

Journal of the House

Thursday, May 9, 2019

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

Devotional Exercises

Devotional exercises were conducted by Rep. Randall Szott of Barnard.

Joint Resolution Adopted in Concurrence

J.R.S. 27

By Senator Ashe,

J.R.S. 27. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, May 10, 2019, it be to meet again no later than Tuesday, May 14, 2019.

Was taken up, read and adopted in concurrence.

Bill Referred to Committee on Ways and Means

H. 508

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Bennington

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

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

H. 527

The bill appearing on the Calendar for Notice, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to Executive Branch and Judicial Branch fees

Was taken up for immediate consideration.

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

* * * Department of Financial Regulation * * *

* * * Financial and Related Services; Licensees * * *

Sec. 1. 8 V.S.A. 2102 is added to read:

§ 2102. APPLICATION FOR LICENSE

(a) Application for a license or registration shall be in writing, under oath, and in the form prescribed by the Commissioner, and shall contain the legal name, any fictitious name or trade name, and the address of the residence and place of business of the applicant, and if the applicant is a partnership or an association, of every member thereof, and if a corporation, of each officer and director thereof; also the county and municipality with street and number, if any, where the business is to be conducted and such further information as the Commissioner may require.

(b) At the time of making an application, the applicant shall pay to the Commissioner a fee for investigating the application and a license or registration fee for a period terminating on the last day of the current calendar year. The following fees are imposed on applicants:

(1) For an application for a lender license under chapter 73 of this title, \$1,000.00 as a license fee and \$1,000.00 as an application and investigation fee for the initial license. For each additional lender license from the same applicant, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(2) For an application for a lender license under chapter 73 of this title for a lender only making commercial loans, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(3) For an application for a mortgage broker license under chapter 73 of this title, other than a mortgage broker that meets each of the requirements of subdivisions (b)(4)(A)–(B) of this section, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(4) For an application for a mortgage broker license under chapter 73 of this title that meets each of the following requirements, \$250.00 as a license fee and \$250.00 as an application and investigation fee:

(A) the applicant is an individual sole proprietor; and

(B) no person, other than the applicant, shall be authorized to act as a mortgage broker under the applicant's license.

(5) For an application for a mortgage loan originator license under chapter 73 of this title, \$50.00 as a license fee and \$50.00 as an application and investigation fee.

(6) For an application for a sales finance company license under

chapter 73 of this title, \$350.00 as a license fee and \$350.00 as an application and investigation fee.

(7) For an application for a loan solicitation license under chapter 73 of this title, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(8) For an application for any combination of lender license under chapter 73 of this title, mortgage broker license under chapter 73 of this title, loan solicitation license under chapter 73 of this title, or loan servicer license under chapter 85 of this title, \$1,500.00 as a license fee and \$1,500.00 as an application and investigation fee.

(9) For an application for a consumer litigation funding company registration under chapter 74 of this title, \$200.00 as a registration fee and \$300.00 as an application and investigation fee.

(10) For an application for a money transmission license under chapter 79 of this title, \$1,000.00 as a license fee, \$1,000.00 as an application and investigation fee, and \$25.00 as a license fee for each authorized delegate location.

(11) For an application for a check cashing and currency exchange license under chapter 79 of this title, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(12) For an application for a debt adjuster license under chapter 83 of this title, \$250.00 as a license fee and \$500.00 as an application and investigation fee.

(13) For an application for a loan servicer license under chapter 85 of this title, \$1,000.00 as a license fee and \$1,000.00 as an application and investigation fee.

Sec. 1a. 8 V.S.A. 2109 is added to read:

§ 2109. ANNUAL RENEWAL OF LICENSE

(a) On or before December 1 of each year, every licensee shall renew its license or registration for the next succeeding calendar year and shall pay to the Commissioner the applicable renewal of license or registration fee. At a minimum, the licensee or registree shall continue to meet the applicable standards for licensure or registration. At the same time, the licensee or registree shall maintain with the Commissioner any required bond in the amount and of the character as required by the applicable chapter. The annual license or registration renewal fee shall be:

(1) For a lender license under chapter 73 of this title, \$1,200.00.

(2) For a lender license under chapter 73 of this title for a lender only making commercial loans, \$500.00.

(3) For a mortgage broker license under chapter 73 of this title, other than a mortgage broker that meets each of the requirements of subdivisions (4)(A)–(C) of this section, \$500.00.

(4) For a mortgage broker license under chapter 73 of this title that meets each of the following requirements, \$250.00:

(A) the mortgage broker license is held by an individual sole proprietor;

(B) no person, other than the individual sole proprietor, shall be authorized to act as a mortgage broker under this license; and

(C) the mortgage broker originated five or fewer loans within the last calendar year.

(5) For a mortgage loan originator license under chapter 73 of this title, \$100.00.

(6) For a sales finance company license under chapter 73 of this title, \$350.00.

(7) For a loan solicitation license under chapter 73 of this title, \$500.00.

(8) For any combination of lender license under chapter 73 of this title, mortgage broker license under chapter 73 of this title, loan solicitation license under chapter 73 of this title, or loan servicer license under chapter 85 of this title, \$1,700.00.

(9) For a consumer litigation funding company registration under chapter 74 of this title, \$200.00.

(10) For a money transmission license under chapter 79 of this title, \$1,000.00, plus an annual renewal fee of \$25.00 for each authorized delegate, provided that the total renewal fee of all authorized delegate locations shall not exceed \$3,500.00.

(11) For a check cashing and currency exchange license under chapter 79 of this title, \$500.00.

(12) For a debt adjuster license under chapter 83 of this title, \$250.00.

(13) For a loan servicer license under chapter 85 of this title, \$1,000.00.

* * * Insurance * * *

* * * Term of License * * *

Sec. 2. 8 V.S.A. § 4798 is amended to read:

§ 4798. TERM OF LICENSE

(a) Except as provided by ~~subsection~~ subsections (b) and (d) of this section, all licenses issued pursuant to this subchapter shall continue in force not longer than 24 months.

* * *

(d) Producer appointments shall expire as of 12:01 a.m. on the first day of June ~~of the odd-numbered year next~~ following the date of issuance. ~~Biennially~~ Annually, before the expiration of producer appointments, the Commissioner shall provide each insurer with an alphabetical appointment renewal list of the names for all of its producers in the State. Each insurer shall return the list and identify the producer appointments to be renewed in a manner and time specified by the Commissioner. Payment of the ~~biennial~~ annual producer appointment renewal fee, as specified in section 4800 of this title, shall be made in a manner and time specified by the Commissioner.

* * * License Requirements * * *

Sec. 3. 8 V.S.A. § 4800(2)(A) is amended to read:

(2)(A) All license applications shall be accompanied by a \$30.00 fee plus the applicable fees as follows:

* * *

(iii) Except as provided in subdivisions (I) and (II) of this subdivision, initial and biennial producer appointment fees for each qualification set forth in section 4813g of subchapter 1A of this chapter for resident and nonresident producers acting as agents of foreign insurers, ~~\$60.00~~ \$120.00:

(I) the Commissioner may charge one fee for a qualification in “property and casualty” insurance; and

(II) the Commissioner may charge one fee for a qualification in “life and accident and health or sickness” insurance.

(iv) Initial 24-month appointment and biennial renewal appointment fee for limited lines producers, ~~\$60.00~~ \$90.00.

(v) Initial 24-month license and biennial renewal fee for resident and nonresident adjusters, and appraisers licenses, ~~\$60.00~~ \$120.00, and public adjusters, \$200.00.

* * *

Sec. 3a. 8 V.S.A. § 4800(2)(A) is amended to read:

(2)(A) All license applications shall be accompanied by a \$30.00 fee

plus the applicable fees as follows:

* * *

(iii) Except as provided in subdivisions (I) and (II) of this subdivision, initial and ~~biennial~~ annual producer appointment fees for each qualification set forth in section 4813g of subchapter 1A of this chapter for resident and nonresident producers acting as agents of foreign insurers, ~~\$120.00~~ \$60.00:

(I) the Commissioner may charge one fee for a qualification in “property and casualty” insurance; and

(II) the Commissioner may charge one fee for a qualification in “life and accident and health or sickness” insurance.

* * *

* * * Securities Act * * *

* * * Agents, Investment Advisers, Investment Adviser Representatives, and Federal Covered Investment Advisers * * *

Sec. 4. 9 V.S.A. § 5410(b) is amended to read:

(b) The fee for an individual is ~~\$90.00~~ \$120.00 when filing an application for registration as an agent, ~~\$90.00~~ \$120.00 when filing a renewal of registration as an agent, and ~~\$90.00~~ \$120.00 when filing for a change of registration as an agent. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

* * * Department of Fish and Wildlife * * *

* * * License Fees * * *

Sec. 5. 10 V.S.A. § 4255 is amended to read:

(a) Vermont residents may apply for licenses on forms provided by the Commissioner. Fees for each license shall be:

- | | |
|---|-----------------------------------|
| (1) Fishing license | \$26.00 <u>\$28.00</u> |
| (2) Hunting license | \$26.00 <u>\$28.00</u> |
| (3) Combination hunting and fishing license | \$42.00 <u>\$47.00</u> |

* * *

(b) Nonresidents may apply for licenses on forms provided by the Commissioner. Fees for each license shall be:

- | | |
|---------------------|-----------------------------------|
| (1) Fishing license | \$52.00 <u>\$54.00</u> |
|---------------------|-----------------------------------|

* * *

(4) Hunting license	\$100.00 <u>\$102.00</u>
(5) Combination hunting and fishing license	\$138.00 <u>\$143.00</u>

* * *

* * * Lifetime Licenses * * *

Sec. 6. 10 V.S.A. § 4279(f) is amended to read:

(f) Fees for lifetime licenses shall be the appropriate multiplication factor for the child's or adult's age multiplied by the fee for the appropriate license. Appropriate license fees are those in subdivisions 4255(a)(1), (2), and (3) of this title for residents and subdivisions 4255(b)(1), (4), and (5) of this title for nonresidents. Multiplication factors are as follows:

(1) for children under 1 year of age 6 8

* * *

* * * Department of Labor * * *

* * * Workers' Compensation Fund * * *

Sec. 7. WORKERS' COMPENSATION RATE OF CONTRIBUTION

For fiscal year 2020, after consideration of the formula in 21 V.S.A. § 711(b) and historical rate trends, the General Assembly determines that the rate of contribution for the direct calendar year premium for workers' compensation insurance shall remain at the rate of 1.4 percent. The contribution rate for self-insured workers' compensation losses and workers' compensation losses of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

* * * Department of Motor Vehicles * * *

* * * All-Terrain Vehicles * * *

Sec. 8. 23 V.S.A. § 3504(a) is amended to read:

(a) The registration fee for all-terrain vehicles other than as provided for in subsection (b) of this section is ~~\$35.00~~ \$45.00. Duplicate registration certificates may be obtained upon payment of \$6.00 to the Department.

* * * Department of Public Service and Public Utility Commission * * *

* * * Gross Receipts Tax * * *

Sec. 9. 30 V.S.A. § 22 is amended to read:

§ 22. TAX TO FINANCE DEPARTMENT AND COMMISSION

(a) For the purpose of maintaining the Department of Public Service and Public Utility Commission, including expenses related to maintaining an adequate engineering, legal, and administrative force in the Department of

Public Service and paying all the expenses incident thereof, including rents, each person, partnership, association, or private or municipal corporation conducting a business subject to the supervision of the Department of Public Service and Public Utility Commission, including electric cooperatives, shall pay into the State Treasury on or before April 15 annually, in addition to the taxes now required by law to be paid, a tax, at the rate hereinafter named, according to the nature of the public service business engaged in by such person, partnership, association, or private or municipal corporation, based on the gross operating revenue received by such person, partnership, association, or private or municipal corporation in the conduct of such business in the State during the year next preceding, as shown by the annual report filed on or before such date with the Department of Public Service on the form prescribed by it and containing such information as may be necessary to enable the Department to determine the amount of the tax payable.

(1) The rate of tax for each type of public service company, for the purpose of maintaining the Department of Public Service, shall be the following:

~~(1)~~(A) for companies, cooperative, municipal or privately owned, generating, distributing, selling, or transmitting electric energy, ~~0.0050~~ 0.00320 of gross operating revenue;

~~(2)~~(B) for telephone companies, ~~0.0050~~ 0.003 of gross operating revenue or ~~\$500.00~~ \$300.00, whichever is greater;

~~(3)~~(C) for gas companies, ~~0.0030~~ 0.00320 of gross operating revenue;

~~(4)~~(D) for water companies, ~~0.001~~ 0.0006 of gross operating revenue or ~~\$5.00~~ \$3.00, whichever is greater;

~~(5)~~(E) for companies owning or operating a cable television system, ~~0.005~~ 0.003 of gross operating revenue or ~~\$25.00~~ \$15.00, whichever is greater, \$25,000.00 of which shall be used each year by the Department for special planning functions relating to cable television systems;

~~(6)~~(F) for companies whose sole telephone business consists of owning customer-owned, coin-operated telephones with total annual revenues of less than \$5,000.00, the choice of either ~~0.0050~~ 0.003 of gross operating revenue from telephone revenues or the amount of ~~\$20.00~~ \$12.00; and

~~(7)~~(G) for all other companies named in section 203 of this title, ~~0.001~~ 0.0006 of gross operating revenues.

(2) The rate of tax for each type of public service company, for the purpose of maintaining the Public Utility Commission, shall be the following:

(A) for companies, cooperative, municipal or privately owned,

generating, distributing, selling, or transmitting electric energy, 0.00205 of gross operating revenue;

(B) for telephone companies, 0.002 of gross operating revenue or \$200.00, whichever is greater;

(C) for gas companies, 0.00205 of gross operating revenue;

(D) for water companies, 0.0004 of gross operating revenue or \$2.00, whichever is greater;

(E) for companies owning or operating a cable television system, 0.002 of gross operating revenue or \$10.00, whichever is greater;

(F) for companies whose sole telephone business consists of owning customer-owned, coin-operated telephones with total annual revenues of less than \$5,000.00, the choice of either 0.002 of gross operating revenue from telephone revenues or the amount of \$8.00; and

(G) for all other companies named in section 203 of this title, 0.0004 of gross operating revenues.

(b) The ~~tax~~ taxes levied under this section shall not apply to sales of electrical power for resale.

~~(c) Of the revenue deposited into the special fund for the maintenance of engineering and accounting forces, 40 percent shall be allocated to the Public Utility Commission and 60 percent shall be allocated to the Department of Public Service. [Repealed.]~~

(d)(1) On June 30 of each year, any balance in the amount ~~allocated to~~ received by the Public Utility Commission from the special fund for the maintenance of engineering and accounting forces, after accounting for expenditures and encumbrances, in excess of 20 percent of the ~~Commission's allocation~~ funds received by the Commission for that year shall be used in the manner provided by subdivision (3) of this subsection.

(2) On June 30 of each year, any balance in the amount ~~allocated to~~ received by the Department of Public Service from the special fund for the maintenance of engineering and accounting forces, after accounting for expenditures and encumbrances, in excess of 20 percent of the ~~Department's allocation~~ funds received by the Department for that year shall be used in the manner provided by subdivision (3) of this subsection.

* * *

* * * Certificates of Public Good for New Gas and Electric Purchases,
Investments, and Facilities * * *

Sec. 10. 30 V.S.A. § 248c is added to read:

§ 248c. FEES; DEPARTMENT OF PUBLIC SERVICE AND PUBLIC
UTILITY COMMISSION; PARTICIPATION IN CERTIFICATION
AND SITING PROCEEDINGS

(a) Establishment. This section establishes fees for the purpose of supporting the role of the Department of Public Service (Department) and the Public Utility Commission (Commission) in reviewing applications for in-state facilities under section 248 of this title. Companies that pay the gross receipts tax as provided in section 22 of this title shall not be subject to the fees established in this section.

(b) Payment. The applicant shall pay the fee into the State Treasury at the time the application for a certificate of public good is filed with the Commission in an amount calculated in accordance with this section. The fee shall be deposited into the gross revenue fund. Of the fees deposited into the gross revenue fund, 60 percent shall be allocated to the Department and 40 percent shall be allocated to the Commission.

(c) Definitions. As used in this section, “kW” and “plant capacity” have the same meaning as in section 8002 of this title.

(d) Electric and natural gas facilities. This subsection sets fees for applications under section 248 of this title.

(1) There shall be a registration fee of \$100.00 for each electric generation facility less than or equal to 50 kW in plant capacity, or for a rooftop project, or for a hydroelectric project filing a net metering registration, or for an application filed under subsection 248(n) of this title.

(2) There shall be a fee of \$25.00 for modifications for each electric generation facility less than or equal to 50 kW in plant capacity, or for a rooftop project, or for a hydroelectric project filing a net metering registration, or for an application filed under subsection 248(n) of this title.

(3) There shall be a fee for electric generation facilities that do not qualify for the lower fees in subdivisions (1) and (2) of this subsection, calculated as follows:

(A) \$5.00 per kW; and

(B) \$100.00 for modifications.

(e) Report. On or before the third Tuesday of each annual legislative session, the Department and Commission shall jointly submit a report to the General Assembly by electronic submission. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to this report. The

report shall list the fees collected and refunds approved, if any, under this section and under section 248d of this title during the preceding fiscal year.

Sec. 11. 30 V.S.A. § 248d is added to read:

§ 248d. FEE REFUND

If an applicant withdraws an application and seeks a fee refund, then a written request for an application fee refund shall be submitted to the Public Utility Commission (Commission) within 90 days of the withdrawal of the application.

(1) As used in this section, “agency” means the Agency of Natural Resources, the Department of Public Service, or the Commission.

(2) In the event that an application is withdrawn before any agency has filed comments expressing a position on any part of the application, filed testimony, or filed a stipulated agreement with the Commission in the context of a certificate of public good proceeding, the Commission shall, upon request of the applicant, refund 50 percent of the fee paid to each agency above the first \$100.00; however, in no instance shall the agency retain more than \$20,000.00.

(3) In the event that an application is withdrawn after any agency has filed comments expressing a position on any part of the application, filed testimony, or filed a stipulated agreement with the Commission in the context of a certificate of public good proceeding, the Commission shall, upon request of the applicant, refund 25 percent of the fee paid to each agency above the first \$100.00.

(4) Commission decisions regarding application fee refunds may be appealed to the Vermont Supreme Court.

(5) In no event may an application fee or a portion thereof be refunded after the Commission has issued a final decision on the merits of an application, whether the decision is to grant or deny the application in whole or in part.

(6) No interest will be due or payable on any money refunded under this section.

Sec. 12. EVALUATION OF FEES

The Department of Public Service (Department), in consultation with the Public Utility Commission (Commission), shall evaluate the feasibility of using billback mechanisms to recover the costs related to reviewing applications for in-state facilities under section 248 of this title for projects that produce five megawatts or more of electricity. The Department shall, on or

before January 15 of 2020, submit electronically a report to the House Committee on Ways and Means and to the House Committee on Energy and Technology with their findings.

* * * Secretary of State * * *
* * * Professional Regulation * * *

Sec. 13. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

(a) In addition to the fees otherwise authorized by law, a board or adviser profession may charge the following fees:

* * *

(4) Continuing, qualifying, or prelicensing education course approval:

(A) Provider, \$100.00.

(B) Individual, \$25.00.

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

* * *

(2) Application for licensure or certification, \$100.00, except application for:

* * *

(C) Application for real estate appraisers, \$275.00.

(D) Temporary real estate appraiser license, \$150.00.

(E) Appraisal management company registration, \$600.00.

* * *

(4) Biennial renewal, ~~\$200.00~~ \$240.00, except biennial renewal for:

* * *

(C) Physical therapists and assistants, ~~\$100.00~~ \$150.00.

* * *

(J) Appraisal management company registration, \$600.00.

(K) Radiologic therapist, radiologic technologist, nuclear medicine technologist, \$150.00.

(L) Certified alcohol and drug abuse counselor, certified apprentice addiction professional, and licensed alcohol and drug abuse counselor, \$225.00.

* * *

(6) Radiologic evaluation, \$125.00.

* * *

* * * Board of Public Accountancy * * *

Sec. 14. 26 V.S.A. § 56 is amended to read:

§ 56. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- | | |
|--|---------------------------------------|
| (1) Application for license | \$ 75.00 <u>\$ 100.00</u> |
| (2) Biennial renewal of license | \$ 120.00 <u>\$ 220.00</u> |
| (3) Firm registration and biennial renewal of registration | \$ 120.00 <u>\$ 200.00</u> |

* * *

- | | |
|--|------------------|
| <u>(5) Firm biennial renewal of registration</u> | <u>\$ 400.00</u> |
| <u>(6) Sole proprietor firm biennial renewal of registration</u> | <u>\$ 200.00</u> |

* * * Board of Dental Examiners * * *

Sec. 15. 26 V.S.A. § 662(a) is amended to read:

(a) Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application
 - (A) Dentist ~~\$ 225.00~~ \$ 250.00
 - (B) Dental therapist \$ 185.00
 - (C) Dental hygienist ~~\$ 150.00~~ \$ 175.00
 - (D) Dental assistant ~~\$ 60.00~~ \$ 70.00
- (2) Biennial renewal
 - (A) Dentist ~~\$ 355.00~~ \$ 575.00
 - (B) Dental therapist ~~\$ 225.00~~ \$ 270.00
 - (C) Dental hygienist ~~\$ 125.00~~ \$ 215.00

(D) Dental assistant ~~\$ 75.00~~ \$ 90.00

* * * Board of Professional Engineering * * *

Sec. 16. 26 V.S.A. § 1176 is amended to read:

§ 1176. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for engineering license or application to add additional specialty discipline ~~\$ 80.00~~ \$ 100.00

* * *

(3) Biennial license renewal ~~\$ 100.00~~ \$ 150.00

* * *

* * * State Board of Nursing * * *

Sec. 17. 26 V.S.A. § 1577 is amended to read:

§ 1577. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Nursing Assistants

* * *

(B) Biennial renewal ~~\$ 45.00~~ \$ 55.00

(2) Practical Nurses and Registered Nurses

(A) Application by exam ~~\$ 60.00~~ \$ 75.00

(B) ~~Registered nurse application~~ Application by endorsement \$ 150.00

(C) Biennial renewal for Practical Nurses ~~\$ 140.00~~ \$ 175.00

(D) Biennial renewal for Registered Nurses \$ 190.00

(3) Advanced Practice Registered Nurses

(A) Initial endorsement of advanced practice registered nurses ~~\$ 75.00~~ \$ 100.00

(B) Biennial renewal of advanced practice registered nurses ~~\$ 75.00~~ \$ 125.00

* * * Board of Pharmacy * * *

* * * Licensing Fees * * *

Sec. 18. 26 V.S.A. § 2046 is amended to read:

§ 2046. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Initial application:

* * *

(C) Institutional drug outlets	\$ 300.00 <u>\$ 400.00</u>
(D) Manufacturing drug outlet	\$ 300.00 <u>\$ 400.00</u>
(E) Wholesale drug outlet	\$ 600.00 <u>\$ 700.00</u>

* * *

(H) Outsourcing drug outlet	<u>\$ 700.00</u>
(I) Nuclear drug outlet	<u>\$ 700.00</u>
(J) Compounding drug outlet	<u>\$ 700.00</u>
(K) Home infusion drug outlet	<u>\$ 700.00</u>
(L) Third-party logistics	<u>\$ 700.00</u>
(M) Pharmacy interns	<u>\$ 20.00</u>

(2) Biennial renewal:

(A) Pharmacists	\$ 100.00 <u>\$ 125.00</u>
(B) Retail drug outlets	\$ 300.00 <u>\$ 400.00</u>
(C) Institutional drug outlets	\$ 300.00 <u>\$ 500.00</u>
(D) Manufacturing drug outlet	\$ 300.00 <u>\$ 500.00</u>
(E) Wholesale drug outlet	\$ 300.00 <u>\$ 500.00</u>

* * *

(H) Outsourcing drug outlet	<u>\$ 500.00</u>
(I) Nuclear drug outlet	<u>\$ 500.00</u>
(J) Compounding drug outlet	<u>\$ 500.00</u>
(K) Home infusion drug outlet	<u>\$ 500.00</u>
(L) Third-party logistics	<u>\$ 500.00</u>
(M) Pharmacy interns	<u>\$ 45.00</u>

* * *

* * * Wholesale Distributors and Manufacturers * * *

Sec. 19. 26 V.S.A. § 2076(c) is amended to read:

(c) If the Board determines it is necessary to inspect a certain premises under the same ownership more than once in any two-year period, the Board may charge a reinspection fee of not more than ~~\$100.00~~ \$500.00.

* * * Real Estate Commission * * *

Sec. 20. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application

(A) Broker license ~~\$ 50.00~~ \$ 100.00

(B) Salesperson license ~~\$ 50.00~~ \$ 100.00

(C) Brokerage firm registration ~~\$ 50.00~~ \$ 200.00

(D) Branch office registration ~~\$ 50.00~~ \$ 200.00

(2) Biennial renewal of broker or salesperson license ~~\$ 200.00~~ \$ 240.00

(3) Biennial brokerage firm or branch office registration renewal
~~\$ 200.00~~ \$ 400.00

* * *

* * * Board of Radiologic Technology * * *

Sec. 21. 26 V.S.A. § 2814 is amended to read:

§ 2814. FEES

Applicants and persons regulated under this chapter shall pay ~~the following~~ fees:

~~(1) Application for primary licensure~~ ~~\$ 100.00~~

~~(2) Biennial renewal~~

~~(A) Renewal of a single primary license~~ ~~\$ 110.00~~

~~(B) Renewal of each additional primary license~~ ~~\$ 15.00~~

~~(3) Initial competency endorsement under section 2804 of this title~~ ~~\$ 100.00~~

~~(4) Biennial renewal of competency endorsement under section 2804 of this title~~ ~~\$ 110.00~~

~~(5) Evaluation \$125.00~~

those fees set forth in 3 V.S.A. § 125(b).

~~*** Board of Allied Mental Health Practitioners ***
*** Clinical Mental Health Counselors ***~~

Sec. 22. 26 V.S.A. § 3270a is amended to read:

§ 3270a. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for licensure	\$125.00 <u>\$150.00</u>
(2) Biennial renewal	\$150.00 <u>\$200.00</u>

~~*** Board of Real Estate Appraisers ***~~

Sec. 23. 26 V.S.A. § 3316 is amended to read:

§ 3316. LICENSING AND REGISTRATION FEES

~~Applicants and persons licensed under this chapter shall pay the following fees:~~

(1) Application	\$125.00
(2) Initial license	\$150.00
(3) Biennial renewal	\$200.00
(4) Temporary license	\$150.00
(5) Prelicensing course review	\$100.00
(6) Continuing education course review	\$100.00
(7) Appraiser trainee annual registration	\$100.00
(8) Appraisal management company registration application	\$125.00
(9) Appraisal management company registration renewal	\$400.00

In addition to the fees otherwise authorized by law, the Director may charge the fees for professions regulated by the Director as set forth in 3 V.S.A. § 125(b).

~~*** Board of Allied Mental Health Practitioners ***
*** Marriage and Family Therapists ***~~

Sec. 24. 26 V.S.A. § 4041a is amended to read:

§ 4041a. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for licensure ~~\$125.00~~ \$150.00
- (2) Biennial renewal ~~\$150.00~~ \$250.00

* * * Roster of Psychotherapists Who Are Nonlicensed
and Noncertified * * *

Sec. 25. 26 V.S.A. § 4089a is amended to read:

§ 4089a. FEES

A person who seeks entry on the roster shall pay the following fees:

- (1) Initial roster entry ~~\$75.00~~ \$80.00
- (2) Biennial roster reentry ~~\$90.00~~ \$150.00

* * * Electrologists * * *

Sec. 26. 26 V.S.A. § 4412 is amended to read:

§ 4412. FEES

In addition to examination fees, applicants and licensees regulated under this chapter shall be subject to the fees set forth in 3 V.S.A. § 125(b) ~~and the following fees:~~

- ~~(1) Initial electrology office license \$100.00;~~
- ~~(2) Biennial office license renewal \$ 50.00.~~

* * * Judiciary * * *

* * * Supreme and Superior Courts * * *

Sec. 27. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

* * *

(d) Prior to the entry of any subsequent pleading which sets forth a claim for relief in the Supreme Court or the Superior Court, there shall be paid to the clerk of the court for the benefit of the State a fee of \$120.00 for every ~~appeal,~~ ~~cross-claim,~~ or third-party claim and a fee of \$90.00 for every counterclaim in the Superior Court in lieu of all other fees not otherwise set forth in this section. The fee for an appeal of a magistrate's decision or the appeal of a small claims decision in the Superior Court shall be \$120.00. The filing fee for civil suspension proceedings filed pursuant to 23 V.S.A § 1205 shall be \$90.00, which shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title. This subsection does not apply to filing fees in the

Family Division, except with respect to the fee for an appeal of a magistrate's decision.

(e) Prior to the filing of any postjudgment motion in the Civil, Criminal, or Environmental Division of the Superior Court, including motions to reopen civil suspensions and motions for sealing or expungement in the Criminal Division pursuant to 13 V.S.A. § 7602, or motions to reopen existing cases in the Probate Division of the Superior Court, there shall be paid to the clerk of the court for the benefit of the State a fee of \$90.00 except for small claims actions, and estates, and motions to confirm the sale of property in foreclosure. A filing fee of \$90.00 shall be paid to the clerk of the court for a civil petition for minor settlements.

* * *

* * * Probate Cases * * *

Sec. 28. 32 V.S.A. § 1434 is amended to read:

§ 1434. PROBATE CASES

(a) The following entry fees shall be paid to the Probate Division of the Superior Court for the benefit of the State, except for subdivisions (18) and (19) of this subsection, which shall be for the benefit of the county in which the fee was collected:

* * *

(26) Petitions for license to sell or convey real estate
\$100.00

(27) Petition for license to sell or convey personal property \$100.00

* * *

(31) ~~Requests for findings regarding motor vehicle title pursuant to 23 V.S.A. § 2023(e)(2) \$50.00 [Repealed.]~~

(32) Petitions to obtain a birth order pursuant to 15C V.S.A. § 708(a) or § 804(a) \$100.00

(33) Petitions to appeal the State Registrar's denial of an application to amend a birth or death certificate pursuant to 18 V.S.A. § 5073(b) \$150.00

* * *

* * * Prescription Drug Cost Containment * * *

* * * Manufacturer Fees * * *

Sec. 29. 33 V.S.A. § 2004(a) is amended to read:

(a) Annually, each pharmaceutical manufacturer or labeler of prescription

drugs that are paid for by the Department of Vermont Health Access for individuals participating in Medicaid, Dr. Dynasaur, or VPharm shall pay a fee to the Agency of Human Services. The fee shall be ~~4.5~~ 1.75 percent of the previous calendar year's prescription drug spending by the Department and shall be assessed based on manufacturer labeler codes as used in the Medicaid rebate program.

* * * Entities that Administer Health Reimbursement Arrangements * * *

Sec. 30. 18 V.S.A. § 9417 is added to read:

§ 9417. TAX-ADVANTAGED ACCOUNTS FOR HEALTH EXPENSES;

ADMINISTRATION; RULEMAKING

(a) As used in this section:

(1) "Flexible spending account" or "FSA" has the same meaning as in 26 U.S.C. § 106(c)(2).

(2) "Health reimbursement arrangement" or "HRA" means any account-based reimbursement arrangement funded solely by employer contributions that reimburses an employee, spouse, or dependents, or a combination thereof, for medical care expenses incurred by the employee, spouse, dependents, or a combination thereof, up to a maximum coverage amount set by the employer for a given coverage period, and that is established pursuant to 26 U.S.C. §§ 105–106 and applicable guidance from the Internal Revenue Service.

(3) "Health savings account" or "HSA" has the same meaning as in 26 U.S.C. § 223(d)(1).

(b) Any entity administering one or more HRAs, HSAs, or FSAs, or a combination of these, in this State is providing financial services to Vermont residents and is subject to the jurisdiction of the Commissioner of Financial Regulation pursuant to 8 V.S.A. § 10 and all other applicable provisions.

(c) The Commissioner of Financial Regulation shall adopt rules pursuant to 3 V.S.A. chapter 25 to license and regulate, to the extent permitted under federal law, entities administering or proposing to administer one or more HRAs, HSAs, or FSAs, or a combination of these, in this State. The rules may include:

(1) annual licensure or registration filing requirements; and

(2) such requirements and qualifications for such entities as the Commissioner determines are appropriate, which may include:

(A) bonding, surplus, reserves, or a combination thereof;

(B) information security and confidentiality; and

(C) examination and enforcement.

(d) Following the adoption of rules pursuant to subsection (c) of this section, an entity making an initial application for a license or registration to administer HRAs, HSAs, or FSAs, or a combination of these, in this State shall pay to the Commissioner a nonrefundable fee of \$600.00 for examining, investigating, and processing the application. Each such entity shall also pay a renewal fee of \$600.00 on or before December 31 every three years following initial licensure.

Sec. 31. RULEMAKING; REPORT

On or before February 15, 2020, the Commissioner of Financial Regulation shall provide an update to the Senate Committee on Finance and the House Committees on Health Care and on Commerce and Economic Development on the progress of the rulemaking required by Sec. 30 of this act, including any findings related to the permissible scope of the rule.

* * * Department of Motor Vehicles * * *
* * * Public Records Requests * * *

Sec. 32. 23 V.S.A. § 104(a) is amended to read:

~~(a) The records of the registration of motor vehicles, snowmobiles, and motorboats, licensing of operators and registration of dealers, all original accident reports, and the records showing suspension and revocation of licenses and registrations and the records regarding diesel fuel, gasoline, and rental vehicle taxes shall be deemed official and public records, and shall be open to public inspection at all reasonable hours. The Commissioner shall furnish certified copies of the records to any interested person on payment of such fee as established by subdivision 114(a)(21) of this title. Notwithstanding section 114 of this title, information from the records of the Department may be made available to government agencies in the manner determined by the Commissioner and at the actual cost of furnishing the same. The records may be maintained on microfilm or electronic imaging. [Repealed.]~~

Sec. 33. 23 V.S.A. § 114 is amended to read:

§ 114. FEES

(a) The Commissioner shall be paid the following fees for miscellaneous transactions:

- | | |
|--|---------|
| (1) Listings of 1 through 4 registrations | \$8.00 |
| (2) Certified copy of registration application | \$8.00 |
| (3) Sample plates | \$18.00 |

-
- (4) Lists of registered dealers, transporters, periodic inspection stations, fuel dealers, and distributors, including gallonage sold or delivered and rental vehicle companies \$8.00 per page
 - (5) [Repealed.]
 - (6) Periodic inspection sticker record \$8.00
 - (7) Certified copy individual accident crash report \$12.00
 - (8) Certified copy police accident crash report \$18.00
 - (9) Certified copy suspension notice \$8.00
 - (10) Certified copy mail receipt \$8.00
 - (11) Certified copy proof of mailing \$8.00
 - (12) Certified copy reinstatement notice \$8.00
 - (13) Certified copy operator’s license application \$8.00
 - (14) Certified copy three-year operating record \$14.00
 - (15) [Repealed.]
 - (16) Government official photo identification card \$6.00
 - (17) Listing of operator’s licenses of 1 through 4 \$8.00
 - (18) Statistics and research \$42.00 per hour
 - (19) Insurance information on crash \$8.00
 - (20) Certified copy complete operating record \$20.00
 - (21) Records not otherwise specified \$8.00 per page
 - (22) ~~List of title records and related data elements excluding any personally identifiable information—initial computer programming~~ Public records request for Department records requiring custom computer programming ~~\$5,331.00~~ \$100.00 per hour, but not less than \$500.00
 - (23) ~~List of title records and related data elements excluding any personally identifiable information—record set on electronic media~~ Public records request for Department records requiring custom computer programming (updated) \$119.00

* * *

* * * Effective Dates * * *

Sec. 34. EFFECTIVE DATES

(a) Secs. 2 (insurance term of license) and 3a (insurance license requirements) shall take effect on June 1, 2021.

(b) Secs. 5 (Department of Fish and Wildlife license fees) and 6 (Department of Fish and Wildlife lifetime licenses) shall take effect on January 1, 2020.

(c) Secs. 30 (tax-advantaged accounts for health expenses), 31 (rulemaking; report), and 34 (effective dates) shall take effect on passage, provided that the Department of Financial Regulation shall adopt its final rule on or before September 1, 2020 regulating entities that administer HRAs, HSAs, or FSAs, or a combination of these.

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

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

Rep. Scheu of Middlebury

Rep. Brennan of Colchester

Rep. Browning of Arlington

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

S. 18

Rep. Colburn of Burlington, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to consumer justice enforcement

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

Sec. 1. 9 V.S.A. chapter 152 is added to read:

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

§ 6051. UNCONSCIONABLE TERMS IN STANDARD-FORM
CONTRACTS PROHIBITED

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

(1) A requirement that resolution of legal claims takes place in an inconvenient venue. As used in this subdivision, “inconvenient venue” for State law claims means a place other than the state in which the individual resides or the contract was consummated, and for federal law claims means a place other than the federal judicial district where the individual resides or the contract was consummated. Notwithstanding this subdivision, a standard-form contract may include a term requiring that resolution of legal claims takes place in a State or federal court in Vermont.

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

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

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

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

(c) Severability.

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

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

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

(2) In performing its analysis under this subsection (c), the court may consider the actual purposes of the contracting parties and whether severing the term would create an incentive for contract drafters to include similar illegal or unconscionable terms.

(d) Unfair and deceptive act and practice.

(1) In an underlying legal dispute between the drafting and nondrafting parties in which the drafting party seeks to enforce one or more terms identified in subsection (a) of this section, and upon a finding that such terms are actually unconscionable, the court may also find that the drafting party has thereby committed an unfair and deceptive practice in violation of section 2453 of this title and may order up to \$1,000.00 in statutory damages per violation and an award of reasonable costs and attorney's fees.

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

(e) Limitation on applicability. This section shall not apply to the following contracts:

(1) A contract to which one party is:

(A) regulated by the Vermont Department of Financial Regulation; or

(B) a financial institution as defined by 8 V.S.A. § 11101(32) or a credit union as defined by 8 V.S.A. § 30101(5).

(2) A contract for the nondrafting party's enrollment or participation in a recreational activity, sport, or competition.

(3) A motor vehicle retail installment contract subject to chapter 59 of this title.

Sec. 2. EFFECTIVE DATE

This act shall take effect on October 1, 2020.

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

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

H. 132

The Senate proposed to the House to amend House bill, entitled
An act relating to adopting protections against housing discrimination for
victims of domestic and sexual violence

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

* * * Housing Discrimination; Domestic and Sexual Violence * * *

Sec. 1. REDESIGNATION

(a) 9 V.S.A. chapter 138 (campgrounds) is redesignated as 9 V.S.A. chapter 136.

(b) 9 V.S.A. § 4470 (campgrounds; removal) is redesignated as 9 V.S.A. § 4410.

Sec. 2. 9 V.S.A. chapter 137 is amended to read:

CHAPTER 137. RESIDENTIAL RENTAL AGREEMENTS

Subchapter 1. General

§ 4451. DEFINITIONS

* * *

Subchapter 2. Residential Rental Agreements

§ 4455. TENANT OBLIGATIONS; PAYMENT OF RENT

* * *

Subchapter 3. Farm Employee Housing

§ 4469. [Reserved.]

§ 4469a. TERMINATION OF OCCUPANCY OF FARM EMPLOYEE
HOUSING

* * *

Subchapter 4. Housing Discrimination; Domestic and Sexual Violence

§ 4471. DEFINITIONS

As used in this subchapter:

(1) “Abuse” has the same meaning as in 15 V.S.A. § 1101.

(2) “Protected tenant” means a tenant who is:

(A) a victim of abuse, sexual assault, or stalking;

(B) a parent, foster parent, legal guardian, or caretaker with at least partial physical custody of a victim of abuse, sexual assault, or stalking.

(3) “Sexual assault” and “stalking” have the same meaning as in 12 V.S.A. § 5131.

§ 4472. RIGHT TO TERMINATE RENTAL AGREEMENT

(a) Notwithstanding a contrary provision of a rental agreement or of subchapter 2 of this chapter, a protected tenant may terminate a rental agreement pursuant to subsection (b) of this section without penalty or liability if he or she reasonably believes it is necessary to vacate a dwelling unit:

(1) based on a fear of imminent harm to any protected tenant due to abuse, sexual assault, or stalking; or

(2) if any protected tenant was a victim of sexual assault that occurred on the premises within the six months preceding the date of his or her notice of termination.

(b) Not less than 30 days before the date of termination, the protected tenant shall provide to the landlord:

(1) a written notice of termination; and

(2) documentation from one or more of the following sources supporting his or her reasonable belief that it is necessary to vacate the dwelling unit:

(A) a court, law enforcement, or other government agency;

(B) an abuse, sexual assault, or stalking assistance program;

(C) a legal, clerical, medical, or other professional from whom the tenant, or the minor or dependent of the tenant, received counseling or other assistance concerning abuse, sexual assault, or stalking; or

(D) a self-certification of a protected tenant’s status as a victim of abuse, sexual assault, or stalking, signed under penalty of perjury, on a standard form adopted for that purpose by:

(i) a federal or State government entity, including the federal Department of Housing and Urban Development or the Vermont Department for Children and Families; or

(ii) a nonprofit organization that provides support services to protected tenants.

(c) A notice of termination provided pursuant to subsection (b) of this section may be revoked and the rental agreement shall remain in effect if:

(1)(A) the protected tenant provides a written notice to the landlord revoking the notice of termination; and

(B) the landlord has not entered into a rental agreement with another tenant prior to the date of the revocation; or

(2)(A) the protected tenant has not vacated the premises as of the date of termination; and

(B) the landlord has not entered into a rental agreement with another tenant prior to the date of termination.

§ 4473. RIGHT TO CHANGE LOCKS; OTHER SECURITY MEASURES

Notwithstanding any contrary provision of a rental agreement or of subchapter 2 of this chapter:

(1) Subject to subdivision (2) of this subsection, a protected tenant may request that a landlord change the locks of a dwelling unit within 48 hours following the request:

(A) based on a fear of imminent harm to any protected tenant due to abuse, sexual assault, or stalking; or

(B) if any protected tenant was a victim of sexual assault that occurred on the premises within the six months preceding the date of his or her request.

(2) If the perpetrator of abuse, sexual assault, or stalking is also a tenant in the dwelling unit, the protected tenant shall include with his or her request a copy of a court order that requires the perpetrator to leave the premises.

(3) If the landlord changes the locks as requested, the landlord shall provide a key to the new locks to each tenant of the dwelling unit, not including the perpetrator of the abuse, sexual assault, or stalking who is subject to a court order to leave the premises.

(4) If the landlord does not change the locks as requested, the protected tenant may change the locks without the landlord's prior knowledge or permission, provided that the protected tenant shall:

(A) ensure that the new locks, and the quality of the installation, equal or exceed the quality of the original;

(B) notify the landlord of the change within 24 hours of installation;
and

(C) provide the landlord with a key to the new locks.

(5) Unless otherwise agreed to by the parties, a protected tenant is responsible for the costs of installation of new locks pursuant to this section.

(6)(A) A protected tenant may request permission of a landlord to install additional security measures on the premises, including a security system or security camera.

(B) A protected tenant:

(i) shall submit his or her request not less than seven days prior to installation;

(ii) shall ensure the quality and safety of the security measures and of their installation;

(iii) is responsible for the costs of installation and operation of the security measures; and

(iv) is liable for damages resulting from installation.

(C) A landlord shall not unreasonably refuse a protected tenant's request to install additional security measures pursuant to this subdivision (6).

§ 4474. CONFIDENTIALITY

An owner, landlord, or housing subsidy provider who possesses documentation or information concerning a protected tenant's status as a victim of abuse, sexual assault, or stalking shall keep the documentation or information confidential and shall not allow or provide access to another person unless:

(1) authorized by the protected tenant;

(2) required by a court order, government regulation, or governmental audit requirement; or

(3) required as evidence in a court proceeding, provided:

(A) the documentation or information remains under seal; and

(B) use of the documentation or information is limited to a claim brought pursuant to section 4472 or 4473 of this title.

§ 4475. LIMITATION OF LIABILITY; ENFORCEMENT

Except in the case of gross negligence or willful misconduct, a landlord is immune from liability for damages to a protected tenant if he or she acts in good faith reliance on:

(1) the provisions of this subchapter; or

(2) information provided or action taken by a protected tenant pursuant

to the provisions of this subchapter.

Sec. 3. PROTECTED TENANT SELF-CERTIFICATION; FORM

(a) The Vermont Network Against Domestic and Sexual Violence, in collaboration with the Vermont Apartment Owners Association and other interested parties, shall:

(1) develop and make available a standard self-certification form for use by protected tenants pursuant to 9 V.S.A. § 4472(b);

(2) provide the self-certification form to the Department for Children and Families, once developed; and

(3) provide a status report regarding the form, its availability, and its use to the Senate Committee on Economic Development, Housing and General Affairs and to the House Committee on General, Housing, and Military Affairs on or before January 15, 2020.

Sec. 4. 9 V.S.A. chapter 139 is amended to read:

CHAPTER 139. DISCRIMINATION; PUBLIC ACCOMMODATIONS;
RENTAL AND SALE OF REAL ESTATE

* * *

§ 4501. DEFINITIONS

As used in this chapter:

* * *

(11) “Abuse,” “sexual assault,” and “stalking” have the same meaning as in section 4471 of this title.

* * *

§ 4503. UNFAIR HOUSING PRACTICES

(a) It shall be unlawful for any person:

(1) To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or other real estate to any person because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(2) To discriminate against, or to harass any person in the terms, conditions, ~~or~~ privileges, and protections of the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection

therewith, because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling or other real estate that indicates any preference, limitation, or discrimination based on race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(4) To represent to any person because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking, that any dwelling or other real estate is not available for inspection, sale, or rental when the dwelling or real estate is in fact so available.

(5) To disclose to another person information regarding or relating to the status of a tenant or occupant as a victim of abuse, sexual assault, or stalking for the purpose or intent of:

(A) harassing or intimidating the tenant or occupant;

(B) retaliating against a tenant or occupant for exercising his or her rights;

(C) influencing or coercing a tenant or occupant to vacate the dwelling; or

(D) recovering possession of the dwelling.

(6) To discriminate against any person in the making or purchasing of loans or providing other financial assistance for real-estate-related transactions or in the selling, brokering, or appraising of residential real property, because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(7) To engage in blockbusting practices, for profit, which may include

inducing or attempting to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(8) To deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

* * *

(12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, or because a person is a victim of abuse, sexual assault, or stalking, except as otherwise provided by law.

* * *

* * * Housing Health and Safety; Rental Housing
Health Code Enforcement * * *

Sec. 5. 18 V.S.A. § 5 is amended to read:

§ 5. DUTIES OF DEPARTMENT OF HEALTH

The Department of Health shall:

(1) Conduct studies, develop State plans, and administer programs and State plans for hospital survey and construction, hospital operation and maintenance, medical care, and treatment of substance abuse.

(2) Provide methods of administration and such other action as may be necessary to comply with the requirements of federal acts and regulations as relate to studies, development of plans and administration of programs in the fields of health, public health, health education, hospital construction and maintenance, and medical care.

(3) Appoint advisory councils, with the approval of the Governor.

(4) Cooperate with necessary federal agencies in securing federal funds ~~which~~ that become available to the State for all prevention, public health, wellness, and medical programs.

(5) Seek accreditation through the Public Health Accreditation Board.

(6) Create a State Health Improvement Plan and facilitate local health improvement plans in order to encourage the design of healthy communities and to promote policy initiatives that contribute to community, school, and workplace wellness, which may include providing assistance to employers for wellness program grants, encouraging employers to promote employee engagement in healthy behaviors, and encouraging the appropriate use of the health care system.

(7) Serve as the leader on State rental housing health laws.

(8) Provide policy assistance, technical support, and legal guidance to municipalities concerning the interpretation, implementation, and enforcement of State rental housing health and safety laws.

Sec. 6. 18 V.S.A. § 603 is amended to read:

§ 603. RENTAL HOUSING SAFETY; INSPECTION REPORTS

(a)(1) When conducting an investigation of rental housing, a local health officer shall issue a written inspection report on the rental property using the protocols for implementing the Rental Housing Health Code of the Department or the municipality, in the case of a municipality that has established a code enforcement office.

(2) A written inspection report shall:

(A) contain findings of fact that serve as the basis of one or more violations;

(B) specify the requirements and timelines necessary to correct a violation;

(C) provide notice that the landlord is prohibited from renting the affected unit to a new tenant until the violation is corrected; and

(D) provide notice in plain language that the landlord and agents of the landlord must have access to the rental unit to make repairs as ordered by the health officer consistent with the access provisions in 9 V.S.A. § 4460.

(3) A local health officer shall:

(A) provide a copy of the inspection report to the landlord and any tenants affected by a violation by delivering the report electronically, in person, by first class mail, or by leaving a copy at each unit affected by the

deficiency; and

(B) provide information on each inspection to the Department within seven days of issuing the report using an electronic system designed for that purpose.

(4) If an entire property is affected by a violation, the local health officer shall post a copy of the inspection report in a common area of the property and include a prominent notice that the report shall not be removed until authorized by the local health officer.

(5) A municipality shall make an inspection report available as a public record.

(b)(1) A local health officer may impose a ~~fine~~ civil penalty of not more than \$100.00 \$200.00 per day for each violation that is not corrected by the date provided in the written inspection report, or when a unit is re-rented to a new tenant prior to the correction of a violation.

(2)(A) If the cumulative amount of penalties imposed pursuant to this subsection is \$800.00 or less, the local health officer, Department of Health, or State's Attorney may bring a civil enforcement action in the Judicial Bureau pursuant to 4 V.S.A. chapter 29.

(B) The waiver penalty for a violation in an action brought pursuant to this subsection is 50 percent of the full penalty amount.

(3) If the cumulative amount of penalties imposed pursuant to this subsection is more than \$800.00, or if injunctive relief is sought, the local health officer, Department of Health, or State's Attorney shall commence an action in the Civil Division of the Superior Court for the county in which a violation occurred.

(c) If a local health officer fails to conduct an investigation pursuant to section 602a of this title or fails to issue an inspection report pursuant to this section, a landlord or tenant may request that the Department, at its discretion, conduct an investigation or contact the local board of health to take action.

Sec. 7. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

(a) The Judicial Bureau is created within the Judicial Branch under the supervision of the Supreme Court.

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

* * *

(21) Violations of State or municipal rental housing health and safety

laws when the amount of the cumulative penalties imposed pursuant to 18 V.S.A. § 603 is \$800.00 or less.

* * *

(c) The Judicial Bureau shall not have jurisdiction over municipal parking violations.

(d) Three hearing officers appointed by the Court Administrator shall determine waiver penalties to be imposed for violations within the Judicial Bureau's jurisdiction, except:

(1) Municipalities municipalities shall adopt full and waiver penalties for civil ordinance violations pursuant to 24 V.S.A. § 1979. For purposes of municipal violations, the issuing law enforcement officer shall indicate the appropriate full and waiver penalty on the complaint.

Sec. 8. RENTAL HOUSING HEALTH AND SAFETY ENFORCEMENT SYSTEM; RECOMMENDATIONS; REPORT

(a) On or before January 15, 2020, in collaboration with the Rental Housing Advisory Board, the Department of Health and the Department of Public Safety shall develop recommendations for the design and implementation of a comprehensive system for the professional enforcement of State rental housing health and safety laws, which shall include:

(1) an outline of options, including an option for a State government-run system, with a timeline and budget for each;

(2) a needs assessment outlining the demand for inspections based on inspection information collected through the electronic system created pursuant to Sec. 6 of this act, summary information for fiscal year 2019 inspection reports provided pursuant to subsection (c) of this section, summary information from municipalities with self-governed rental housing health code programs, and other stakeholders and relevant sources; and

(3) any additional recommendations from the Rental Housing Advisory Board, the Department of Public Safety, the Department of Housing and Community Development, or other executive branch agencies.

(b) On or before September 30, 2019, the Department of Health shall provide an interim progress report to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on General, Housing, and Military Affairs.

(c) On or before August 1, 2019, each municipality in this State shall provide to the Department of Health summary information on its inspection activity from July 1, 2018 through June 30, 2019 in order to assist the

Department in completing the needs assessment pursuant to subdivision (a)(2) of this section.

* * * Affordable Housing * * *

Sec. 9. STATE TREASURER RECOMMENDATION FOR FINANCING
OF AFFORDABLE HOUSING INITIATIVE

(a) Evaluation. On or before January 15, 2020, the State Treasurer shall evaluate options for financing affordable housing in the State. The evaluation shall include:

(1) a plan, formed in consultation with interested stakeholders, for the creation of 1,000 housing units over five years for Vermonters with incomes up to 120 percent of the area median income as determined by the U.S. Department of Housing and Urban Development;

(2) alternatives for financing the plan that take into consideration the use of appropriations, general obligation bonds, revenue bonds, investments, new revenues, and other financing mechanisms, including initiatives undertaken by other states;

(3) an assumption that the 1,000 units shall be in addition to what would otherwise have been produced through projected base appropriations available to the Vermont Housing and Conservation Board over five years commencing with FY 2021; and

(4) provision for meeting housing needs in the following areas:

(A) creating new multifamily and single-family homes;

(B) addressing blighted properties and other existing housing stock requiring reinvestment, including in mobile home parks; and

(C) providing service-supported housing in coordination with the Agency of Human Services, including for those who are elderly, homeless, in recovery, experiencing severe mental illness, or leaving incarceration.

(b) Cooperation. In conducting the evaluation described in subsection (a) of this section, the State Treasurer shall have the cooperation of the Agency on Commerce and Community Development and the Department of Taxes.

(c) Report. The State Treasurer shall submit a report with recommendations based on the evaluation described in subsection (a) of this section to the Senate Committees on Economic Development, Housing and General Affairs, on Appropriations, and on Finance and the House Committees on General, Housing, and Military Affairs, on Appropriations, and on Ways and Means. The report shall also include a legislative proposal to implement the recommendations proposed in the report.

* * * Effective Date * * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

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

By striking out Secs. 5–9 and their reader assistances in their entireties and by renumbering the remaining section to be numerically correct

Which was agreed to.

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

S. 58

Rep. O'Brien of Tunbridge, for the committee on Agriculture and Forestry, to which had been referred Senate bill, entitled

An act relating to the State hemp program

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

Sec. 1. 6 V.S.A. chapter 34 is amended to read:

CHAPTER 34. HEMP

§ 561. FINDINGS; INTENT

(a) Findings.

* * *

(5) ~~The federal Agricultural Act of 2014, Pub. L. No. 113-79 authorized Section 10113 of the Agriculture Improvement Act of 2018, Pub. L. No. 115-334 authorizes the growing, cultivation, and marketing of industrial hemp, notwithstanding restrictions under the federal Controlled Substances Act, if certain criteria are satisfied under a U.S. Department of Agriculture approved State program.~~

(b) Purpose. The intent of this chapter is to establish policy and procedures for growing, processing, testing, and marketing hemp and hemp products in Vermont that comply with federal law so that farmers and other businesses in the Vermont agricultural industry can take advantage of this market opportunity.

§ 562. DEFINITIONS

As used in this chapter:

(1) “Agency” means the Agency of Agriculture, Food and Markets.

(2)(A) “Grow” means:

(i) planting, cultivating, harvesting, or drying of hemp; and

(ii) selling, storing, and transporting hemp grown by a grower.

(B) “Grow” may be used interchangeably with the word “produce.”

(3) “Grower” means a person who is registered with the Agency to produce hemp crops.

(4) “Hemp products” or “hemp-infused products” means all products made from hemp with the federally defined tetrahydrocannabinol concentration level for hemp derived from, or made by, processing hemp plants or plant parts, that are prepared in a form available for commercial sale, including cosmetics, personal care products, food intended for animal or human consumption, cloth, cordage, fiber, food, fuel, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and certified seed for cultivation and any product containing one or more hemp-derived cannabinoids, such as cannabidiol.

(3)(5) “Hemp” or “industrial hemp” means the plant Cannabis sativa L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis including the seeds and all derivatives, extracts, cannabinoids, acids, salts, isomers, and salts of isomers, whether growing or not, with the federally defined tetrahydrocannabinol concentration level of hemp. “Hemp” shall be considered an agricultural commodity.

(6) “Process” means the storing, drying, trimming, handling, compounding, or converting of a hemp crop by a processor for a single grower or multiple growers into hemp products or hemp-infused products. “Process” includes transporting, aggregating, or packaging hemp from a single grower or multiple growers.

(7) “Processor” means a person who is registered with the Agency to process hemp crops. A retail establishment selling hemp products or hemp-infused products is not a processor.

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

§ 563. HEMP; AN AGRICULTURAL PRODUCT

Industrial hemp is an agricultural product that may be grown as a crop produced, possessed, marketed, and commercially traded in Vermont pursuant to the provisions of this chapter and section 10113 of the Agriculture Improvement Act of 2018, Pub. L. No. 115-334. The cultivation of industrial hemp shall be subject to and comply with the required agricultural practices adopted under section 4810 of this title.

§ 564. STATE HEMP PROGRAM; REGISTRATION; APPLICATION;
ADMINISTRATION; PILOT PROJECT

~~(a) The Secretary shall establish a pilot program to research the growth, cultivation, and marketing of industrial hemp. Under the pilot program, the Secretary shall register persons who will participate in the pilot program through growing or cultivating industrial hemp. The Secretary shall certify the site where industrial hemp will be cultivated by each person registered under this chapter. A person who intends to participate in the pilot program and grow industrial hemp shall register with the Secretary and submit on a form provided by the Secretary the following:~~

~~(1) the name and address of the person;~~

~~(2) a statement that the seeds obtained for planting are of a type and variety that do not exceed the maximum concentration of tetrahydrocannabinol set forth in subdivision 562(3) of this title; and~~

~~(3) the location and acreage of all parcels sown and other field reference information as may be required by the Secretary.~~

~~(b) The form provided by the Secretary pursuant to subsection (a) of this section shall include a notice statement that:~~

~~(1) cultivation and possession of industrial hemp in Vermont is a violation of the federal Controlled Substances Act unless the industrial hemp is grown, cultivated, or marketed under a pilot program authorized by section 7606 of the federal Agricultural Act of 2014, Pub. L. No. 113-79;~~

~~(2) federal prosecution for growing hemp in violation of federal law may include criminal penalties, forfeiture of property, and loss of access to federal agricultural benefits, including agricultural loans, conservation programs, and insurance programs; and~~

~~(3) registrants may purchase or import hemp genetics from any state that complies with federal requirements for the cultivation of industrial hemp.~~

~~(c) A person registered with the Secretary pursuant to this section shall allow industrial hemp crops, throughout sowing, growing season, harvest,~~

~~storage, and processing, to be inspected and tested by and at the discretion of the Secretary or designee. The Secretary shall retain tests and inspection information collected under this section for the purposes of research of the growth and cultivation of industrial hemp.~~

~~(d) The Secretary may assess an annual registration fee of \$25.00 for the performance of his or her duties under this chapter. The Secretary shall establish and administer a State Hemp Program to regulate the growing, processing, testing, and marketing of industrial hemp and hemp products in the State.~~

(b)(1) A person shall register annually with the Secretary as part of the State Hemp Program in order to grow, process, or test hemp or hemp products in the State. A person shall apply for registration or renewal of a registration on a form provided by the Secretary. The application shall be accompanied by the fee required under section 570 of this title. The application or renewal form shall include:

(A) the name and address of the person applying for or renewing a registration;

(B) whether the person is applying to grow, process, or test hemp or hemp products;

(C) for a person applying as a grower:

(i) the location and acreage of all parcels where hemp will be grown;

(ii) a statement that the seeds obtained for planting are of a type and variety that do not exceed the federally defined tetrahydrocannabinol concentration level of hemp;

(D) for a person applying as a processor, the location of the processing site;

(E) for a person applying to test hemp or hemp products, the location of the site where testing will occur and any proof of certification required by the Secretary; and

(F) any additional information that the Secretary may require by rule.

(2) The Secretary may verify the information provided in the application or renewal form under subdivision (1) of this subsection and on any maps accompanying the application or renewal form and may request additional information in order to perform a review of an application for registration or renewal.

(c) The Secretary may deny an application for registration or renewal if the applicant:

(1) does not provide all the information requested on the application or renewal form;

(2) fails to submit the fee required under section 570 of this title;

(3) fails to submit additional information requested by the Secretary under subsection (a) of this section; or

(4) does not, as determined by the Secretary, satisfy the requirements of section 10113 of the Agriculture Improvement Act of 2018, Pub. L. No. 115-334 for participation in the Program.

(d) A person registered under this section may purchase or import hemp genetics from any state that complies with the federal requirements for the cultivation of industrial hemp.

(e) A person registered with the Secretary under this section to grow, process, or test hemp crops or hemp products, shall allow the Secretary to inspect hemp crops, processing sites, or laboratories registered under the State Hemp Program. The Secretary shall retain tests and inspection information collected under this section for the purposes of research of the growth and cultivation of industrial hemp.

(f) The name and general location of a person registered under this section shall be available for inspection and copying under the Public Records Act, provided that all records produced or acquired by the Agency of Agriculture, Food and Markets related to the location of parcels where hemp will be grown, including coordinates, maps, and parcel identifiers, shall be confidential and shall not be disclosed for inspection and copying under the Public Records Act.

§ 566. RULEMAKING AUTHORITY

(a) The Secretary may adopt rules to provide for the implementation of this chapter and the ~~pilot project~~ program authorized under this chapter, which may include rules to:

(1) require hemp to be tested during growth for tetrahydrocannabinol levels;

(2) authorize or specify the method or methods of testing hemp, including, where appropriate, the ratio of cannabidiol to tetrahydrocannabinol levels or a taxonomic determination using genetic testing; and

(3) ~~to~~ require inspection and supervision of hemp during sowing, growing season, harvest, storage, and processing. ~~The Secretary shall not~~

~~adopt under this or any other section a rule that would prohibit a person to grow hemp based on the legal status of hemp under federal law.; and~~

(4) require labels or label information for hemp products in order to provide consumers with product content or source information or to conform with federal requirements.

(b) The Secretary shall adopt rules establishing how the Agency of Agriculture, Food and Markets will conduct research within the pilot program for industrial hemp.

(c) The Secretary shall adopt rules establishing requirements for the registration of processors of hemp and hemp-infused products.

* * *

§ 568. TEST RESULTS; ENFORCEMENT

(a) If the Secretary or a dispensary registered under 18 V.S.A. chapter 86 tests a hemp crop and the hemp has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis, the person registered with the Secretary as growing the hemp crop shall:

(1) enter into an agreement with a dispensary registered under 18 V.S.A. chapter 86 for the separation of the delta-9 tetrahydrocannabinol from the hemp crop, return of the hemp crop to the person registered with the Secretary, and retention of the separated delta-9 tetrahydrocannabinol by the dispensary;

(2) sell the hemp crop to a dispensary registered under 18 V.S.A. chapter 86; or

(3) arrange for the Secretary to destroy or order the destruction of the hemp crop.

~~(b) A person registered with the Secretary as growing the hemp crop shall not be subject to civil, criminal, or administrative liability or penalty under 18 V.S.A. chapter 84 if the tested industrial hemp has a delta-9 tetrahydrocannabinol concentration of one percent or less on a dry weight basis~~ To enforce the provisions of this chapter, the Secretary, upon presenting appropriate credentials, may conduct one or more of the following:

(1) Enter upon any premises where hemp is grown or processed and inspect premises, machinery, equipment and facilities, any crop during any growth phase, or any hemp product or hemp-infused product during processing or storage. Inspection under this section may include the taking of samples, inspection of records, and inspection of equipment or vehicles used in the growing, processing, or transport of hemp crops, hemp products, or hemp-infused products.

(2) Inspect any retail location offering hemp products or hemp-infused products. Inspection under this section may include the taking of samples of such products.

(3) Issue and enforce a written or printed “stop sale” order to the owner or custodian of any hemp crop, hemp product, or hemp-infused product subject to the requirements of this chapter or rules adopted under this chapter that the Secretary finds is in violation of any of the provisions of this chapter or rules adopted under this chapter. An order may prohibit further sale, processing, and movement of the hemp crop, hemp product, or hemp-infused product until the Secretary has approved and issued a release from the “stop sale” order.

(c) A crop or product confirmed by the Secretary to meet the definition of hemp under State or federal law may be sold or transferred in interstate commerce to the extent authorized by federal law.

§ 569. ADMINISTRATIVE PENALTIES

(a) Except for violations set forth under subsection (b) of this section, the Secretary may assess an administrative penalty, not to exceed \$1,000.00 per violation, for any violation of this chapter or rules adopted under this chapter, including:

(1) failure to provide the location of the land on which the grower grows hemp crops or the processor processes hemp crops into hemp products or hemp-infused products; or

(2) failing to obtain a registration in accordance with section 570 of this title.

(b) The Secretary may assess an administrative penalty, not to exceed \$5,000.00 per violation in any case in which the Secretary determines that a grower or processor:

(1) failed to follow a corrective action plan to correct a negligent violation;

(2) has grown or processed hemp in violation of the requirements of this chapter or the rules adopted under this chapter three times in a five-year period; or

(3) has produced hemp in violation of the requirements of this chapter or the rules adopted under this chapter with a culpable mental state greater than negligence.

(c) In determining the amount of the penalty assessed under this section, the Secretary may give consideration to the appropriateness of the penalty with respect to the size of the business being assessed, the gravity of the violation,

the good faith of the person alleged to be in violation, and the overall compliance history of the person alleged to be in violation.

(d) The Secretary shall use the following procedure in assessing penalties:

(1) the Secretary shall issue a written notice of violation setting forth facts that would establish probable cause that a violation of this chapter or the rules adopted under this chapter has occurred;

(2) the notice required under subdivision (1) of this subsection shall comply with all of the following:

(A) The notice shall be served by personal service or by certified mail, return receipt requested.

(B) The notice shall advise the recipient of the right to a hearing. If a hearing is requested, the hearing shall be conducted pursuant to 3 V.S.A. chapter 25.

(C) The notice shall state the proposed penalty and shall advise the recipient that, if no hearing is requested, the decision of the Secretary shall become final and a penalty shall be imposed.

(D) The notice shall advise the recipient that they shall have 15 days from the date on which notice is received to request a hearing.

(e) Any party aggrieved by a final decision of the Secretary may appeal to a Superior Court within 30 days of the final decision of the Secretary. The Secretary may enforce a final administrative penalty by filing a civil collection action in any District or Superior Court.

§ 570. REGISTRATION FEES

(a) A person applying for a registration or renewal under section 564 of this title annually shall pay the following fees:

(1) for an application to grow less than 0.5 acres of hemp for personal use: \$25.00;

(2) for an application or renewal of registration to grow or process hemp seed for food oil production, grain crop, fiber, or textile: \$100.00;

(3) except as provided for in subdivision (4) of this subsection, for an application or renewal of registration to grow, process, or grow and process hemp commercially for floral material production, viable seed, or cannabinoids, including cannabidiolic acid (CBDA), cannabidiol (CBD), cannabinol (CBN), cannabigerol (CBG), cannabichromene (CBC), or tetrahydrocannabivarin (THCV), the following fee based on the greater of the number of acres planted or the weight of hemp or viable seed processed:

<u>Acres of Hemp Grown or Pounds of Hemp Processed or Viable Seed Cultivated Annually for Floral Material or Cannabinoids</u>	<u>Fee</u>
<u>Less than 0.5 acres or less than 500 pounds</u>	<u>\$100.00</u>
<u>0.5 to 9.9 acres or less than 10,000 pounds</u>	<u>\$500.00</u>
<u>10 to 50 acres or less than 50,000 pounds</u>	<u>\$1,000.00</u>
<u>Greater than 50 acres or greater than 50,000 pounds</u>	<u>\$3,000.00</u>

(4) for an application or renewal of registration to operate exclusively within an indoor facility in order to grow, process, or grow and process hemp commercially for floral material production, viable seed, or cannabinoids, including cannabidiolic acid (CBDA), cannabidiol (CBD), cannabinol (CBN), cannabigerol (CBG), cannabichromene (CBC), or tetrahydrocannabivarin (THCV): \$2,000.00; and

(5) for an application or renewal of registration as a laboratory certified to conduct testing of hemp and hemp products as part of the Agency's cannabis control program: \$1,500.00.

(b) A person registered to grow, process, or grow and process hemp for floral material production, viable seed, or cannabinoids shall not grow more acres of hemp per year than the amount identified in a registration without first notifying the Secretary and paying an additional registration fee if necessary under subsection (a) of this section.

(c) The registration fees collected under this section shall be deposited in the special fund created by subsection 364(e) of this title and shall be used for the administration of the requirements of this chapter.

Sec. 2. TRANSITION; COLLECTION OF REGISTRATION FEE

Beginning on January 1, 2020, the Secretary of Agriculture, Food and Markets shall initiate collection under 6 V.S.A. § 570 of the registration fees to grow hemp, process hemp, grow and process hemp, or operate a certified laboratory to test hemp in the State. Prior to January 1, 2020, the Secretary of Agriculture, Food and Markets shall collect a registration fee of \$25.00 for any registration under 6 V.S.A. chapter 34 (State Hemp Program).

Sec. 3. 20 V.S.A. § 2730 is amended to read:

§ 2730. DEFINITIONS

(a) As used in this subchapter, “public building” means:

(1)(A) a building owned or occupied by a public utility, hospital, school, house of worship, convalescent center or home for elders or persons who have an infirmity or a disability, nursery, kindergarten, or child care;

(B) a building in which two or more persons are employed, or occasionally enter as part of their employment or are entertained, including private clubs and societies;

(C) a cooperative or condominium;

(D) a building in which people rent accommodations, whether overnight or for a longer term;

(E) a restaurant, retail outlet, office or office building, hotel, tent, or other structure for public assembly, including outdoor assembly, such as a grandstand;

(F) a building owned or occupied by the State of Vermont, a county, a municipality, a village, or any public entity, including a school or fire district; or

(G)(i) a building in which two or more persons are employed, or occasionally enter as part of their employment, and where the associated extraction of plant botanicals utilizing flammable, volatile, or otherwise unstable liquids, pressurized gases, or other substances capable of combusting or whose properties would readily support combustion or pose a deflagration hazard; and

(ii) notwithstanding subdivision (b)(3) of this section, a building on a working farm or farms that meets the criteria of subdivision (G)(i) of this subsection is a “public building.”

(2) Use of any portion of a building in a manner described in this subsection shall make the entire building a “public building” for purposes of this subsection. For purposes of this subsection, a “person” does not include an individual who is directly related to the employer and who resides in the employment-related building.

(b) The term “public building” does not include:

* * *

(3) Farm buildings on a working farm or farms. For purposes of this subchapter and subchapter 3 of this chapter, the term “working farm or farms” means farms with fewer than the equivalent of 10 full-time employees who are

not family members and who do not work more than 26 weeks a year. In addition, the term means a farm or farms:

(A) Whose owner is actively engaged in farming.

(B) If the farm or farms are owned by a partnership or a corporation, one that includes at least one partner or principal of the corporation who is actively engaged in farming.

(C) Where the farm or farms are leased, the lessee is actively engaged in farming. The term “farming” means:

(i) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops;

(ii) the raising, feeding, or management of livestock, poultry, equines, fish, or bees;

(iii) the production of maple syrup;

(iv) the operation of greenhouses;

(v) the on-site storage, preparation, and sale of agricultural products principally produced on the farm. Notwithstanding this definition of farming, housing provided to farm employees other than family members shall be treated as rental housing and shall be subject to the provisions of this chapter. In addition, any farm building that is open for public tours and for which a fee is charged for those tours shall be considered a public building.

(4) A single family residence with an accessory dwelling unit as permitted under 24 V.S.A. § 4406(4)(D).

* * *

Sec. 4. POSITIONS; STATE HEMP PROGRAM

The establishment of the following new classified, full-time positions is authorized in fiscal year 2020 for purposes of implementing and administering the State Hemp Program under 6 V.S.A. chapter 34:

(1) In the Agency of Agriculture, Food and Markets—attorney counsel position.

(2) In the Agency of Agriculture, Food and Markets—laboratory and certification specialist.

(3) In the Agency of Agriculture, Food and Markets—enforcement specialist.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Young of Greensboro, for the committee on Ways and Means, recommended that the House propose to the Senate to amend the bill as recommended by the committee on Agriculture and Forestry and when amended as follows:

In Sec. 1, 6 V.S.A. chapter 34, in section 570, by striking out subdivision (a)(4) in its entirety and inserting in lieu thereof the following new subdivision (a)(4):

(4) for an application or renewal of registration to operate exclusively within an indoor facility in order to grow, process, or grow and process hemp commercially for floral material production, viable seed, or cannabinoids, including cannabidiolic acid (CBDA), cannabidiol (CBD), cannabinol (CBN), cannabigerol (CBG), cannabichromene (CBC), or tetrahydrocannabivarin (THCV), the following fee based on the size of the indoor facility:

(A) for a facility with an area of 500 square feet or less: \$1,000.00;
and

(B) for a facility with an area greater than 500 square feet: \$2,000.00.

Rep. Conquest of Newbury, for the committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the committee on Agriculture and Forestry and Ways and Means.

The bill having appeared on the Calendar one day for notice was taken up, read the second time, the report of the committee on Agriculture and Forestry was amended as recommended by the committee on Ways and Means. Thereupon, the report of the committee on Agriculture and Forestry, as amended, was agreed to and third reading was ordered.

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

S. 113

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

An act relating to the prohibition of plastic carryout bags, expanded polystyrene, and single-use plastic straws

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

Sec. 1. PURPOSE

It is the purpose of this act to:

(1) mitigate the harmful effects of single-use products on Vermont's municipalities and natural resources; and

(2) relieve the pressure for landfills to manage the disposition of single-use products.

Sec. 2. 10 V.S.A. chapter 159, subchapter 5 is added to read:

Subchapter 5. Single-Use Carryout Bags; Expanded Polystyrene Food Service Products; Single-use Plastic Straws; and Single-use Plastic Stirrers

§ 6691. DEFINITIONS

As used in this subchapter:

(1) "Agency" means the Agency of Natural Resources.

(2) "Carryout bag" means a bag provided by a store or food service establishment to a customer at the point of sale for the purpose of transporting groceries or retail goods, except that a "carryout bag" shall not mean:

(A) a bag provided by a pharmacy to a customer purchasing a prescription medication; or

(B) a bag in which loose produce or products are placed by a consumer or a store employee to deliver the produce or products to the point of sale.

(3) "Expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including: fusion of polymer spheres, known as expandable bead 20 polystyrene; injection molding; foam molding; and extrusion-blow molding, also known as extruded foam polystyrene.

(4)(A) "Expanded polystyrene food service product" means a product made of expanded polystyrene that is:

(i) used for selling or providing food or beverages and intended by the manufacturer to be used once for eating or drinking; or

(ii) generally recognized by the public as an item to be discarded after one use.

(B) "Expanded polystyrene food service product" shall include:

(i) food containers;

(ii) plates;

(iii) hot and cold beverage cups;

(iv) trays; and

(v) cartons for eggs or other food.

(C) "Expanded polystyrene food service product" shall not include:

(i) food or beverages that have been packaged in expanded polystyrene outside the State before receipt by a food service establishment or store;

(ii) a product made of expanded polystyrene that is used to package raw, uncooked, or butchered meat, fish, poultry, or seafood; or

(iii) nonfoam polystyrene food service products.

(5) "Food service establishment" has the same meaning as in 18 V.S.A. § 4301.

(6) "Plastic" means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal, including material derived from either petroleum or a biologically based polymer, such as corn or other plant sources.

(7) "Point of sale" means a check-out stand, cash register, or other point of departure from a store or food service establishment, including the location where remotely ordered food or products are delivered to a purchaser.

(8) "Reusable carryout bag" means a carryout bag that is designed and manufactured for multiple uses and is:

(A) made of cloth or other machine-washable fabric that has stitched handles; or

(B) a polypropylene bag that has stitched handles.

(9) "Secretary" means the Secretary of Natural Resources.

(10) "Single-use plastic carryout bag" means a carryout bag that is:

(A) made of plastic;

(B) a single use product; and

(C) not a reusable carryout bag.

(11) "Single-use plastic stirrer" means a device that is:

(A) used to mix beverages;

(B) made predominantly of plastic; and

(C) a single-use product.

(12) “Single-use plastic straw” means a tube made of plastic that is:

(A) used to transfer liquid from a container to the mouth of a person drinking the liquid; and

(B) is a single-use product.

(13) “Single-use product” or “single use” means a product designed and manufactured to be used only once and is generally recognized by the public as an item that is to be discarded after one use.

(14) “Single-use, recyclable paper carryout bag” means a carryout bag made of paper that:

(A) contains at least 40 percent post-consumer recycled material;

(B) is 100 percent recyclable; and

(C) is a single-use product.

(15) “Store” means a grocery store, supermarket, convenience store, liquor store, drycleaner, pharmacy, drug store, or other retail establishment that provides carryout bags to its customers.

§ 6692. SINGLE-USE PLASTIC CARRYOUT BAGS; PROHIBITION

A store or food service establishment shall not provide a single-use plastic carryout bag to a customer.

§ 6693. SINGLE-USE, RECYCLABLE PAPER CARRYOUT BAG

(a) A store or food service establishment may, upon request, provide a consumer a carryout bag made of paper at the point of sale if the bag is a single-use, recyclable paper carryout bag.

(b) A store or food service establishment may charge for the provision of a single-use, recyclable paper carryout bag, provided that if a charge is assessed, the amount of the charge shall not be less than \$0.10 per bag.

(c) All monies collected by a store or food service establishment under this section for provision of a single-use, recyclable paper carryout bag shall be retained by the store or food service establishment.

§ 6694. SINGLE-USE PLASTIC STRAWS

(a) A food service establishment shall not provide a single-use plastic straw to a customer, except that a food service establishment may provide a straw to a person upon request.

(b) The prohibition on sale or provision of a single-use plastic straw under subsection (a) of this section shall not apply to:

(1) a hospital licensed under 18 V.S.A. chapter 43;

(2) a nursing home, residential care home, assisted living residence, home for the terminally ill, or therapeutic community, as those terms are defined in 33 V.S.A. chapter 71; or

(3) an independent living facility as that term is defined in 32 V.S.A. chapter 225.

(c) This section shall not alter the requirements of 9 V.S.A. chapter 139 regarding the provision of services by a place of public accommodation.

§ 6695. SINGLE-USE PLASTIC STIRRERS

A food service establishment shall not provide a single-use plastic stirrer to a customer.

§ 6696. EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS

(a) A person shall not sell or offer for sale in the State an expanded polystyrene food service product.

(b) A store or food service establishment shall not sell or provide food or beverages in an expanded polystyrene food service product.

(c) This section shall not prohibit a person from storing or packaging a food or beverage in an expanded polystyrene food service product for distribution out of State.

§ 6697. CIVIL PENALTIES; WARNING

(a) A person, store, or food service establishment that violates the requirements of this subchapter shall:

(1) receive a written warning for a first offense;

(2) be subject to a civil penalty of \$25.00 for a second offense; and

(3) be subject to a civil penalty of \$100.00 for a third or subsequent offense.

(b) For the purposes of enforcement under this subchapter, an offense shall be each day a person, store, or food service establishment is violating the requirement of this subchapter.

§ 6698. RULEMAKING

The Secretary may adopt rules to implement the requirements of this subchapter.

§ 6699. APPLICATION TO MUNICIPAL BYLAWS, ORDINANCES, OR
CHARTERS; PREEMPTION

(a) The General Assembly finds that the requirements of this subchapter are of statewide interest and shall be applied uniformly in the State and shall occupy the entire field of regulation of single-use plastic carryout bags, single-use, recyclable paper carryout bag, single-use plastic straws, single-use plastic stirrers, and expanded polystyrene food service products.

(b) A municipal ordinance, bylaw, or charter adopted or enacted before July 1, 2020 that regulates or addresses the use, sale, or provision of single-use plastic carryout bags, single-use paper carryout bags, single-use plastic straws, single-use plastic stirrers, or expanded polystyrene food service products is preempted by the requirements of this subchapter and a municipality shall not enforce or otherwise implement the ordinance, bylaw, or charter.

Sec. 3. SINGLE-USE PRODUCTS WORKING GROUP; REPORT

(a) Creation; purpose. There is created the Single-Use Products Working Group to:

(1) evaluate current State and municipal policy and requirements for the management of single-use products; and

(2) recommend to the Vermont General Assembly policy or requirements that the State should enact to:

(A) reduce the use of single-use products;

(B) reduce the environmental impact of single-use products;

(C) improve statewide management of single-use products;

(D) divert single-use products from disposal in landfills; and

(E) prevent contamination of natural resources by discarded single-use products.

(b) Definitions. As used in this section:

(1) “Carryout bag” means a bag provided by a store or food service establishment to a customer at the point of sale for the purpose of transporting groceries or retail goods.

(2) “Disposable plastic food service ware” means containers, plates, clamshells, serving trays, meat and vegetable trays, hot and cold beverage cups, cutlery, and other utensils that are made of plastic or plastic-coated paper, including products marketed as biodegradable products but a portion of the product is not compostable.

(3) “Expanded polystyrene food service product” means a product made of expanded polystyrene that is:

(A) used for selling or providing food or beverages and intended by the manufacturer to be used once for eating or drinking; or

(B) generally recognized by the public as an item to be discarded after one use.

(4) “Extended producer responsibility” means a requirement for a producer of a product to provide for and finance the collection, transportation, reuse, recycling, processing, and final management of the product.

(5) “Food service establishment” has the same meaning as in 18 V.S.A. § 4301.

(6) “Packaging” means materials that are used for the containment, protection, handling, delivery, and presentation of goods sold or delivered in Vermont.

(7) “Plastic” means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal.

(8) “Point of sale” means a check-out stand, cash register, or other point of departure from a store or food service establishment, including the location where remotely ordered food or products are delivered to a purchaser.

(9) “Printed materials” means material that is not packaging, but is printed with text or graphics as a medium for communicating information, including telephone books but not including other bound reference books, bound literary books, or bound textbooks.

(10) “Single-use” means a product that is designed and intended to be used only once and is generally recognized by the public as an item that is to be discarded after one use.

(11) “Single-use products” means single-use carryout bags, single-use packaging, single-use disposable plastic food service ware, expanded polystyrene food service products, printed materials, and other single-use plastics or single-use products that are provided to consumers by stores, food service establishments, or other retailers.

(12) “Store” means a grocery store, supermarket, convenience store, liquor store, pharmacy, drycleaner, drug store, or other retail establishment.

(13) “Unwanted” means when a person in possession of a product intends to abandon or discard the product.

(c) Membership. The Single-Use Products Working Group shall be composed of the following members:

(1) a member of the Senate appointed by the Committee on Committees;

(2) a member of the House of Representatives appointed by the Speaker of the House;

(3) the Secretary of Natural Resources or designee;

(4) a representative of a single-stream materials recovery facility located in Vermont appointed by the Governor;

(5) one representative from a solid waste management entity in the State, appointed by the Committee on Committees;

(6) one representative from the Vermont League of Cities and Towns appointed by the Speaker of the House;

(7) one representative of an association or group representing manufacturers or distributors of single-use products appointed by the Governor;

(8) one representative of an environmental advocacy group located in the State that advocates for the reduction of solid waste and the protection of the environment appointed by the Speaker of the House; and

(9) one representative of stores or food service establishments in the State, appointed by the Committee on Committees.

(d) Powers and duties. The Single-Use Products Working Group shall:

(1) Evaluate the success of existing State and municipal requirements for the management of unwanted single-use products.

(2) Estimate the effects on landfill capacity of single-use products that can be recycled, but are currently being disposed.

(3) Recommend methods or mechanisms to address the effects on landfill capacity of single-use products that can be recycled, but are currently being disposed, in order to improve the management of single-use products in the State, including whether the State should establish extended producer responsibility or similar requirements for manufacturers, distributors, or brand owners of single-use products.

(4) If extended producer responsibility or similar requirements for single-use products are recommended under subdivision (3) of this subsection, recommend:

(A) The single-use products to be included under the requirements.

(B) A financial incentive for manufacturers, distributors, or brand owners of single-use products to minimize the environmental impacts of the products in Vermont. The environmental impacts considered shall include review of the effect on climate change of the production, use, transport, and recovery of single-use products.

(C) How to structure a requirement for manufacturers, distributors, or brand owners to provide for or finance the collection, processing, and recycling of single-use products using existing infrastructure in the collection, processing, and recycling of products where feasible.

(5) An estimate of the costs and benefits of any recommended method or mechanism for improving the management of single-use products in the State.

(e) Assistance. The Single-Use Products Working Group shall have the administrative, technical, financial, and legal assistance of the Agency of Natural Resources, the Department of Health, the Office of Legislative Council, and the Joint Fiscal Office.

(f) Report. On or before December 1, 2019, the Single-Use Products Working Group shall submit to the Senate Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish, and Wildlife the findings and recommendations required under subsection (d) of this section.

(g) Meetings.

(1) The Office of Legislative Council shall call the first meeting of the Single-Use Products Working Group to occur on or before July 1, 2019.

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

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

(4) The Working Group shall cease to exist on February 1, 2020.

(h) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Working Group serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than six meetings.

(2) Other members of the Working Group shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.

(3) Payments to members of the Working Group authorized under this subsection shall be made from monies appropriated to the General Assembly.

Sec. 4. ANR REPORT ON LANDFILL OPERATION IN THE STATE

As part of the Biennial Report on Solid Waste required under 10 V.S.A. § 6604(b) to be submitted to the General Assembly in 2021, the Secretary of Natural Resources shall include a feasibility study addressing issues related to the opening of a second landfill in the State. The report shall include:

(1) An assessment of the capacity of the two sites in the State that are currently permitted and certified for landfill operation, but are not in operation, to receive solid waste.

(2) An evaluation of the environmental costs of continuing to truck solid waste to a single landfill located in the northeast corner of the State. This evaluation shall include the amount of greenhouse gases emitted over the course of a year from trucks making round trips to the existing landfill in Vermont. The evaluation shall also include an estimate of the impact that trucking to the one landfill in the State is having annually on the State transportation infrastructure.

(3) An estimate of the timeframe to physically activate either one or both of the sites in the State that are currently permitted and certified for landfill operation, but are not in operation, to receive solid waste.

(4) An estimate of the timeframe to locate and operate an additional solid waste landfill in the State.

Sec. 5. EFFECTIVE DATES

(a) This section, Sec. 1 (purpose), Sec. 3 (single-use working group), and Sec. 4 (landfill report) shall take effect on passage.

(b) Sec. 2 (single-use products) shall take effect July 1, 2020.

Rep. Lanpher of Vergennes, for the committee on Appropriations, recommended that House propose to the Senate to amend the bill as recommended by the committee on Natural Resources, Fish, and Wildlife.

The bill having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Natural Resources, Fish, and Wildlife? **Rep. Ralph of Hartland** moved to amend the proposal of amendment as recommended by the committee on Natural Resources, Fish, and Wildlife as follows:

In Sec. 2, 10 V.S.A. chapter 159, subchapter 5, by striking out § 6699 in its entirety and inserting in lieu thereof a new § 6699 to read as follows:

§ 6699. APPLICATION TO MUNICIPAL BYLAWS, ORDINANCES, OR CHARTERS

On or after July 1, 2020, a municipality may by ordinance or bylaw or as authorized by municipal charter regulate or address the use, sale, or provision of single-use plastic carryout bags, single-use paper carryout bags, single-use plastic straws, single-use plastic stirrers, or expanded polystyrene food service products if the ordinance, bylaw, or charter is at least as stringent as the requirements of this subchapter.

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

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Natural Resources, Fish, and Wildlife? **Rep. Burke of Brattleboro** moved to amend the proposal of amendment as recommended by the committee on Natural Resources, Fish, and Wildlife, as follows:

In Sec. 2, 10 V.S.A. chapter 159, subchapter 5, by adding 10 V.S.A. § 6670 to read as follows:

§ 6670. INVENTORY EXCEPTION

A store or food service establishment shall not violate a prohibition under this subchapter on the provision of a carryout bag, single-use plastic straw, single-use stirrer, or expanded polystyrene food service product if the store or food service establishment:

(1) purchased the carryout bag, single-use plastic straw, single-use stirrer, or expanded polystyrene food service product prior to May 1, 2019; and

(2) provides the carryout bag, single-use plastic straw, single-use stirrer, or expanded polystyrene food service product to a consumer on or before July 1, 2022.

Which was disagreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Natural Resources, Fish, and Wildlife? **Reps. Harrison of Chittenden, Gannon of Wilmington and Shaw of Pittsford** moved to amend the proposal of amendment as recommended by the committee on Natural Resources, Fish, and Wildlife as follows:

In Sec. 2, 10 V.S.A. chapter 159, subchapter 5, in section 6693, in subsection (b), by striking out the number “\$0.10” where it appears and inserting in lieu thereof “\$0.05”

Which was disagreed to on a division, Yeas, 54. Nays, 85.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Natural Resources, Fish and Wildlife? **Rep. Brennan of Colchester** moved to recommit the bill to Natural Resources, Fish, and Wildlife, which was disagreed to on a division Yeas, 54. Nays, 85.

Thereupon the proposal of amendment as recommended by the committee on Natural Resources, Fish and Wildlife was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Sheldon of Middlebury** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 120. Nays, 24.

Those who voted in the affirmative are:

Ancel of Calais	Gardner of Richmond	Noyes of Wolcott
Anthony of Barre City	Giambatista of Essex	O'Brien of Tunbridge
Austin of Colchester	Grad of Moretown	Ode of Burlington
Bancroft of Westford	Haas of Rochester	O'Sullivan of Burlington
Bartholomew of Hartland	Hango of Berkshire	Page of Newport City *
Bates of Bennington	Harrison of Chittenden *	Pajala of Londonderry
Beck of St. Johnsbury	Hashim of Dummerston	Partridge of Windham
Birong of Vergennes	Hooper of Montpelier	Patt of Worcester
Bock of Chester	Hooper of Randolph	Potter of Clarendon
Briglin of Thetford	Hooper of Burlington	Pugh of South Burlington
Brownell of Pownal	Houghton of Essex	Rachelson of Burlington *
Browning of Arlington	Howard of Rutland City	Ralph of Hartland
Brumsted of Shelburne	James of Manchester	Redmond of Essex
Burke of Brattleboro	Jerome of Brandon	Rogers of Waterville
Campbell of St. Johnsbury	Jessup of Middlesex	Scheu of Middlebury
Carroll of Bennington	Jickling of Randolph	Scheuermann of Stowe
Chase of Colchester	Killackey of South Burlington	Seymour of Sutton
Chesnut-Tangerman of Middletown Springs	Kimbell of Woodstock	Shaw of Pittsford
Christensen of Weathersfield	Kitzmiller of Montpelier	Sheldon of Middlebury
Christie of Hartford	Kornheiser of Brattleboro	Sibilia of Dover
Cina of Burlington	Krowinski of Burlington	Smith of New Haven
Coffey of Guilford	LaClair of Barre Town	Squirrell of Underhill
Colburn of Burlington	LaLonde of South Burlington	Stevens of Waterbury
Colston of Winooski	Lanpher of Vergennes	Sullivan of Dorset
Conlon of Cornwall	Lefebvre of Newark	Sullivan of Burlington
Conquest of Newbury	Lippert of Hinesburg	Szott of Barnard
		Taylor of Colchester

Copeland-Hanzas of Bradford	Long of Newfane	Till of Jericho
Corcoran of Bennington	Macaig of Williston	Toleno of Brattleboro
Cordes of Lincoln	Marcotte of Coventry	Toll of Danville
Demrow of Corinth	Masland of Thetford	Townsend of South Burlington
Dolan of Waitsfield	McCarthy of St. Albans City	Trieber of Rockingham
Donahue of Northfield	McCormack of Burlington	Troiano of Stannard
Donovan of Burlington	McCullough of Williston	Walz of Barre City
Durfee of Shaftsbury	Morgan of Milton	Webb of Shelburne
Elder of Starksboro	Morrissey of Bennington	White of Hartford
Emmons of Springfield	Mrowicki of Putney *	Wood of Waterbury
Fegard of Berkshire	Murphy of Fairfax	Yacovone of Morristown
Feltus of Lyndon	Myers of Essex	Yantachka of Charlotte *
Gannon of Wilmington	Nicoll of Ludlow	Young of Greensboro
	Norris of Shoreham	
	Notte of Rutland City	

Those who voted in the negative are:

Batchelor of Derby	Graham of Williamstown	Quimby of Concord
Brennan of Colchester	Gregoire of Fairfield	Rosenquist of Georgia
Burditt of West Rutland	Helm of Fair Haven	Savage of Swanton
Canfield of Fair Haven	Higley of Lowell	Smith of Derby
Cupoli of Rutland City	Leffler of Enosburgh	Strong of Albany
Dickinson of St. Albans Town	Martel of Waterford	Terenzini of Rutland Town
Fagan of Rutland City	Mattos of Milton	Toof of St. Albans Town
Gamache of Swanton	McCoy of Poultney *	
	McFaun of Barre Town	

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

Gonzalez of Winooski	Hill of Wolcott
Goslant of Northfield	Palasik of Milton

Rep. Harrison of Chittenden explained his vote as follows:

“Madam Speaker:

While this bill is imperfect in my view, I supported it to keep the conversation alive.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

While I am in favor of eliminating plastic bags, I do not support dictating to a private establishment what they shall minimally charge, when that establishment deems it necessary to charge a fee, for a paper bag.”

Rep. Mrowicki of Poultney explained his vote as follow:

“Madam Speaker:

My yes vote supports the work of our committee and says yes to a cleaner environment for the children who have been asking for this bill – and a cleaner future.”

Rep. Page of Newport City explained his vote as follows:

“Madam Speaker:

It is important to note that besides prohibiting plastic bags, polystyrene, and single use plastic straws, this bill also requires that the ANR report a study on landfill operations in VT and the environmental costs for such an operation.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

Plastic bags, much like billboards, mar Vermont’s beauty, and significantly contribute to our planet’s serious environmental problems. It’s about time Vermont takes this important and responsible step to be part of the solution. I’m proud to vote yes.”

Rep. Yantachka of Charlotte explained his vote as follows

“Madam Speaker:

The U.S. is the #1 trash producing country in the world accounting for 40% of the waste with 5% of the population. Vermonters may be better than most Americans at recycling, but we still throw a lot of stuff away. This bill is a small but important step away from our throw-away mindset, which is why I vote yes on this bill.”

Message from the Senate No. 53

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

Madam Speaker:

I am directed to inform the House that:

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 529. An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

The President pro tempore announced the appointment as members of such Committee on the part of the Senate:

Senator Mazza
Senator Ashe
Senator Perchlik

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 542. An act relating to making appropriations for the support of government.

The President pro tempore announced the appointment as members of such Committee on the part of the Senate:

Senator Kitchel
Senator Sears
Senator Westman

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 43. An act relating to limiting prior authorization requirements for medication-assisted treatment.

And has concurred therein.

**Rules Suspended; Second Reading; Proposals of Amendment Agreed to;
Third Reading Ordered**

S. 96

On motion of **Rep. McCoy of Poultney**, the rules were suspended and Senate bill, entitled

An act relating to the provision of water quality services

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Sheldon of Middlebury, for the committee on Natural Resources, Fish, and Wildlife, to which had been referred the Senate bill reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. chapter 37, subchapter 5 is amended to read:

Subchapter 5. ~~Aquatic Nuisance Control~~ Water Quality Restoration and
Improvement

§ 921. DEFINITIONS

As used in this subchapter:

(1) “Administrative cost” means program and project costs incurred by a clean water service provider or a grantee, including costs to conduct procurement, contract preparation, and monitoring, reporting, and invoicing.

(2) “Basin” means a watershed basin designated by the Secretary for use as a planning unit under subsection 1253(d) of this title.

(3) “Best management practice” or “BMP” means a schedule of activities, prohibitions, practices, maintenance procedures, green infrastructure, or other management practices to prevent or reduce water pollution.

(4) “Clean water project” means a best management practice or other program designed to improve water quality to achieve a target established under section 922 of this title that:

(A) is not subject to a permit under chapter 47 of this title, is not subject to the requirements of 6 V.S.A. chapter 215, exceeds the requirements of a permit issued under chapter 47 of this title, or exceeds the requirements of 6 V.S.A chapter 215; and

(B) is within the following activities:

(i) developed lands, sub-jurisdictional practices related to developed lands including municipal separate storm sewers, operational stormwater discharges, municipal roads, and other developed lands discharges;

(ii) natural resource protection and restoration, including river corridor and floodplain restoration and protection, wetland protection and restoration, riparian and lakeshore corridor protection and restoration, and natural woody buffers associated with riparian, lakeshore, and wetland protection and restoration;

(iii) forestry; or

(iv) agriculture.

(5) “Co-benefit” means the additional benefit to local governments and the public provided by or associated with a clean water project, including flood resilience, ecosystem improvement, and local pollution prevention.

(6) “Design life” means the period of time that a clean water project is designed to operate according to its intended purpose.

(7) “Maintenance” means ensuring that a clean water project continues to achieve its designed pollution reduction value for its design life.

(8) “Standard cost” means the projected cost of achieving a pollutant load reduction per unit or per best management practice in a basin.

§ 922. WATER QUALITY IMPLEMENTATION PLANNING AND TARGETS

(a) After listing a water as impaired on the list of waters required by 33 U.S.C. § 1313(d), the Secretary shall include in the implementation plan for the water a strategy for returning the water to compliance with the Vermont Water Quality Standards. With respect to a water that is impaired due to sources outside the State or if there is insufficient data or no data available to quantify reductions required by this subchapter, the Secretary shall not be required to implement the requirements of this subchapter; however, the Secretary shall provide an alternate strategy for attaining water quality standards in the implementation plan for the water. For waters determined to be subject to this subchapter, the Secretary shall include the following in an implementation plan:

(1) An evaluation of whether implementation of existing regulatory programs will achieve water quality standards in the impaired water. If the Secretary determines that existing regulatory programs will not achieve water quality standards, the Secretary shall determine the amount of additional pollutant reduction necessary to achieve water quality standards in that water. When making this determination, the Secretary may express the pollutant reduction in a numeric reduction or through defining a clean water project that must be implemented to achieve water quality standards.

(2) An allocation of the pollutant reduction identified under subdivision (a)(1) of this section to each basin and the clean water service provider assigned to that basin pursuant to subsection 924(a) of this title. When making this allocation, the Secretary shall consider the sectors contributing to the water quality impairment in the impaired water's boundaries and the contribution of the pollutant from regulated and nonregulated sources within the basin. Those allocations shall be expressed in annual pollution reduction goals and five-year pollution reduction targets as checkpoints to gauge progress and adapt or modify as necessary.

(3) A determination of the standard cost per unit of pollutant reduction. The Secretary shall publish a methodology for determining standard cost pollutant reductions. The standard cost shall include the costs of project identification, project design, and project construction.

(b)(1) The Secretary shall conduct the analysis required by subsection (a) of this section for previously listed waters as follows:

(A) For phosphorous in the Lake Champlain watershed, not later than November 1, 2021.

(B) For phosphorous in the Lake Memphremagog watershed, not later than November 1, 2022.

(2) By not later than November 1, 2023, the Secretary shall adopt a schedule for implementing the requirements of this subchapter in all other previously listed impaired waters, including Lake Carmi, not set forth in subdivision (1) of this subsection.

(c) When implementing the requirements of this section, the Secretary shall follow the type 3 notice process established in section 7714 of this title.

§ 923. QUANTIFICATION OF POLLUTION REDUCTION; CLEAN WATER PROJECTS

(a) After listing a water as impaired on the list of waters required by 33 U.S.C. § 1313(d), the Secretary shall publish a methodology for calculating pollution reduction values associated with a clean water project in that water. When establishing a pollutant reduction value, the Secretary shall consider pollution reduction values established in the TMDL; pollution reduction values established by other jurisdictions; pollution reduction values recommended by organizations that develop pollutant reduction values for a clean water project; applicable monitored data with respect to a clean water project, if available; modeled data, if available; or a comparison to other similar projects or programs if no other data on a pollution reduction value or design life exists. Pollution reduction values established by the Secretary shall be the exclusive method for determining the pollutant reduction value of a clean water project.

(b) After listing a water as impaired on the list of waters required by 33 U.S.C. § 1313(d), the Secretary shall publish a methodology for establishing a design life associated with a clean water project. The design life of a clean water project shall be determined based on a review of values established in other jurisdictions, values recommended by organizations that regularly estimate the design life of clean water projects, actual data documenting the design life of a practice, or a comparison to other similar practices if no other data exists. A design life adopted by the Secretary shall be the exclusive method for determining the design life of a best management practice or other control.

(c)(1) If a person is proposing a clean water project for which no pollution reduction value or design life exists for a listed water, the Secretary shall establish a pollution reduction value or design life for that clean water project within 60 days following a request from the person proposing the clean water project. A pollution reduction value or design life established under this subdivision shall be based on a review of pollution reduction values established in the TMDL; pollution reduction values or design lives established by other jurisdictions; pollution reduction values or design lives recommended by organizations that develop pollutant reduction values or design lives for a

clean water project; applicable monitored data with respect to a clean water project, if available; modeled data, if available; actual data documenting the design life of a clean water project; or a comparison to other similar projects or programs if no other data on a pollution reduction value or design life exists. Any estimate developed under this subsection by the Secretary shall be posted on the Agency of Natural Resources' website.

(2) Upon the request of a clean water service provider, the Secretary shall evaluate a proposed clean water project and issue a determination as to whether the proposed clean water project is eligible to receive funding as a part of a Water Quality Restoration Formula Grant awarded by the State pursuant to section 925 of this title.

(d)(1) The Secretary shall conduct the analysis required by subsections (a) and (b) of this section for clean water projects and design lives related to phosphorous not later than November 1, 2021.

(2) By not later than November 1, 2023, the Secretary shall adopt a schedule for implementing the requirements of subsections (a) and (b) of this section for clean water projects and design lives related to all other impairments not listed under subdivision (1) of this subsection.

(e) The Secretary shall periodically review pollution reduction values and design lives established under this section at least every five years to determine the adequacy or accuracy of a pollution reduction value or design life.

(f)(1) When implementing the requirements of subsections (a) and (b) of this section, the Secretary shall follow the type 3 notice process established in section 7714 of this title.

(2) When implementing the requirements of subsection (c) of this section, the Secretary shall follow the type 4 notice process in section 7715 of this title.

§ 924. CLEAN WATER SERVICE PROVIDER; RESPONSIBILITY FOR

CLEAN WATER PROJECTS

(a) Clean water service providers; establishment.

(1) On or before November 1, 2020, the Secretary shall adopt rules that assign a clean water service provider to each basin in the Lake Champlain and Lake Memphremagog watersheds for the purposes of achieving pollutant reduction values established by the Secretary for the basin and for identification, design, construction, operation, and maintenance of clean water projects within the basin. For all other impaired waters, the Secretary shall assign clean water service provider no later than six months prior to the implementation of the requirements of this subchapter scheduled by the

Secretary under subdivision 922(b)(2) of this title. The rulemaking shall be done in consultation with regional planning commissions, natural resource conservation districts, watershed organizations, and municipalities located within each basin.

(2) An entity designated as a clean water service provider shall be required to identify, prioritize, develop, construct, verify, inspect, operate, and maintain clean water projects in accordance with the requirements of this subchapter.

(3) The Secretary shall adopt guidance on a clean water service provider's obligation with respect to implementation of this chapter. The Secretary shall provide notice to the public of the proposed guidance and a comment period of not less than 30 days. At a minimum, the guidance shall address the following:

(A) how the clean water service provider integrates prioritizes and selects projects consistent with the applicable basin plan, including how to account for the co-benefits provided by a project;

(B) minimum requirements with respect to selection and agreements with subgrantees;

(C) requirements associated with the distribution of administrative costs to the clean water service provider and subgrantees;

(D) Secretary's assistance to clean water service providers with respect to their maintenance obligations pursuant to subsection (c) of this section; and

(E) the Secretary's strategy with respect to accountability pursuant to subsection (f) of this section.

(4) In carrying out its duties, a clean water service provider shall adopt guidance for subgrants consistent with the guidance from the Secretary developed pursuant to subdivision (a)(3) of this section that establishes a policy for how the clean water service provider will issue subgrants to other organizations in the basin, giving due consideration to the expertise of those organizations and other requirements for the administration of the grant program. The subgrant guidance shall include how the clean water service provider will allocate administrative costs to subgrantees for project implementation and for the administrative costs of the basin water quality council. The subgrant guidance shall be subject to the approval of the Secretary and basin water quality council.

(5) When selecting clean water projects for implementation or funding, a clean water service provider shall prioritize projects identified in the basin

plan for the area where the project is located and shall consider the pollutant targets provided by the Secretary and the recommendations of the basin water quality council.

(b) Project identification, prioritization, selection. When identifying, prioritizing, and selecting a clean water project to meet a pollutant reduction value, the clean water service provider shall consider the pollution reduction value associated with the clean water project, the co-benefits provided by the project, operation, and maintenance of the project, conformance with the tactical basin plan, and other water quality benefits beyond pollution reduction associated with that clean water project. All selected projects shall be entered into the watershed projects database.

(c) Maintenance responsibility. A clean water service provider shall be responsible for maintaining a clean water project or ensuring the maintenance for at least the design life of that clean water project. The Secretary shall provide funding for maintenance consistent with subdivision 1389(e)(1)(A) of this title.

(d) Water quality improvement work. If a clean water service provider achieves a greater level of pollutant reduction than a pollutant reduction goal or five-year target established by the Secretary, the clean water service provider may carry those reductions forward into a future year. If a clean water service provider achieves its pollutant reduction goal or five-year target and has excess grant funding available, a clean water service provider may:

(1) carry those funds forward into the next program year;

(2) use those funds for other eligible project;

(3) use those funds for operation and maintenance responsibilities for existing constructed projects;

(4) use those funds for projects within the basin that are required by federal or State law; or

(5) use those funds for other work that improves water quality within the geographic area of the basin, including protecting river corridors, aquatic species passage, and other similar projects.

(e) Reporting. A clean water service provider shall report annually to the Secretary. The report from clean water service providers shall be integrated into the annual clean water investment report, including outcomes from the work performed by clean water service providers. The report shall contain the following:

(1) a summary of all clean water projects completed that year in the basin;

(2) a summary of any inspections of previously implemented clean water projects and whether those clean water projects continue to operate in accordance with their design;

(3) all administrative costs incurred by the clean water service provider;

(4) a list of all of the subgrants awarded by the clean water service provider in the basin; and

(5) all data necessary for the Secretary to determine the pollutant reduction achieved by the clean water service provider during the prior year.

(f) Accountability for pollution reduction goals. If a clean water service provider fails to meet its allocated pollution reduction goals or its five-year target or fails to maintain previously implemented clean water projects the Secretary shall take appropriate steps to hold the clean water service provider accountable for the failure to meet pollution reduction goals or its five-year target. The Secretary may take the following steps:

(1) enter a plan to ensure that the clean water service provider meets current and future year pollution reduction goals and five-year targets; or

(2) initiate rulemaking to designate an alternate clean water service provider as accountable for the basin.

(g) Basin water quality council.

(1) A clean water service provider designated under this section shall establish a basin water quality council for each assigned basin. The purpose of a basin water quality council is to establish policy and make decisions for the clean water service provider regarding the most significant water quality impairments that exist in the basin and prioritizing the projects that will address those impairments based on the basin plan. A basin water quality council shall also participate in the basin planning process.

(2) A basin water quality council shall include, at a minimum, the following:

(A) two persons representing natural resource conservation districts in that basin, selected by the applicable natural resource conservation districts;

(B) two persons representing regional planning commissions in that basin, selected by the applicable regional planning commission;

(C) two persons representing local watershed protection organizations operating in that basin, selected by the applicable watershed protection organizations;

(D) one representative from an applicable local or statewide land conservation organization selected by the conservation organization in consultation with the clean water service provider; and

(E) two persons representing from each municipality within the basin, selected by the clean water service provider in consultation with municipalities in the basin.

(3) The designated clean water service provider and the Agency of Natural Resources shall provide technical staff support to the basin water quality council. The clean water service provider may invite support from persons with specialized expertise to address matters before a basin water quality council, including support from the University of Vermont Extension, staff of the Agency of Natural Resources, staff of the Agency of Agriculture, Food and Markets, staff of the Agency of Transportation, staff from the Agency of Commerce and Community Development, the Natural Resource Conservation Service, U.S. Department of Fish and Wildlife, and U.S. Forest Service.

§ 925. CLEAN WATER SERVICE PROVIDER; WATER QUALITY

RESTORATION FORMULA GRANT PROGRAM

The Secretary shall administer a Water Quality Restoration Formula Grant Program to award grants to clean water service providers to meet the pollutant reduction requirements under this subchapter. The grant amount shall be based on the annual pollutant reduction goal established for the clean water service provider multiplied by the standard cost for pollutant reduction including the costs of administration and reporting. Not more than 15 percent of the total grant amount awarded to a clean water service provider shall be used for administrative costs.

§ 926. WATER QUALITY ENHANCEMENT GRANT PROGRAM

The Secretary shall administer a Water Quality Enhancement Grant Program. This program shall be a competitive grant program to fund projects that protect high quality waters, maintain or improve water quality in all waters, restore degraded or stressed waters, create resilient watersheds and communities, and support the public's use and enjoyment of the State's waters. When making awards under this program, the Secretary shall consider the geographic distribution of these funds. Not more than 15 percent of the total grant amount awarded shall be used for administrative costs.

§ 927. DEVELOPED LANDS IMPLEMENTATION GRANT PROGRAM

The Secretary shall administer a Developed Lands Implementation Grant Program to provide grants or financing to persons who are required to obtain a

permit to implement regulatory requirements that are necessary to achieve water quality standards. The grant or financing program shall only be available in basins where a clean water service provider has met its annual goals or is making sufficient progress, as determined by the Secretary, towards those goals. This grant program shall fund or provide financing for projects related to the permitting of impervious surface of three acres or more under subdivision 1264(g)(3) of this title. Not more than 15 percent of the total grant amount awarded shall be used for administrative costs.

§ 928. MUNICIPAL STORMWATER IMPLEMENTATION GRANT PROGRAM

The Secretary shall administer a Municipal Stormwater Implementation Grant Program to provide grants to any municipality required under section 1264 of this title to obtain or seek coverage under the municipal roads general permit, the municipal separate storm sewer systems permit, a permit for impervious surface of three acres or more, or a permit required by the Secretary to reduce the adverse impacts to water quality of a discharge or stormwater runoff. The grant program shall only be available in basins where a clean water service provider has met its annual goals or is making sufficient progress, as determined by the Secretary, towards those goals. Not more than 15 percent of the total grant amount awarded shall be used for administrative costs.

§ 929. CLEAN WATER PROJECT TECHNICAL ASSISTANCE

The Secretary shall provide technical assistance upon the request of any person who, under this chapter, receives a grant or is a subgrantee of funds to implement a clean water project.

§ 930. RULEMAKING

The Secretary may adopt rules to implement the requirements of this subchapter.

Sec. 2. 10 V.S.A. § 1253(d)(2) and (3) are amended to read:

(2) In developing a basin plan under this subsection, the Secretary shall:

(A) identify waters that should be reclassified outstanding resource waters or that should have one or more uses reclassified under section 1252 of this title;

(B) identify wetlands that should be reclassified as Class I wetlands;

(C) identify projects or activities within a basin that will result in the protection and enhancement of water quality;

(D) review the evaluations performed by the Secretary under subdivisions 922(a)(1) and (2) of this title and update those findings based on any new data collected as part of a basin plan;

(E) for projects in the basin that will result in enhancement of resources, including those that protect high quality waters of significant natural resources, the Secretary shall identify the funding needs beyond those currently funded by the Clean Water Fund;

(F) ensure that municipal officials, citizens, natural resources conservation districts, regional planning commissions, watershed groups, and other interested groups and individuals are involved in the basin planning process;

(E)(G) ensure regional and local input in State water quality policy development and planning processes;

(F)(H) provide education to municipal officials and citizens regarding the basin planning process;

(G)(I) develop, in consultation with the regional planning commission, an analysis and formal recommendation on conformance with the goals and objectives of applicable regional plans;

(H)(J) provide for public notice of a draft basin plan; and

(I)(K) provide for the opportunity of public comment on a draft basin plan.

(3) The Secretary shall, contingent upon the availability of funding, negotiate and issue performance grants to the Vermont Association of Planning and Development Agencies or its designee, ~~and~~ the Natural Resources Conservation Council or its designee, and to Watersheds United Vermont or its designee to assist in or to produce a basin plan under the schedule set forth in subdivision (1) of this subsection in a manner consistent with the authority of regional planning commissions under 24 V.S.A. chapter 117 and the authority of the natural resources conservation districts under chapter 31 of this title. When negotiating a scope of work with the Vermont Association of Planning and Development Agencies or its designee, ~~and~~ the Natural Resources Conservation Council or its designee, and Watersheds United Vermont or its designee to assist in or produce a basin plan, the Secretary may require the Vermont Association of Planning and Development Agencies, ~~or~~ the Natural Resources Conservation Council, or Watersheds United Vermont to:

(A) conduct any of the activities required under subdivision (2) of this subsection (d);

(B) provide technical assistance and data collection activities to inform municipal officials and the State in making water quality investment decisions;

(C) coordinate municipal planning and adoption or implementation of municipal development regulations better to meet State water quality policies and investment priorities; or

(D) assist the Secretary in implementing a project evaluation process to prioritize water quality improvement projects within the region to ensure cost-effective use of State and federal funds.

Sec. 3. 10 V.S.A. § 1387 is amended to read:

§ 1387. FINDINGS; PURPOSE; CLEAN WATER INITIATIVE

(a)(1) The State has committed to implementing a long-term Clean Water Initiative to provide mechanisms, staffing, and financing necessary to achieve and maintain compliance with the Vermont Water Quality Standards for all State waters.

(2) Success in implementing the Clean Water Initiative will depend largely on providing sustained and adequate funding to support the implementation of all of the following:

(A) the requirements of 2015 Acts and Resolves No. 64;

(B) federal or State required cleanup plans for individual waters or water segments, such as total maximum daily load plans;

(C) the Agency of Natural Resources' Combined Sewer Overflow Rule;

(D) the operations of clean water service providers under chapter 37, subchapter 5 of this title; and

(E) the permanent protection of land and waters from future development and impairment through conservation and water quality projects funded by the Vermont Housing and Conservation Trust Fund authorized by chapter 15 of this title.

(3) To ensure success in implementing the Clean Water Initiative, the State should commit to funding the Clean Water Initiative in a manner that ensures the maintenance of effort and that provides an annual appropriation for clean water programs in a range of \$50 million to \$60 million as adjusted for inflation over the duration of the Initiative.

(4) To avoid the future impairment and degradation of the State's waters, the State should commit to continued funding for the protection of land

and waters through agricultural and natural resource conservation, including through permanent easements and fee acquisition.

(b) The General Assembly establishes in this subchapter a Vermont Clean Water Fund as a mechanism for financing the improvement of water quality in the State. The Clean Water Fund shall be used to:

(1) ~~assist the State in complying with water quality requirements and construction or implementation of water quality projects or programs~~ the implementation of the Clean Water Initiative;

(2) fund staff positions at the Agency of Natural Resources, Agency of Agriculture, Food and Markets, or Agency of Transportation when the positions are necessary to achieve or maintain compliance with water quality requirements and existing revenue sources are inadequate to fund the necessary positions; and

(3) ~~provide funding to nonprofit organizations, regional associations, and other entities for implementation and administration of community-based water quality programs or projects~~ clean water service providers to meet the obligations of chapter 37, subchapter 5 of this title.

Sec. 4. 10 V.S.A. § 1389 is amended to read:

§ 1389. CLEAN WATER BOARD

(a) Creation.

(1) There is created the Clean Water Board that shall:

(A) be responsible and accountable for planning, coordinating, and financing of the remediation, improvement, and protection of the quality of State waters;

(B) recommend to the Secretary of Administration expenditures:

(i) appropriations from the Clean Water Fund according to the priorities established under subsection (e) of this section; and

(ii) clean water water quality programs or projects that provide water quality benefits, reduce pollution, protect natural areas, enhance water quality protections on agricultural land enhance flood and climate resilience, provide wildlife habitat, or promote and enhance outdoor recreation in support of rural community vitality to be funded by capital appropriations.

(2) The Clean Water Board shall be attached to the Agency of Administration for administrative purposes.

(b) Organization of the Board. The Clean Water Board shall be composed of:

- (1) the Secretary of Administration or designee;
- (2) the Secretary of Natural Resources or designee;
- (3) the Secretary of Agriculture, Food and Markets or designee;
- (4) the Secretary of Commerce and Community Development or designee;
- (5) the Secretary of Transportation or designee; and
- (6) four members of the public, who are not legislators, with expertise in one or more of the following subject matters: public management, civil engineering, agriculture, ecology, wetlands, stormwater system management, forestry, transportation, law, banking, finance, and investment, to be appointed by the Governor.

* * *

(d) Powers and duties of the Clean Water Board. The Clean Water Board shall have the following powers and authority:

* * *

(3) The Clean Water Board shall:

~~(A) establish a process by which watershed organizations, State agencies, and other interested parties may propose water quality projects or programs for financing from the Clean Water Fund;~~

~~(B) develop an annual revenue estimate and proposed budget for the Clean Water Fund;~~

~~(C)~~(B) establish measures for determining progress and effectiveness of expenditures for clean water restoration efforts;

(C) if the Board determines that there are insufficient funds in the Clean Water Fund to issue all grants or financing required by sections 925-928 of this title, conduct all of the following:

(i) Direct the Secretary of Natural Resources to prioritize the work needed in every basin, adjust pollution allocations assigned to clean water service providers, and issue grants based on available funding.

(ii) Make recommendations to the Governor and General Assembly on additional revenue to address unmet needs.

(iii) Notify the Secretary of Natural Resources that there are insufficient funds in the Fund. The Secretary of Natural Resources shall consider additional regulatory controls to address water quality improvements that could not be funded.

(D) issue the annual Clean Water Investment Report required under section 1389a of this title; and

(E) solicit, consult with, and accept public comment from organizations interested in improving water quality in Vermont regarding recommendations under this subsection (d) for the allocation of funds from the Clean Water Fund; and

~~(F) establish a process under which a watershed organization, State agency, or other interested party may propose that a water quality project or program identified in a watershed basin plan receive funding from the Clean Water Fund~~ recommend capital appropriations for the permanent protection of land and waters from future development through conservation and water quality projects.

(e) Priorities.

(1) In making recommendations under subsection (d) of this section regarding the appropriate allocation of funds from the Clean Water Fund, the Board shall prioritize as follows:

~~(A) funding to programs and projects that address sources of water pollution in waters listed as impaired on the list of waters established by 33 U.S.C. § 1313(d);~~

~~(B) funding to projects that address sources of water pollution identified as a significant contributor of water quality pollution, including financial assistance to grant recipients at the initiation of a funded project;~~

(1) As a first priority, make recommendations regarding funding for the following grants and programs, which shall each be given equal priority:

(A) grants to clean water service providers to fund the reasonable costs associated with the inspection, verification, operation, and maintenance of clean water projects in a basin;

(B) the Water Quality Restoration Formula Grant under section 925 of this title;

(C) the Agency of Agriculture, Food and Markets' agricultural water quality programs; and

(D) the Water Quality Enhancement Grants under section 926 of this title at a funding level of at least 20 percent of the annual balance of the Clean Water Fund, provided that the maximum amount recommended under this subdivision (D) in any year shall not exceed \$ 5,000,000.00; and

(E) funding to partners for basin planning, basin water quality council participation, education, and outreach as provided in subdivision 1253(d)(3) of this title, provided funding shall be at least \$500,000.00.

(2) As the next priority after reviewing funding requests for programs identified under subdivision (1) of this subsection:

~~(C)(A) funding to programs or projects that address or repair riparian conditions that increase the risk of flooding or pose a threat to life or property;~~

~~(D) assistance required for State and municipal compliance with stormwater requirements for highways and roads;~~

~~(E)(B) funding for education and outreach regarding the implementation of water quality requirements, including funding for education, outreach, demonstration, and access to tools for the implementation of the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation;~~

~~(F)(C) funding for the Municipal Stormwater Implementation Grant as provided in section 928 of this title;~~

~~(D) funding for innovative or alternative technologies or practices designed to improve water quality or reduce sources of pollution to surface waters, including funding for innovative nutrient removal technologies and community-based methane digesters that utilize manure, wastewater, and food residuals to produce energy; and~~

~~(G)(E) funding to purchase agricultural land in order to take that land out of practice when the State water quality requirements cannot be remediated through agricultural Best Management Practices;~~

~~(H) funding to municipalities for the establishment and operation of stormwater utilities; and~~

~~(I) investment in watershed basin planning, water quality project identification screening, water quality project evaluation, and conceptual plan development of water quality projects.~~

~~(2) In developing its recommendations under subsection (d) of this section regarding the appropriate allocation of funds from the Clean Water Fund, the Clean Water Board shall, during the first three years of its existence and within the priorities established under subdivision (1) of this subsection (e), prioritize awards or assistance to municipalities for municipal compliance with water quality requirements and to municipalities for the establishment and operation of stormwater utilities.~~

~~(3) In developing its recommendations under subsection (d) of this section regarding the appropriate allocation of funds from the Clean Water Fund, the Board shall, after satisfaction of the priorities established under subdivision (1) of this subsection (e), attempt to provide investment in all watersheds of the State based on the needs identified in watershed basin plans.~~

(3) As the next priority after reviewing funding requests under subdivisions (1) and (2) of this subsection, funding for the Developed Lands Implementation Grant Program as provided in section 927 of this title.

(f) Assistance. The Clean Water Board shall have the administrative, technical, and legal assistance of the Agency of Administration, the Agency of Natural Resources, the Agency of Agriculture, Food and Markets, the Agency of Transportation, and the Agency of Commerce and Community Development for those issues or services within the jurisdiction of the respective agency. The cost of the services provided by agency staff shall be paid from the budget of the agency providing the staff services.

Sec. 5. 24 V.S.A. § 4345a is amended to read:

§ 4345a. DUTIES OF REGIONAL PLANNING COMMISSIONS

A regional planning commission created under this chapter shall:

* * *

(20) If designated as a clean water service provider under 10 V.S.A. § 924, provide for the identification, prioritization, development, construction, inspection, verification, operation, and maintenance of clean water projects in the basin assigned to the regional planning commission in accordance with the requirements of 10 V.S.A. chapter 37, subchapter 5.

Sec. 6. 10 V.S.A. § 704 is amended to read:

§ 704. POWERS OF COUNCIL

The State Natural Resources Conservation Council may employ an administrative officer and such technical experts and such other agents and employees as it may require. The Council may call upon the Attorney General of the State for such legal services as it may require, or may employ its own counsel. It shall have authority to delegate to one or more of its members, or to one or more agents or employees, such powers and duties as it may deem proper. If designated as a clean water service provider under section 924 of this title, provide for the identification, prioritization, development, construction, inspection, verification, operation, and maintenance of clean water projects in the basin assigned to a natural resources conservation district in accordance with the requirements of chapter 37, subchapter 5 of this title.

Sec. 7. RECOMMENDATIONS ON NUTRIENT CREDIT TRADING

On or before July 1, 2022, the Secretary of Natural Resources, after consultation with the Clean Water Board, shall submit to the Senate Committees on Appropriations, on Natural Resources and Energy, and on Finance and the House Committees on Appropriations, on Natural Resources, Fish, and Wildlife, and on Ways and Means recommendations regarding implementation of a market-based mechanism that allows the purchase of water quality credits by permittees under 10 V.S.A. chapter 47, and other entities. The report shall include information on the cost to develop and manage any recommended trading program.

Sec. 8. TRANSITION

(a) Until November 1, 2021, the Secretary shall implement the existing ecosystem restoration funding delivery program and shall not make substantial modifications to the manner in which that program has been implemented. The Secretary may give increased priority to meeting legal obligations pursuant to a total maximum daily load when implementing that funding delivery program.

(b) Until the plan required by 10 V.S.A. § 923(d)(2) has been fully implemented, the Secretary shall provide additional weight to geographic areas of the State not receiving a grant pursuant to 10 V.S.A. § 925 when making funding decisions with respect to grants awarded pursuant to 10 V.S.A. § 926.

Sec. 9. LAND AND WATER CONSERVATION STUDY

(a) The State's success in achieving and maintaining compliance with the Vermont Water Quality Standards for all State waters depends on avoiding the future degradation or impairment of surface waters. An important component of avoiding the future degradation or impairment of surface waters is the permanent protection of lands for multiple conservation purposes, including the protection of surface waters and associated natural resources, according to priorities for multiple conservation values, including water quality benefits, natural areas, flood and climate resilience, wildlife habitat, and outdoor recreation.

(b) The State's success in achieving and maintaining compliance with the Vermont Water Quality Standards depends in part on strategic land conservation. To assist the State in enhancing the benefit of strategic land conservation, the Secretary of Natural Resources shall convene a Land and Water Conservation Study Stakeholder Group to develop a recommended framework for statewide land conservation. On or before January 15, 2020, the Secretary shall submit the Stakeholder Group's recommended framework

for statewide land conservation to the General Assembly. The recommended framework shall include:

(1) recommendations for maximizing both water quality benefits and other state priorities from land conservation projects, including agricultural uses, natural area and headwaters protection, flood and climate resilience, wildlife habitat, outdoor recreation, and rural community development; and

(2) recommended opportunities to leverage federal and other nonstate funds for conservation projects.

(c)(1) The Land and Water Conservation Study Stakeholder Group shall include the following individuals or their designees:

(A) the Secretary of Natural Resources;

(B) the Secretary of Agriculture, Food and Markets;

(C) the Executive Director of the Vermont Housing and Conservation Board;

(D) the President of the Vermont Land Trust;

(E) the Vermont and New Hampshire Director of the Trust for Public Land; and

(F) the Director of the Nature Conservancy for the State of Vermont.

(2) The Secretary of Natural Resources shall invite the participation in the Stakeholder Group by the U.S. Department of Agriculture's Natural Resources Conservation Service, representatives of farmer's watershed alliances, representatives of landowner organizations, and other interested parties.

Sec. 10. 10 V.S.A. § 1389a is amended to read:

§ 1389a. CLEAN WATER INVESTMENT REPORT

(a) Beginning on January 15, 2017, and annually thereafter, the Secretary of Administration shall publish the Clean Water Investment Report. The Report shall summarize all investments, including their cost-effectiveness, made by the Clean Water Board and other State agencies for clean water restoration over the prior fiscal year. The Report shall include expenditures from the Clean Water Fund, the General Fund, the Transportation Fund, and any other State expenditures for clean water restoration, regardless of funding source.

(b) The Report shall include:

(1) Documentation of progress or shortcomings in meeting established indicators for clean water restoration.

(2) A summary of additional funding sources pursued by the Board, including whether those funding sources were attained; if it was not attained, why it was not attained; and where the money was allocated from the Fund.

(3) A summary of water quality problems or concerns in each watershed basin of the State, a list of water quality projects identified as necessary in each basin of the State, and how identified projects have been prioritized for implementation. The water quality problems and projects identified under this subdivision shall include programs or projects identified across State government and shall not be limited to projects listed by the Agency of Natural Resources in its watershed projects database.

(4) A summary of any changes to applicable federal law or policy related to the State's water quality improvement efforts, including any changes to requirements to implement total maximum daily load plans in the State.

(5) A summary of available federal funding related to or for water quality improvement efforts in the State.

(6) Beginning January 2023, a summary of the administration of the grant programs established under sections 925–928 of this title, including whether these grant programs are adequately funding implementation of the Clean Water Initiative and whether the funding limits for the Water Quality Enhancement Grants under subdivision 1389(e)(1)(D) of this title should be amended to improve State implementation of the Clean Water Initiative.

(c) The Report may also provide an overview of additional funding necessary to meet objectives established for clean water restoration and recommendations for additional revenue to meet those restoration objectives. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report required by this section.

(d)(1) The Secretary of Administration shall develop and use a results-based accountability process in publishing the annual report required by subsection (a) of this section.

(2) The Secretary of Administration shall develop user-friendly issue briefs, tables, or executive summaries that make the information required under subdivision (b)(3) available to the public separately from the report required by this section.

(3) On or before September 1 of each year, the Secretary of Administration shall submit to the Joint Fiscal Committee an interim report regarding the information required under subdivision (b)(5) of this section relating to available federal funding.

Sec. 11. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

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

First: By adding a Sec. 3a to read as follows:

Sec. 3a. 10 V.S.A. § 1388 is amended to read:

§ 1388. CLEAN WATER FUND

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

(1) revenues from the Property Transfer Tax surcharge established under 32 V.S.A. § 9602a;

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

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

(4) four percent of the revenues from the meals and rooms taxes imposed under 32 V.S.A. chapter 225; and

~~(4)(5)~~ other revenues dedicated for deposit into the Fund by the General Assembly.

* * *

Second: By adding Secs. 4a and 4b to read as follows:

Sec. 4a. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

(a) The Education Fund is established to comprise the following:

* * *

(4) ~~25~~ 21 percent of the revenues from the meals and rooms taxes imposed under 32 V.S.A. chapter 225;

* * *

Sec. 4b. REPEAL

Sec. G.8 (prewritten software accessed remotely) of 2015 Acts and Resolves No. 51 is repealed.

Rep Feltus of Lyndon for the committee on Appropriations, recommended the bill ought to pass in concurrence with proposal of amendment as recommended by the committees on Ways and Means and Natural Resources, Fish, and Wildlife.

Thereupon, the bill was read the second time, the report of the committee on Natural Resources, Fish, and Wildlife was amended as recommended by the committee on Ways and Means.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Natural Resources, Fish, and Wildlife, as amended? **Rep. Sibilia of Dover** moved to amend the proposal of amendment as recommended by the committee on Natural Resources, Fish, and Wildlife, as amended, as follows:

In Sec. 1, 10 V.S.A. § 921, in subdivision (4)(B)(ii), after the semicolon, by inserting the word “or”

and in subdivision (4)(B)(iii), by striking out “; or” and inserting in lieu thereof “;”

and by striking out subdivision (4)(B)(iv) in its entirety

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

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Natural Resources, Fish, and Wildlife, as amended? **Reps. Sheldon of Middlebury, Bates of Bennington, Dolan of Waitsfield, Lefebvre of Newark, McCullough of Williston, Morgan of Milton, Ode of Burlington, Smith of New Haven, Squirrell of Underhill and Terenzi of Rutland Town** moved to amend the proposal of amendment as recommended by the committee on Natural Resources, Fish, and Wildlife, as amended, as follows:

By adding Sec. 10a to read as follows:

Sec. 10a. REPORT OF SECRETARY OF ADMINISTRATION;

WATER QUALITY PROJECTS ON FARMS

On or before January 15, 2020, the Secretary of Administration, as the chair of the Clean Water Board, shall, after consultation with the Secretary of Natural Resources and the Secretary of Agriculture, Food and Markets, submit to the House Committees on Natural Resources, Fish, and Wildlife and on Agriculture and Forestry and the Senate Committees on Natural Resources and Energy and on Agriculture a report regarding the administration and funding

of water quality projects on farms as part of the Clean Water Initiative. The report shall include recommendations on:

(1) how farmers can maximize access to funding for water quality projects on farms, including funding available through grants authorized under 10 V.S.A chapter 37, subchapter 5;

(2) how the Agency of Agriculture, Food and Markets should be involved in water quality projects on farms, including how the Agency of Agriculture, Food and Markets would give approval of, be notified of, or participate in water quality projects on farms funded by a clean water service provided under 10 V.S.A. chapter 37, subchapter 5;

(3) how to minimize duplication of effort, administration, and oversight between the Agency of Agriculture, Food and Markets and clean water service providers regarding water quality projects on farms; and

(4) how to most efficiently and effectively fund water quality projects on farms, including how to ensure the continued functionality of projects after construction or implementation.

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Natural Resources, Fish, and Wildlife, as amended? **Rep. Browning of Arlington** moved to amend the proposal of amendment as recommended by the committee on Natural Resources, Fish, and Wildlife, as amended, as follows:

By inserting a Sec. 4c to read as follows:

Sec. 4c. REVENUE ANALYSIS AND REPORT

(a) By December 1, 2019, the Department of Taxes shall develop a method to track the amount of sales and use tax revenue actually raised each fiscal year from the removal of the exemption of tax on prewritten software in Sec. 4b. of this act, and the Department of Taxes shall report to the General Assembly on the same.

(b) Annually, starting December 1, 2020:

(1) the Department of Taxes shall report to the General Assembly the amount of revenue actually raised in the prior fiscal year from the removal of the exemption of tax on prewritten software in Sec. 4b of this act; and

(2) the Joint Fiscal Office shall report to the General Assembly on the amount of revenue the State estimated would be raised in the prior fiscal year as a result of the removal of the exemption of tax on prewritten software in Sec. 4b of this act.

(c) It is the intent of the General Assembly that if the amount of revenue actually raised by the removal of the exemption of tax on prewritten software in Sec. 4b of this act is less than the revenue the State estimated would be raised for that same fiscal year, then the General Assembly shall adjust the percentage of meals and rooms tax revenue allocated to the General Fund to make up the shortfall in the Education Fund.

Which was disagreed to. Thereupon, the report of the committee on Natural Resources, Fish, and Wildlife, as amended, was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Sheldon of Middlebury** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 124. Nays, 14.

Those who voted in the affirmative are:

Ancel of Calais	Fegard of Berkshire	Norris of Shoreham
Anthony of Barre City	Feltus of Lyndon	Notte of Rutland City
Austin of Colchester *	Gamache of Swanton	Noyes of Wolcott
Bartholomew of Hartland	Gannon of Wilmington	O'Brien of Tunbridge
Bates of Bennington	Gardner of Richmond	Ode of Burlington
Beck of St. Johnsbury	Giambatista of Essex	O'Sullivan of Burlington
Birong of Vergennes	Grad of Moretown	Page of Newport City
Bock of Chester	Haas of Rochester	Pajala of Londonderry
Brennan of Colchester	Hango of Berkshire	Patt of Worcester
Briglin of Thetford	Harrison of Chittenden	Potter of Clarendon
Brownell of Pownal	Hashim of Dummerston	Pugh of South Burlington
Browning of Arlington *	Hooper of Montpelier	Rachelson of Burlington
Brumsted of Shelburne	Hooper of Randolph	Ralph of Hartland
Burke of Brattleboro	Hooper of Burlington	Redmond of Essex
Campbell of St. Johnsbury	Houghton of Essex	Rogers of Waterville
Canfield of Fair Haven	Howard of Rutland City	Rosenquist of Georgia
Carroll of Bennington	James of Manchester	Savage of Swanton
Chase of Colchester	Jerome of Brandon	Scheu of Middlebury
Chesnut-Tangerman of	Jessup of Middlesex	Seymour of Sutton
Middletown Springs	Jickling of Randolph	Shaw of Pittsford
Christensen of Weathersfield	Killacky of South Burlington	Sheldon of Middlebury
Christie of Hartford	Kimbell of Woodstock	Smith of Derby
Cina of Burlington	Kornheiser of Brattleboro	Smith of New Haven
Coffey of Guilford	Krowinski of Burlington *	Squirrell of Underhill
Colburn of Burlington	LaLonde of South	Stevens of Waterbury
Colston of Winooski	Burlington	Sullivan of Dorset
Conlon of Cornwall	Lanpher of Vergennes	Sullivan of Burlington
Conquest of Newbury	Lefebvre of Newark	Szott of Barnard
Copeland-Hanzas of	Lippert of Hinesburg	Taylor of Colchester
Bradford	Long of Newfane	Till of Jericho
Corcoran of Bennington	Macaig of Williston	Toleno of Brattleboro
Cordes of Lincoln	Marcotte of Coventry	Toll of Danville

Cupoli of Rutland City	Masland of Thetford	Townsend of South
Demrow of Corinth	Mattos of Milton	Burlington
Dickinson of St. Albans Town	McCarthy of St. Albans City	Troiano of Stannard
Dolan of Waitsfield	McCormack of Burlington	Walz of Barre City
Donahue of Northfield	McCoy of Poultney	Webb of Shelburne
Donovan of Burlington	McCullough of Williston	White of Hartford
Durfee of Shaftsbury	McFaun of Barre Town	Wood of Waterbury
Elder of Starksboro	Morgan of Milton	Yacovone of Morristown
Emmons of Springfield	Morrissey of Bennington	Yantachka of Charlotte
Fagan of Rutland City	Mrowicki of Putney	Young of Greensboro
	Murphy of Fairfax	
	Nicoll of Ludlow	

Those who voted in the negative are:

Bancroft of Westford	Higley of Lowell	Sibilia of Dover *
Batchelor of Derby	LaClair of Barre Town	Strong of Albany
Graham of Williamstown *	Leffler of Enosburgh *	Terenzini of Rutland Town
Gregoire of Fairfield *	Quimby of Concord	Toof of St. Albans Town
Helm of Fair Haven	Scheuermann of Stowe *	

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

Burditt of West Rutland	Kitzmiller of Montpelier	Partridge of Windham
Gonzalez of Winooski	Martel of Waterford	Trieber of Rockingham
Goslant of Northfield	Myers of Essex	
Hill of Wolcott	Palasik of Milton	

Rep. Austin of Colchester explained her vote as follows:

“Madam Speaker:

A 5 year UVM study found that lakeside communities in Vermont lose close to \$17 million in economic activity and 200 full time jobs – in July and August alone – for every one meter decrease in water quality.

Lake related tourism, restaurants, hotels, recreation services face a \$12 million drop in direct summer expenditures.

The study focused on the VT lakeside counties of Chittenden, Addison, Franklin, and Grand Isle.

Clean water is an economic driver in VT.”

Rep. Browning of Arlington explained her vote as follows:

“Madam Speaker:

I vote yes because I know the impatience of fully funding our clean water efforts. However, I deplore the refusal of this chamber to insure that no revenue shortfall will force future education property tax rates higher than they

otherwise would be, due to removal of revenue from the Education Fund for a purpose unrelated to education.”

Rep. Graham of Williamstown explained his vote as follows:

“Madam Speaker:

I voted no as being a farmer I know the importance of quality water, but creating another layer of barriers with little expertise of need project on farms when we already have a good program in place will not help the cause.”

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

Water quality is of the greatest concern and should be properly funded. However, raiding the education fund even temporarily is unacceptable to me. The quality of our great water ways is unacceptable. We can and should do better. It’s shameful that we are so far behind the 8 ball on this important issue.”

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

I vote yes because a long term clean water infrastructure funding package will strengthen our economy, public health and environment. By taking this action we can help our communities thrive. Thank you.”

Rep. Leffler of Enosburgh explained her vote as follows:

“Madam Speaker:

I cannot support this bill’s 'robbing Peter to pay Paul' method of funding. Taking money from our schools via the education fund is not the steady clean water funding we need.

We need a clear funding source for clean water that doesn’t take from our teachers and students.

I hope to see this change before we close the doors on this session.”

Rep. Scheuermann of Stowe explained her vote as follows:

“Madam Speaker:

I vote no on this bill, not because I don’t support funding our clean water efforts. In fact, I certainly do. But to do it using the rooms and meals tax claiming that it is the nexus to clean water, puts us on the wrong path. I’m hopeful the other body and the administration will either find another avenue, or, better yet, find the funding within existing revenue.”

Rep. Sibia of Dover explained her vote as follows:

“Madam Speaker,

Despite the good work of both committees I’m very concerned about the long term consequences of how we are moving funds out of the education fund in this bill. I will offer an amendment on third reading.”

Adjournment

At six o'clock and fifty-four minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.