

# Journal of the Senate

FRIDAY, JUNE 19, 2020

The Senate was called to order by the President.

## Devotional Exercises

Devotional exercises were conducted by the Reverend Shannon MacVean-Brown of Burlington.

## Roll Call

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator John S. Rodgers Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil

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Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Alice W. Nitka

### **Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the nineteenth day of June, 2020 he approved and signed a bill originating in the Senate of the following title:

**S. 350.** An act relating to creating emergency economic recovery grants.

#### **Bill Referred to Committee on Finance**

##### **H. 656.**

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to miscellaneous agricultural subjects.

#### **Bill Referred to Committee on Appropriations**

##### **H. 959.**

House bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to education property tax.

#### **Consideration Postponed**

##### **S. 237.**

Senate bill entitled:

An act relating to promoting affordable housing.

Was taken up.

Thereupon, pending third reading of the bill, Senators Bray, Ashe, Balint, Baruth, Campion, Clarkson, Hardy, Hooker, Lyons, MacDonald, Sirotkin and White moved to amend the bill as follows:

First: In Sec. 6, 10 V.S.A. § 6081, in subdivision (p)(1), by striking out “Upon receiving notice and a copy of the permit issued by an appropriate municipal panel pursuant to 24 V.S.A. § 4460(f), a previously issued permit for a development or subdivision located in a downtown development area or a neighborhood development area is extinguished” and inserting in lieu thereof the following: Existing permits in these areas may seek to be released from jurisdiction pursuant to subsection 6090(c) of this title

Second: By striking out Sec. 8, 24 V.S.A. § 4460, in its entirety and inserting in lieu thereof the following:

\* \* \* Act 250 Release from Jurisdiction \* \* \*

Sec. 8. 10 V.S.A. § 6090 is amended to read:

§ 6090. RECORDING; DURATION AND REVOCATION OF PERMITS

\* \* \*

(c) Change to nonjurisdictional use; release from permit.

(1) On an application signed by each permittee, the District Commission may release land subject to a permit under this chapter from the obligations of that permit and the obligation to obtain amendments to the permit on finding each of the following:

(A) One of the following is true:

(i) the use of the land as of the date of the application is not the same as the use of the land that caused the obligation to obtain a permit under this chapter;

(ii) the municipality where the land is located has adopted permanent zoning and subdivision bylaws, but had not when the permit was issued; or

(iii) the land is located in a designated downtown or neighborhood development area that is exempt from this chapter.

(B) The use of the land as of the date of the application does not constitute development or subdivision as defined in section 6001 of this title and would not require a permit or permit amendment but for the fact that the land is already subject to a permit under this chapter.

(C) The permittee or permittees are in compliance with the permit and their obligations under this chapter.

(2) It shall be a condition of each affirmative decision under this subsection that a subsequent proposal of a development or subdivision on the land to which the decision applies shall be subject to this chapter as if the land had never previously received a permit under the chapter.

(3) An application for a decision under this subsection shall be made on a form prescribed by the Board. The form shall require evidence demonstrating that the application complies with subdivisions (1)(A) through (C) of this subsection. The application shall be processed in the manner described in section 6084 of this title and may be treated as a minor application under that section. In addition to those required to be notified under section 6084, the District Commission shall send notice at the same time to all other parties to the permit and to all current adjacent landowners.

(4) The District Commission shall evaluate the conditions in the existing permit and determine whether the permit conditions are still necessary to mitigate impacts under the criteria of subsection 6086(a). If the District Commission finds that the permit conditions are still necessary, it shall deny the application or approve the application on the condition that the necessary conditions are added to the land's municipal permit.

Third: In Sec. 12, 24 V.S.A. 2793e, by striking out subdivision (c)(7) in its entirety and inserting in lieu thereof the following:

\* \* \*

Fourth: By striking out Secs. 14 (10 V.S.A. § 1974(9)), 15 (10 V.S.A. § 1983), and 16 (study of subdivision regulations in authorized municipalities) and their reader assistance headings in their entireties and inserting in lieu thereof the following:

\* \* \* Wastewater and Potable Water Supply Connections \* \* \*

Sec. 14. 10 V.S.A. § 1972 is amended to read:

§ 1972. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

\* \* \*

(11) "Change in use" means converting to a different type of use, such as from a residence to a restaurant or office space or from a restaurant to a residence; change from seasonal to year-round use; or scaling up a use, such as increasing the number of employees or adding bedrooms. "Change of use" does not include the addition of a home occupation to a living unit.

(12) "Municipality" means a city, town, fire district, school district, consolidated water district, incorporated village, or unorganized town or gore.

(13) “Sanitary sewer service line” means piping and associated components that conveys wastewater from a building or structure or campground to a wastewater treatment facility, to an indirect discharge system, or to the leachfield of a soil-based wastewater system of less than 6,500 gallons per day. Sanitary sewer service lines also include piping that conveys wastewater from a building or structure or campground to a sanitary sewer collection line.

(14) “Water main” means water piping, such as a transmission main or distribution main, that is part of a public water system as defined in the Agency of Natural Resources’ Water Supply Rule. A water main includes piping leading to fire hydrants.

(15) “Water service line” means the piping that is not a water main and extends from the water main to a building or structure or campground.

Sec. 15. 10 V.S.A. § 1974(9) is added to read:

§ 1974. EXEMPTIONS

Notwithstanding any other requirements of this chapter, the following projects and actions are exempt:

\* \* \*

(9) A person who receives an authorization from a municipality that administers a program registered with the Secretary pursuant to section 1983 of this title.

Sec. 16. 10 V.S.A. § 1983 is added to read:

§ 1983. REGISTRATION FOR MUNICIPAL WASTEWATER SYSTEM AND POTABLE WATER SUPPLY CONNECTIONS

(a) Notwithstanding the requirement under section 1976 of this title that the Secretary delegate to a municipality authority to approve a connection and notwithstanding the requirement under section 1973 of this title, a municipality may issue an approval for a connection or an existing connection with a change in use to the municipal sanitary sewer collection line by a sanitary sewer service line or a connection to a water main by a new water service line, provided that the municipality documents the following information in a form prescribed by the Secretary:

(1) The municipality owns or has legal control over connections to:

(A) a public community water system permitted pursuant to chapter 56 of this title; and

(B) a wastewater treatment facility permitted pursuant to chapter 47 of this title.

(2) The municipality shall only issue authorizations for:

(A) a sanitary sewer service line that connects to the sanitary sewer collection line that serves a single connection; and

(B) a water service line that connects to the water main that serves a single connection.

(3) The building or structure connects to both the sanitary sewer collection line and public community water system.

(4) The municipality issues approvals that comply with the technical standards for sanitary sewer service lines and water service lines adopted under the Agency of Natural Resources' Wastewater System and Potable Water Supply Rules.

(5) The municipality requires documentation in the land records of the municipality from a professional engineer or a licensed designer that the connection authorized by the municipality was installed in accordance with the technical standards.

(6) The municipality retains plans that show the location and design of authorized connections.

(b) The municipality shall notify the Secretary 30 days in advance of terminating any registration. The municipality shall provide all approvals and plans to the Secretary as a part of this termination notice.

(c) Upon request of the Secretary, a municipality approving a connection under this section shall provide copies of approvals of connection, connection plans, and any associated documentation.

#### Sec. 16a. STUDY OF SUBDIVISION REGULATIONS IN AUTHORIZED MUNICIPALITIES

The Agency of Natural Resources' Wastewater and Potable Water Supply Technical Advisory Committee shall report to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy on whether municipalities authorized under 10 V.S.A. § 1983 should also have jurisdiction to issue wastewater and potable water supply permits instead of the Agency of Natural Resources for subdivisions when the lot is served by municipal water and sewer.

Fifth: By striking out Sec. 24 (effective dates) and its reader assistance heading in its entirety and inserting in lieu thereof the following:

\* \* \* Act 250 Criterion 1(D) \* \* \*

Sec. 24. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

\* \* \*

(6) ~~“Floodway” means the channel of a watercourse which is expected to flood on an average of at least once every 100 years and the adjacent land areas which are required to carry and discharge the flood of the watercourse, as determined by the Secretary of Natural Resources with full consideration given to upstream impoundments and flood control projects~~ “Flood hazard area” has the same meaning as under section 752 of this title.

(7) ~~“Floodway fringe” means an area which is outside a floodway and is flooded with an average frequency of once or more in each 100 years as determined by the Secretary of Natural Resources with full consideration given to upstream impoundments and flood control projects~~ “River corridor” has the same meaning as under section 752 of this title.

\* \* \*

Sec. 25. 10 V.S.A. § 6086(a)(1)(D) is amended to read:

(D) ~~Floodways~~ Flood hazard areas; river corridors. A permit will be granted whenever it is demonstrated by the applicant that, in addition to all other applicable criteria:

(i) ~~the development or subdivision of lands within a floodway flood hazard area or river corridor will not restrict or divert the flow of flood waters, cause or contribute to fluvial erosion, and endanger the health, safety, and welfare of the public or of riparian owners during flooding; and~~

(ii) ~~the development or subdivision of lands within a floodway fringe will not significantly increase the peak discharge of the river or stream within or downstream from the area of development and endanger the health, safety, or welfare of the public or riparian owners during flooding.~~

\* \* \* Trails \* \* \*

Sec. 26. 10 V.S.A. § 442(3) is amended to read:

(3) “Trails” means land used for hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other similar activities. Trails may be used for recreation, transportation, and other compatible purposes, but the primary purpose shall not be the operation of a motor vehicle. As used in this subdivision, “motor vehicle” shall not include all-terrain vehicles or snowmobiles.

Sec. 27. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

\* \* \*

(38) “Recreational trail” has the same meaning as “trails” in subdivision 442(3) of this title.

(39) “Vermont trails system trail” means a recreational trail recognized by the Agency of Natural Resources pursuant to chapter 20 of this title. For purposes of this chapter, the construction, operation, and maintenance of a Vermont trails system trail shall be for a municipal, county, or State purpose.

Sec. 28. 10 V.S.A. § 6001(3)(A) is amended to read:

(3)(A) “Development” means each of the following:

\* \* \*

(xi) The construction of improvements for a Vermont trails system trail on a tract or tracts of land involving more than 10 acres.

(I) This subdivision (xi) shall be the exclusive mechanism for determining jurisdiction over a recreational trail that is a Vermont trails system trail and shall only apply to the construction of improvements made on or after July 1, 2020.

(II) For purposes of this subdivision (xi), involved land includes:

(aa) land that is physically altered, including any ground disturbance and clearing that will occur; and

(bb) infrastructure that is incidental to the operation of the trail, including restrooms, parking areas, shelters, picnic areas, kiosks, and interpretive and directional signage.

(III) For purposes of this subdivision (xi), involved land does not include land where no ground will be disturbed or cleared or any Vermont trails system trail constructed before July 1, 2020.

Sec. 29. 10 V.S.A. § 6001(3)(C) is amended to read:

(C) For the purposes of determining jurisdiction under subdivision (3)(A) of this section, the following shall apply:

\* \* \*

(vi) Recreational trails. When jurisdiction over a trail has been established pursuant to subdivision (A) of this subdivision (3), jurisdiction shall extend only to the recreational trail and infrastructure that is incidental to



the operation of the trail. Jurisdiction shall not extend to the remainder of a parcel or parcels where a recreational trail is located, unless otherwise determined to be jurisdictional pursuant to another provision of this chapter.

Sec. 30. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

\* \* \*

(y) No permit or permit amendment shall be required for the construction of improvements on a tract of land that would provide access across a recreational trail, provided that the access is not related to the use of the permitted recreational trail and would not establish jurisdiction under this chapter on its own.

(z) Notwithstanding 1 V.S.A. §213 and § 214, and until January 1, 2022, no permit is required for a Vermont trails system trail recognized pursuant to chapter 20 of this title if the trail was in existence prior to July 1, 2020.

Sec. 31. RECREATIONAL TRAILS RECOMMENDATIONS AND REPORT

On or before December 15, 2020, the Agency of Natural Resources shall report to the House Committee on Natural Resources, Fish, and Wildlife and to the Senate Committee on Natural Resource and Energy with legislative recommendations for a best management practices driven program for Vermont trails system trails that is administered by the Agency of Natural Resources. The report shall include recommendations for revisions to 10 V.S.A. chapter 20, including revisions to mapping, legislative authority to administer the program, potential funding sources, staffing needs, and whether to include other recreational trails. The Agency of Natural Resources shall consult with stakeholders on the proposed program, including the Vermont Trail Alliance, the Forest Partnership, and the Vermont Agency of Transportation.

Sec. 32. PROSPECTIVE REPEAL

10 V.S.A. § 6001(3)(A)(xi) shall be repealed on January 1, 2022.

\* \* \* Forest Blocks \* \* \*

Sec. 33. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

\* \* \*

(40) “Connecting habitat” means land or water, or both, that links patches of habitat within a landscape, allowing the movement, migration, and

dispersal of wildlife and plants and the functioning of ecological processes. A connecting habitat may include recreational trails and improvements constructed for farming, logging, or forestry purposes.

(41) "Forest block" means a contiguous area of forest in any stage of succession and not currently developed for nonforest use. A forest block may include recreational trails, wetlands, or other natural features that do not themselves possess tree cover and improvements constructed for farming, logging, or forestry purposes.

(42) "Fragmentation" means the division or conversion of a forest block or connecting habitat by the separation of a parcel into two or more parcels; the construction, conversion, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill; and any change in the use of any building or other structure, or land, or extension of use of land. However, fragmentation does not include the division or conversion of a forest block or connecting habitat by a recreational trail or by improvements constructed for farming, logging, or forestry purposes below the elevation of 2,500 feet.

(43) "Habitat" means the physical and biological environment in which a particular species of plant or wildlife lives.

Sec. 34 10 V.S.A. § 6086(a)(8) is amended to read:

(8) Ecosystem protection; scenic beauty; historic sites.

(A) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

(A)(B) Necessary wildlife habitat and endangered species. A permit will not be granted if it is demonstrated by any party opposing the applicant that a development or subdivision will destroy or significantly imperil necessary wildlife habitat or any endangered species; and

(i) the economic, social, cultural, recreational, or other benefit to the public from the development or subdivision will not outweigh the economic, environmental, or recreational loss to the public from the destruction or imperilment of the habitat or species; or

(ii) all feasible and reasonable means of preventing or lessening the destruction, diminution, or imperilment of the habitat or species have not been or will not continue to be applied; or

(iii) a reasonably acceptable alternative site is owned or controlled by the applicant which that would allow the development or subdivision to fulfill its intended purpose.

(C) Will not result in an undue adverse impact on forest blocks and connecting habitat. If a project as proposed would result in fragmentation, a permit may only be granted if effects are avoided, minimized, and mitigated in accordance with rules adopted by the Board.

Sec. 35. CRITERION 8(C) RULEMAKING

(a) The Natural Resources Board (Board), in consultation with the Agency of Natural Resources shall adopt rules to implement the requirements for the administration of 10 V.S.A. § 6086(a)(8)(C). Rules adopted by the Board shall include:

(1) How forest blocks and connecting habitat are further defined, including their size, location, and function, which may include:

(A) information that will be available to the public to determine where forest blocks and connecting habitat are located; or

(B) advisory mapping resources, how they will be made available, how they will be used, and how they will be updated.

(2) Standards establishing how fragmentation of forest block or connecting habitat is avoided or minimized, which may include steps to promote proactive site design of buildings, roadways and driveways, utility location, and location relative to existing features such as roads, tree lines, and fence lines.

(3) Criteria to identify when a forest block or connecting habitat is eligible for mitigation.

(4) Standards for how impacts to a forest block or connecting habitat may be mitigated. Standards may include:

(A) appropriate ratios for compensation;

(B) appropriate forms of compensation such as conservation easements, fee interests in land, and other forms of compensation; and

(C) appropriate uses of on-site and off-site mitigation.

(b) The Board shall convene a working group to provide input to the rule prior to prefiling with the Interagency Committee on Administrative Rules. The Board shall convene the working group on or before September 1, 2020.

(c) The Board shall file a final proposed rule with the Secretary of State and Legislative Committee on Administrative Rules on or before September 1, 2021.

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\* \* \* The Road Rule \* \* \*

Sec. 36. 10 V.S.A. 6001(3)(A) is amended to read:

(3)(A) “Development” means each of the following:

\* \* \*

(x) The construction of a road or roads and any associated driveways to provide access to or within a tract of land of more than one acre owned or controlled by a person. For the purposes of determining jurisdiction under this subdivision, any new development or subdivision on a parcel of land that will be provided access by the road and associated driveways is land involved in the construction of the road. Jurisdiction under this subdivision shall not apply unless the length of the road and any associated driveways in combination is greater than 2,000 feet. As used in this subdivision, “roads” shall include any new road or improvement to a Class IV road by a private person, including roads that will be transferred to or maintained by a municipality after their construction or improvement. For the purpose of determining the length of any road and associated driveways, the length of all other roads and driveways within the tract of land constructed within any continuous period of 10 years commencing after July 1, 2020 shall be included. This subdivision shall not apply to a State or municipal road, a utility corridor of an electric transmission or distribution company, a road used primarily for farming or forestry purposes, or a road in a designated downtown or neighbor development area. The conversion of a road used for farming or forestry purposes that also meets the requirements of this subdivision shall constitute development.

Sec. 37. 10 V.S.A. § 127 is amended to read:

§ 127. RESOURCE MAPPING

(a) ~~On or before January 15, 2013, the~~ The Secretary of Natural Resources ~~(the Secretary)~~ shall complete and maintain resource mapping based on the Geographic Information System (GIS) ~~or other technology~~. The mapping shall identify natural resources throughout the State, including forest blocks, that may be relevant to the consideration of energy projects and projects subject to chapter 151 of this title. The Center for Geographic Information shall be available to provide assistance to the Secretary in carrying out the ~~GIS-based~~ resource mapping.

(b) ~~The Secretary of Natural Resources~~ shall consider the ~~GIS-based~~ resource maps developed under subsection (a) of this section when providing evidence and recommendations to the Public Utility Commission under 30 V.S.A. § 248(b)(5) and when commenting on or providing

recommendations under chapter 151 of this title to District Commissions on other projects.

(c) The Secretary shall establish and maintain written procedures that include a process and science-based criteria for updating resource maps developed under subsection (a) of this section. Before establishing or revising these procedures, the Secretary shall provide opportunities for affected parties and the public to submit relevant information and recommendations.

\* \* \* Wood Product Manufacturer \* \* \*

Sec. 38. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

\* \* \*

(44) “Wood products manufacturer” means a manufacturer that aggregates wood products from forestry operations and adds value through processing or marketing in the wood products supply chain or directly to consumers through retail sales. “Wood products manufacturer” includes sawmills; veneer mills; pulp mills; pellet mills; producers of firewood, woodchips, mulch, and fuel wood; and log and pulp concentration yards. “Wood products manufacturer” does not include facilities that purchase, market, and resell finished goods, such as wood furniture, wood pellets, and milled lumber, without first receiving wood products from forestry operations.

(45) “Wood product” means logs, pulpwood, veneer wood, bolt wood, wood chips, stud wood, poles, pilings, biomass, fuel wood, maple sap, and bark.

Sec. 39. 10 V.S.A. § 6086(c) is amended to read:

(c)(1) A permit may contain such requirements and conditions as are allowable proper exercise of the police power and which are appropriate within the respect to subdivisions (a)(1) through (10) of this section, including those set forth in 24 V.S.A. §§ 4414(4), 4424(a)(2), 4414(1)(D)(i), 4463(b), and 4464, the dedication of lands for public use, and the filing of bonds to insure compliance. The requirements and conditions incorporated from Title 24 may be applied whether or not a local plan has been adopted. General requirements and conditions may be established by rule of the Natural Resources Board.

(2) Permit conditions on a wood products manufacturer.

(A) A permit condition that sets hours of operation for a wood products manufacturer shall only be imposed to mitigate an impact under subdivision (a)(1), (5), or (8) of this section.

(B) If an adverse impact under subdivisions (a)(1), (5), or (8) of this section would result, a permit with conditions shall allow the manufacturer to operate while mitigating these impacts. A permit with conditions that mitigate these impacts shall allow for deliveries of wood products from forestry operations to the manufacturer outside of permitted hours of operation, including nights, weekends, and holidays, for the number of days demonstrated by the manufacturer as necessary to enable business operations, not to exceed 90 days per year.

(3) Permit with conditions on the delivery of wood heat fuels. A permit with conditions issued to a wood products manufacturer that produces wood chips, pellets, cord wood, or other fuel wood used for heat shall allow shipment of that fuel wood from the manufacturer to the end user outside permitted hours of operation, including nights, weekends, and holidays, from October 1 through April 30 of each year. Permits with conditions shall mitigate the undue adverse impacts while enabling the operations of the manufacturer.

(4) Wood products manufacturer holding a permit may request an amendment to existing permit conditions related to hours of operation and seasonal restrictions to be consistent with subdivisions (2) and (3) of this subsection. Requests for condition amendments under this subsection shall not be subject to Act 250 Rule 34E.

\* \* \* Municipal Response to Act 250 Requests \* \* \*

Sec. 40. 10 V.S.A. 6086(g) is added to read:

(g) If a municipality fails to respond to a request by the applicant within 90 days as to the impacts related to subdivision (a)(6) or (7) of this section, the application will be presumed not to have an unreasonable burden on educational, municipal, or governmental services.

\* \* \* Fish and Wildlife Billback Authority \* \* \*

Sec. 41. 10 V.S.A. 6094 is added to read:

§ 6094. ALLOCATION OF COSTS; DEPARTMENT OF FISH AND WILDLIFE

(a) Notwithstanding any other provision of law, the Department of Fish and Wildlife shall have the authority to bill the applicant for the costs of participating in any major permit application before a District Commission, including the costs of employee application review, submissions, comments, and testimony before a District Commission related to impacts on natural resources under subsection 6086(a) of this title, including on wildlife, necessary wildlife habitat, or connecting habitat. The Department may recover

those costs from the applicant after notice to the applicant, including an estimate of the costs of the personnel or services.

(b) From time to time, the Department shall provide the applicant with detailed statements showing the amount of money contracted for or expended on personnel and services. All funds for services under this section shall be paid directly to the Department.

(c) An applicant to which costs are allocated under this section may petition the District Commission to review the costs allocated. The District Commission shall conduct a hearing to determine reasonableness of the costs. The District Commission shall consider the size and complexity of the project and may revise the cost allocations if determined unreasonable.

(d) District Commission decisions regarding the reasonableness of fees may be appealed, by the Department or the applicant, to the Natural Resources Board in accordance with rules adopted by the Board.

Sec. 42. 10 V.S.A. § 6027(h) is amended to read:

(h) The Natural Resources Board may hear appeals of fee refund requests under section 6083a of this title and of allocation of costs under section 6094.

\* \* \* Designation Appeals \* \* \*

Sec. 43. 24 V.S.A. § 2798 is amended to read:

§ 2798. DESIGNATION DECISIONS; ~~NONAPPEAL~~ APPEAL

(a) The A person aggrieved by a designation ~~decisions~~ decision of the State Board under this chapter are not subject to appeal section 2793 or 2793e of this title may appeal to the Natural Resources Board established under 10 V.S.A. chapter 151 within 30 days of the decision.

(b) The Natural Resources Board shall conduct a de novo hearing on the decision under appeal and shall proceed in accordance with the contested case requirements of the Vermont Administrative Procedure Act. The Natural Resources Board shall issue a final decision within 90 days of the filing of the appeal. The provisions of 10 V.S.A. § 6024 regarding assistance to the Natural Resources Board from other departments and agencies of the State shall apply to appeals under this section.

Sec. 44. 10 V.S.A. § 6089 is amended to read:

§ 6089. APPEALS

(a) Appeals of any act or decision of a District Commission under this chapter or a district coordinator under subsection 6007(c) of this title shall be made to the Environmental Division in accordance with chapter 220 of this

title. For the purpose of this section, a decision of the Chair of a District Commission under section 6001e of this title on whether action has been taken to circumvent the requirements of this chapter shall be considered an act or decision of the District Commission.

(b)(1) A determination by the Downtown Development Board designating a downtown development district or neighborhood development area pursuant to 24 V.S.A. chapter 76A is appealable to the Natural Resources Board.

(2) Procedure.

(A) An appeal under this subsection may be brought by any person aggrieved by the determination of the Downtown Development Board.

(B) A notice of appeal must be filed within 30 days of the determination by the Downtown Development Board.

(C) The Natural Resources Board shall conduct all appeals under this section as contested cases pursuant to 3 V.S.A. chapter 25 and procedural rules adopted by the Natural Resources Board.

\* \* \* Effective Dates \* \* \*

#### Sec. 45. EFFECTIVE DATES

(a)(1) This act shall take effect on July 1, 2020, except that:

(2) Sec. 34, 10 V.S.A. § 6086(a)(8), shall take effect on September 15, 2021; and

(3) in Sec. 2, 24 V.S.A. § 4412(b), shall take effect on July 1, 2023.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators Bray, Ashe, Balint, Baruth, Campion, Clarkson, Hardy, Hooker, Lyons, MacDonald, Sirotkin and White?, Senator Bray requested that the question be divided and in the *fifth* recommendation of amendment Secs. 33 to 37 be considered separately.

Thereupon, pending the question, Shall the bill be amended as moved by Senators Bray, Ashe, Balint, Baruth, Campion, Clarkson, Hardy, Hooker, Lyons, MacDonald, Sirotkin and White in the *first* through *fourth* and Secs. 1 to 32 and 38 to 45 of the *fifth* recommendations of amendment? Senator Parent raised a *point of order* under Sec. 402 of Mason's Manual of Legislative Procedure on the grounds that Secs. 1 to 32 and 38 to 45 of the *fifth* recommendation of amendment offered by Senators Bray, Ashe, Balint, Baruth, Campion, Clarkson, Hardy, Hooker, Lyons, MacDonald, Sirotkin and White were *not germane* to the bill and therefore could not be considered by the Senate.



Thereupon, the President *sustained* the point of order and ruled that these recommendations of amendment offered by Senators Bray, Ashe, Balint, Baruth, Campion, Clarkson, Hardy, Hooker, Lyons, MacDonald, Sirotkin and White were *not germane* to the bill.

The President thereupon declared that the recommendations of amendment offered by Senators Bray, Ashe, Balint, Baruth, Campion, Clarkson, Hardy, Hooker, Lyons, MacDonald, Sirotkin and White, in Secs. 1 to 32 and 38 to 45 of the *fifth* recommendations of amendment could *not* be considered by the Senate and were ordered stricken.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators Bray, Ashe, Balint, Baruth, Campion, Clarkson, Hardy, Hooker, Lyons, MacDonald, Sirotkin and White, in the *first* through *fourth* recommendations of amendment?, on motion of Senator Ashe, consideration of the bill was postponed until the next legislative day.

#### **Bill Passed in Concurrence**

##### **H. 650.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to boards and commissions.

#### **Rules Suspended; Bill Messaged**

On motion of Senator Ashe, the rules were suspended, and the following bill was ordered messaged to the House forthwith:

##### **H. 650.**

#### **House Concurrent Resolutions**

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Reps. Morrissey and others,

By Senators Campion and Sears,

##### **H.C.R. 321.**

House concurrent resolution in memory of former Bennington Selectboard Chair Thomas Jacobs.

By Reps. Partridge and others,

**H.C.R. 322.**

House concurrent resolution in memory of Putnam Wentworth Blodgett.

By Reps. Stevens and others,

By Senators Collamore, Cummings, Hooker, McNeil, Perchlik and Pollina,

**H.C.R. 323.**

House concurrent resolution congratulating the Harwood Union High School Highlanders and the Fair Haven Union High School Slaters on being named 2020 Division II girls' basketball co-champions.

By Reps. Partridge and others,

**H.C.R. 324.**

House concurrent resolution congratulating the Chroma Technology Corporation of Bellows Falls on winning the 2019 Deane C. Davis Outstanding Business of the Year Award.

**Message from the House No. 58**

A message was received from the House of Representatives by Ms. Alona Tate, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 962.** An act relating to the duration of temporary relief from abuse orders.

**H. 966.** An act relating to COVID-19 funding and assistance for broadband connectivity, housing, and economic relief.

In the passage of which the concurrence of the Senate is requested.

The House has adopted House concurrent resolutions of the following titles:

**H.C.R. 321.** House concurrent resolution in memory of former Bennington Selectboard Chair Thomas Jacobs.

**H.C.R. 322.** House concurrent resolution in memory of Putnam Wentworth Blodgett.

**H.C.R. 323.** House concurrent resolution congratulating the Harwood Union High School Highlanders and the Fair Haven Union High School Slaters on being named 2020 Division II girls' basketball co-champions.

**H.C.R. 324.** House concurrent resolution congratulating the Chroma Technology Corporation of Bellows Falls on winning the 2019 Deane C. Davis Outstanding Business of the Year Award.

In the adoption of which the concurrence of the Senate is requested.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned, to reconvene on Monday, June 22, 2020, at three o'clock and thirty minutes in the forenoon pursuant to J.R.S. 58.