of this subchapter, any agency or department that owns or controls electric vehicle supply equipment, as defined in 30 V.S.A. § 201, may establish, set, and adjust fees for the use of that electric vehicle supply equipment. The agency or department may establish fees for electric vehicle charging at less than its costs, to cover its costs, or equal to the retail rate charged for the use of electric vehicle supply equipment available to the public. Fees collected under this section shall be deposited in the same fund or account within a fund from which the electric operating expense for the electric vehicle supply equipment originated.

Sec. 38. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES REPEAL

32 V.S.A. § 604 (electric vehicle supply equipment fees) is repealed on July 1, 2022.

* * * Jurisdiction Over Electric Vehicle Supply Equipment * * *

Sec. 39. 30 V.S.A. § 203 is amended to read:

§ 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

The Public Utility Commission and the Department of Public Service shall have jurisdiction over the following described companies within the State, their directors, receivers, trustees, lessees, or other persons or companies owning or operating such companies and of all plants, lines, exchanges, and equipment of such companies used in or about the business carried on by them in this State as covered and included herein. Such jurisdiction shall be exercised by the Commission and the Department so far as may be necessary to enable them to perform the duties and exercise the powers conferred upon them by law. The Commission and the Department may, when they deem the public good requires, examine the plants, equipment, lines, exchanges, stations, and property of the companies subject to their jurisdiction under this chapter.

(1) A company engaged in the manufacture, transmission, distribution, or sale of gas or electricity directly to the public or to be used ultimately by the public for lighting, heating, or power and so far as relates to their use or occupancy of the public highways.

(2) That part of the business of a company ~~which~~ that consists of the manufacture, transmission, distribution, or sale of gas or electricity directly to the public or to be used ultimately by the public for lighting, heating, or power and so far as relates to their use or occupancy of the public highways.

* * *

(7) Notwithstanding subdivisions (1) and (2) of this section, the Commission and Department shall not have jurisdiction over persons otherwise not regulated by the Commission that is engaged in the siting, construction, ownership, operation, or control of a facility that sells or supplies electricity to the public exclusively for charging a plug-in electric vehicle, as defined in 23 V.S.A. § 4(85). These persons may charge by the kWh for owned or operated electric vehicle supply equipment, as defined in 30 V.S.A. § 201, but shall not be treated as an electric distribution utility just because electric vehicle supply equipment charges by the kWh.

* * * State Vehicle Fleet * * *

Sec. 40. 29 V.S.A. § 903(g) is amended to read:

(g) ~~The Commissioner of Buildings and General Services, when purchasing or leasing vehicles for State use shall consider vehicles using alternative fuels when the alternative fuel is suitable for the vehicle's operation, is available in the region where the vehicle will be used, and is competitively priced with traditional fuels, to the maximum extent practicable, purchase or lease hybrid or plug-in electric vehicles, as defined in 23 V.S.A. § 4(85), but in no instance shall less than 50 percent of the vehicles annually purchased or leased be hybrid or plug-in electric vehicles. The Commissioner shall, whenever possible, purchase or lease the lowest-cost year of the selected make and model, and only the latest year model when it is the least expensive.~~

Sec. 41. 29 V.S.A. § 903(g) is amended to read:

(g) The Commissioner of Buildings and General Services, when purchasing or leasing vehicles for State use shall, to the maximum extent practicable, purchase or lease hybrid or plug-in electric vehicles, as defined in 23 V.S.A. § 4(85), but in no instance shall less than ~~50~~ 75 percent of the vehicles annually purchased or leased be hybrid or plug-in electric vehicles. The Commissioner shall, whenever possible, purchase or lease the lowest-cost year of the selected make and model, and only the latest year model when it is the least expensive.

Sec. 42. 3 V.S.A. § 217(c) is amended to read:

(c) ~~At least 50 percent of the vehicles purchased annually by the Commissioner shall be low emission passenger vehicles~~ The Commissioner of Buildings and General Services shall purchase and lease vehicles for the State Fleet subject to the requirements of 29 V.S.A. § 903(g).

* * * Transportation Alternatives Grant Committee * * *

Sec. 43. 19 V.S.A. § 38 is amended to read:

§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

(a) ~~The Transportation Alternatives Grant Committee is created and shall comprise:~~

- ~~(1) the Secretary of Transportation or his or her designee;~~
- ~~(2) a representative from the Division of Historic Preservation appointed by the Secretary of Commerce and Community Development;~~
- ~~(3) one member appointed by the Secretary of Commerce and Community Development to represent the tourism and marketing industry;~~

~~(4) a representative of the Agency of Natural Resources appointed by the Secretary of Natural Resources;~~

~~(5) three municipal representatives appointed by the governing body of the Vermont League of Cities and Towns;~~

~~(6) one member representing and appointed by the governing board of the Vermont Association of Planning and Development Agencies;~~

~~(7) two members from the House designated by the Speaker; and~~

~~(8) two members from the Senate designated by the Committee on Committees. [Repealed.]~~

~~(b) Municipal and legislative members of the Transportation Alternatives Grant Committee shall serve concurrently for two-year terms and the initial appointments of these members shall be made in a manner which allows for them to serve a full legislative biennium. In the event a municipal or legislative member ceases to serve on the Committee prior to the full term, the appointing authority shall fill the position for the remainder of the term. The Committee shall, to the greatest extent practicable, encompass a broad geographic representation of Vermont. [Repealed.]~~

(c) The Transportation Alternatives Grant Program is created. The Grant Program shall be administered by the Agency, and shall be funded in the amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the Recreational Trails Program. Awards shall be made to eligible entities as defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall be limited to the activities authorized under federal law and no more than \$300,000.00 per grant.

(d) Eligible entities awarded a grant must provide all funds required to match federal funds awarded for a Transportation Alternatives project. All grant awards shall be decided and awarded by the Transportation Alternatives Grant Committee Agency.

(e) Transportation Alternatives grant awards shall be announced annually by the Transportation Alternatives Grant Committee Agency not earlier than December and not later than the following March.

(f)(1) In fiscal years 2018 and 2019, all Grant Program funds shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects.

(2) In fiscal years 2020 and 2021, Grant Program funds shall be awarded for any eligible activity and in accordance with the priorities established in subdivision (4) of this subsection.

(3) In fiscal year 2022 and thereafter, \$1,100,000.00 of Grant Program funds, or such lesser sum if all eligible applications amount to less than \$1,100,000.00, shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects.

(4) Regarding Grant Program funds awarded in fiscal years 2020 and 2021, and the balance of Grant Program funds not reserved for environmental mitigation projects in fiscal year 2022 and thereafter, in evaluating applications for Transportation Alternatives grants, the ~~Transportation Alternatives Grant Committee~~ Agency shall give preferential weighting to projects involving as a primary feature a bicycle or pedestrian facility. The degree of preferential weighting and the circumstantial factors sufficient to overcome the weighting shall be in the complete discretion of the ~~Transportation Alternatives Grant Committee~~ Agency.

(g) The Agency shall develop an outreach and marketing effort designed to provide information to communities with respect to the benefits of participating in the Transportation Alternatives Grant Program. The outreach and marketing activities shall include apprising municipalities of the availability of grants for salt and sand sheds. The outreach effort should be directed to areas of the State historically underserved by this Program.

* * * Emissions Inspections * * *

Sec. 44. 23 V.S.A. § 1222(a) is amended to read:

(a) Except for school buses, which shall be inspected as prescribed in section 1282 of this title, and motor buses as defined in subdivision 4(17) of this title, which shall be inspected twice during the calendar year at six-month intervals, all motor vehicles registered in this State shall ~~be inspected~~ undergo a safety and visual emissions inspection once each year and all motor vehicles that are registered in this State and are 15 model years old or less shall undergo an emissions or on board diagnostic (OBD) systems inspection once each year as applicable. Any motor vehicle, trailer, or semi-trailer not currently inspected in this State shall be inspected within 15 days following the date of its registration in the State of Vermont.

Sec. 45. RULEMAKING; IMMEDIATE IMPLEMENTATION

(a) Within 14 days after the effective date of this section, the Commissioner of Motor Vehicles shall file with the Secretary of State a proposed amended rule governing vehicle inspections in this State (Periodic Inspection Manual) that is consistent with amendments to 23 V.S.A. § 1222 in Sec. 44 of this act, with the effect that no motor vehicle that is more than

15 model years old will be required to undergo an emissions or on board diagnostic (OBD) systems inspection.

(b) As soon as practicable after the effective date of this section, the Commissioner shall update the content of inspections conducted through the Automated Vehicle Inspection Program to exclude any requirements of the current Periodic Inspection Manual that are inconsistent with the amendments to 23 V.S.A. § 1222 in Sec. 44 of this act, with the effect that no motor vehicle that is more than 15 model years old will be required to undergo an emissions or OBD systems inspection.

(c) In the event that the Commissioner cannot update the content of inspections conducted through the Automated Vehicle Inspection Program in accordance with subsection (b) of this section within 30 days after the effective date of this section, the Commissioner shall, within 30 days after the effective date of this section, develop and implement a temporary work-around to ensure that no motor vehicle that is more than 15 model years old will be required to undergo an emissions or OBD systems inspection.

* * * Vehicle Feebate Report * * *

Sec. 46. VEHICLE FEEBATE REPORT

The Agency of Transportation, in consultation with the Joint Fiscal Office, shall complete a study and submit a written report to the House and Senate Committees on Transportation on or before October 15, 2019 concerning whether Vermont should establish a time-of-acquisition vehicle feebate program to act as a self-funding incentive program. For purposes of this section, a “vehicle feebate” provides rebates to individuals who purchase or, if applicable, lease efficient vehicles that are funded by fees levied on individuals who purchase or, if applicable, lease inefficient vehicles. The report shall, at a minimum, consider whether vehicle feebates should be structured in steps—one or multiple—or as a continuum; whether there should be separate vehicle feebates for different classes of vehicles and, if so, whether there should be different pivot points for where a fee crosses over to a rebate; and if vehicle feebates should apply to both new and used vehicles and purchased and leased vehicles. The report shall also consider how a time-of-acquisition vehicle feebate program or other funding mechanism could function with the vehicle incentive programs established in Sec. 34 of this act and the level of investment, incentives, feebates, and other monetary incentives and disincentives needed to reach the number of plug-in electric vehicles in Vermont’s Comprehensive Energy Plan.

* * * Weight-Based Annual Registration Report * * *

Sec. 47. WEIGHT-BASED ANNUAL REGISTRATION REPORT

The Agency of Transportation, in consultation with the Joint Fiscal Office, shall complete a study and submit a written report to the House and Senate Committees on Transportation on or before December 15, 2019 concerning the feasibility of implementing an annual motor vehicle registration fee system that addresses road maintenance cost allocations for road traveling motor vehicles based on vehicle weight. Such a registration fee system could be in addition to or in lieu of existing motor vehicle registration fees. The study and report shall, at a minimum, identify, analyze, and make recommendations on: the current motor vehicle registration fee structure, any benefits to establishing a new system that better allocates costs based on vehicle weight; any anticipated implementation difficulties; ways to measure vehicle weight; what types of road traveling motor vehicles could and should be subject to such a registration fee; how to calculate registration fees to best account for weight-based wear on Vermont roads; and how other States have implemented weight-based registration fees.

* * * Sign Law Violation Civil Ticket * * *

Sec. 48. 10 V.S.A. § 503 is amended to read:

§ 503. PENALTY

A person who violates this chapter shall be ~~fin~~ed assessed a civil penalty of not more than \$100.00 or imprisoned not more than 30 days, or both. Each day the violation continues shall be a separate offense.

Sec. 49. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(29) Violations of 10 V.S.A. chapter 21, relating to the prohibition of outdoor advertising.

* * *

* * * Effective Dates * * *

Sec. 50. EFFECTIVE DATES

(a) This section and Secs. 1(b) (act definitions), 12 (BUILD grant), 13 (CRISI grant), 20 (public transit study), 29 (plug-in electric vehicle definition),

30 (electric vehicle supply equipment definition), 33 (net metering), 34 (vehicle incentive and emissions repair programs), 35 (Public Utility Commission report), 36 (Agency of Agriculture, Food and Markets reporting), 39 (PUC jurisdiction), 44 (emissions inspections), 45 (emissions inspections implementation), 46 (vehicle feebate report), and 47 (weight-based annual registration report) shall take effect on passage.

(b) Secs. 31 (weights and measures definition), and 32 (electric vehicle supply equipment definition) shall take effect on the earlier of January 1, 2021 or six months after the National Institute of Standards and Technology adopts code on electric vehicle fueling systems.

(c) Sec. 41 (State vehicle fleet) shall take effect on July 1, 2021.

(d) All other sections shall take effect on July 1, 2019.

(Committee vote: 4-0-1)

(For House amendments, see House Journals for March 22, 2019, pages 644-645 and March 26, 2019, page 657)

CONCURRENT RESOLUTIONS FOR NOTICE

Concurrent Resolutions For Notice Under Joint Rule 16

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration should be communicated to the Secretary's Office.

S.C.R. 11 - 12 (For text of Resolutions, see Addendum to Senate Calendar for April 25, 2019)

H.C.R. 144, 146 - 153 (For text of Resolutions, see Addendum to House Calendar for April 25, 2019)

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)

Joan Goldstein of Royalton - Commissioner, Department of Economic Development - Sen. Clarkson for the Committee on Economic Development, Housing and General Affairs. (4/25/19)