

Journal of the House

Thursday, June 25, 2020

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Sam Young of Greensboro and Heidi Lauren Duke.

Senate Bill Referred

S. 124

Senate bill, entitled

An act relating to miscellaneous law enforcement amendments

Was read and referred to the committee on Government Operations.

Senate Bill Referred

S. 219

Senate bill, entitled

An act relating to addressing racial bias and excessive use of force by law enforcement

Was read and referred to the committee on Judiciary.

House Resolution Adopted

H.R. 22

House resolution, entitled

House resolution allowing for the House of Representatives to vote remotely to extend the House Declaration of Emergency

Offered by Committee on Rules

Whereas Governor Philip B. Scott declared a state of emergency with regards to the COVID-19 pandemic until July 15, 2020; and

Whereas the House of Representatives declared a State of Emergency until June 30, 2020, and

Whereas the Center for Disease Control (CDC) has issued guidelines for people to maintain a safe social distance of six feet and minimize gatherings to reduce the infection rates of COVID-19, and

Whereas in order for the House of Representatives to conduct its business, the standing committees and panels of the House of Representatives may participate remotely, and

Whereas the House of Representatives Panels on Sexual Harassment Prevention, Ethics, and Discrimination and House Rules are granted the ability to vote remotely; and

Whereas to allow standing committees and panels of the House of Representatives to resume voting remotely the House of Representatives must vote to extend its Declaration of Emergency; and

Whereas standing committees of the House of Representatives may meet during the recess with the permission of the Speaker of the House as is custom and may do so remotely; and

Whereas the House of Representatives may convene remotely and vote remotely during the recess to extend its Declaration of Emergency; now therefore be it

Resolved by the House of Representatives:

That the House of Representatives may reinstate the House Declaration of Emergency by a remote vote when the House of Representatives reconvenes

Which was read and adopted.

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

S. 232

Senate bill, entitled

An act relating to implementing the expansion of juvenile jurisdiction

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

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 955

Appearing on the Calendar for Notice, on motion of **Rep. McCoy of Poultnery**, the rules were suspended and House bill, entitled

An act relating to capital construction and State bonding budget adjustment

Was taken up for immediate consideration.

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

Sec. 1. 2019 Acts and Resolves No. 42, Sec. 2 is amended to read:

Sec. 2. STATE BUILDINGS

* * *

(b) The following sums are appropriated in FY 2020:

* * *

(7) Montpelier, State House, new drapes and carpeting or carpeting repair in the Governor's ceremonial office and the vestibule near the Governor's ceremonial office, the Hall of Flags, the Cedar Creek Room, the Senate Secretary's Office, and the carpeting or carpeting repair in the Card Room: \$45,000.00

* * *

(c) The following sums are appropriated in FY 2021:

* * *

(4) Statewide, planning, use, and contingency: ~~\$500,000.00~~ \$529,077.00

(5) Burlington, 108 Cherry Street, parking garage repairs:

~~\$7,500,000.00~~ \$7,400,000.00

(6) Montpelier, State House, ~~historical restorations~~ new drapes and carpeting or carpeting repair in the Governor's ceremonial office or in the vestibule near the Governor's ceremonial office, the Hall of Flags, Senate Secretary's Office, and carpeting or carpeting repair in the Card Room: \$75,000.00

* * *

(11) Montpelier, State House, HVAC, planning and design to address air quality and mold issues: 500,000.00

(12) Newport, Orleans County Courthouse, replacement, site acquisition, planning, and design for a stand-alone courthouse with no retail space: 1,500,000.00

(13) Windsor, costs to renovate space at the former Southeast State Correctional Facility associated with the relocation of the Department of Fish and Wildlife and the Department of Forests, Parks and Recreation from the Springfield State Office Building: \$700,000.00

(14) Statewide, installation of electric vehicle charging facilities in State-owned parking lots under the jurisdiction of the Department of Buildings and General Services: 75,000.00

(15) State House, cafeteria renovation for a flexible meeting room:
\$57,000.00

(d)(1) For the amount appropriated in subdivision (b)(4) of this section, the Commissioner of Buildings and General Services is authorized to use up to \$200,000.00 to assess relative costs and resource requirements for potential construction of a correctional facility that ranges in scale issue a request for proposal to hire a consultant to analyze different state-of-the-art correctional facility models in order to accommodate the results of the Council of State Governments' study described in Sec. 28 of this act; provided, however, that the funds shall only become available after approval by the Joint Fiscal Committee and the Joint Legislative Justice Oversight Committee. If the cost of the analysis exceeds \$200,000.00, the Commissioner is authorized to use the amounts appropriated in subdivisions (b)(4) and (c)(4) of this section to cover the additional cost.

(2) On or before ~~March 15, 2020~~ January 1, 2021, the Commissioner shall submit a copy of the assessment analysis described in subdivision (1) of this subsection to the House Committee on Corrections and Institutions and the Senate Committee on Institutions. Beginning on July 1, 2020, the Commissioner of Buildings and General Services and the Commissioner of Corrections shall provide monthly updates on the status of the analysis to the Joint Legislative Justice Oversight Committee.

(e) It is the intent of the General Assembly that the Commissioner of Buildings and General Services shall look at other State uses for storage of State-owned equipment and whether the former Southeast State Correctional Facility would be an appropriate place for storage.

Appropriation – FY 2020		\$20,323,423.00
Appropriation – FY 2021	\$21,325,813.00	<u>\$24,086,890.00</u>
Total Appropriation – Section 2	\$41,649,236.00	<u>\$44,410,313.00</u>

Sec. 2. 2019 Acts and Resolves No. 42, Sec. 3 is amended to read:

Sec. 3. HUMAN SERVICES

* * *

(c) The following sums are appropriated in FY 2021 to the Department of Buildings and General Services for the Agency of Human Services for the following projects described in this subsection:

* * *

(4) Brattleboro, Brattleboro Retreat, level 1 bed project construction:
\$1,500,000.00

(5) Windsor and St. Johnsbury, site preparation, relocation and rebuild of a greenhouse at the Caledonia County Workcamp from the former Southeast State Correctional Facility, with the use of inmate labor for the rebuild of the greenhouse, where appropriate: \$200,000.00

* * *

(d) The sum of ~~\$3,900,000.00~~ \$4,500,000.00 is appropriated in FY 2021 to the Agency of Human Services for the Department of Vermont Health Access, Integrated Eligibility and Enrollment system.

* * *

(f) The Commissioner of Buildings and General Services, in consultation with the Commissioner of Corrections, may use the amount appropriated in subdivision (c)(5) of this section to build a new greenhouse at the Caledonia Work Camp if a new build is more cost-effective than the relocation of the greenhouse from the former Southeast State Correctional Facility. Where appropriate, inmate labor may be used for the new build of a greenhouse.

Appropriation – FY 2020	\$8,828,000.00	<u>\$8,100,000.00</u>
Appropriation – FY 2021	\$5,875,000.00	<u>\$8,175,000.00</u>
Total Appropriation – Section 3		<u>\$14,703,000.00</u>
		<u>\$16,275,000.00</u>

Sec. 3. 2019 Acts and Resolves No. 42, Sec. 5 is amended to read:

Sec. 5. COMMERCE AND COMMUNITY DEVELOPMENT

* * *

~~(c) The sum of \$250,000.00 is appropriated in FY 2021 to the Department of Buildings and General Services for the Agency of Commerce and Community Development for major maintenance at statewide historic sites.~~

~~(d) The following sums are appropriated in FY 2021 to the Agency of Commerce and Community Development for the following projects described in this subsection:~~

- ~~(1) Underwater preserves: \$25,000.00~~
- ~~(2) Placement and replacement of roadside historic markers: \$25,000.00~~
- ~~(3) Highgate Native American Cemetery, slope stabilization, Monument Road: \$100,000.00~~
- ~~(4) Major maintenance at statewide historic sites: \$250,000.00~~

~~(e)(d) The funds shall become available after the Agency notifies the~~

~~Department that the remaining funds to complete the project have been secured~~ The Agency shall not use the amount appropriated in subdivision (c)(1) of this section for any new underwater preserve projects. It is the intent of the General Assembly that no future capital funding shall be made available for new underwater preserve projects.

* * *

Appropriation – FY 2020		\$487,500.00
Appropriation – FY 2021	\$300,000.00	<u>\$400,000.00</u>
Total Appropriation – Section 5	\$787,500.00	<u>\$887,500.00</u>

Sec. 4. 2019 Acts and Resolves No. 42, Sec. 8 is amended to read:

Sec. 8. UNIVERSITY OF VERMONT

(a) The sum of \$1,300,000.00 is appropriated in FY 2020 to the University of Vermont for construction, renovation, and major maintenance at any facility owned or operated in the State by the University of Vermont.

(b) The sum of \$1,000,000.00 is appropriated in FY 2021 to the University of Vermont for the projects described in subsection (a) of this section.

* * *

Sec. 5. 2019 Acts and Resolves No. 42, Sec. 9 is amended to read:

Sec. 9. VERMONT STATE COLLEGES

(a) The sum of \$2,100,000.00 is appropriated in FY 2020 to the Vermont State Colleges for construction, renovation, and major maintenance at any facility owned or operated in the State by the Vermont State Colleges.

(b) The sum of \$2,000,000.00 is appropriated in FY 2021 to the Vermont State Colleges for the projects described in subsection (a) of this section.

* * *

Sec. 6. 2019 Acts and Resolves No. 42, Sec. 10 is amended to read:

Sec. 10. NATURAL RESOURCES

* * *

~~(e) The sum of \$50,000.00 is appropriated in FY 2020 to the Vermont Association of Snow Travelers, Inc. for the STP LVRT(7) project for improvements to the Lamoille Valley Rail Trail. [Repealed.]~~

(f) The following sums are appropriated in FY 2021 to the Agency of Natural Resources for the Department of Environmental Conservation for the

projects described in this subsection:

* * *

(2) Dam safety and hydrology projects: \$895,000.00 \$916,138.00

(3) Engineering and construction grants related to improvements for public water systems with confirmed concentrations of PFAS exceeding 20 nanograms per liter and on a do-not-drink notice: \$550,000.00

* * *

(i)(1) Notwithstanding 24 V.S.A. § 4753(a)(9), it is the intent of the General Assembly that the reallocation in Sec. 13 of this act, amending 2019 Acts and Resolves No. 42, Sec. 20(h), the amount of \$130,000.00 from the Vermont Drinking Water Revolving Loan be used to support the appropriation in subdivision (f)(3) of this section.

(2) For the amount appropriated in subdivision (f)(3) of this section, the Agency shall use \$50,000.00 for grants to reimburse any schools that operate public water systems with confirmed concentrations of PFAS exceeding 20 nanograms per liter and on a do-not-drink notice for their costs of providing bottled or bulk water.

(3) Any recovery or repayment of funds appropriated by subdivision (f)(3) of this section from a person responsible for the contamination of a public water system receiving those funds shall be used for future capital construction acts.

Appropriation – FY 2020	<u>\$9,025,807.00 \$8,975,807.00</u>
Appropriation – FY 2021	<u>\$7,341,400.00 \$7,912,538.00</u>
Total Appropriation – Section 10	<u>\$16,367,207.00 \$16,888,345.00</u>

Sec. 7. 2019 Acts and Resolves No. 42, Sec. 11 is amended to read:

Sec. 11. CLEAN WATER INITIATIVES

* * *

~~(e) The sum of \$13,900,000.00 is appropriated in FY 2021 to the Agency of Natural Resources for the Department of Environmental Conservation for clean water implementation projects. [Repealed.]~~

* * *

(h) The sum of \$4,294,503.00 is appropriated in FY 2021 to the Agency of Agriculture, Food and Markets for water quality grants and contracts.

(i) The following sums are appropriated in FY 2021 to the Agency of Natural Resources for the Department of Environmental Conservation

projects described in this subsection:

(1) Water Pollution Control Fund, Clean Water/EPA Revolving Loan Fund (CWSRF) match: \$1,605,497.00

(2) Municipal Pollution Control Grants, pollution control projects, and planning advances for feasibility studies: \$3,300,000.00

(j) The sum of \$1,900,000.00 is appropriated in FY 2021 to the Agency of Natural Resources for the Department of Forests, Parks and Recreation for best management practices at State-owned forest and recreational access points.

(k)(1) The following sums are appropriated in FY 2021 to the Vermont Housing and Conservation Board for the following projects:

(A) Agricultural water quality projects: \$1,100,000.00

(B) Land conservation and water quality projects: \$1,700,000.00

(2) A grant issued under subdivision (1)(A) of this subsection:

(A) shall not be considered a State grant under 6 V.S.A. chapter 215, subchapter 3 for purposes of calculating the maximum amount of a State water quality assistance award under 6 V.S.A. § 4824 or 4826; and

(B) may be used to satisfy a grant recipient's cost share requirements.

Appropriation – FY 2020	\$12,100,000.00
Appropriation – FY 2021	\$13,900,000.00
Total Appropriation – Section 11	\$26,000,000.00

Sec. 8. 2019 Acts and Resolves No. 42, Sec. 12 is amended to read:

Sec. 12. MILITARY

(a) The sum of \$700,000.00 is appropriated in FY 2020 to the Department of Military for maintenance and renovations at State armories. To the extent feasible, these funds shall be used to match federal funds.

(b) The sum of ~~\$800,000.00~~ \$1,420,000.00 is appropriated in FY 2021 to the Department of Military for the projects described in subsection (a) of this section.

Appropriation – FY 2020	\$700,000.00
Appropriation – FY 2021	\$800,000.00 <u>\$1,420,000.00</u>
Total Appropriation – Section 12	\$1,500,000.00 <u>\$2,120,000.00</u>

Sec. 9. 2019 Acts and Resolves No. 42, Sec. 13 is amended to read:

Sec. 13. PUBLIC SAFETY

* * *

(d) The sum of \$2,000,000.00 is appropriated in FY 2021 to the Department of Buildings and General Services for renovation costs associated with the relocation of a replacement for the Middlesex Field Station to the former Department of Libraries building in Berlin.

Appropriation – FY 2020		\$2,200,000.00
Appropriation – FY 2021	\$5,400,000.00	<u>\$7,400,000.00</u>
Appropriation – Section 13	\$7,600,000.00	<u>\$9,600,000.00</u>

Sec. 10. 2019 Acts and Resolves No. 42, Sec. 14 is amended to read:

Sec. 14. AGRICULTURE, FOOD AND MARKETS

* * *

(c) The sum of ~~\$200,000.00~~ \$280,000.00 is appropriated in FY 2021 to the Department of Buildings and General Services for the Agency of Agriculture, Food and Markets for major maintenance at the Vermont building of the Eastern States Exposition.

Appropriation – FY 2020		\$300,000.00
Appropriation – FY 2021	\$200,000.00	<u>\$280,000.00</u>
Total Appropriation – Section 14	\$500,000.00	<u>\$580,000.00</u>

Sec. 11. 2019 Acts and Resolves No. 42, Sec. 18 is amended to read:

Sec. 18. VERMONT HOUSING AND CONSERVATION BOARD

(a) The sum of \$1,800,000.00 is appropriated in FY 2020 to the Vermont Housing and Conservation Board for housing projects.

(b) The sum of ~~\$1,800,000.00~~ \$3,800,000.00 is appropriated in FY 2021 to the Vermont Housing and Conservation Board for the project described in subsection (a) of this section housing and conservation projects.

Appropriation – FY 2020		\$1,800,000.00
Appropriation – FY 2021	\$1,800,000.00	<u>\$3,800,000.00</u>
Total Appropriation – Section 18	\$3,600,000.00	<u>\$5,600,000.00</u>

Sec. 12. AGENCY OF TRANSPORTATION

(a) The sum of \$50,000.00 is appropriated in FY 2020 to the Agency of Transportation for the Lamoille Valley Rail Trail.

(b) The following sums are appropriated in FY 2021 to the Agency of

Transportation for the following projects:

(1) Lamoille Valley Rail Trail: \$2,830,000.00

(2) Electric Vehicle Equipment (EVSE) Grant Program: \$750,000.00

(c) For the amount appropriated in subdivision (b)(1) of this section, if matching federal funds are not available or if federal funds do not require a state match, the funds shall be used for projects in a future capital construction act.

(d) On or before January 15, 2021, the Commissioner of Forests, Parks and Recreation, in consultation with the Secretary of Administration, shall develop and submit a plan to the House Committee on Corrections and Institutions and the Senate Committee on Institutions on whether the Lamoille Valley Rail Trail may be developed into a linear State park.

(e) The Secretary of Transportation and the Commissioner of Forests, Parks and Recreation shall develop a memorandum of understanding (MOU) regarding the ongoing maintenance of the Lamoille Valley Rail Trail. On or before January 15, 2021, and prior to execution, the Secretary and Commissioner shall report back to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with a draft of the MOU and an implementation plan for the MOU.

Appropriation – FY 2020 \$50,000.00

Appropriation – FY 2021 \$3,580,000.00

Total Appropriation – Section 12 \$3,630,000.00

* * * Financing this Act * * *

Sec. 13. 2019 Acts and Resolves No. 42, Sec. 20 is amended to read:

Sec. 20. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

(a) The following sums are reallocated to the Department of Buildings and General Services from prior capital appropriations to defray expenditures authorized in Sec. 2 of this act:

(1) of the amount appropriated in ~~2017~~ 2016 Acts and Resolves No. 160, Sec. 13(c) (Waterbury State Office Complex): \$33,404.00

(2) of the amount appropriated in ~~2017~~ 2016 Acts and Resolves No. 160, Sec. 5(d)(2) (Barre courthouse study): \$10,076.40

(3) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 2(b)(11) (109 and 111 State Street, final design and construction): \$104,244.77

(4) of the amount appropriated in 2017 Acts and Resolves No. 84,

Sec. 2(c)(6), as amended by 2018 Acts and Resolves No. 190, Sec. 1 (120 State Street, life safety and infrastructure improvements): \$456,308.11

(5) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 2(c)(10), as amended by 2018 Acts and Resolves No. 190, Sec. 1 (109 and 111 State Street, final design and construction): \$495,755.23

(b)(1) Of the amount appropriated in 2015 Acts and Resolves No. 26, Sec. 8(a)(2) (school construction) to the Agency of Education, the amount of \$1,225,076.00 in unexpended funds reallocated to the Department of Buildings and General Services to defray expenditures authorized in Sec. 2 of this act.

(2) Of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 7 (emergency aid for school construction), the amount of \$37,264.89 in unexpended funds is reallocated to defray expenditures authorized in this act.

(3) Of the amount appropriated in 2018 Acts and Resolves No. 42, Sec. 7(a) (emergency aid for school construction), the amount of \$49,382.00 in unexpended funds is reallocated to defray expenditures authorized in this act.

(c)(1) Notwithstanding 18 V.S.A. § 5212b(b), of the amount appropriated in 2015 Acts and Resolves No. 26, Sec. 6(b)(3) (Unmarked Burial Fund) to the Agency of Commerce and Community Development, the amount of \$29,849.00 in unexpended funds is reallocated to defray expenditures authorized in this act.

(2) Of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 5(d)(4) (Civil War Heritage Trail Sign) to the Agency of Commerce and Community Development, the amount of \$29,948.00 in unexpended funds is reallocated to the Department of Buildings and General Services to defray expenditures authorized in Sec. 2 of this act.

* * *

(e) Of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 6(a)(8) (Agricultural Fairs Capital Projects Competitive Grant Program) to the Agency of Agriculture, Food and Markets, the amount of \$18,696.00 in unexpended funds is reallocated to defray expenditures authorized in this act.

(f) Of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 3(b)(3) (Essex, Woodside Juvenile Rehabilitation Center, design and construction documents) to the Agency of Human Services, the amount of \$499,139.00 in unexpended funds is reallocated to defray expenditures authorized in this act.

(g) Of the amount appropriated in 2009 Acts and Resolves No. 43,

Commissioners is authorized to sell the Enosburg Armory building located at 134 Pearl Street in Enosburg Falls to the Town of Enosburgh for below fair market value, provided that the building is for municipal purposes only. If the Town of Enosburgh no longer uses the building for municipal purposes, the State shall have the right of first refusal.

Sec. 16. 2018 Acts and Resolves No. 190, Sec. 1, amending 2017 Acts and Resolves No. 84, Sec. 2(17), is further amended to read:

(17) Waterbury, Waterbury State Office Complex, Stanley and Wasson, demolition of Stanley Hall, ~~and programming, schematic design, and design development for Wasson Hall:~~ \$950,000.00

Sec. 17. 29 V.S.A. § 157 is amended to read:

§ 157. FACILITIES CONDITION ANALYSIS

(a) The Commissioner of Buildings and General Services shall:

(1) ~~Maintain~~ maintain the condition of buildings and infrastructure under the Commissioner's jurisdiction to provide a safe and healthy environment through sustainable practices and judicious capital renewal;

(2) ~~Conduct~~ conduct a facilities condition analysis each year of 20 percent of the building area and infrastructure under the Commissioner's jurisdiction so that within five years all property is assessed. ~~At the end of the five years, the process shall begin again. The analysis conducted pursuant to this subsection shall include the thermal envelope of buildings and a report on the annual energy consumption and energy costs and recommendations for reducing energy consumption.;and~~

(3) conduct investment grade energy audits to develop a pipeline of energy efficiency and conservation measures to be implemented through the State Energy Management Program or during construction projects.

(b) The Commissioner may use up to ~~two~~ four percent of the funds appropriated to the Department of Buildings and General Services for major maintenance and planning for the purpose described in subsection (a) of this section.

Sec. 18. 29 V.S.A. § 166 is amended to read:

§ 166. SELLING OR RENTING STATE PROPERTY

* * *

(b) Upon authorization by the General Assembly, which may be granted by resolution, and with the advice and consent of the Governor, the Commissioner of Buildings and General Services may sell real estate owned by the State.

Such property shall be sold to the highest bidder therefor at public auction or upon sealed bids in the discretion of the Commissioner of Buildings and General Services, who may reject any or all bids. Notice of the sale or a request for sealed bids shall be posted in at least three public places in the town where the property is located and also published three times in a newspaper having a known circulation in the town, the last publication to be not less than 10 days before the date of sale or opening of the bids. Failing to consummate a sale under the method prescribed in this section, the Commissioner of Buildings and General Services is authorized to list the sale of this property with a real estate agent licensed by the State of Vermont. This subsection shall not apply to ~~exchanges of lands~~ the sale, conveyance, exchange, or lease of lands or interests in lands; ~~to the amendment of deeds, leases, and easements;~~ or ~~to sales of timber made in accordance with the provisions of 10 V.S.A. chapter 55 or to the sale of land or interests in land made in accordance with 155~~ or the provisions of 10 V.S.A. chapter 83.

* * *

Sec. 19. 2013 Acts and Resolves No. 1, Sec. 100(c), as amended by 2014 Acts and Resolves No. 179, Sec. E.113.1, 2015 Acts and Resolves No. 58, Sec. E.113.1, 2017 Acts and Resolves No. 84, Sec. 29, 2018 Acts and Resolves No. 190, Sec. 18, and 2019 Acts and Resolves No. 42, Sec. 25, is further amended to read:

(c) Sec. 97 (general obligation debt financing) shall take effect on ~~July 1, 2020~~ July 1, 2021.

Sec. 20. OFFICE RELOCATION; LEGISLATIVE STAFF

Notwithstanding 29 V.S.A. § 165, the Commissioner of Buildings and General Services shall require approval from the Joint Legislative Management Committee for any proposals to relocate space used by the Legislative Branch. The Joint Legislative Management Committee shall consult with the Chair of the House Committee on Corrections and Institutions and the Chair of the Senate Committee on Institutions prior to granting approval.

Sec. 21. 2019 Acts and Resolves No. 42, Sec. 22 is amended to read:

Sec. 22. PROPERTY TRANSACTIONS; MISCELLANEOUS

* * *

(b)(1) The Commissioner of Buildings and General Services is authorized to transfer ~~a 20-by-20-foot parcel~~ two contiguous tracts of land totaling approximately 3,152 square feet located on the Monocacy National Battlefield Park located at 5201 Urbana Pike, Frederick, Maryland, to the United States

National Park Service.

* * *

Sec. 22. NAMING STATE BUILDING AND FACILITIES; REPORT
CAPITOL COMPLEX COMMISSION; DEPARTMENT OF
LIBRARIES

(a) Intent. It is the intent of the General Assembly to establish a plan for naming State buildings and facilities in the Capitol Complex in Montpelier and Statewide.

(b) Capitol Complex Commission. On or before January 15, 2021, the Capitol Complex Commission shall submit a report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with recommendations for a process to name State buildings and facilities in the Capitol Complex, as defined in 29 V.S.A. § 182.

(c) Department of Libraries. On or before January 15, 2021, the Department of Libraries shall submit a report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with recommendations for a process to name all State buildings and facilities, except for buildings and facilities located in the Capitol Complex, as defined in 29 V.S.A. § 182.

* * * COVID-19 Emergency * * *

Sec. 23. COVID-19 EMERGENCY RESPONSE; REALLOCATIONS

(a) Intent. In response to the unprecedented challenges posed by the COVID-19 pandemic, the General Assembly acknowledges that continued funding of capital projects and infrastructure will help boost our local economy and support the health and welfare of Vermonters. Accordingly, it is the intent of the General Assembly that the projects funded in this capital construction act will serve to support and help drive growth in Vermont's economy during this uncertain time.

(b) Reallocation authority. Notwithstanding 29 V.S.A. § 152(a)(20) and (a)(25) nor any other provision of law, the Emergency Board, in consultation with the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions, is authorized to reallocate any project balances from any capital construction acts for any capital expenditures associated with the COVID-19 emergency response.

(c) Report. On or before August 15, 2020, the Commissioner of Finance and Management, in consultation with the Joint Fiscal Office and the Office of Legislative Council, shall report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions, with a review of all

capital expenditures associated with the COVID-19 emergency response, an assessment of whether CARES Act funding may be used to address any capital expenditures, whether any other federal funds are available to meet those needs, and an assessment of any General Fund need that may qualify as a capital expenditure.

* * * Education * * *

Sec. 24. 2016 Acts and Resolves No. 93, Sec. 4 is amended to read:

Sec. 4. EFFECTIVE DATES

* * *

(b) Sec. 3 of this act shall take effect on ~~July 1, 2020~~ July 1, 2022.

* * * Electric Vehicles * * *

Sec. 25. FUNDING FOR ELECTRIC VEHICLE SUPPLY EQUIPMENT

(a) The Agency of Transportation shall establish and administer, through a memorandum of understanding with the Department of Housing and Community Development, a program to support the continued buildout of electric vehicle supply equipment available to the public and build upon the existing VW EVSE Grant Program that the Department of Housing and Community Development has been administering on behalf of the Department of Environmental Conservation.

(b) The Agency is authorized to spend up to \$750,000.00, as appropriated in Sec. 12 of this act, on the Program established in this section in fiscal year 2021. This funding shall initially be used to support grants for the construction and operation of direct current (DC) fast-charging stations strategically located to fill gaps in the State's highway corridor fast-charging network. Any remaining funds may be used to support strategically located level 2 workplace charging.

(c) Grant recipients shall disclose a fee schedule to the Department of Housing and Community Development demonstrating a required user fee for electric vehicle charging that accounts for expenses associated with the equipment, including but not limited to electricity costs.

(d) The Department of Housing and Community Development shall consult with an interagency team consisting of the Commissioner of Housing and Community Development or designee, the Commissioner of Environmental Conservation or designee, the Commissioner of Health or designee, the Commissioner of Public Service or designee, and the Agency's Division Director of Policy, Planning, and Intermodal Development or designee on all major decisions regarding the administration of this Program.

Sec. 26. ELECTRIC VEHICLE CHARGING STATIONS; DEPARTMENT OF BUILDINGS AND GENERAL SERVICES; FEE

Pursuant to 32 V.S.A. § 604, the Department of Buildings and General Services shall charge a fee for consumption of power associated with electric vehicle supply equipment under the jurisdiction of the Department of Buildings and General Services when the electric vehicle supply equipment is available to the public and capable of charging a fee.

* * * Human Services * * *

Sec. 27. BRATTLEBORO RETREAT

(a) For the amount appropriated in Sec. 2 of this act, amending 2019 Acts and Resolves No. 42, Sec. 3(c)(4), the Brattleboro Retreat must comply with the following provisions:

(1) The Retreat shall deliver to the Agency of Human Services monthly reports covering financial performance upon passage of this bill. All financial reports shall be delivered by the end of the month for the previous month's fiscal performance period. Financial reports shall include the following:

(A) income statement, with narrative;

(B) balance sheet, with narrative;

(C) cash flow statement, with narrative;

(D) accounts payable update and summary, with narrative;

(E) accounts receivable update and summary, with narrative; and

(F) a copy of the standard monthly financial package that is provided to the Finance Committee of the Board of Trustees.

(2) The Retreat shall follow best practices outlined in the March 2020 Best Practices Memorandum and ensure compliance with Medicaid billing practices and provider enrollment.

(3) The Retreat shall keep the Agency advised of any event or occurrence that materially impacts its financial stability, performance, staffing service delivery capacity, or viability.

(4) The Retreat shall provide information to the Department of Mental Health necessary for its statutory oversight responsibilities.

(5) The Retreat shall work with the Department of Mental Health to develop an initial strategic plan for the long-term reuse of the renovated facilities to meet future system of care needs.

(6) The Retreat shall provide the State access to the 12 level-1 beds,

constructed pursuant to 2018 Acts and Resolves No. 190, Sec. 2, for a period determined by the Secretary of Human Services to be in the best interests of the State.

(7) The Retreat shall adhere to the terms and conditions of the contract with the Department of Mental Health for the operation of the 12 level-1 beds constructed pursuant to 2018 Acts and Resolves No. 190, Sec. 2.

(b) The Brattleboro Retreat, the Agency of Human Services, and the Department of Buildings and General Services shall provide a report at the July and September Joint Fiscal Committee meetings that includes the following information:

(1) the Retreat financial reports, including income statement, balance sheet, and cash flow projections;

(2) the status of the 12 level-1 beds, constructed pursuant to 2018 Acts and Resolves No. 190, Sec. 2, including anticipated opening date and cost estimates to complete;

(3) an update on the development of a long-term strategic plan that analyzes current and future needs of the service delivery priorities and role of the Retreat in Vermont's mental health system of care; and

(4) an update on the strategic plan for the long-term reuse of the renovated facility to meet future system of care needs.

Sec. 28. 2019 Acts and Resolves No. 42, Sec. 31 is amended to read:

Sec. 31. DEPARTMENT OF DISABILITIES, AGING, AND
INDEPENDENT LIVING; RULEMAKING

The Department of Disabilities, Aging, and Independent Living shall amend its rules, pursuant to 3 V.S.A. chapter 25, pertaining to therapeutic community residences to allow secure residential recovery facilities to utilize emergency involuntary procedures so that those amended rules are finally adopted on or before ~~June 1, 2020~~ June 1, 2021, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c). These rules shall be identical to the rules adopted by the Department of Mental Health that govern the use of emergency involuntary procedures in psychiatric inpatient units.

* * * Natural Resources * * *

Sec. 29. 10 V.S.A. § 1283a is added to read:

§ 1283a. CONTAMINANTS OF EMERGING CONCERN SPECIAL FUND

(a) The Contaminants of Emerging Concern Special Fund is established

pursuant to 32 V.S.A. chapter 7, subchapter 5 to provide grants to public water systems responding to or remediating emerging contaminants in a public water supply. The Secretary of Natural Resources shall administer the Fund and may make disbursements from the Fund for the following costs:

(1) investigation of an actual or threatened impact to or contamination of natural resources or public assets presented by an emerging contaminant;

(2) reimbursement to any person for:

(A) expenditures made to provide alternative water supplies or to take other emergency measures deemed necessary by the Secretary to protect human health from emerging contaminants; or

(B) expenditures by a public asset to pay for the treatment or disposal of an emerging contaminant;

(3) payment of the costs of oversight or conducting assessment of a natural resource where injury has resulted or is likely to result from of an emerging contaminant; or

(4) payment of the costs of oversight or conducting restoration, replacement, or rehabilitation of a natural resource injured by an emerging contaminant.

(b) The Secretary may bring an action under this section or other available State and federal laws to enforce the obligation to repay the Fund.

(c) As used in this section:

(1) "Emerging contaminant" means:

(A) a hazardous material as defined in subdivision 6602(16) of this title;

(B) any constituent for which the Department of Health has established a health advisory; or

(C) any constituent that the Secretary determines is an imminent and substantial endangerment to human health, natural resources, or public assets.

(2) "Natural resources" means fish, wildlife, biota, air, surface water, groundwater, wetlands, drinking water supplies, or State-held public lands.

(3) "Public asset" means:

(A) any wastewater treatment facility permitted under chapter 47 of this title;

(B) any public water system or noncommunity system permitted under chapter 56 of this title;

(C) any potable water supply permitted under chapter 64 of this title;
or

(D) any facility for the disposal of solid waste permitted under chapter 159, provided that the facility did not know that the waste was an emerging contaminant at the time of disposal.

(4) “Secretary” shall mean Secretary of Natural Resources.

(d) Nothing in this section shall be construed to preclude, supplant, or limit any other statutory or common-law rights or remedies.

* * * State House * * *

Sec. 30. 2 V.S.A. § 651 is amended to read:

§ 651. LEGISLATIVE ADVISORY COMMITTEE ON THE STATE HOUSE

(a) The Legislative Advisory Committee on the State House is created.

* * *

(d) The Committee shall meet at the State House at least one time ~~during the months of July and December~~ when the General Assembly is in session and at least one time when the General Assembly is not in session or at the call of the Chair. The Commissioner of Buildings and General Services shall keep minutes of the meetings and maintain a file thereof.

(e) The Committee shall have the assistance of the Office of Legislative Council.

Sec. 31. 2 V.S.A. § 653 is amended to read:

§ 653. FUNCTIONS

(a)(1) The Legislative Advisory Committee on the State House shall be consulted on all activities relating to the acquisition and care of paintings and historic artifacts and furnishings, and the refurbishing, renovation, preservation, and expansion of the building and its interior.

(2) The Legislative Advisory Committee on the State House shall develop a plan for the acquisition or commission of artwork for the State House collection that represents Vermont’s diverse people and history, including diversity of gender, race, ethnicity, sexuality, and disability status.

* * *

Sec. 32. STATE HOUSE ARTWORK AND PORTRAIT PROJECT;
 LEGISLATIVE ADVISORY COMMITTEE ON THE STATE HOUSE; REPORT

(a) Intent. It is the intent of the General Assembly:

(1) to expand the State House artwork and portrait collection to represent the diverse stories of those who have significantly contributed to Vermont's history;

(2) to give special consideration to the State House as a place of employment for a diverse workforce and as an institution of public education for students and members of the general public; and

(3) that the State have a policy of including diverse leadership stories that reflect all of Vermont's history when acquiring or commissioning artistic representations for the State House art collection.

(b) Policy. It is the policy of the General Assembly that the State House art collection shall reflect:

(1) those who have served as leaders and have significantly contributed to the history of Vermont;

(2) those whose service relates to the State or the Abenaki Nation, the civil rights of Vermonters, the legislative process, or the operation of the State House;

(3) stories of significance to a community, a tribe, or historical moments that demonstrate the diverse nature of Vermont's people and history; or

(4) the natural landscapes and environmental features of the State of Vermont.

(c) Plan. Pursuant to 2 V.S.A. § 653, the Legislative Advisory Committee on the State House, in consultation with the State Curator, shall develop a plan for the acquisition or commission of artwork for the State House collection that incorporates the intent and policies described in subsections (a) and (b) of this section.

(d) Recommendations. The Committee, in consultation with the public and relevant experts, including Vermont historians, artists, and diverse community leaders, shall research and recommend significant historical Vermont leadership stories that warrant artistic inclusion in the State House art collection using the intent and policies described in subsections (a) and (b) of this section.

(e) Report. On or before March 1, 2021, the Committee shall submit a written report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with the plan and recommendations described in this section and any recommendations for legislative action.

Sec. 33. 29 V.S.A. § 154a is amended to read:

§ 154a. STATE CURATOR

(a) Creation. The position of State Curator is created within the Department of Buildings and General Services.

(b) Duties. The State Curator's responsibilities shall include:

(1) oversight of the general historic preservation of the State House, including maintaining the historical integrity of the State House and works of art in the State House;

(2) interpretation of the State House to the visiting public through exhibits, publications, and tours; and

(3) acquisition, management, and care of State collections of art and historic furnishings, provided that any works of art for the State House are acquired pursuant to the requirements of 2 V.S.A. § 653(a).

(c) Acquisition policy. In coordination with the Legislative Advisory Committee on the State House, and in accordance with the plan developed pursuant to 2 V.S.A. § 653, the State Curator shall adopt an acquisition policy that ensures that the acquisition of art for the State House reflects a diversity of artistic media and artists, the natural history of the State, and the diversity of the people and stories of Vermont throughout the history of the State.

(d) Interpretive plan. In coordination with the Friends of the Vermont State House and the Vermont Historical Society, the State Curator shall create an interpretive plan that tells the stories of the State House art collection through accessible written, multimedia, and oral means. The plan shall include appropriate and inclusive training of State House volunteers and staff.

* * * Department of Public Service * * *

Sec. 34. BROADBAND EXPANSION; INTENT

On or before September 1, 2020, it is the intent of the General Assembly to review the use of any unexpended funds from the \$900,000.00 appropriated to the Department of Public Service in 2017 Acts and Resolves No. 84, Sec. 16c, as amended by 2018 Acts and Resolves No. 190, Sec. 14, for broadband expansion in FY 2021.

* * * Effective Date * * *

Sec. 35. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Senate Proposal of Amendment Concurred in**H. 959**

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 education property tax

Was taken up for immediate consideration.

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

In Sec. 3, interfund loans; borrowing; State Treasurer, in subsection (a), after “appropriation of sufficient revenue to” by striking out the word “support” and inserting in lieu thereof the word repay

Which proposal of amendment was considered and concurred in.

Rules Suspended; Senate Proposal of Amendment to House Proposal of Amendment Concurred in**S. 301**

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 miscellaneous telecommunications changes

Was taken up for immediate consideration.

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

By striking out Sec. 4 in its entirety and by inserting in lieu thereof a new Sec. 4 to read:

Sec. 4. 2019 Acts and Resolves No. 79, Sec. 25 is amended to read:

Sec. 25. OUTAGES AFFECTING E-911 SERVICE; REPORTING;
RULE; E-911 BOARD

(a) ~~The~~ Contingent upon the event described in subsection (b) of this section, the E-911 Board shall adopt a rule establishing protocols for the E-911 Board to obtain information about or be apprised of, in a timely manner, system outages applicable to wireless service providers, to providers of facilities-based, fixed voice service that is not line-powered, and to electric companies for the purpose of enabling the E-911 Board to assess 911 service availability during such outages. An outage for purposes of this section includes any loss of E-911 calling capacity, whether caused by lack of function of the telecommunications subscriber’s backup power equipment, lack of function within a telecommunications provider’s system network failure, or an

~~ou tage in the electric power system. The E-911 Board shall file a final proposed rule with the Secretary of State and with the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 841 on or before February 1, 2020.~~

(b) When one or more states with a combined population of 20,000,000 residents adopts a rule or enacts a law that applies a lower reporting threshold than is required under 47 C.F.R. Part 4, § 4.9(e)(1)(ii) as it pertains to wireless service providers, the E-911 Board shall initiate the rulemaking required under subsection (a) of this section and shall incorporate the lowest above-referenced reporting threshold applicable to wireless service providers into its proposed rule, which shall be filed with the Secretary of State pursuant to 3 V.S.A. § 838 not more than 60 days after the rulemaking has commenced. Subsequent reporting thresholds adopted or enacted outside Vermont shall not trigger a new rulemaking under this section.

Which proposal of amendment was considered and concurred in.

Second Reading; Bill Amended; Third Reading Ordered

H. 880

Rep. Howard of Rutland City, for the committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to Abenaki place names on State park signs

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 2613 is added to read:

§ 2613. ABENAKI PLACE NAMES IN STATE PARKS

(a) The Commissioner, before installing new signs or replacing existing signs in a State park, shall consult with the Vermont Commission on Native American Affairs to determine if there is an Abenaki name for any site within the park. If the Commission on Native American Affairs advises the Commissioner of an Abenaki name, the Abenaki name shall be displayed with the English name.

(b) On or before July 1, 2025, all existing signs in State parks with Abenaki names shall be replaced to include the Abenaki name.

(c) The Commissioner shall adopt rules establishing a procedure for selecting spelling of the place name if there are multiple spellings provided by the Commission on Native American Affairs.

Sec. 2. LIST OF PLACES WITH ABENAKI NAMES

On or before January 15, 2021, the Vermont Commission on Native American Affairs shall prepare a list of places and landmarks with Abenaki names. The list shall state if there are multiple names or spelling variations for a place. The Commission shall present the list to the Commissioner of Forests, Parks and Recreation in order to facilitate the construction of signs as required under 10 V.S.A. § 2613. The Commission shall also determine if there are sites outside of State parks with Abenaki names that require new signs.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the committee on General, Housing, and Military Affairs? **Rep. Stevens of Waterbury** moved to amend the report of the committee on General, Housing, and Military Affairs as follows:

First: In Sec. 1, 10 V.S.A. § 2613, by striking out Sec. 1 in its entirety and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 2613 is added to read:

§ 2613. ABENAKI PLACE NAMES IN STATE PARKS

(a) The Commissioner, before installing new signs or replacing existing signs in a State park, shall consult with the Vermont Commission on Native American Affairs to determine if there is an Abenaki name for any site within the park. If the Commission on Native American Affairs advises the Commissioner of an Abenaki name, the Abenaki name shall be displayed with the English name.

(b) The Commissioner shall adopt rules establishing a procedure for selecting the spelling of the place name if there are multiple spellings provided by the Commission on Native American Affairs.

Second: In Sec. 2, List of Places with Abenaki names, by striking out “January 15, 2021” and inserting in lieu thereof “March 15, 2021”

Which was agreed to. Thereupon the report of the committee on General, Housing, and Military Affairs, as amended, was agreed to and third reading ordered.

Rules Suspended; Consideration Interrupted**H. 942**

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 the Transportation Program and miscellaneous changes to laws related to transportation

Was taken up for immediate consideration.

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:

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

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; INTENT; REPORTS;
DEFINITIONS

(a) Transportation program adopted. The Agency of Transportation's proposed fiscal year 2021 Transportation Program appended to the Agency of Transportation's proposed fiscal year 2021 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

(b) Intent.

(1) It is the intent of the General Assembly that the Agency's top priority should be the transportation program adopted under subsection (a) of this section, including preserving all funding to municipalities.

(2) In response to the unprecedented challenges posed by the COVID-19 pandemic, the General Assembly acknowledges that continued funding of infrastructure will help boost our local economy and support the health and welfare of Vermonters. Accordingly, it is the intent of the General Assembly that the projects funded in this act, including under Secs. 2 and 3 of this act, will serve to support and help drive growth in Vermont's economy during this uncertain time.

(3) In light of the long-term and ongoing climate change emergency, it is the intent of the General Assembly to continue to invest in and prioritize measures that will directly contribute to the reduction of greenhouse gas emissions consistent with the State's 2016 Comprehensive Energy Plan.

(c) Reports.

(1) The Agency shall, on or before September 1, 2020, file a written report with the Joint Transportation Oversight Committee and the House and

Senate Committees on Appropriations and on Transportation with the following information:

(A) an update on enacted and anticipated federal COVID-19 legislation;

(B) an update on projects in the transportation program adopted under subsection (a) of this section that are not anticipated to proceed as planned in fiscal year 2021 and the reasons why;

(C) an update on projects not in the transportation program adopted under subsection (a) of this section that will proceed in fiscal year 2021 and the source of funding;

(D) the status of and funding remaining for the programs established pursuant to 2019 Acts and Resolves No. 59, Sec. 34;

(E) the balance of funding available for public transit under federal COVID-19 legislation; and

(F) any expected reduction in funding available for municipalities.

(2) The Agency shall, on or before February 15, 2021, file a written report with the House and Senate Committees on Appropriations and on Transportation with the following information:

(A) an update on enacted and anticipated federal COVID-19 legislation;

(B) an update on projects in the transportation program adopted under subsection (a) of this section that are not anticipated to proceed as planned in fiscal year 2021 and the reasons why;

(C) an update on projects not in the transportation program adopted under subsection (a) of this section that will proceed in fiscal year 2021 and the source of funding;

(D) the status of and funding remaining for the programs established pursuant to 2019 Acts and Resolves No. 59, Sec. 34;

(E) the balance of funding available for public transit under federal COVID-19 legislation; and

(F) any expected reduction in funding available for municipalities.

(d) Definitions. As used in this act, unless otherwise indicated:

(1) "Agency" means the Agency of Transportation.

(2) "Electric vehicle supply equipment" has the same meaning as in 30 V.S.A. § 201 and is abbreviated "EVSE."

(3) “Federal COVID-19 legislation” includes any federal infrastructure bills or other federal legislation that provide the State with additional federal funding for transportation-related projects in fiscal year 2021 or was enacted as a result of COVID-19.

(4) “Plug-in electric vehicle,” “plug-in hybrid electric vehicle,” and “battery electric vehicle” have the same meanings as in 23 V.S.A. § 4(85) as amended by this act and are abbreviated “PEV,” “PHEV,” and “BEV.”

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

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

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

* * * Summary of Transportation Investments * * *

Sec. 1a. FISCAL YEAR 2021 TRANSPORTATION INVESTMENTS
INTENDED TO REDUCE TRANSPORTATION-RELATED
GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL
USE, AND SAVE VERMONT HOUSEHOLDS MONEY

This act includes the State’s fiscal year 2021 transportation investments intended to reduce transportation-related greenhouse gas emissions, reduce fossil fuel use, and save Vermont households money in furtherance of the policies articulated in 19 V.S.A. § 10b and the goals of the Comprehensive Energy Plan and to satisfy the Executive and Legislative Branches’ commitments to the Paris Agreement climate goals. In fiscal year 2021, these efforts will include the following:

(1) Park and Ride Program. This act provides for a fiscal year expenditure of \$5,580,568.00, which will fund five park and ride construction projects and the design of four additional facilities scheduled for construction in fiscal year 2022. This year’s park and ride program will create 330 new State-owned spaces and result in the installation of 43 level 1 EVSE charging ports. Specific additions and improvements include:

(A) Williston—Construction of 142 new spaces;

(B) Royalton—Construction of 91 new spaces;

- (C) Cambridge—Improvements to existing spaces;
- (D) Thetford—Construction of 42 new spaces;
- (E) Berlin (Exit 6)—Design for 65 spaces;
- (F) Berlin (Exit 7)—Design for 75 spaces;
- (G) Manchester—Design for 50 spaces; and
- (H) Williamstown—Construction of 55 new spaces.

(2) Bike and Pedestrian Facilities Program. This act, in concert with the Capital Construction Act, provides for a fiscal year expenditure of \$18,030,970.00, which will fund 39 bike and pedestrian construction projects, and 12 bike and pedestrian design, right-of-way, or design and right-of-way projects for construction in fiscal year 2021. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared use paths, bike paths, and cycling lanes. Projects are funded in Arlington, Bennington, Burlington, Chester, Colchester-Essex, Dover, East Montpelier, Enosburg Falls, Fairfield, Hardwick, Hartford, Hinesburg, Jericho, Johnson, Lake Champlain causeway, Middlebury, Milton, Montpelier-Berlin, Moretown, Pittsford, Plainfield, Proctor, Richford, Rochester, Rutland City, Shelburne, South Burlington, Springfield, St. Albans City, St. George, St. Johnsbury, Swanton, Underhill, Waitsfield, Waterbury, West Rutland, Williston, and Wilmington.

(3) Transportation Alternatives Program. This act provides for a fiscal year expenditure of \$2,763,408.00, which will fund 16 transportation alternatives construction projects and 22 design, right-of-way, or design and right-of-way projects. Of these 38 projects, 22 involve environmental mitigation related to clean water, stormwater, or both clean water and stormwater concerns, and the remaining 15 involve bicycle and pedestrian facilities. Projects are funded in Bennington, Bridgewater, Bridport, Castleton, Chester, Colchester, Derby, Duxbury, East Montpelier, Enosburg, Essex, Essex Junction, Fair Haven, Franklin, Granville, Hartford, Hyde Park, Jericho, Middletown Springs, Montgomery, Newfane, Norwich, Pittsford, Rutland City, Shelburne, South Burlington, St. Albans, St. Johnsbury, Thetford, Vergennes, Warren, Wilmington, and Winooski.

(4) Public Transit Program. This act authorizes \$37,852,845.00 in funding for public transit uses throughout the State, which is a 30.4 percent increase over fiscal year 2019 levels. An additional \$3,000,000.00 flows through the State directly to the Green Mountain Transportation Authority. Included in the authorization are:

(A) Go! Vermont with an authorization of \$858,434.00. This authorization supports the promotion and use of carpools and vanpools.

(B) Barre Transit Expansion with an authorization of \$275,000.00. This authorization increases service available through Barre Transit.

(C) Capital Commuters with an authorization of \$100,000.00. This program provides discounted bus passes to those commuting to work in Montpelier.

(D) Vermont Kidney Association Grant with an authorization of \$50,000.00. This authorization supports the transit needs of Vermonters in need of dialysis services.

(E) Transportation Demand Management and Micro-Transit Innovations Grant Program with an authorization of \$500,000.00. Sec. 16 of this act creates the Transportation Demand Management and Micro-Transit Innovations Grant Program, to be administered by the Agency of Transportation, that will provide grant funding to incentivize and continue support for the advancement of transportation demand management programs and new transit initiatives that improve mobility and access for transit-dependent Vermonters, reduce greenhouse gas emissions, or both.

(5) Rail Program. This act authorizes \$30,815,640.00 for intercity passenger rail service and rail infrastructure throughout the State, including modifications to the Burlington Vermont Rail Systems railyard to accommodate overnight servicing to facilitate New York City-Burlington rail service.

(6) Transformation of the State Vehicle Fleet. The Department of Buildings and General Services, which manages the State Vehicle Fleet, added 44 additional hybrid vehicles to the fleet in fiscal year 2020. In fiscal year 2021, the Department of Buildings and General Services expects to add 24 additional PHEVs and three additional BEVs to the fleet. The Capital Construction Act authorizes \$75,000.00 for the installation of EVSE in State-owned parking lots under the jurisdiction of the Department of Buildings and General Services. This will increase the number of charging stations by eight to 10 stations, with 16 to 20 charging ports in total and is in addition to the following EVSE that will be installed by the Department of Buildings and General Services during the first two months of fiscal year 2021:

(A) Rutland Parking Garage—four stations, with eight charging ports in total;

(B) 134–136 State Street, Montpelier—seven stations, with 12 charging ports in total;

(C) Southern State Correctional Facility—one station, with two charging ports in total; and

(D) Newport Emory Hebard Office Building—one station, with two charging ports in total.

(7) Electric vehicle supply equipment. In furtherance of the State’s goal to have a direct current (DC) fast-charging station within 30 miles of every residence in Vermont, the Capital Construction Act authorizes \$750,000.00 to the VW EVSE Grant Program.

(8) Vehicle incentive programs. Sec. 14 of this act authorizes an additional \$50,000.00 to support administrative costs associated with MileageSmart, which is the State’s used high fuel efficiency vehicle incentive program, and to ensure that the State’s emissions repair program is operational not later than July 1, 2021. Secs. 3 and 5 of this act also authorize the Secretary of Transportation to expend additional monies on the New PEV Incentive Program and MileageSmart if such funding becomes available.

* * * Federal Funding * * *

Sec. 2. FEDERAL INFRASTRUCTURE AND CAPITAL FUNDING

(a) If federal COVID-19 legislation is enacted, the Secretary is authorized to:

(1) exceed federal spending authority in the fiscal year 2020 Transportation Program and fiscal year 2021 Transportation Program and to obligate and expend the federal monies, as practicable, on the following federally eligible projects, with a priority placed on projects, such as the purchase of PEV buses for public transit and the construction of bicycle and pedestrian facilities and EVSE, that will directly contribute to the reduction of greenhouse gas emissions consistent with the State’s 2016 Comprehensive Energy Plan and projects that will keep Vermonters employed, promote economic activity, and allow the State and municipalities to catch up on deferred maintenance:

(A) projects in the fiscal year 2020 Transportation Program and fiscal year 2021 Transportation Program;

(B) additional town highway projects; and

(C) activities that meet federal eligibility and readiness criteria;

(2) notwithstanding any provision of Title 19 of the Vermont Statutes Annotated to the contrary, waive any Title 19 match requirements for projects funded under federal COVID-19 legislation; and

(3) require that municipalities meet nonfederal match requirements for projects not authorized in the fiscal year 2020 Transportation Program or fiscal year 2021 Transportation Program funded under federal COVID-19 legislation.

(b) The Agency shall promptly report the obligation or expenditure of monies under the authority of subsection (a) of this section in writing to the House and Senate Committees on Transportation and to the Joint Fiscal Office while the General Assembly is in session and to the Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee when the General Assembly is not in session.

(c) Nothing in this section shall be construed to authorize the Secretary to obligate or expend State Transportation Funds, General Funds, or TIB funds above amounts authorized in the fiscal year 2020 Transportation Program or fiscal year 2021 Transportation Program.

(d) Subsections (a) and (b) of this section shall continue in effect until February 1, 2021.

* * * Additional Agency Spending; Redirection * * *

Sec. 3. AGENCY SPENDING; AUTHORITY TO REDIRECT; REPORT

(a) Notwithstanding Sec. 1 of this act; 2019 Acts and Resolves No. 59, Sec. 1; 19 V.S.A. § 10g(n); and 32 V.S.A. § 706, the Secretary is authorized to utilize State and federal monies for any of the following activities that will keep Vermonters employed, promote economic activity, and allow the State and municipalities to catch up on deferred maintenance in fiscal years 2020 and 2021, provided that the Agency expects to accept and obligate federal monies pursuant to subsection 2(a) of this act in an amount sufficient to cover the additional expenditures:

- (1) bridge maintenance;
- (2) paving and surface maintenance;
- (3) clearing of trees and brush in rights-of-way;
- (4) ledge and slope remediation;
- (5) culvert repair and replacement; and

(6) any other maintenance activities that are expected to provide an economic stimulus in Vermont communities.

(b) Notwithstanding Sec. 1 of this act; 2019 Acts and Resolves No. 59, Sec. 1; 19 V.S.A. § 10g(n); and 32 V.S.A. § 706, the Secretary is authorized to utilize State and federal monies for any of the following greenhouse gas

emissions reduction efforts in fiscal years 2020 and 2021, provided that the Agency expects to accept and obligate federal monies pursuant to subsection 2(a) of this act in an amount sufficient to cover the additional expenditures:

(1) funding for a grant program for the installation of EVSE that builds upon the existing VW EVSE Grant Program that the Department of Housing and Community Development has been administering on behalf of the Department of Environmental Conservation;

(2) PEV buses for public transit;

(3) PEVs for the State motor vehicle fleet; and

(4) funding, not to exceed \$1,000,000.00, for the New PEV Incentive Program created pursuant to 2019 Acts and Resolves No. 59, Sec. 34 as amended by the act.

(c) If the expenditure of monies pursuant to subsection (a) or (b) of this section will not significantly delay the planned work schedule of a project in the fiscal year 2020 and 2021 Transportation Programs, the Secretary may enter into a contract for the activity or proceed with the expenditure and shall give prompt notice of the contract or expenditure to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session and to the Joint Fiscal Office and the Joint Transportation Oversight Committee when the General Assembly is not in session.

(d) If the expenditure of monies pursuant to subsection (a) or (b) of this section will significantly delay the planned work schedule of a project, the Secretary may enter into a contract for the activity or proceed with the expenditure but shall give advance notice of at least 10 business days prior to executing the contract or making the expenditure to the House and Senate Committees on Transportation when the General Assembly is in session and to the Joint Fiscal Office, Joint Fiscal Committee, and Joint Transportation Oversight Committee when the General Assembly is not in session.

(e) The Secretary of Administration shall, on or before July 31, 2020, file a written report listing all expenditures made during fiscal year 2020 under the authority of subsections (a) and (b) of this section to the House and Senate Committees on Transportation, Joint Fiscal Office, Joint Fiscal Committee, and Joint Transportation Oversight Committee.

(f) The Secretary of Administration shall, on or before July 31, 2021, file a written report listing all expenditures made during fiscal year 2021 under the authority of subsections (a) and (b) of this section to the House and Senate

Committees on Transportation, Joint Fiscal Office, Joint Fiscal Committee, and Joint Transportation Oversight Committee.

(g) The reports required pursuant to subsections (e) and (f) of this section shall be in addition to the report required pursuant to 19 V.S.A. § 10g(e).

* * * Amtrak; Burlington Rail Yard Realignment * * *

Sec. 4. ADDITION OF BURLINGTON RAIL YARD REALIGNMENT FOR AMTRAK PROJECT

The following project is added to the development and evaluation list of Rail within the Agency’s Fiscal Year 2020 Transportation Program, as adopted pursuant to 2019 Acts and Resolves No. 59, Sec. 1, and the development and evaluation list of Rail within the Agency’s Proposed Fiscal Year 2021 Transportation Program: Burlington – Railyard Realignment for Amtrak.

* * * Highway Maintenance * * *

Sec. 5. HIGHWAY MAINTENANCE

(a) Within the Agency of Transportation’s Proposed Fiscal Year 2021 Transportation Program for Maintenance, authorized spending is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	45,757,089	45,757,089	0
Operating Expenses	52,896,134	52,296,134	-600,000
Grants	240,200	240,200	0
Total	98,893,423	98,293,423	-600,000
<u>Sources of funds</u>			
State	96,415,636	95,815,636	-600,000
Federal Interdepart.	2,377,787	2,377,787	0
Transfer	100,000	100,000	0
Total	98,893,423	98,293,423	-600,000

(b) If, as of June 30, 2021, the Agency of Transportation has expended less on Maintenance Operating Expenses in fiscal year 2021 than it did in fiscal year 2020 then:

(1) authorized spending in the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Maintenance is further amended by decreasing Operating Expenses by the difference between the amount expended on Maintenance Operating Expenses in fiscal year 2020 and the amount expended on Maintenance Operating Expenses in fiscal year 2021 through June 30, 2021, but not to exceed \$700,000.00, and

(2) the Secretary shall authorize the expenditure of the difference between the amount expended on Maintenance Operating Expenses in fiscal year 2020 and the amount expended on Maintenance Operating Expenses in fiscal year 2021 through June 30, 2021, but not to exceed \$700,000.00, in equal proportions, on the New PEV Incentive Program and MileageSmart established pursuant to 2019 Acts and Resolves No. 59, Sec. 34 as amended by this act.

* * * Aviation * * *

Sec. 5a. CLARENDON SRE BUILDING

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized spending for Clarendon AV-FY20-001 is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	20,000	10,000	-10,000
Construction	575,000	55,000	-520,000
Total	595,000	65,000	-530,000
<u>Sources of funds</u>			
State	595,000	65,000	-530,000
Total	595,000	65,000	-530,000

Sec. 5b. MORRISTOWN FUEL FARM

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized spending for Morristown AV-FY21-015 is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	150,000	380,000	230,000
Total	150,000	380,000	230,000
<u>Sources of funds</u>			
State	150,000	380,000	230,000

Total	150,000	380,000	230,000
-------	---------	---------	---------

* * * Transportation Buildings * * *

Sec. 5c. LUNENBURG GARAGE

Within the Agency of Transportation’s Proposed Fiscal Year 2021 Transportation Program for Transportation Buildings, authorized spending for Transportation Buildings Lunenburg is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	25,000	25,000	0
Construction	350,000	0	-350,000
Total	375,000	25,000	-350,000
<u>Sources of funds</u>			
State	375,000	25,000	-350,000
Total	375,000	25,000	-350,000

* * * Program Development * * *

* * * Roadway * * *

Sec. 6. PROGRAM DEVELOPMENT; ROADWAY

Within the Agency of Transportation’s Proposed Fiscal Year 2021 Transportation Program for Program Development—Roadway, authorized spending for Burlington MEGC M 5000(1) is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	8,000,000	6,420,000	-1,580,000
Total	8,000,000	6,420,000	-1,580,000
<u>Sources of funds</u>			
TIB	240,000	192,600	-47,400
Federal	7,600,000	6,099,000	-1,501,000
Local	160,000	128,400	-31,600
Total	8,000,000	6,420,000	-1,580,000

* * * Safety and Traffic Operations * * *

Sec. 7. PROGRAM DEVELOPMENT; SAFETY AND TRAFFIC OPERATIONS

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Safety and Traffic Operations, authorized spending for Colchester HES NH 5600(14) is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	7,000,000	4,900,000	-2,100,000
Total	7,000,000	4,900,000	-2,100,000
<u>Source of funds</u>			
Federal	7,000,000	4,900,000	-2,100,000
Total	7,000,000	4,900,000	-2,100,000

* * * Bicycle and Pedestrian Facilities * * *

Sec. 7a. PROGRAM DEVELOPMENT; BICYCLE AND PEDESTRIAN GRANT PROGRAM

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Bicycle and Pedestrian Facilities, authorized spending for Statewide State-Aid Construction Projects is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	468,500	668,500	200,000
Total	468,500	668,500	200,000
<u>Sources of funds</u>			
State	234,250	334,250	100,000
Local	234,250	334,250	100,000
Total	468,500	668,500	200,000

* * * Public Transit * * *

Sec. 8. PUBLIC TRANSIT; FARE-FREE

It is the intent of the General Assembly that public transit operated by transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both, in the State shall be operated on a fare-free basis with

monies for public transit from the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (CARES Act) as practicable.

Sec. 9. PUBLIC TRANSIT; ADDITION OF INCREASED PUBLIC TRANSIT FOR FISCAL YEAR 2021

(a) The following project is added to the Agency of Transportation’s Proposed Fiscal Year 2021 Transportation Program for Public Transit: Increased Public Transit for Fiscal Year 2021.

(b) Spending authority for Increased Public Transit for Fiscal Year 2021 is authorized as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	500,000	500,000
Total	0	500,000	500,000
<u>Sources of funds</u>			
State	0	500,000	500,000
Total	0	500,000	500,000

(c) To the extent that the Agency is able to secure additional unobligated federal funds for Increased Public Transit for Fiscal Year 2021, the spending authority for Increased Public Transit for Fiscal Year 2021 is increased by that same amount in federal funds.

(d) The Agency shall increase public transit initiatives in fiscal year 2021 in conformance with the implementation plan in the Agency of Transportation’s 2019 Public Transit Policy Plan (PTPP) and findings of the Report on Methods to Increase the Use of Public Transit in Vermont prepared pursuant to 2019 Acts and Resolves No. 59, Sec. 20. Additional initiatives may include:

- (1) adding new local and regional service connections to improve rural ridership;
- (2) providing support for technology improvements for transit;
- (3) expanding access to available seats in transit vehicles; and
- (4) marketing and engaging with the public to increase awareness of public transit options.

* * * Lamoille Valley Rail Trail * * *

Sec. 10. LAMOILLE VALLEY RAIL TRAIL

(a) Within the Agency of Transportation’s Proposed Fiscal Year 2021 Transportation Program for Program Development—Bike & Pedestrian Facilities, authorized spending for Swanton-St. Johnsbury LVRT () is amended as follows:

	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<u>FY21</u>			
Other	2,500,000	7,030,000	4,530,000
Total	2,500,000	7,030,000	4,530,000
<u>FY22</u>			
Other	3,500,000	7,000,000	3,500,000
Total	3,500,000	7,000,000	3,500,000
<u>FY23</u>			
Other	4,500,000	0	-4,500,000
Total	4,500,000	0	-4,500,000
<u>FY24</u>			
Other	3,500,000	0	-3,500,000
Total	3,500,000	0	-3,500,000
<u>Sources of funds FY21</u>			
State	0	0	0
Other	500,000	1,430,000	930,000
Federal	2,000,000	5,600,000	3,600,000
Total	2,500,000	7,030,000	4,530,000
<u>Sources of funds FY22</u>			
State	0	0	0
Other	0	1,400,000	1,400,000
Federal	0	5,600,000	5,600,000
Total	0	7,000,000	7,000,000

(b) In the Agency of Transportation’s Proposed Fiscal Year 2021 Transportation Program for Program Development—Bike & Pedestrian Facilities, “Other funds of \$500,000 are General Obligation Bond proceeds appropriated in the capital bill for the Lamoille Valley Rail Trail” is struck, and “Other funds of \$2,830,000 are General Obligation Bond proceeds

appropriated in the capital construction act for the Lamoille Valley Rail Trail, but if matching federal funds are not available or if federal funds do not require a state match, the funds shall be used for projects in a future capital construction act” is inserted in lieu thereof.

* * * Central Garage * * *

Sec. 11. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2021, the amount of \$1,605,358.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

Sec. 12. CENTRAL GARAGE EQUIPMENT

In fiscal year 2021, the amount of \$8,668,094.00 is authorized for replacement equipment pursuant to 19 V.S.A. § 13(b) and, of this amount, a minimum of \$250,000.00 shall be dedicated for the replacement of Department of Motor Vehicles enforcement fleet vehicles.

* * * Plug-In Electric Vehicle Definitions * * *

Sec. 13. 23 V.S.A. § 4(85) is amended to read:

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

(A) “battery electric vehicle” means a motor vehicle that can only be powered by an electric motor drawing current from a rechargeable energy storage system; and

(B) “plug-in hybrid electric vehicle” means a motor vehicle that can be powered by an electric motor drawing current from a rechargeable energy storage system but also has an onboard combustion engine.

* * * Programs and Incentives to Foster Efficient Vehicle Adoption * * *

Sec. 14. 2019 Acts and Resolves No. 59, Sec. 34 is amended to read:

Sec. 34. VEHICLE INCENTIVE AND EMISSIONS REPAIR PROGRAMS

(a) Vehicle incentive and emissions repair programs administration.

(1) The Agency of Transportation (Agency), in consultation with the ~~Agency of Natural Resources, the Agency of Human Services, the Department~~

Departments of Environmental Conservation and of Public Service, Vermont electric distribution utilities that are offering incentives for PEVs, and the State's network of community action agencies, shall establish and administer the programs described in subsections (b) and (c) of this section.

(2) The Agency is authorized to spend \$2,000,000.00 as appropriated in the fiscal year 2020 budget, \$50,000.00 in Transportation Fund monies, and any additional monies as appropriated in the fiscal year 2021 budget or Transportation Fund monies authorized to be expended by the Secretary of Transportation pursuant to Secs. 3 and 5 of this act, or both, on the two programs described in subsections (b) and (c) of this section. Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations for the programs described in subsections (b) and (c) of this section remaining unexpended on June 30, 2021 shall be carried forward and designated for expenditure on these programs in the subsequent fiscal year.

(3) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the two programs and up. Up to \$150,000.00 of program funding may be set aside for this purpose. for the programs described in subsection (c) of this section in fiscal year 2020 and \$50,000.00 of program funding shall be set aside for this purpose for the programs described in subsection (c) of this section in fiscal year 2021 and to ensure that the emissions repair program is operational not later than July 1, 2021. In fiscal year 2021, the Agency is authorized to spend up to \$200,000.00 in program funding to continue and expand the Agency's public-private partnership with Drive Electric Vermont to support the expansion of the PEV market in the State through technical and consumer assistance; auto dealer education; outreach and incentive program management, including marketing, consumer support, record keeping and reporting, program development and modification, and general program administration for the program described in subsection (b) of this section; and PEV promotional efforts. The Agency shall develop, in consultation with the Departments of Environmental Conservation and of Public Service, a scope of work for funding the Agency's grants to Drive Electric Vermont pursuant to this section.

(4) The Agency shall administer the program described in subsection (b) of this section through no-cost contracts with the State's electric distribution utilities.

(5) The Agency shall annually evaluate the two programs to gauge effectiveness and submit a written report on the effectiveness of the programs to the House and Senate Committees on Transportation, the House Committee

on Energy and Technology, and the Senate Committee on Finance on or before the 31st day of ~~December~~ January in each year following a year that an incentive or repair voucher ~~is~~ was provided through one of the programs. Notwithstanding 2 V.S.A. § 20(d), the annual report required under this section shall continue to be required if an incentive or repair voucher is provided through one of the programs unless the General Assembly takes specific action to repeal the report requirement.

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

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

(2) provide ~~incentives not more than one incentive of \$1,500.00 for a PHEV or \$2,500.00 for a BEV to Vermont households with low and moderate income at or below 160 percent of the State's prior five-year average Median Household Income (MHI) level;~~

(A) an individual domiciled in the State whose federal income tax filing status is single or head of household with an adjusted gross income under the laws of the United States greater than \$50,000.00 and at or below \$100,000.00;

(B) an individual domiciled in the State whose federal income tax filing status is surviving spouse with an adjusted gross income under the laws of the United States greater than \$50,000.00 and at or below \$125,000.00;

(C) a married couple with at least one spouse domiciled in the State whose federal income tax filing status is married filing jointly with an adjusted gross income under the laws of the United States greater than \$50,000.00 and at or below \$125,000.00; or

(D) a married couple with at least one spouse domiciled in the State and at least one spouse whose federal income tax filing status is married filing separately with an adjusted gross income under the laws of the United States greater than \$50,000.00 and at or below \$100,000.00;

(3) provide not more than one incentive of \$3,000.00 for a PHEV or \$4,000.00 for a BEV to:

(A) an individual domiciled in the State whose federal income tax filing status is single, head of household, or surviving spouse with an adjusted gross income under the laws of the United States at or below \$50,000.00;

(B) a married couple with at least one spouse domiciled in the State whose federal income tax filing status is married filing jointly with an adjusted gross income under the laws of the United States at or below \$50,000.00; or

(C) a married couple with at least one spouse domiciled in the State and at least one spouse whose federal income tax filing status is married filing separately with an adjusted gross income under the laws of the United States at or below \$50,000.00;

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

~~(4)~~(5) provide ~~no~~ not less than \$1,100,000.00, of the initial \$2,000,000.00 authorization, and up to an additional \$2,050,000.00 in fiscal year 2021 in PEV purchase and lease incentives.

(c) High fuel efficiency vehicle incentive and emissions repair ~~program~~ programs. ~~A used~~ Used high fuel efficiency vehicle purchase incentive and emissions repair ~~program~~ programs for Vermont residents shall structure high fuel efficiency purchase incentive payments and emissions repair vouchers by income to help ~~all~~ Vermonters benefit from more efficient driving, including Vermont's most vulnerable. Not less than \$750,000.00 shall be provided in point-of-sale and point-of repair vouchers.

~~(1)~~ Specifically, the The high fuel efficiency vehicle incentive program shall be known as MileageSmart and shall:

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

~~(2)~~(B) provide point-of-sale vouchers through the State's network of community action agencies and base eligibility for the ~~point-of-sale~~ voucher on the same criteria used for income qualification for weatherization services through the Weatherization Program ~~and eligibility for the point-of-repair vouchers on the same criteria used for income qualification for Low Income Home Energy Assistance Program (LIHEAP) through the State's Economic Services Division within the Department for Children and Families; and~~

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

(A) a point-of-sale voucher of up to \$5,000.00 to assist in the purchase of a used high fuel-efficient motor vehicle that may require that a condition of the voucher be that if the individual is the owner of either a motor vehicle that failed the OBD systems inspection or a motor vehicle that is more than 15 years old and has a combined city/highway fuel efficiency of less than 25 miles per gallon as rated by the Environmental Protection Agency when the vehicle was new that the vehicle will be removed from operation and either donated to a nonprofit organization to be used for parts or destroyed; or

(B)(2) The emissions repair program, which shall be operational on or before July 1, 2021, shall:

(A) apply to repairs of certain vehicles that failed the on board diagnostic (OBD) systems inspection;

(B) provide point-of-repair vouchers through the State's network of community action agencies and base eligibility for voucher on the same criteria used for income qualification for Low Income Home Energy Assistance Program (LIHEAP) through the State's Economic Services Division within the Department for Children and Families; and

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

* * *

* * * Class 2 Town Highway Roadway Program * * *

Sec. 15. 19 V.S.A. § 306(h) is amended to read:

(h) Class 2 Town Highway Roadway Program. There shall be an annual appropriation for grants to municipalities for resurfacing, rehabilitation, or reconstruction of paved or unpaved class 2 town highways. However, municipalities that have no State highways or class 1 town highways within their borders may use the grants for such activities with respect to both class 2 and class 3 town highways. Each fiscal year, the Agency shall approve qualifying projects with a total estimated State share cost of \$7,648,750.00 at a minimum as new grants. The Agency's proposed appropriation for the Program shall take into account the estimated amount of qualifying invoices submitted to the Agency with respect to project grants approved in prior years but not yet completed as well as with respect to new project grants to be approved in the fiscal year. In a given fiscal year, should expenditures in the

Class 2 Town Highway Roadway Program exceed the amount appropriated, the Agency shall advise the Governor of the need to request a supplemental appropriation from the General Assembly to fund the additional project cost, provided that the Agency has previously committed to completing those projects. Funds received as grants for State aid under the Class 2 Town Highway Roadway Program may be used by a municipality to satisfy a portion of the matching requirements for federal earmarks, subject to subsection 309b(c) of this title.

* * * Transportation Demand Management and
Micro-Transit Innovations Grant Program * * *

Sec. 16. TRANSPORTATION DEMAND MANAGEMENT AND MICRO-
TRANSIT INNOVATIONS GRANT PROGRAM

(a) The Agency shall establish and administer a transportation demand management and micro-transit innovations grant program within the Public Transit Program to incentivize and continue support for the advancement of transportation demand management programs and new transit initiatives.

(b) The Agency shall distribute \$500,000.00 in grant awards, with each recipient only eligible to receive up to \$100,000.00 in grant awards.

(c) Grant awards may be used for one or more of the following: matching funds for other grant awards; program delivery costs; or for the extension of existing programs.

(d) Grant awards shall be distributed not later than November 30, 2020 and shall incentivize innovative strategies that improve both mobility and access for transit-dependent Vermonters, reduce the use of single occupancy vehicles for work trips, and reduce greenhouse gas emissions.

* * * All-Terrain Vehicles * * *

Sec. 17. 23 V.S.A. §§ 3501 and 3502 are amended to read:

§ 3501. DEFINITIONS

As used in this chapter:

~~(1) “Commissioner” means the Commissioner of Motor Vehicles unless otherwise stated.~~

~~(2) “Department” means Department of Motor Vehicles unless otherwise stated.~~

~~(3) “Operate” includes an attempt to operate and shall be construed to cover all matters and things connected with the presence and use of all-terrain vehicles whether they be at motion or rest.~~

~~(4) “Secretary” means the Secretary of Natural Resources.~~

~~(5) “All-terrain vehicle” or “ATV” means any nonhighway recreational vehicle, except snowmobiles, having ~~no~~ not less than two low pressure tires (10 pounds per square inch, or less), not wider than 64 inches with two-wheel ATVs having permanent, full-time power to both wheels, and having a dry weight of less than 1,700 pounds, when used for cross-country travel on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and natural terrain. An ATV on a public highway shall be considered a motor vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A) and (B) and (5) of this title and as provided in section 1201 of this title. An ATV shall not include an electric personal assistive mobility device.~~

~~(2) “Department” means the Department of Motor Vehicles unless otherwise stated.~~

~~(3) “Direct supervision” means that the supervisor shall be sufficiently close and able to control, by communicating visually or orally, the operation of an ATV by an operator under 16 years of age, taking into account the noise created by an ATV and protective headgear worn by the operator.~~

~~(4) “Farm” means a parcel or parcels of land owned, leased, or managed by a person and devoted primarily to farming.~~

~~(5) “Forestry operation” has the same meaning as in 10 V.S.A. § 2602.~~

~~(6) “Secretary” means the Secretary of Natural Resources.~~

~~(7) “State lands” means land owned, leased, or otherwise controlled by the State.~~

~~(6)(8) “Club or association” means an all-terrain vehicle club or “VASA” means the Vermont ATV Sportsman’s Association, a statewide association of ATV clubs.~~

§ 3502. REGISTRATION AND TRAIL ACCESS DECAL (TAD)

REQUIRED; EXCEPTIONS

~~(a)(1) An all-terrain vehicle may not be operated Except as otherwise provided in this section, an individual shall not operate an ATV on the VASA Trail System, on State land designated by the Secretary pursuant to subdivision 3506(b)(4) of this title, or along any highway that is not adjacent to the property of the operator unless the ATV:~~

~~(A)~~ is registered pursuant to this chapter or any other section of this title by the State of Vermont and unless the all-terrain vehicle or in accordance with subsection (e) of this section; and

~~(B)~~ displays a valid Vermont ATV Sportsman's Association (VASA) VASA Trail Access Decal (TAD) when operating on a VASA trail, except when operated;

~~(1)(2)~~ Notwithstanding subdivision (1) of this subsection, neither registration nor display of a TAD is required to operate an ATV:

~~(A)~~ On on the property of the owner of the all-terrain vehicle. ATV;

~~(2)(B)~~ Off the highway, In in a ski area while being used, off the highway, for the purpose of grooming snow, maintenance, or in rescue operations;

~~(3)(C)~~ For for official use by a federal, State, or municipal agency and only if the all-terrain vehicle ATV is identified with the name or seal of the agency in a manner approved by the Commissioner; or

~~(4)(D)~~ Solely on privately owned land when the operator is specifically invited to do so by the owner of that the property and has on his or her person carries the written consent of the owner.

~~(5)(3)~~ By a person who Notwithstanding subdivision (1) of this subsection, an operator may operate an ATV without a TAD displayed if the operator possesses a completed TAD form processed electronically and within the prior 10 days that is either printed out or displayed on a portable electronic device. The printed or electronic TAD form shall be valid for 10 days after the electronic transaction. Use of a portable electronic device to display a completed TAD form does not in itself constitute consent for an enforcement officer to access other contents of the device.

* * *

(c) The possession of a valid TAD or registration of an all-terrain vehicle ATV does not constitute a license to ~~cross or~~ operate an all-terrain vehicle ATV on public or private lands, even if temporarily while crossing the public or private lands.

(d) An all-terrain vehicle which ATV that does not comply with the provisions of this chapter ~~may~~ shall not be registered by the Commissioner.

(e) An all-terrain vehicle ATV owned by a person who is a resident of any other state or province shall be deemed to be properly registered for the purposes of this chapter if it is registered in accordance with the laws of the state or province in which its owner resides. An operator who is a resident of

any other state or province shall be subject to the provisions of this chapter while operating an ATV within this State, including possessing a valid TAD in the same circumstances that a resident of this State is required to possess a valid TAD.

Sec. 18. 23 V.S.A. § 3506 is amended to read:

§ 3506. OPERATION; PROHIBITED ACTS; FINANCIAL RESPONSIBILITY; HEADGEAR

(a) A person shall only operate an ATV, or permit an ~~all-terrain vehicle~~ ATV owned by him or her or under his or her control to be operated, in accordance with this chapter.

(b) An ~~all-terrain vehicle~~ ATV shall not be operated:

(1) Along a public highway except if one or more of the following applies:

(A) ~~the highway is not being maintained during the snow season;~~

(B) ~~the highway has been opened to all-terrain vehicle~~ ATV travel by the ~~selectboard or trustees or local governing body~~ legislative body of the municipality where the town highway is located or, for State highways, the Secretary of Transportation and is so posted by the municipality;

(C)(B) ~~the all-terrain vehicle~~ ATV is being used for agricultural purposes and is operated not closer than three feet from the traveled portion of any highway for the purpose of traveling within the confines of the farm; ~~or~~

(C) ~~the ATV is being use for forestry purposes and is operated not closer than three feet from the traveled portion of any highway for the purpose of traveling within the confines of the forestry operation; or~~

(D) ~~the all-terrain vehicle~~ ATV is being used by an employee or agent of an electric transmission or distribution company subject to the jurisdiction of the Public Utility Commission under 30 V.S.A. § 203 for utility purposes, including safely accessing utility corridors, provided that the ~~all-terrain vehicle~~ ATV shall be operated along the edge of the roadway and shall yield to other vehicles.

(2) Across a public highway ~~unless~~ except if all of the following conditions are met:

(A) the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; ~~and~~

(B) the operator brings the ~~all-terrain vehicle~~ ATV to a complete stop before entering the ~~travelled~~ traveled portion of the highway; and

(C) the operator yields the ~~right-of-way~~ right of way to motor vehicles and pedestrians using the highway; and

(D) the operator is 12 years of age or older; and ~~that~~

(E) in the case of an operator under 16 years of age, must be the operator is under the direct supervision of a person an individual 18 years of age or older who does not have a suspended operator's license or privilege to operate.

(3) On any privately owned land or privately owned body of ~~private~~ water unless either:

(A) the operator is the owner, or member of the immediate family of the owner of the land; or

(B) the operator ~~has, on his or her person,~~ carries the written consent of the owner or lessee of the land or the land surrounding the privately owned body of water to operate an ~~all-terrain vehicle~~ ATV in the specific area and during specific hours ~~and/or~~ or days, or both in which the operator is operating, ~~or~~;

(C) the ~~all-terrain vehicle~~ ATV displays a valid ~~TAD decal~~ VASA Trail Access Decal (TAD) as required by subsection 3502(a) of this title that serves as proof that the ~~all-terrain vehicle~~ ATV and its operator, by virtue of the TAD, are members of a ~~VASA-affiliated club to which such VASA and~~ consent has been given orally or in writing to operate an ~~all-terrain vehicle~~ ATV in the area ~~in which~~ where the operator is operating; or

~~(C)(D)~~ the owner of the land ~~has~~ or the land surrounding the privately owned body of water designated the area for use by ~~all-terrain vehicles~~ ATVs by posting the area in a manner approved by the Secretary to give reasonable notice that use is permitted.

(4) On any ~~public land~~ municipal lands unless opened to ATV travel by the legislative body of the municipality where the land is located or on any State lands, body of public water, or natural area established under the provisions of 10 V.S.A. § 2607 unless ~~the Secretary has designated the area by the Secretary~~ for use by ~~all-terrain vehicles pursuant to~~ ATVs in rules promulgated adopted under provisions of 3 V.S.A. chapter 25.

(5) By ~~a person~~ an individual under 12 years of age unless he or she is wearing on his or her head protective headgear of a type approved by the Commissioner while operating the ATV or riding as a passenger on the ATV and either:

(A) he or she is on land owned by his or her parents, family, or guardian;

(B) he or she has written permission of the landowner or lessee; or

(C) he or she is under the direct supervision of ~~a person at least an~~ individual 18 years of age or older who does not have a suspended operator's license or privilege to operate.

(6) In any manner ~~intended or that could~~ reasonably to be expected to harm, harass, drive, or pursue any wildlife.

(7) If the registration certificate or consent form is and proof of insurance are not available for inspection, and the registration number, or plate of a size and type approved by the Commissioner, is not displayed on the ~~all-terrain vehicle~~ ATV in a manner approved by the Commissioner.

(8) While the operator is under the influence of drugs or alcohol as defined by this title.

(9) In a careless or negligent manner ~~or in a manner~~ that is inconsistent with the duty of ordinary care, so as to endanger a person an individual or property.

(10) Within a cemetery, public or private, as defined in 18 V.S.A. § 5302.

(11) On limited access highways, ~~rights-of-way~~ rights-of-way, or approaches unless permitted by the Traffic Committee under section 1004 of this title. In no cases shall the use of ~~all-terrain vehicles~~ ATVs be permitted on any portion of the Dwight D. Eisenhower National System of Interstate and Defense Highways unless the Traffic Committee permits operation on these highways.

(12) On a sidewalk unless permitted by the ~~selectboard or trustees of the local governing~~ legislative body of the municipality where the sidewalk is located.

(13) Without liability insurance as described in this subdivision. The owner or operator of an ATV shall not operate or permit the operation of an ATV at locations where the ATV must be registered in order to be lawfully operated under section 3502 of this title without having in effect a bond or a liability policy in the amounts of at least \$25,000.00 for one individual and \$50,000.00 for two or more individuals killed or injured and \$10,000.00 for damages to property in any one accident. In lieu of a bond or liability policy, evidence of self-insurance in the amount of \$115,000.00 must be filed with the Commissioner. Financial responsibility shall be maintained and evidenced in a

form prescribed by the Commissioner, and persons who self-insure shall be subject to the provisions of subsection 801(c) of this title.

(14) While the operator's license or privilege to operate a motor vehicle is suspended, unless operated at a location described in subdivision 3502(a)(2)(A) or (D) of this title.

(15) Outside the boundaries of trails established by the VASA Trail System unless such operation is specifically authorized pursuant to another provision of this chapter.

(16) Unless the operator and all passengers wear properly secured protective headgear, of a type approved by the Commissioner and as intended by the manufacturer, if the ATV is operated at locations where the ATV must be registered in order to be lawfully operated under section 3502 of this title.

(c) No public or private landowner shall be liable for any property damage or personal injury sustained by any ~~person~~ individual operating or riding as a passenger on an ~~all-terrain vehicle~~ ATV or upon a vehicle or other device drawn by an ~~all-terrain vehicle~~ ATV upon the public or private landowner's property, whether or not the public or private landowner has given permission to use the land, unless the public or private landowner charges a cash fee to the operator or owner of the ~~all-terrain vehicle~~ ATV for the use of the property or unless damage or injury is intentionally inflicted by the landowner.

(d) In addition to all other requirements, an ~~all-terrain vehicle~~ ATV may not be operated:

(1) if equipped with an exhaust system with a cut out, bypass, or similar device; or

(2) with the spark arrester removed or modified, except for use in closed course competition events.

(e) In addition to all other requirements, an ~~all-terrain vehicle~~ ATV may not be operated by an operator who is less than 18 years of age unless one of the following criteria is met:

(1) the operator is operating on property owned or leased by the operator or his or her parents or guardian; or

(2) the operator is taking a prescribed safety education training course and operating under the direct supervision of a certified ~~all-terrain vehicle~~ ATV safety instructor; or

(3) the operator holds an appropriate safety education certificate issued by this State or issued under the authority of another state or province of Canada.

(f) ~~A person~~ An individual who is required to hold an appropriate safety education certificate under the provisions of subsection (e) of this section shall exhibit the safety education certificate upon demand of a law enforcement officer having authority to enforce the provisions of this section.

(g) ~~Notwithstanding any other provision of law or rule to the contrary, the Commissioner may authorize the temporary operation of all-terrain vehicles not registered in this State on Route 253 in Beecher Falls for an annual special event, provided the all-terrain vehicle is registered in another state or province. [Repealed.]~~

* * * U.S. Postal Service; Vehicle Inspection; Sunset Repeal * * *

Sec. 19. 2017 Acts and Resolves No. 71, Sec. 31(a)(4) is amended to read:

(4) ~~23 V.S.A. § 1222(e), added in Sec. 27 (inspections; mail carrier vehicles), shall be repealed on July 1, 2020. [Repealed.]~~

* * * Permit Fees; Waiver * * *

Sec. 20. AUTHORITY TO WAIVE RIGHT-OF-WAY PERMIT FEES

(a) Notwithstanding 19 V.S.A. § 1112(b), the Secretary is authorized to waive fees associated with permits or permit amendments issued pursuant to 19 V.S.A. § 1111 for any reason associated with the response and recovery to the COVID-19 pandemic.

(b) Subsection (a) of this section shall continue in effect until six months after the conclusion of a state of emergency declared under 20 V.S.A. chapter 1 due to COVID-19.

* * * Use of Pozzolans as an Alternative to Portland Cement * * *

Sec. 21. USE OF POZZOLANS AS AN ALTERNATIVE TO PORTLAND CEMENT

(a) Findings. The General Assembly finds that:

(1) Pozzolans, such as pulverized fuel ash (commonly known as “fly ash”), ground granulated blast-furnace slag, and silica fume, can be used to partially replace a portion of the Portland Cement used in the production of concrete.

(2) Using pozzolans in the production of concrete for transportation infrastructure projects can typically reduce the use of Portland Cement by 40 to 50 percent.

(3) Using pozzolans in a concrete mix design can:

(A) reduce the carbon dioxide emissions associated with transportation infrastructure projects, such as bridges and sidewalks;

- (B) increase the compressive strength and durability of concrete; and
- (C) decrease construction costs.

(4) Pozzolans cannot be used as a complete substitute for Portland Cement in a concrete mix design because they enhance and do not replace the cementitious properties of Portland Cement as it hydrates as part of the overall chemical reaction that binds and strengthens the concrete.

(b) Use of Portland Cement. The Agency is encouraged to continue researching, testing, and wherever practicable, using pozzolans and alternatives to Portland Cement as part of the concrete mix designs for all transportation infrastructure projects.

* * * Study on Direct-to-Consumer Motor Vehicle Sales; Report * * *

Sec. 22. STUDY ON DIRECT-TO-CONSUMER MOTOR VEHICLE SALES; REPORT

(a) The Agency of Transportation, in consultation with the Attorney General's Office, the Department of Financial Regulation, a manufacturer that engages in direct-to-consumer motor vehicle sales to Vermont consumers, and the Vermont Vehicle and Automotive Distributors Association, shall conduct a study and, on or before December 15, 2020, file a written report on the findings of its study, sources reviewed, and recommendations regarding the regulation of direct-to-consumer motor vehicle sales with the Senate Committees on Economic Development, Housing and General Affairs and on Transportation and the House Committees on Commerce and Economic Development and on Transportation.

(b) The report shall, at a minimum, include a review of:

(1) all Vermont consumer protection laws and regulations that currently apply when a consumer purchases a motor vehicle from a dealer registered pursuant to 23 V.S.A. chapter 7, subchapter 4, whether those consumer protections currently apply to direct-to-consumer motor vehicle sales, and, if not, whether those consumer protections should apply to direct-to-consumer motor vehicle sales;

(2) how consumers currently obtain financing in direct-to-consumer motor vehicle sales and any proposals that would better protect Vermont consumers who engage in direct-to-consumer motor vehicle sales;

(3) how consumers are currently taxed in direct-to-consumer motor vehicle sales and whether there are steps the State can take to maximize the collection of taxes owed on direct-to-consumer motor vehicle sales where the vehicles are operated in Vermont;

(4) any enforcement issues related to direct-to-consumer motor vehicle sales;

(5) what reasons, if any, exist to prohibit manufacturers engaged in direct-to-consumer motor vehicle sales from owning, operating, or controlling a motor vehicle warranty or service facility in the State and a recommendation on whether a sales center should be required if a manufacturer engaged in direct-to-consumer motor vehicle sales is permitted to own, operate, or control a motor vehicle warranty or service facility in the State;

(6) laws, rules, and best practices from other jurisdictions and any model legislation related to the regulation of direct-to-consumer motor vehicle sales; and

(7) how any proposed amendments to Vermont law regulating direct-to-consumer motor vehicle sales will affect dealers registered pursuant to 23 V.S.A. chapter 7, subchapter 4; franchisors and franchisees, as defined in 9 V.S.A. § 4085; and other persons who are selling motor vehicles to Vermonters.

(c) As used in this section, “direct-to-consumer motor vehicle sales” means sales made by:

(1) motor vehicle manufacturers that sell or lease vehicles they manufacture directly to Vermont consumers and not through dealers registered pursuant to 23 V.S.A. chapter 7, subchapter 4; or

(2) other persons that sell or lease new or used motor vehicles directly to Vermont consumers and not through Vermont licensed dealers registered pursuant to 23 V.S.A. chapter 7, subchapter 4 on websites such as Carvana, Vroom, and TrueCar.

* * * Effective Dates * * *

Sec. 23. EFFECTIVE DATES

(a) This section and Secs. 2 (federal funding), 3 (spending redirection), 4 (Amtrak), 19 (U.S. Postal Service vehicle inspection exemption sunset repeal; 23 V.S.A. § 1222(e)), and 20 (section 1111 permit fee waiver) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2020.

Which proposal of amendment was taken up and considered.

Recess

Thereupon, pending the question, Shall the House concur in the Senate proposal of amendment? at eleven o'clock and forty-nine minutes in the forenoon, the Speaker declared a recess until two o'clock in the afternoon.

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

Consideration Resumed; Senate Proposal of Amendment Concurred in**H. 942**

Consideration resumed on House bill, entitled

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

Thereupon, the Senate proposal of amendment was concurred in.

Rules Suspended; Third Reading; Bill Passed**H. 880**

On House bill, entitled

An act relating to Abenaki place names on State park signs

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

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

S. 232

Senate bill, entitled

An act relating to implementing the expansion of juvenile jurisdiction

H. 880

House bill, entitled

An act relating to Abenaki place names on State park signs

**Taken Up; Proposal of Amendment agreed to;
Consideration Interrupted**

S. 351

Senate bill, entitled

An act relating to providing financial relief assistance to the agricultural community due to the COVID-19 public health emergency

Was taken up and pending third reading of the bill, **Reps. Conquest of Newbury and Partridge of Windham** moved to propose to the Senate to amend the bill as follows:

First: In Sec. 9 (Forest Economy Stabilization Grant Program) by adding subsection (h) to read:

(h) The Agency of Natural Resources shall transfer any amounts appropriated for the purposes of this section that remain both unencumbered and unspent as of September 15, 2020 to the Agency of Commerce and Community Development for additional emergency economic recovery grants pursuant to 2020 Acts and Resolves No. 115.

Second: By adding Sec. 9a and its reader assistance to read:

* * * Agricultural Fairs * * *

Sec. 9a. AGRICULTURAL FAIRS; RELIEF ASSISTANCE

(a) The sum of \$500,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Agriculture, Food and Markets in fiscal year 2021 for the purpose of awarding grants to agricultural fairs in the State that have suffered verifiable lost revenues or expenses caused by the COVID-19 public health emergency.

(b) To be eligible for an award under this section, an agricultural fair shall be registered with the Agency of Agriculture, Food and Markets. An agricultural fair shall demonstrate to the Agency lost revenues or expenses that occurred or accrued on or after March 1, 2020 and before September 1, 2020 due to the COVID-19 public health emergency. The Agency of Agriculture, Food and Markets shall award grants under this section equitably to all eligible agricultural fairs in the State.

(c) The Agency of Agriculture, Food and Markets shall transfer any amounts appropriated for the purposes of this section that remain both unencumbered and unspent as of September 15, 2020 to the Agency of Commerce and Community Development for additional emergency economic recovery grants pursuant to 2020 Acts and Resolves No. 115.

Which was agreed to. Thereupon, pending third reading of the bill, Orders of the day were interrupted for the purposes of announcements.

Remarks Journalized

On motion of **Rep. Sibilia of Dover**, the following remarks by **Rep. Donahue of Northfield** were ordered printed in the Journal:

“Madam Speaker:

I want to make this announcement now, rather than at the end of what may be a long day today -- and in particular, in case I change my mind about it after tomorrow.

On April 23, I said in my vote explanation on remote voting, 'Despite its flaws in allowing us to fully meet our obligations for representation, we must do what we can to make a remote system serve its functions in order to move emergency responses forward and to maintain government functions, during the time that we have declared a state of emergency resulting from this pandemic.'

Madam Speaker, I personally want to recognize and thank you for the extraordinary work you have done to move us forward through these efforts. I also want – only very slightly tongue in cheek – to reserve my right in the future to return to previous battles I have fought to ensure processes that allows us the time to read through the bills we are voting for and understand them fully, without a pressured rush to completion of multiple complex initiatives.

I cannot pretend that I feel able to function in the way I would normally consider to be necessary to meet my constitutional responsibilities or my duties to my constituents. For our new members, be aware that even in the typical end-of-session rush, this is not the way we normally run our business. But we rose to the occasion of our best efforts in meeting the challenges we faced, and Madame Speaker, I stand in awe of your leadership in helping us chart some very difficult balancing.”

Message from the Senate No. 61

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

Madam Speaker:

I am directed to inform the House that:

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

H. 961. An act relating to making first quarter fiscal year 2021 appropriations for the support of State government, federal Coronavirus Relief Fund (CRF) appropriations, pay act appropriations, and other fiscal requirements for the first part of the fiscal year.

And has concurred therein.

Adjournment

At two o'clock and fifty-two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at ten o'clock in the forenoon.