

Journal of the House

Wednesday, May 12, 2021

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

Devotional Exercises

A moment of silence was held in lieu of a devotional.

Bill Referred to Committee on Appropriations

S. 13

Senate bill, entitled

An act relating to the implementation of the Pupil Weighting Factors Report

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Joint Resolution Adopted in Concurrence

J.R.S. 28

By Senator Balint,

J.R.S. 28. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, May 14, 2021, it be to meet again no later than Tuesday, May 18, 2021.

Was taken up, read, and adopted in concurrence.

House Resolution Placed on Calendar

H.R. 11

House resolution, entitled

House resolution further extending the House's declaration of a state of emergency and authorizing alternative procedures as necessary thereafter

Offered by: Committee on Rules

Whereas, on the first day of the 2021–22 biennium, the House adopted H.R. 1 (declaring a state of emergency), which declared a state of emergency due to

the COVID-19 pandemic for the House's rules and procedures through March 9, 2021, and

Whereas, temporary House Rules 9a and 29a—which the House also adopted on the first day of the biennium via H.R. 2 (authorizing remote debate and voting in the House and House committees)—allow the House and its committees to vote remotely and engage in debate remotely while the House's declaration of a state of emergency is in effect, and

Whereas, the House extended its declaration of a state of emergency through May 15, 2021 via H.R. 8 (extending the House's declaration of a state of emergency), and

Whereas, the ongoing COVID-19 pandemic continues to require that the House and its committees be authorized to participate remotely in order to permit the House to conduct its business in the safest manner possible to prevent the spread of COVID-19 throughout Vermont communities, now therefore be it

Resolved by the House of Representatives:

That the House of Representatives extends its declaration of a state of emergency through May 22, 2021 or through days subsequent to that date as authorized by the House Committee on Rules if required in order to allow the House to complete its business to adjourn prior to any 2021 veto session; through any 2021 veto session; and through the 30 days following the date on which the Governor rescinds all remaining capacity restrictions at gatherings and events and mask and physical distancing requirements issued under the Governor's Declaration of a State of Emergency in Response to COVID-19 as determined by the House Committee on Rules, and be it further

Resolved: If the Governor thereafter reissues capacity restrictions at gatherings and events or requires masks and physical distancing in response to COVID-19, the House Committee on Rules is authorized to meet remotely and is authorized to permit the House of Representatives and its committees to meet, debate, and vote remotely, and be it further

Resolved: If, during a time in which the Governor has not imposed capacity restrictions at gatherings and events or required masks and physical distancing in response to COVID-19—but during which time the House of Representatives cannot meet in the House chamber according to its rules due to State House construction, the inability to comply with Centers for Disease Control guidelines, or other similar reasons—the House Committee on Rules is authorized to adopt alternative procedures that allow the House to meet, debate, and vote in-person in a different manner within the chamber or at another physical location.

Was read by title only and, in the Speaker's discretion, placed on the Calendar for Action tomorrow under Rule 52.

Ceremonial Reading

H.C.R. 57

House concurrent resolution honoring former Arlington Selectboard Chair Keith Squires and former Arlington School Board Chair Donna Squires for their dedicated municipal civic service

Offered by: Reps. James of Manchester and Bongartz of Manchester and Senators Campion and Sears

Having been adopted in concurrence on Friday, April 30, 2021 in accord with Joint Rule 16b, was read.

Senate Proposal of Amendment Not Concurred in; Committee of Conference Requested and Appointed; Rules Suspended; Bill Messaged to Senate Forthwith

H. 433

The Senate proposed to the House to amend House bill, entitled

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

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; Definitions * * *

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation's Proposed Fiscal Year 2022 Transportation Program appended to the Agency of Transportation's proposed fiscal year 2022 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

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

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

(2) "Electric bicycle" means a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts.

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

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

(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.

(c) In the Agency of Transportation’s Proposed Fiscal Year 2022 Transportation Program for Town Highway Aid, the value “\$26,017,744” is struck and “\$27,105,769” is inserted in lieu thereof to correct a typographic error.

* * * Summary of Transportation Investments * * *

Sec. 2. FISCAL YEAR 2022 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 2022 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 2022, these efforts will include the following:

(1) Park and Ride Program. This act provides for a fiscal year expenditure of \$5,220,233.00, which will fund three park and ride construction projects, including the creation of two new park and ride facilities; the design of two additional park and ride facilities scheduled for construction in future fiscal years; and paving projects for existing park and ride facilities. This year’s Park and Ride Program will create 226 new State-owned spaces. Specific additions and improvements include:

(A) Berlin (Exit 6)—Design for 62 spaces;

- (B) Berlin (Exit 7)—Construction of 34 new spaces;
- (C) Manchester—Design for 50 spaces;
- (D) Williamstown-Northfield (Exit 5)—Construction of 50 new spaces; and
- (E) Williston—Construction of 142 new spaces.

(2) Bike and Pedestrian Facilities Program. This act, in concert with 2020 Acts and Resolves No. 139, Sec. 12(b)(1), provides for a fiscal year expenditure, including local match, of \$21,180,936.00, which will fund 27 bike and pedestrian construction projects; two new pedestrian bridge installations; and 12 bike and pedestrian design, right-of-way, or design and right-of way projects for construction in future fiscal years. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared-use paths, bike paths, and cycling lanes. In addition to the Lamoille Valley Rail Trail, which will run from Swanton to St. Johnsbury, projects are funded in Arlington, Bennington, Brattleboro, Chester, Colchester-Essex, Dover, East Montpelier, Enosburg Falls, Hartford, Hartland, Hinesburg, Jericho, Johnson, Lincoln, Middlebury, Moretown, Plainfield, Poultney, Proctor, Richford, Rutland City, Shelburne, South Burlington, Springfield, St. Albans City, Swanton, Underhill, Vergennes, Waitsfield, Waterbury, Williston, Wilmington, and Winooski. This act also provides State funding for some of Local Motion’s operation costs to run the Bike Ferry on the Colchester Causeway, which is part of the Island Line Trail; funding for the small-scale municipal bicycle and pedestrian grant program for projects to be selected during the fiscal year; and funding for bicycle and pedestrian education activities being conducted through a grant to Local Motion.

(3) Transportation Alternatives Program. This act provides for a fiscal year expenditure of \$5,567,868.00, including local funds, which will fund 22 transportation alternatives construction projects and 20 transportation alternatives design, right-of-way, or design and right-of-way projects. Of these 42 projects, seven involve environmental mitigation related to clean water, stormwater, or both clean water and stormwater concerns, and nine involve bicycle and pedestrian facilities. Projects are funded in Bennington, Bridgewater, Bridport, Burlington, Castleton, Chester, Colchester, Derby, Duxbury, East Montpelier, Enosburg, Essex, Essex Junction, Fair Haven, Fairfax, Franklin, Granville, Hartford, Hyde Park, Jericho, Montgomery, Newfane, Norwich, Pittsford, Proctor, Rutland Town, South Burlington, St. Albans City, St. Johnsbury, Vergennes, Warren, Wilmington, and Winooski.

(4) Public Transit Program.

- (A) Sec. 24 of this act expresses the General Assembly’s intent that

all public transit, both rural and urban, be operated on a zero-fare basis in fiscal year 2022, as practicable and, in the case of urban routes, as approved by the governing body of the transit agency, with monies for public transit from the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (CARES Act); the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260; and the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA).

(B) Sec. 25 of this act requires the Agency to review and implement coordinated intermodal connections, to the extent practicable, to ensure efficient and accessible intermodal transportation opportunities in Vermont and support the cross promotion of intermodal connections.

(C) Sec. 27 of this act requires the Agency to prepare a long-range plan that outlines the costs, timeline, training, maintenance, and operational actions required to move to a fully electric public transportation fleet.

(D) This act also authorizes \$45,821,522.00 in funding for public transit uses throughout the State, which is an 11.1 percent increase over fiscal year 2021 levels and a 24.4 percent increase over fiscal year 2020 levels. Included in the authorization are:

(i) Go! Vermont, with an authorization of \$793,400.00. This authorization supports the promotion and use of carpools and vanpools.

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

(iii) Opioid Treatment Pilot, with an authorization of \$84,064.00. This authorization supports the transit needs of Vermonters in need of opioid treatment services.

(5) Rail Program. This act authorizes \$36,780,019.00, including local funds, 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, currently has 25 PHEVs and two BEVs in the State Vehicle Fleet. In fiscal year 2022, the Department of Buildings and General Services expects to add 12 additional PHEVs and eight additional BEVs to the fleet.

(7) Electric vehicle supply equipment. In furtherance of the State’s goal to increase the presence of EVSE in Vermont:

(A) Sec. 22 of this act authorizes up to \$1,000,000.00 to the

Interagency EVSE Grant Program for a pilot program for EVSE at multi-unit affordable housing and multi-unit dwellings owned by a nonprofit; and

(B) Sec. 23 of this act sets a State goal to have a level 3 EVSE charging port available to the public within five miles of every exit of the Dwight D. Eisenhower National System of Interstate and Defense Highways within the State and 50 miles of another level 3 EVSE charging port available to the public along a State highway and requires the annual filing of an up-to-date map showing the locations of all level 3 EVSE available to the public within the State with the House and Senate Committees on Transportation until this goal is met.

(8) Vehicle incentive programs and expansion of the PEV market.

(A) Incentive Program for New PEVs and partnership with Drive Electric Vermont. Sec. 10 of this act authorizes:

(i) up to an additional \$250,000.00 for the Agency 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; and

(ii) at least \$3,000,000.00 for PEV purchase and lease incentives under the Incentive Program for New PEVs, which is the State's program to incentivize the purchase and lease of new PEVs, and capped administrative costs.

(B) MileageSmart. Sec. 13 of this act authorizes up to \$1,250,000.00 for purchase incentives under MileageSmart, which is the State's used high-fuel-efficiency vehicle incentive program, and capped administrative costs.

(C) Emissions repairs. Sec. 18 of this act authorizes up to \$375,000.00 for emissions repair vouchers and capped startup and administrative costs.

(D) Replace Your Ride Program. Sec. 20 of this act creates a new program to be known as the Replace Your Ride Program, which will be the State's program to incentivize Vermonters to remove older low-efficiency vehicles from operation and switch to modes of transportation that produce fewer greenhouse gas emissions, and authorizes up to \$1,500,000.00 for incentives under the Program and capped startup and administrative costs.

(E) Electric bicycle incentives. Sec. 21 of this act authorizes up to \$50,000.00 for \$200.00 incentives for the purchase of an electric bicycle.

(9) PEV rate design. Sec. 26 of this act requires the State's electric distribution utilities to implement PEV rates for public and private EVSE not later than June 30, 2024.

(10) Transportation equity framework. Sec. 35 of this act requires the Agency, in consultation with the State's 11 Regional Planning Commissions (PRCs), to complete and report back on a comprehensive analysis of the State's existing transportation programs and develop a recommendation on a transportation equity framework that can be used to advance mobility equity, which is a transportation system that increases access to mobility options, reduces air pollution, and enhances economic opportunity for Vermonters in communities that have been underserved by the State's transportation system. As part of this analysis, the RPCs are required to engage in a targeted public outreach process.

* * * Highway Maintenance * * *

Sec. 3. HIGHWAY MAINTENANCE

Within the Agency of Transportation's Proposed Fiscal Year 2022 Transportation Program for Maintenance, spending is amended as follows:

<u>FY22</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	45,339,790	45,339,790	0
Operating Expenses	57,902,709	57,902,709	0
Grants	277,000	277,000	0
Total	103,519,499	103,519,499	0
<u>Sources of funds</u>			
State	92,516,712	87,191,712	-5,325,000
Federal	10,902,787	16,227,787	5,325,000
Interdepartmental			
Transfer	100,000	100,000	0
Total	103,519,499	103,519,499	0

* * * Bridge 61; Program Development; Town Highway Bridges * * *

Sec. 4. BRIDGE 61 IN SPRINGFIELD, VT

(a) Within the Agency of Transportation's Proposed Fiscal Year 2022 Transportation Program, the following project is moved from Program Development to Town Highway Bridges: Springfield BF 0134(49).

(b) Authorized spending for Springfield BF 0134(49) is not modified in any way.

* * * DMV IT System Replacement * * *

Sec. 4a. DMV IT SYSTEM REPLACEMENT

(a) The following project is added to the Agency of Transportation's

Proposed Fiscal Year 2022 Transportation Program for the Department of Motor Vehicles: DMV IT System Replacement.

(b) Within the Agency of Transportation’s Proposed Fiscal Year 2022 Transportation Program for the Department of Motor Vehicles, spending authority for the DMV IT System Replacement Project is authorized as follows:

<u>FY22</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Operating Expenses	0	24,500,000	24,500,000
Total	0	24,500,000	24,500,000
<u>Sources of funds</u>			
Federal	0	24,500,000	24,500,000
Total	0	24,500,000	24,500,000

(c) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, any amount of the appropriation for the DMV IT System Replacement Project remaining unexpended on June 30, 2022 shall be carried forward and designated for expenditure on the DMV IT System Replacement Project in the subsequent fiscal year.

* * * Roadway Projects; Phosphorus Control Planning * * *

Sec. 4b. ROADWAY PROJECTS; STATEWIDE PHOSPHORUS CONTROL PLANNING

(a) The following project is added to the Agency of Transportation’s Proposed Fiscal Year 2022 Transportation Program for Roadway: Statewide PCP().

(b) Within the Agency of Transportation’s Proposed Fiscal Year 2022 Transportation Program for Roadway, spending authority for the Statewide PCP() Project is authorized as follows:

<u>FY22</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	2,250,000	2,250,000
ROW	0	150,000	150,000
Construction	0	600,000	600,000
Total	0	3,000,000	3,000,000
<u>Sources of funds</u>			
Federal	0	3,000,000	3,000,000
Total	0	3,000,000	3,000,000

(c) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, any amount of the appropriation for the

Statewide PCP() Project remaining unexpended on June 30, 2022 shall be carried forward and designated for expenditure on the Statewide PCP() Project in the subsequent fiscal year.

* * * Municipal Mitigation Assistance Program * * *

Sec. 4c. MUNICIPAL MITIGATION ASSISTANCE PROGRAM

Within the Agency of Transportation's Proposed Fiscal Year 2022 Transportation Program for Municipal Mitigation Assistance Program, spending is amended as follows:

<u>FY22</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Operating Expenses	265,000	265,000	0
Grants	5,845,000	6,345,000	500,000
Total	6,110,000	6,610,000	500,000
<u>Sources of funds</u>			
State	705,000	705,000	0
Federal	1,428,000	1,928,000	500,000
Other	3,977,000	3,977,000	0
Total	6,110,000	6,610,000	500,000

* * * Repeal of U.S. Route 4 Permit * * *

Sec. 5. LEGISLATIVE INTENT

(a) It is the intent of the General Assembly not to repeal 23 V.S.A. § 1432(c), pursuant to Secs. 6 and 36(b) of this act, until the Agency of Transportation:

(1) works with the Town of Woodstock to identify safety concerns related to tractor trailers traveling through the Town on U.S. Route 4; and

(2) incorporates improvements it determines, in its sole authority, are feasible within the town highway right-of-way and scope of work for Woodstock NH PC21(5) within the Agency's Proposed Fiscal Year 2022 Transportation Program for Program Development—Paving.

(b) The project identified as Woodstock NH PC21(5) is expected to be completed during the summer 2021 construction season and there is no projected fiscal year 2023 funding for the project included in the Proposed Fiscal Year 2022 Transportation Program, so having the repeal of 23 V.S.A. § 1432(c) be effective on January 1, 2022 should provide sufficient time for the Agency to work with the Town to design and complete the project identified as Woodstock NH PC21(5) and the Town to make any additional improvements that it deems necessary.

Sec. 6. 23 V.S.A. § 1432(c) is amended to read:

~~(c) Operation on U.S. Route 4. Notwithstanding any other law to the contrary, vehicles with a trailer or semitrailer that are longer than 68 feet but not longer than 75 feet may be operated with a single or multiple trip overlength permit issued at no cost by the Department of Motor Vehicles or, for a fee, by an entity authorized in subsection 1400(d) of this title on U.S. Route 4 from the New Hampshire state line to the junction of VT Route 100 south, provided the distance from the kingpin of the semitrailer to the center of the rearmost axle group is not greater than 41 feet. [Repealed.]~~

* * * Federal Infrastructure Funding * * *

Sec. 7. FEDERAL INFRASTRUCTURE FUNDING

(a) Notwithstanding Sec. 1 of this act; 2020 Acts and Resolves No. 121, Sec. 1; 19 V.S.A. § 10g(n); and 32 V.S.A. § 706, if a federal infrastructure bill or other federal legislation that provides for infrastructure funding is enacted that provides Vermont with additional federal funding for transportation-related projects, the Secretary, with approval from the Joint Transportation Oversight Committee pursuant to subdivision (c)(2) of this section, is authorized to exceed federal monies spending authority in the Fiscal Year 2021 and Fiscal Year 2022 Transportation Programs and to obligate and expend federal monies and up to \$2,000,000.00 in State Transportation Fund monies on development and evaluation for additional projects that meet federal eligibility and readiness criteria and have been evaluated through the Agency's prioritization process but are not in the Fiscal Year 2021 or Fiscal Year 2022 Transportation Program.

(b) Nothing in subsection (a) of this section shall be construed to authorize the Secretary to obligate or expend:

(1) State TIB funds above amounts authorized in the Fiscal Year 2021 or Fiscal Year 2022 Transportation Program; or

(2) State Transportation Fund monies if the Agency does not:

(A) expect to accept and obligate federal monies pursuant to subsection (a) of this section in an amount sufficient to cover the additional expenditure of State Transportation Fund monies; and

(B) expect the projects for which State Transportation Fund monies are used to eventually be eligible for funding entirely through federal monies.

(c)(1) The Agency shall promptly report the obligation or expenditure of monies under the authority of this section to the House and Senate Committees on Transportation and to the Joint Fiscal Office while the General Assembly is in session.

(2)(A) Consistent with 19 V.S.A. § 12b(c), the Agency shall promptly report any changes in the availability of federal funds and the anticipated obligation or expenditure of monies under the authority of this section to the Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee.

(B) If the Joint Transportation Oversight Committee disapproves of the anticipated obligation or expenditure of monies under the authority of this section, it shall provide notice of that disapproval, and an explanation of the basis for the disapproval, to the Agency within 30 calendar days following receipt of the report of the anticipated expenditure.

(C) If the Joint Transportation Oversight Committee disapproves of an anticipated obligation or expenditure of monies under subdivision (B) of this subdivision (2), the Agency may revise and resubmit for further consideration.

(D) If the Joint Transportation Oversight Committee does not disapprove of the anticipated obligation or expenditure of monies under the authority of this section within 30 calendar days of receipt of the report of the anticipated obligation or expenditure or receipt of a revised submittal, then the anticipated obligation or expenditure is deemed approved.

(d) Subsections (a) and (b) of this section shall continue in effect until February 1, 2022.

* * * Town Highway Structures and
Class 2 Town Highway Roadway Programs * * *

* * * Fiscal Year 2022 * * *

Sec. 8. TOWN HIGHWAY STRUCTURES AND CLASS 2 TOWN HIGHWAY ROADWAY PROGRAMS IN FISCAL YEAR 2022

Within the Agency of Transportation's Proposed Fiscal Year 2022 Transportation Program for Town Highway Structures and Town Highway Class 2 Roadway, collective spending between the two programs is amended by increasing the total authorization for the two programs combined by \$3,000,000.00 in one-time Transportation Fund monies. The Agency shall determine, based on municipal need, how to distribute the increased authorization between the two programs.

* * * Fiscal Year 2021 * * *

Sec. 9. TOWN HIGHWAY STRUCTURES AND CLASS 2 TOWN HIGHWAY ROADWAY PROGRAMS IN FISCAL YEAR 2021

Notwithstanding any other provision of law, in fiscal year 2022, the Agency

is authorized to reimburse, subsequent to performance of the work, municipalities for projects awarded a grant under the Town Highway Structures and Class 2 Town Highway Roadway Programs for costs incurred during fiscal year 2021.

* * * One-Time Transportation Fund Monies Authorizations for
Electrification of the Transportation Sector * * *

* * * Incentive Program for New PEVs; Partnership with Drive Electric * * *

Sec. 10. INCENTIVE PROGRAM FOR NEW PEVS; PARTNERSHIP WITH
DRIVE ELECTRIC VERMONT

(a) The Agency is authorized to spend up to \$3,250,000.00 in one-time Transportation Fund monies in fiscal years 2021 and 2022 combined on the Incentive Program for New PEVs established in 2019 Acts and Resolves No. 59, Sec. 34, as amended, and its partnership with Drive Electric Vermont with:

(1) Up to \$250,000.00 of that \$3,250,000.00 available in fiscal year 2022 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.

(2) At least \$3,000,000.00 of that \$3,250,000.00 for PEV purchase and lease incentives and administrative costs as allowed under subsection (b) of this section. If less than \$250,000.00 is expended on the public-private partnership with Drive Electric Vermont under subdivision (1) of this subsection, then the balance of that \$250,000.00 shall only be authorized for additional PEV purchase and lease incentives and administrative costs as allowed under subsection (b) of this section.

(b) The Agency shall use not more than 10 percent of the authorization under subdivision (a)(2) of this section for costs associated with the administration of the Program.

Sec. 11. 2019 Acts and Resolves No. 59, Sec. 34(a)(4), as amended by 2020 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, and 2021 Acts and Resolves No. 3, Sec. 56, is further amended to read:

~~(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. [Repealed.]~~

Sec. 12. 2019 Acts and Resolves No. 59, Sec. 34(b), as amended by 2020 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, and 2021 Acts and Resolves No. 3, Sec. 56, is further amended to read:

(b) Electric vehicle incentive program. ~~A new PEV purchase and lease~~ An

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

* * *

(2) provide not more than one incentive of \$1,500.00 for a PHEV or \$2,500.00 for a BEV, per individual per year, to:

(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~~ \$75,000.00 and at or below \$125,000.00;

(C) an individual who is part of 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~~ \$75,000.00 and at or below \$125,000.00; or

(D) an individual who is part of 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, per individual per year, to:

(A) an individual domiciled in the State whose federal income tax filing status is single, or 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) 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 at or below \$75,000.00;

~~(B)~~(C) an individual who is part of 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~~ \$75,000.00; or

~~(C)~~(D) an individual who is part of 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) provide not more than five incentives of either \$3,000.00 for a PHEV or \$4,000.00 for a BEV, or a combination thereof, to a tax-exempt organization incorporated in the State for the purpose of providing Vermonters with transportation alternatives to personal vehicle ownership; and

~~(4)~~(5) apply to manufactured PEVs with a Base Manufacturer's Suggested Retail Price (MSRP) of \$40,000.00 or less; and

~~(5) provide 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.~~

* * * MileageSmart * * *

Sec. 13. MILEAGESMART

The Agency is authorized to spend up to \$750,000.00 in one-time Transportation Fund monies in fiscal years 2021 and 2022 combined and up to \$500,000.00 in one-time ARPA - Coronavirus State Fiscal Relief Funds in fiscal year 2022 on MileageSmart, which was established in 2019 Acts and Resolves No. 59, Sec. 34, as amended, with up to 10 percent of the total amount that is distributed in incentives in fiscal year 2022, including incentive funding authorized by this section and incentive funding carried over from prior fiscal years pursuant to 2019 Acts and Resolves No. 59, Sec. 34, as amended, available for costs associated with administering MileageSmart.

Sec. 14. 2019 Acts and Resolves No. 59, Sec. 34(c)(1), as amended by 2020 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, and 2021 Acts and Resolves No. 3, Sec. 56, is further amended to read:

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

* * *

(B) provide point-of-sale vouchers through the State's network of community action agencies and base set income eligibility for the voucher on the same criteria used for income qualification for weatherization services through the Weatherization Program at 80 percent of the State median income; and

* * *

* * * Emissions Repair Program * * *

Sec. 15. 2019 Acts and Resolves No. 59, Sec. 34(a)(3), as amended by 2020 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, and 2021 Acts and Resolves No. 3, Sec. 56, is further amended to read:

(3) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the programs. Up to \$150,000.00 of program funding may be set aside for this purpose for the ~~programs~~ program 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~~ program described in ~~subdivision~~ subsection (c)(4) of this section in fiscal year 2021.

Sec. 16. 2019 Acts and Resolves No. 59, Sec. 34(a)(5), as amended by 2020 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, and 2021 Acts and Resolves No. 3, Sec. 56, is further amended to read:

(5) The Agency shall annually evaluate the 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 January in each year following a year that an incentive or ~~repair~~ voucher 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.

Sec. 17. 2019 Acts and Resolves No. 59, Sec. 34(c), as amended by 2020 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, and 2021 Acts and Resolves No. 3, Sec. 56, is further amended to read:

(c) High fuel efficiency vehicle incentive ~~and emissions repair programs~~ program. ~~Used~~ A used high fuel efficiency vehicle purchase incentive ~~and emissions repair programs~~ program for Vermont residents shall structure high fuel efficiency purchase incentive payments ~~and emissions repair vouchers~~ by income to help 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.

* * *

(2) ~~The emissions repair program 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. [Repealed.]~~

Sec. 18. EMISSIONS REPAIR PROGRAM

(a) Program creation. The Department of Environmental Conservation, in consultation with the Agency of Transportation, shall establish and administer an emissions repair program that shall:

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

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

(3) 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.

(b) Authorization and transfer. In fiscal year 2022, the Agency of Transportation is authorized to transfer \$375,000.00 in one-time Transportation Fund monies to the Department of Environmental Conservation for the emissions repair program established under this section, with up to \$50,000.00 of that \$375,000.00 transfer available for start-up costs and outreach education and up to \$125,000.00 of that \$375,000.00 transfer available for costs associated with developing and administering the emissions repair program.

* * * Repeal of Emissions Inspections Waiver * * *

Sec. 19. REPEALS

(a) 2018 Acts and Resolves No. 206, Sec. 23(e) (establishment of emissions inspections waiver) is repealed on December 31, 2022.

(b) 2018 Acts and Resolves No. 158, Sec. 42(e) (establishment of emissions inspections waiver) is repealed on December 31, 2022.

* * * Replace Your Ride Program * * *

Sec. 20. REPLACE YOUR RIDE PROGRAM

(a) Program creation. The Agency of Transportation, in consultation with the Departments of Environmental Conservation and of Public Service, shall expand upon the vehicle incentive programs established under 2019 Acts and Resolves No. 59, Sec. 34, as amended, to provide additional incentives for Vermonters with low income through a program to be known as the Replace Your Ride Program.

(b) Incentive amount. The Replace Your Ride Program shall provide up to a \$3,000.00 incentive, which may be in addition to any other available incentives, including through a program funded by the State, to individuals who qualify based on both income and the removal of an internal combustion vehicle. Only one incentive per individual is available under the Replace Your Ride Program and incentives shall be provided on a first-come, first-served basis once the Replace Your Ride Program is operational.

(c) Eligibility. Applicants must qualify through both income and the removal of an eligible vehicle with an internal combustion engine.

(1) Income eligibility. The following applicants meet the income eligibility requirement:

(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 at or below \$50,000.00;

(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 at or below \$75,000.00;

(C) an individual who is part of 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 \$75,000.00;

(D) an individual who is part of 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; or

(E) an individual who qualifies for an incentive under MileageSmart, which is set at 80 percent of the State median income.

(2) Vehicle removal.

(A) In order for an individual to qualify for an incentive under the Replace Your Ride Program, the individual must remove an older low-efficiency vehicle from operation and switch to a mode of transportation that produces fewer greenhouse gas emissions. The entity that administers the Replace Your Ride Program, in conjunction with the Agency of Transportation, shall establish Program guidelines that specifically provide for how someone can show that the vehicle removal eligibility requirement has been, or will be, met.

(B) For purposes of the Replace Your Ride Program:

(i) An “older low-efficiency vehicle”:

(I) is currently registered, and has been for two years prior to the date of application, with the Vermont Department of Motor Vehicles;

(II) is currently titled in the name of the applicant and has been for at least one year prior to the date of application;

(III) has a gross vehicle weight rating of 10,000 pounds or less;

(IV) is at least 10 model years old;

(V) has an internal combustion engine; and

(VI) passed the annual inspection required under 23 V.S.A. § 1222 within the prior year.

(ii) Removing the older low-efficiency vehicle from operation must be done by disabling the vehicle’s engine from further use and fully dismantling the vehicle for either donation to a nonprofit organization to be used for parts or destruction.

(iii) The following qualify as a switch to a mode of transportation that produces fewer greenhouse gas emissions:

(I) purchasing or leasing a new or used PEV;

(II) purchasing a new or used bicycle, electric bicycle, or motorcycle that is fully electric, and the necessary safety equipment; and

(III) utilizing shared-mobility services or privately operated vehicles for hire.

(d) Authorization. In fiscal year 2022, the Agency is authorized to spend up to \$1,500,000.00 in one-time Transportation Fund monies on the Replace Your Ride Program established under this section, with up to \$300,000.00 of that \$1,500,000.00 available for startup costs, outreach education, and costs associated with developing and administering the Replace Your Ride Program.

* * * Electric Bicycle Incentives * * *

Sec. 21. ELECTRIC BICYCLE INCENTIVES

(a) Implementation. The Agency of Transportation, in consultation with Vermont electric distribution utilities, shall expand upon the vehicle incentive programs established under 2019 Acts and Resolves No. 59, Sec. 34, as amended, to provide a \$200.00 incentive to 250 individuals who purchase a new electric bicycle. Specifically, the Program shall:

(1) distribute \$200.00 incentives on a first-come, first-served basis after the Agency announces that incentives are available;

(2) apply to new electric bicycles with any Manufacturer's Suggested Retail Price (MSRP); and

(3) be available to all Vermonters who self-certify as to meeting any incentive tier under the income eligibility criteria for the Incentive Program for New PEVs.

(b) Authorization. In fiscal year 2022, the Agency is authorized to spend up to \$50,000.00 in one-time Transportation Fund monies on the electric bicycle incentives.

* * * EVSE Grant Program * * *

Sec. 22. GRANT PROGRAMS FOR LEVEL 2 CHARGERS IN MULTI-UNIT DWELLINGS; REPORT

(a) As used in this section:

(1) "Area median income" means the county or Metropolitan Statistical Area median income published by the federal Department of Housing and Urban Development.

(2) "Multi-unit affordable housing" means a housing project, such as cooperatives, condominiums, dwellings, or mobile home parks, with 10 or more units constructed or maintained on a tract or tracts of land where:

(A) at least 50 percent of the units are or will be occupied by households whose income does not exceed 100 percent of the greater of the

State or area median income; or

(B) all units are affordable to households earning between 60 and 120 percent of area median income.

(3) “Multi-unit dwellings owned by a nonprofit” means a housing project, such as cooperatives, condominiums, dwellings, or mobile home parks, with 10 or more units constructed or maintained on a tract or tracts of land owned by a person that has nonprofit status under Section 501(c)(3) of the U.S. Internal Revenue Code, as amended, and is registered as a nonprofit corporation with the Office of the Secretary of State.

(b) The Agency of Transportation shall establish and administer, through a memorandum of understanding with the Department of Housing and Community Development, a pilot program to support the continued buildout of electric vehicle supply equipment at multi-unit affordable housing and multi-unit dwellings owned by a nonprofit 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.

(c) In fiscal year 2022, the Agency is authorized to spend up to \$1,000,000.00 in one-time Transportation Fund monies on the pilot program established in this section.

(d) Pilot program funding shall be awarded with consideration of broad geographic distribution as well as service models ranging from restricted private parking to publicly accessible parking so as to examine multiple strategies to increase access to EVSE.

(e) 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 Public Service or designee; and the Agency’s Division Director of Policy, Planning, and Intermodal Development or designee regarding the design, award of funding, and administration of this pilot program.

(f) The Department of Housing and Community Development shall file a written report on the outcomes of the pilot program with the House and Senate Committees on Transportation not later than January 15, 2022.

* * * EVSE Network in Vermont * * *

Sec. 23. EVSE NETWORK IN VERMONT; REPORT OF ANNUAL MAP

(a) It shall be the goal of the State to have, as practicable, a level 3 EVSE charging port available to the public within:

(1) five miles of every exit of the Dwight D. Eisenhower National System of Interstate and Defense Highways within the State; and

(2) 50 miles of another level 3 EVSE charging port available to the public along a State highway, as defined in 19 V.S.A. § 1(20).

(b) Notwithstanding 2 V.S.A. § 20(d), the Agency of Transportation shall file an up-to-date map showing the locations of all level 3 EVSE available to the public within the State with the House and Senate Committees on Transportation not later than January 15 each year until the goal identified in subsection (a) of this section is met.

* * * Zero-Fare Public Transit in Fiscal Year 2022 * * *

Sec. 24. ZERO-FARE PUBLIC TRANSIT IN FISCAL YEAR 2022

(a) Urban public transit. 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 in the State shall be operated on a zero-fare basis with monies for public transit from the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (CARES Act); the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260; and the American Rescue Plan Act of 2021, Pub. L. No. 117-2, as practicable and provided that such use is first approved by the governing body of the transit agency, during fiscal year 2022.

(b) Rural public transit. 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. § 5311 in the State shall be operated on a zero-fare basis with monies for public transit from the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (CARES Act) and the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, as practicable, during fiscal year 2022.

* * * Coordinated Intermodal Connections Review * * *

Sec. 25. COORDINATED INTERMODAL CONNECTIONS REVIEW

The Agency, in coordination with public transit, passenger rail, and other transportation service providers, shall review and implement coordinated intermodal connections, to the extent practicable, to ensure efficient and accessible intermodal transportation opportunities in Vermont. The Agency shall also work with transportation service providers to support the cross promotion of intermodal connections.

* * * PEV Electric Distribution Utility Rate Design * * *

Sec. 26. PEV ELECTRIC DISTRIBUTION UTILITY RATE DESIGN

(a) This section serves to encourage efficient integration of PEVs and EVSE into the electric system and the timely adoption of PEVs and public charging through managed loads or time-differentiated price signals.

(b) Unless an extension is granted pursuant to subsection (e) of this section, all State electric distribution utilities shall offer PEV rates, which may include rates for electricity sales to an entire customer premises, for public and private EVSE not later than June 30, 2024. These rates shall, pursuant to 30 V.S.A. § 225, be filed for review and approval by the Public Utility Commission and encourage:

(1) efficient use of PEV loads consistent with objectives of least-cost integrated planning, set out in 30 V.S.A. § 218c, and 30 V.S.A. § 202(b) and (c);

(2) participation in the PEV rates;

(3) travel by PEV relative to available alternatives; and

(4) greater adoption of PEVs.

(c) PEV rates approved by the Public Utility Commission under subdivisions (1) and (2) of this subsection comply with subsection (b) of this section.

(1) The Public Utility Commission shall approve PEV rates that it finds, at a minimum:

(A) support greater adoption of PEVs;

(B) adequately compensate PEV operators and owners of EVSE available to the public for the value of grid-related services, including costs avoided through peak management;

(C) adequately compensate the electric distribution utility and its customers for the additional costs that are directly attributable to the delivery of electricity through a PEV rate;

(D) include a reasonable contribution to historic or embedded costs required to meet the overall cost of service;

(E) do not discourage EVSE available to the public; and

(F) do not have an adverse impact to ratepayers not utilizing the PEV rate.

(2) The Public Utility Commission may approve PEV rates that utilize

direct load control, third-party managed load control, static or dynamic time-varying rates, or other innovative practices that accomplish the goals set forth in subsection (a) of this section.

(d) Electric distribution utilities with PEV rates approved by the Public Utility Commission prior to July 1, 2021 currently implemented as tariffs by those electric distribution utilities are exempt from subsection (b) of this section for the relevant rate classes, market segments, or customer segments in which the PEV rates are offered.

(e) The Public Utility Commission may grant a petitioning electric distribution utility an extension of the June 30, 2024 implementation deadline. An extension may only be granted in response to a petition if the Public Utility Commission finds that the electric distribution utility's inability to meet the June 30, 2024 implementation deadline is due to a technical inability to implement a PEV rate, adverse economic impacts to ratepayers that would result from the implementation of a PEV rate, or other good cause demonstrated. The length of the extension shall be directly related to the demonstrated need for the extension.

(f) The Public Utility Commission, in consultation with the Department of Public Service and State electric distribution utilities, shall file written reports with the House Committees on Energy and Technology and on Transportation and the Senate Committees on Finance, on Natural Resources and Energy, and on Transportation that address the goals delineated in subdivisions (c)(1)(A)–(F) of this section, as applicable, and any progress barriers towards the goals contained in subsections (a) and (b) of this section not later than January 15, 2022, January 15, 2023, January 15, 2024, and January 15, 2025.

* * * Public Transportation Electrification Plan * * *

Sec. 27. PUBLIC TRANSPORTATION ELECTRIFICATION PLAN

(a) The Agency of Transportation, in consultation with the State's public transit providers, shall prepare a long-range plan that outlines the costs, timeline, training, maintenance, and operational actions required to move to a fully electrified public transportation fleet.

(b) The Agency shall file the long-range plan required under subsection (a) of this section with the House and Senate Committees on Transportation not later than January 31, 2022.

* * * Airport and Rail Signs; Banners * * *

Sec. 28. 10 V.S.A. § 494 is amended to read:

§ 494. EXEMPT SIGNS

The following signs are exempt from the requirements of this chapter except as indicated in section 495 of this title:

* * *

(6)(A) Official traffic control signs, including signs on limited access highways, consistent with the Manual on Uniform Traffic Control Devices (MUTCD) adopted under 23 V.S.A. § 1025, directing ~~people~~ persons to:

- (i) other towns;
- (ii) international airports;
- (iii) postsecondary educational institutions;
- (iv) cultural and recreational destination areas;
- (v) nonprofit diploma-granting educational institutions for ~~people~~ persons with disabilities; and
- (vi) official State visitor information centers.

(B) After having considered the six priority categories in subdivision (A) of this subdivision (6), the Travel Information Council may approve installation of a sign for any of the following provided the location is open a minimum of 120 days each year and is located within 15 miles of an interstate highway exit:

- (i) nonprofit museums;
- (ii) cultural and recreational attractions owned by the State or federal government;
- (iii) officially designated scenic byways;
- (iv) park and ride or multimodal centers; and
- (v) fairgrounds or exposition sites.

(C) The Agency of Transportation may approve and erect signs, including signs on limited access highways, consistent with the MUTCD, directing persons to State-owned airports and intercity passenger rail stations located within 25 miles of a limited access highway exit.

(D) Notwithstanding the limitations of this subdivision (6), supplemental guide signs consistent with the MUTCD for the President Calvin Coolidge State Historic Site may be installed at the following highway interchanges:

* * *

~~(D)~~(E) Signs erected under this subdivision (6) shall not exceed a

maximum allowable size of 80 square feet.

* * *

(18)(A) A sign that is a banner erected over a highway right-of-way for not more than 21 days if the bottom of the banner is not less than 16 feet 6 inches above the surface of the highway and is securely fastened with breakaway fasteners and the proposed banner has been authorized by the legislative body of the municipality in which it is located.

(B) As used in this subdivision (18), “banner” means a sign that is constructed of soft cloth or fabric or flexible material such as vinyl or plastic cardboard.

* * * Municipal Development Review; Section 1111 Permit Fees * * *

Sec. 29. 24 V.S.A. § 4416 is amended to read:

§ 4416. SITE PLAN REVIEW

* * *

(b) Whenever a proposed site plan involves access to a State highway or other work in the State highway right-of-way such as excavation, grading, paving, or utility installation, the application for site plan approval shall include a letter ~~of intent~~ from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and ~~is prepared to issue an access permit under 19 V.S.A. § 1111, and setting~~ determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed site plan is required under 19 V.S.A. § 1111, then the letter from the Agency shall set out any conditions that the Agency proposes to attach to the section 1111 permit required under 19 V.S.A. § 1111.

Sec. 30. 24 V.S.A. § 4463(e) is added to read:

(e) Whenever a proposed subdivision is adjacent to a State highway, the application for subdivision approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed subdivision and determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed subdivision is required under 19 V.S.A. § 1111, then the letter from the Agency shall set out any conditions that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111.

Sec. 31. 19 V.S.A. § 1112(b) is amended to read:

(b) The Secretary shall collect the following fees for each application for the following types of permits ~~or permit amendments~~ issued pursuant to section 1111 of this title:

* * *

(6) permit amendments: \$0.00.

* * * Work Zone Highway Safety
Automated Traffic Law Enforcement Study and Report * * *

Sec. 32. WORK ZONE HIGHWAY SAFETY AUTOMATED TRAFFIC
LAW ENFORCEMENT STUDY AND REPORT

(a) Definitions. As used in this section:

(1) “Automated traffic law enforcement system” means a device with one or more sensors working in conjunction with a speed measuring device to produce recorded images of motor vehicles traveling at more than 10 miles above the speed limit or traveling in violation of another traffic control device, or both.

(2) “Recorded image” means a photograph, microphotograph, electronic image, or electronic video that shows the front or rear of the motor vehicle clearly enough to identify the registration number plate of the motor vehicle or that shows the front of the motor vehicle clearly enough to identify the registration number plate of the motor vehicle and shows the operator of the motor vehicle.

(3) “Traffic control device” means any sign, signal, marking, channelizing, or other device that conforms with the Manual on Uniform Traffic Control Devices, which is the standards for all traffic control signs, signals, and markings within the State pursuant to 23 V.S.A. § 1025, and is used to regulate, warn, or guide traffic and placed on, over, or adjacent to a highway, pedestrian facility, or bicycle path by authority of the State or the municipality with jurisdiction over the highway, pedestrian facility, or bicycle path.

(b) Study. The Agency of Transportation shall, in consultation with at least the Department of Public Safety and the Associated General Contractors of Vermont, study the feasibility of implementing automated traffic law enforcement systems in work zones in Vermont and make specific recommendations on whether to pursue a program that utilizes automated traffic law enforcement systems within work zones in Vermont, with a specific focus on affecting driver behavior. At a minimum, the Agency shall:

(1) research the cost to procure equipment and services to assist in the implementation of a program that utilizes automated traffic law enforcement systems within work zones in Vermont;

(2) research how images are collected, stored, accessed, used, and disposed of; by whom; and under what timeline or timelines when automated

traffic law enforcement systems are used to collect a recorded image of a motor vehicle in violation of a traffic control device in a work zone;

(3) make recommendations on how images should be collected, stored, accessed, used, and disposed of; by whom; and under what timeline or timelines if a program that utilizes automated traffic law enforcement systems within work zones in Vermont is implemented; and

(4) define the system components needed to implement a program that utilizes automated traffic law enforcement systems within work zones in Vermont.

(c) Report. On or before January 15, 2022, the Agency shall submit a written report to the House and Senate Committees on Judiciary and on Transportation with its findings and any proposals for implementation.

* * * Transportation Equity Framework * * *

Sec. 33. TRANSPORTATION EQUITY FRAMEWORK; REPORT

(a) The Agency of Transportation, in consultation with the State's 11 Regional Planning Commissions (RPCs), shall undertake a comprehensive analysis of the State's existing transportation programs and develop a recommendation on a transportation equity framework through which the annual Transportation Program, and the Agency's Annual Project Prioritization Process, can be evaluated so as to advance mobility equity, which is a transportation system that increases access to mobility options, reduces air pollution, and enhances economic opportunity for Vermonters in communities that have been underserved by the State's transportation system.

(b) In conducting the analysis required under subsection (a) of this section, the Agency, in coordination with the State's 11 RPCs, shall seek input from individuals who are underserved by the State's current transportation system or who may not have previously been consulted as part of the Agency's planning processes.

(c) In order to aid the Agency in conducting the analysis required under subsection (a) of this section, the State's 11 RPCs shall convene regional meetings focused on achieving equity and inclusion in the transportation planning process. Meeting facilitation shall include identification of and outreach to underrepresented local communities and solicitation of input on the transportation planning process pursuant to the transportation planning efforts required under 19 V.S.A. § 10I.

(d) The Agency shall file a written report with its analysis and a recommendation on a transportation equity framework as required under subsection (a) of this section with the House and Senate Committees on

Transportation not later than January 15, 2022.

* * * New Haven Train Depot * * *

Sec. 34. NEW HAVEN TRAIN DEPOT

In fiscal year 2022, the Agency is authorized to spend up to \$400,000.00 in one-time Transportation Fund monies to provide a grant to the Town of New Haven to cover a portion of the costs associated with relocating the New Haven Train Depot currently located at the junction of Routes 7 and 17.

* * * Effective Dates * * *

Sec. 35. EFFECTIVE DATES

(a) This section and Secs. 7 (federal infrastructure funding), 10 (authorization for the Incentive Program for New PEVs), and 13 (authorization for MileageSmart) shall take effect on passage.

(b) Sec. 6 (repeal of 23 V.S.A. § 1432(c)) shall take effect on January 1, 2022.

(c) All other sections shall take effect on July 1, 2021.

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

Rep. Lanpher of Vergennes

Rep. Shaw of Pittsford

Rep. Corcoran of Bennington

Thereupon, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto; Rules Suspended;
Bill Messaged to Senate Forthwith**

H. 438

The Senate proposed to the House to amend House bill, entitled

An act relating to capital construction and State bonding

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

First: In Sec. 2, State Buildings, in subdivision (b)(10), by striking out “\$2,800,000.00” and inserting in lieu thereof \$2,750,000.00, and by striking out all after subdivision (c)(18) and inserting in lieu thereof the following:

<u>Appropriation – FY 2022</u>	<u>\$19,316,774.00</u>
<u>Appropriation – FY 2023</u>	<u>\$24,800,442.00</u>
<u>Total Appropriation – Section 2</u>	<u>\$44,117,216.00</u>

Second: In Sec. 4, Commerce and Community Development, by striking out subsection (c) in its entirety and by relettering the remaining subsection to be alphabetically correct.

Third: In Sec. 9, Natural Resources, by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

(c) The following amounts are appropriated in FY 2022 to the Agency of Natural Resources for the Department of Fish and Wildlife for the projects described in this subsection:

(1) General infrastructure projects, including small-scale maintenance and rehabilitation of infrastructure: \$1,264,500.00

(2) Lake Champlain Walleye Association, Inc., to upgrade and repair the Walleye rearing, restoration, and stocking infrastructure: \$25,000.00

And by striking out all after subdivision (f)(2) and inserting in lieu thereof the following:

(g) The following amounts are appropriated in FY 2023 to the Agency of Natural Resources for the projects described in this subsection:

(1) General infrastructure projects, including small-scale maintenance and rehabilitation of infrastructure: \$1,083,500.00

(2) Lake Champlain Walleye Association, Inc., to upgrade and repair the Walleye rearing, restoration, and stocking infrastructure: \$25,000.00

Appropriation – FY 2022 \$11,455,214.00

Appropriation – FY 2023 \$9,853,264.00

Total Appropriation – Section 9 \$21,308,478.00

Fourth: By striking out Sec. 26, Federal Funds; Capital Projects, in its entirety and inserting in lieu thereof the following:

Sec. 26. FEDERAL FUNDS; CAPITAL PROJECTS

(a) Intent. It is the intent of the General Assembly, to the extent permitted by federal law and guidance, to use federal funds provided to the State by the

American Rescue Plan Act of 2021, Pub. L. 117-2, in the Coronavirus Capital Projects Fund to carry out critical capital projects for the Executive, Legislative, and Judicial Branches to directly enable work, education, and health monitoring, including remote options, in response to the public health emergency with respect to the Coronavirus Disease (COVID-19).

(b) Prioritized uses. The federal funds provided to the State by the American Rescue Plan Act of 2021, Pub. L. 117-2, in the Coronavirus Capital Projects Fund shall be prioritized for critical capital projects proposed by the Executive, Legislative, and Judicial Branches in response to the COVID-19 pandemic and the entire amount provided to the State shall not be for the exclusive use of any single branch of State government.

(c) Recommendation.

(1) On or before December 15, 2021, the Commissioner of Finance and Management shall recommend a list of priority projects for the use of federal funds by the Executive Branch from the Coronavirus Capital Projects Fund for FY 2023 to the Governor for the FY 2022–2023 capital budget adjustment report. Consistent with federal guidance as it becomes available, Executive Branch recommendations may include infrastructure that provides the greatest economic benefit in and among our communities. Any recommendations shall take into consideration the capital needs of all three branches.

(2) On or before December 15, 2021, the Joint Legislative Management Committee shall recommend a list of priority projects for the use of federal funds from the Coronavirus Capital Projects Fund for capital projects in the Legislative Branch and the Court Administrator shall submit a list of priority projects for the use of federal funds from the Coronavirus Capital Projects Fund for capital projects in the Judicial Branch to the House Committee on Corrections and Institutions and the Senate Committee on Institutions for allocation in the FY 2022–2023 Capital Budget Adjustment Act. Any recommendations shall take into consideration the capital needs of all three branches.

Fifth: By striking out Sec. 31, effective date, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

Sec. 31. 29 V.S.A. § 410 is amended to read:

§ 410. RULEMAKING; ENCROACHMENTS ON PUBLIC WATERS

(a) The Department may adopt rules to implement the requirements of this chapter.

(b) The Department shall adopt rules establishing criteria for issuing an encroachment permit under this chapter for the creation of artificial reefs or

sinking of vessels within the waters under the jurisdiction of the Department, including the requirement that any creation of an artificial reef or sinking of a vessel complies with federal rules or guidance for such activities.

Sec. 32. ANR ENCROACHMENT RULES; IMPLEMENTATION

(a) On or before January 1, 2022, the Department of Environmental Conservation shall initiate the rulemaking required under 29 V.S.A. § 410.

(b) On or before July 1, 2022, the Department of Environmental Conservation shall file a final proposal of the rules required under 29 V.S.A. § 410 with the Secretary of State under 3 V.S.A. § 841.

* * * Public Safety * * *

Sec. 33. WILLISTON PUBLIC SAFETY BARRACKS; SALE

The Commissioner of Buildings and General Services is authorized to sell the property known as the Williston Public Safety Barracks (State Office Building) located at 2777 St. George Road in Williston, Vermont pursuant to the requirements of 29 V.S.A. § 166. The proceeds from the sale shall be appropriated to future capital construction projects.

* * * Effective Date * * *

Sec. 34. EFFECTIVE DATE

This act shall take effect on passage.

Sixth: By striking out Sec. 25, process for use of federal funds; FY 2022 and FY 2023; water and sewer infrastructure, in its entirety and by renumbering the remaining sections to be numerically correct.

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

First: In Sec. 4, Commerce and Community Development, by striking out the newly relettered subsection (c) in its entirety and inserting in lieu thereof the following:

(c) For the amount appropriation in subdivision (a)(2) of this section, not more than \$10,000.00 shall be used as follows:

(1) to open two new underwater preserves at the Potash Point Canalboat site and the Pine Street Barge Canal Breakwater Graveyard site; and

(2) to prepare documentation for the Isle La Motte Wreck site and the Providence Island Wreck site.

Second: By adding a Sec. 21a to read as follows:

Sec. 21a. 13 BALDWIN STREET; SALE OF PROPERTY

The Commissioner of Buildings and General Services is authorized to sell the property located at 13 Baldwin Street in Montpelier, Vermont pursuant to the requirements of 29 V.S.A. § 166. The proceeds from the sale shall be appropriated to future capital construction projects.

Third: In Sec. 22, 2018 Acts and Resolves No. 84, Sec. 2(c)(12), by inserting “(Office of Legislative Information Technology)” after “~~(Agency of Digital Services)~~”

Fourth: By inserting after the newly renumbered Sec. 25, Federal Funds; Capital Projects, a Sec. 25a to read as follows:

Sec. 25a. USE OF FEDERAL FUNDS; WATER AND SEWER
INFRASTRUCTURE; FY 2022

In FY 2022, if the Commissioner of Finance and Management offsets any capital funds appropriated in this act for water and sewer infrastructure projects with federal funds from the American Rescue Plan Act pursuant to the process set forth in the FY 2022 Appropriations Act, then any offset amounts shall be reused for future capital construction projects in the fiscal years 2022–2023 capital budget adjustment process.

Fifth: By striking out all after the newly renumbered Sec. 29, 24 V.S.A. § 4764, and inserting in lieu thereof the following:

Sec. 30. MORATORIUM ON LAKE ENCROACHMENT PERMITS FOR
SINKING OF VESSEL

Notwithstanding the authority of the Department of Environmental Conservation (Department) under 29 V.S.A. chapter 11 to authorize encroachments on lakes and ponds and lands lying thereunder, the Department shall not issue a lake encroachment permit for the intentional sinking of a vessel in any lake or pond within the jurisdiction of the Department during the period beginning on the effective date of this act and ending on July 1, 2024.

* * * Legislative Branch * * *

Sec. 31. 2020 Acts and Resolves No. 154, E. 126.3 is amended to read:

Sec. E.126.3 GENERAL ASSEMBLY; STATE BUILDINGS; USE OF
SPACE; AUTHORITY OF SERGEANT AT ARMS; ~~2021–~~
~~22 LEGISLATIVE BIENNIUM~~

(a) Notwithstanding the provisions of 29 V.S.A. § 165 and any other provision of law to the contrary, in order to perform its constitutional duties,

the Legislative Branch shall have exclusive use of alternative locations during the 2021–22 legislative biennium, including the following:

(1) 133 State Street:

(A) Basement: ~~stock room and~~ rooms 012, 016, ~~015, and~~ 021, and 022.

(B) First Floor: rooms 121, ~~122,~~ and 126.

(C) Fourth Floor: board room.

~~(D) Fifth Floor: entire floor.~~

(2) 109 State Street:

(A) Basement: rooms B07 and B015 and surrounding space;

(B) Second floor: rooms 264, 267, 268, and 270.

(C) Fourth floor: conference room.

(3) 111 State Street: library stacks room on the second floor.

(b) Notwithstanding the provisions of 29 V.S.A. § 165 and any other provision of law to the contrary, in order to perform its constitutional duties, beginning July 1, 2021, the Legislative Branch shall have the exclusive use of the following space:

(1) 2 Aiken Street: entire building.

(2) 4 Aiken Street: entire building.

(3) 133 State Street:

(A) Basement: rooms 015 and 022.

(B) First Floor: rooms 122 and 125.

(c) The Sergeant at Arms and the Commissioner of Buildings and General Services shall consider ways to address any disruption to the functionality of the Executive and Legislative Branches in shared State building space.

(e)(d) The authority of the Sergeant at Arms set forth in 2 V.S.A. chapter 62 shall apply in any rooms or spaces occupied by the Legislative Branch.

Sec. 32. LEGISLATIVE ADVISORY COMMITTEE ON THE STATE

HOUSE; STATE HOUSE LEGISLATIVE SPACE AND DESIGN;

REPORT

(a)(1) The Legislative Advisory Committee on the State House shall review and make recommendations on any space and design proposals for the

State House. The review shall take into account the Freeman, French, and Freeman, Legislative Space Study, 2021–2022, dated April 26, 2021. Prior to making any recommendations, the Committee shall consult with legislators, legislative staff, and relevant stakeholders on space needs.

(2) The Committee shall have the assistance of a planning architect from the Department of Buildings and General Services.

(b) On or before August 15, 2021, the Committee shall submit a report with its recommendations to the Joint Legislative Management Committee, the Joint Rules Committee, the House Committee on Corrections and Institutions, and the Senate Committee on Institutions.

Sec. 33. 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.

(b) The Committee shall be composed of ~~H~~ 13 members:

(1) ~~three~~ four members of the House of Representatives, appointed biennially by the Speaker of the House;

(2) ~~three~~ four members of the Senate, appointed biennially by the Committee on Committees;

(3) the Chair of the Board of Trustees of the Friends of the Vermont State House;

(4) the Director of the Vermont Historical Society;

(5) the Director of the Vermont Council on the Arts;

(6) the Commissioner of Buildings and General Services; and

(7) the Sergeant at Arms.

(c) The Committee shall biennially elect a chair from among its legislative members. A quorum shall consist of ~~six~~ seven members.

* * *

* * * Public Safety * * *

Sec. 34. WILLISTON PUBLIC SAFETY BARRACKS; SALE

The Commissioner of Buildings and General Services is authorized to sell the property known as the Williston Public Safety Barracks (State Office Building) located at 2777 St. George Road in Williston, Vermont pursuant to

the requirements of 29 V.S.A. § 166. The proceeds from the sale shall be appropriated to future capital construction projects.

* * * Effective Date * * *

Sec. 35. EFFECTIVE DATE

This act shall take effect on passage.

Which was agreed to.

Thereupon, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Joint Resolution Read Third Time and Adopted;
Motion to Suspend Rules to Message to Senate Forthwith Failed**

J.R.H. 6

Joint House resolution, entitled

Joint resolution relating to racism as a public health emergency

Was taken up and was read the third time.

Pending the question, Shall the House adopt the resolution on its part?, **Rep. Pugh of South Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House adopt the resolution on its part?, was decided in the affirmative. Yeas, 135. Nays, 8.

Those who voted in the affirmative are:

Ancel of Calais	Goslant of Northfield	O'Brien of Tunbridge
Anthony of Barre City	Grad of Moretown	Ode of Burlington
Arrison of Weathersfield	Graham of Williamstown	Page of Newport City
Austin of Colchester	Gregoire of Fairfield	Pajala of Londonderry
Bartholomew of Hartland	Hango of Berkshire	Palasik of Milton
Beck of St. Johnsbury	Harrison of Chittenden	Partridge of Windham
Birong of Vergennes	Hooper of Montpelier	Patt of Worcester
Black of Essex	Hooper of Randolph	Pearl of Danville
Bluemle of Burlington	Hooper of Burlington	Pugh of South Burlington
Bock of Chester	Houghton of Essex	Rachelson of Burlington
Bongartz of Manchester	Howard of Rutland City	Redmond of Essex *
Bos-Lun of Westminster	James of Manchester	Rogers of Waterville
Brady of Williston	Jerome of Brandon	Satcowitz of Randolph
Briglin of Thetford	Jessup of Middlesex	Savage of Swanton
Brown of Richmond	Killackey of South Burlington	Scheu of Middlebury
Brownell of Pownal	Kimbell of Woodstock	Scheuermann of Stowe
Brumsted of Shelburne	Kitzmiller of Montpelier	Seymour of Sutton
Burditt of West Rutland	Kornheiser of Brattleboro	Shaw of Pittsford

Burke of Brattleboro	LaLonde of South Burlington	Sheldon of Middlebury
Burrows of West Windsor	Burlington	Sibilia of Dover
Campbell of St. Johnsbury	Lanpher of Vergennes	Sims of Craftsbury
Canfield of Fair Haven	Lefebvre of Newark	Small of Winooski
Chase of Colchester	Lefebvre of Orange	Smith of New Haven
Christie of Hartford	Leffler of Enosburgh	Squirrell of Underhill
Cina of Burlington *	Lippert of Hinesburg	Stebbins of Burlington
Coffey of Guilford	Long of Newfane	Stevens of Waterbury
Colburn of Burlington	Marcotte of Coventry	Strong of Albany
Colston of Winooski	Martin of Franklin	Sullivan of Dorset
Conlon of Cornwall	Masland of Thetford	Surprenant of Barnard
Copeland Hanzas of Bradford	Mattos of Milton	Taylor of Colchester
Corcoran of Bennington	McCarthy of St. Albans City	Till of Jericho
Cordes of Lincoln	McCoy of Poultney	Toleno of Brattleboro
Cupoli of Rutland City	McCullough of Williston	Toof of St. Albans Town
Dickinson of St. Albans Town	McFaun of Barre Town	Townsend of South Burlington
Dolan of Essex	Morgan, L. of Milton	Troiano of Stannard
Dolan of Waitsfield	Morgan, M. of Milton	Vyhovsky of Essex
Donahue of Northfield	Morris of Springfield	Walz of Barre City
Donnally of Hyde Park	Mrowicki of Putney	Webb of Shelburne
Durfee of Shaftsbury	Mulvaney-Stanak of Burlington	White of Bethel
Elder of Starksboro	Murphy of Fairfax	White of Hartford
Emmons of Springfield	Nicoll of Ludlow	Whitman of Bennington
Fagan of Rutland City	Nigro of Bennington	Williams of Granby
Feltus of Lyndon	Norris of Sheldon	Wood of Waterbury
Gannon of Wilmington	Norris of Shoreham	Yacovone of Morristown
Goldman of Rockingham	Notte of Rutland City	Yantachka of Charlotte
	Noyes of Wolcott	

Those who voted in the negative are:

Achey of Middletown Springs	LaClair of Barre Town	Rosenquist of Georgia *
Higley of Lowell	Parsons of Newbury	Smith of Derby
	Peterson of Clarendon	Terenzini of Rutland Town

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

Batchelor of Derby	Helm of Fair Haven	McCormack of Burlington
Brennan of Colchester	Martel of Waterford	Morrissey of Bennington

Rep. Cina of Burlington explained his vote as follows:

“Madam Speaker:

I vote yes because if racism is a public health emergency, then the cure is not to ignore the harm of racism any more. Instead, we must move at warp speed to take care of each other better, for the vaccine to racism is manufactured from the recognition and celebration of our common humanity.”

Rep. Redmond of Essex explained her vote as follows:

“Madam Speaker:

This resolution – racism as a public health emergency - was crafted with the collaborative input of BIPOC advocates, capturing their areas of concern and laying out a scope of future work of sorts for all of us. This is part of the important work we do together in creating an equitable recovery that leaves no Vermonter behind, not one of us behind.”

Rep. Rosenquist of Georgia explained his vote as follows:

“Madam Speaker:

I voted no on J.R.H. 6. I suggested in our committee to expand the scope of this Resolution to include a wider range of life circumstances that lead to many negative outcomes in our society. Some of these include; racial, economic, ethnic, cultural and sexual disparities. I believe the current Resolution leaves out or misidentifies many of the root cause of these disparities. Let us concentrate on addressing and solving many of these inequities.”

Rep. Colburn of Burlington moved to suspend rules to message the House's actions to the Senate forthwith. Pending the question, Shall the House suspend its rules to message our actions to the Senate forthwith?, **Rep. Colburn of Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House suspend its rules to message our actions to the Senate forthwith?, was decided in the negative. Yeas, 99. Nays, 42. [House Rule 91.]

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Pajala of Londonderry
Anthony of Barre City	Goldman of Rockingham	Partridge of Windham
Arrison of Weathersfield	Grad of Moretown	Patt of Worcester
Austin of Colchester	Hooper of Montpelier	Pearl of Danville
Bartholomew of Hartland	Hooper of Randolph	Pugh of South Burlington
Birong of Vergennes	Hooper of Burlington	Rachelson of Burlington
Black of Essex	Houghton of Essex	Redmond of Essex
Bluemle of Burlington	Howard of Rutland City	Rogers of Waterville
Bock of Chester	James of Manchester	Satcowitz of Randolph
Bongartz of Manchester	Jerome of Brandon	Scheu of Middlebury
Bos-Lun of Westminster	Jessup of Middlesex	Sheldon of Middlebury
Brady of Williston	Killacky of South Burlington	Sibilia of Dover
Briglin of Thetford	Kimbell of Woodstock	Sims of Craftsbury
Brown of Richmond	Kornheiser of Brattleboro	Small of Winooski
Brownell of Pownal	LaLonde of South	Squirrell of Underhill
Brumsted of Shelburne	Burlington	Stebbins of Burlington
Burke of Brattleboro	Lanpher of Vergennes	Stevens of Waterbury

Burrows of West Windsor	Lefebvre of Newark	Sullivan of Dorset
Campbell of St. Johnsbury	Leffler of Enosburgh	Surprenant of Barnard
Chase of Colchester	Lippert of Hinesburg	Taylor of Colchester
Christie of Hartford	Long of Newfane	Toleno of Brattleboro
Cina of Burlington	Masland of Thetford	Townsend of South
Coffey of Guilford	McCarthy of St. Albans City	Burlington
Colburn of Burlington	McCullough of Williston	Troiano of Stannard
Colston of Winooski	Morris of Springfield	Vyhovsky of Essex
Copeland Hanzas of	Mrowicki of Putney	Walz of Barre City
Bradford	Mulvaney-Stanak of	Webb of Shelburne
Corcoran of Bennington	Burlington	White of Bethel
Cordes of Lincoln	Murphy of Fairfax	White of Hartford
Dolan of Essex	Nicoll of Ludlow	Whitman of Bennington
Dolan of Waitsfield	Nigro of Bennington	Wood of Waterbury
Donnally of Hyde Park	Notte of Rutland City	Yacovone of Morristown
Durfee of Shaftsbury	Noyes of Wolcott	Yantachka of Charlotte
Elder of Starksboro	O'Brien of Tunbridge	
Emmons of Springfield	Ode of Burlington	

Those who voted in the negative are:

Achey of Middletown	Harrison of Chittenden	Palasik of Milton
Springs	Higley of Lowell	Parsons of Newbury
Beck of St. Johnsbury	LaClair of Barre Town	Peterson of Clarendon
Burditt of West Rutland	Lefebvre of Orange	Rosenquist of Georgia
Canfield of Fair Haven	Marcotte of Coventry	Savage of Swanton
Cupoli of Rutland City	Martel of Waterford	Scheuermann of Stowe
Dickinson of St. Albans	Martin of Franklin	Seymour of Sutton
Town	Mattos of Milton	Shaw of Pittsford
Donahue of Northfield	McCoy of Poultney	Smith of Derby
Fagan of Rutland City	McFaun of Barre Town	Smith of New Haven
Feltus of Lyndon	Morgan, L. of Milton	Strong of Albany
Goslant of Northfield	Morgan, M. of Milton	Terenzini of Rutland Town
Graham of Williamstown	Norris of Sheldon	Toof of St. Albans Town
Gregoire of Fairfield	Norris of Shoreham	Williams of Granby
Hango of Berkshire	Page of Newport City	

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

Batchelor of Derby	Helm of Fair Haven	Morrissey of Bennington
Brennan of Colchester	Kitzmilller of Montpelier	Till of Jericho
Conlon of Cornwall	McCormack of Burlington	

**Amendments to Proposal of Amendment Offered; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 15

Senate bill, entitled

An act relating to correcting defective ballots

Was taken up, and pending third reading of the bill, **Rep. Toof of St. Albans Town** moved to amend the House proposal of amendment by striking out Sec. 3, 17 V.S.A. § 2680, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. 17 V.S.A. § 2680 is amended to read:

§ 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

(a) Application. Unless specifically required by statute, the provisions of the Australian ballot system shall not apply to the annual or special meeting of a municipality unless that municipality, at its annual meeting or at a special meeting called for that purpose, votes to have them apply.

* * *

(f) Presiding officer. The presiding officer for any election or part of an election using the Australian ballot system shall be the town clerk or as otherwise provided in section 2452 of this title.

(g) Early and absentee voting.

(1) Early and absentee voting for elections held on or before January 1, 2024. At the time the Australian ballots for an election held on or before January 1, 2024 are available, which shall be not less than 20 days before the election, early and absentee voting shall be permitted in accordance with chapter 51, subchapter 6 of this title.

(A) The legislative body of a town, city, or village may vote to mail a ballot to all active registered voters in the town, city, or village.

(B) A school board may, after receiving the approval of the legislative body of each member town in the district, vote to mail its annual meeting ballot to all active registered voters in the district. In such case, the town clerk and election officials in the member towns shall be responsible for the mailing of the ballots, but all costs associated with the mailing of ballots shall be borne by the school district.

(C) Ballots shall be mailed not less than 20 days before the election or as soon as they are available.

(D) The mailing of ballots shall be conducted to the extent practicable in accordance with chapter 51, subchapter 6 of this title.

(2) Early and absentee voting for elections held after January 1, 2024. At the time the Australian ballots for an election held after January 1, 2024 are available, which shall be not less than 20 days before the election, early and

absentee voting shall be permitted in accordance with chapter 51, subchapter 6 of this title.

(A) The municipal legislative body shall require the municipal clerk to mail to all of the active registered voters in the municipality the Australian ballot to be used at the annual municipal or special municipal meeting.

(B) Ballots shall be mailed not less than 20 days before the election or as soon as they are available.

(C) The mailing of ballots shall be conducted to the extent practicable in accordance with chapter 51, subchapter 6 of this title.

~~(g)~~(h) Hearing.

(1) Whenever a municipality has voted to adopt the Australian ballot system of voting on any public question or budget, except the budget revote as provided in subsection (c) of this section, the legislative body shall hold a public informational hearing on the question by posting warnings at least 10 days in advance of the hearing in at least two public places within the municipality and in the town clerk's office.

* * *

Pending the question, Shall the House amend its proposal of amendment as offered by Rep. Toof of St. Albans Town?, **Rep. Mattos of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House amend its proposal of amendment as offered by Rep. Toof of St. Albans Town?, was decided in the negative. Yeas, 35. Nays, 106.

Those who voted in the affirmative are:

Achey of Middletown Springs	LaClair of Barre Town	Peterson of Clarendon
Burditt of West Rutland	Lefebvre of Orange	Rosenquist of Georgia
Canfield of Fair Haven	Leffler of Enosburgh	Savage of Swanton
Cupoli of Rutland City	Marcotte of Coventry	Scheuermann of Stowe
Dickinson of St. Albans Town	Martel of Waterford	Seymour of Sutton
Fagan of Rutland City	Martin of Franklin	Shaw of Pittsford
Goslant of Northfield	Mattos of Milton	Smith of Derby
Gregoire of Fairfield	McFaun of Barre Town	Smith of New Haven
Hango of Berkshire	Morgan, L. of Milton	Strong of Albany
Harrison of Chittenden	Morgan, M. of Milton	Toof of St. Albans Town
Higley of Lowell	Norris of Sheldon	Williams of Granby
	Page of Newport City	
	Palasik of Milton	

Those who voted in the negative are:

Ancel of Calais	Feltus of Lyndon	Ode of Burlington
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Anthony of Barre City	Gannon of Wilmington	Pajala of Londonderry
Arrison of Weathersfield	Goldman of Rockingham	Parsons of Newbury
Austin of Colchester	Grad of Moretown	Partridge of Windham
Bartholomew of Hartland	Graham of Williamstown	Patt of Worcester
Beck of St. Johnsbury	Hooper of Montpelier	Pearl of Danville
Birong of Vergennes	Hooper of Burlington	Pugh of South Burlington
Black of Essex	Houghton of Essex	Rachelson of Burlington
Bluemle of Burlington	Howard of Rutland City	Redmond of Essex
Bock of Chester	James of Manchester	Rogers of Waterville
Bongartz of Manchester	Jerome of Brandon	Satcowitz of Randolph
Bos-Lun of Westminster	Jessup of Middlesex	Scheu of Middlebury
Brady of Williston	Killacky of South Burlington	Sheldon of Middlebury
Briglin of Thetford	Kimbell of Woodstock	Sibilia of Dover
Brown of Richmond	Kitzmiller of Montpelier	Sims of Craftsbury
Brownell of Pownal	Kornheiser of Brattleboro	Small of Winooski
Brumsted of Shelburne	LaLonde of South Burlington	Squirrell of Underhill
Burke of Brattleboro	Lanpher of Vergennes	Stebbins of Burlington
Burrows of West Windsor	Lefebvre of Newark	Stevens of Waterbury
Campbell of St. Johnsbury	Lippert of Hinesburg	Sullivan of Dorset
Chase of Colchester	Long of Newfane	Surprenant of Barnard
Christie of Hartford	Masland of Thetford	Taylor of Colchester
Cina of Burlington	McCarthy of St. Albans City	Till of Jericho
Coffey of Guilford	McCormack of Burlington	Toleno of Brattleboro
Colburn of Burlington	McCoy of Poultney	Townsend of South Burlington
Colston of Winooski	McCullough of Williston	Troiano of Stannard
Copeland Hanzas of Bradford	Morris of Springfield	Vyhovsky of Essex
Corcoran of Bennington	Mrowicki of Putney	Walz of Barre City
Cordes of Lincoln	Mulvaney-Stanak of Burlington	Webb of Shelburne
Dolan of Essex	Murphy of Fairfax	White of Bethel
Dolan of Waitsfield	Nicoll of Ludlow	White of Hartford
Donahue of Northfield	Nigro of Bennington	Whitman of Bennington
Donnally of Hyde Park	Norris of Shoreham	Wood of Waterbury
Durfee of Shaftsbury	Notte of Rutland City	Yacovone of Morristown
Elder of Starksboro	Noyes of Wolcott	Yantachka of Charlotte
Emmons of Springfield		

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

Batchelor of Derby	Helm of Fair Haven	O'Brien of Tunbridge
Brennan of Colchester	Hooper of Randolph	Terenzini of Rutland Town
Conlon of Cornwall	Morrissey of Bennington	

Thereupon, pending third reading of the bill, **Rep. McCarthy of St. Albans City** moved to amend the House proposal of amendment as follows:

In Sec. 16, 17 V.S.A. § 2547, in subsection (d), in subdivision (1)(C), following “prior to the closing of the polls”, by inserting “if returned in person”

or by mail or prior to the close of business on the day before the election if returned electronically”

Which was agreed to.

Thereafter, pending third reading of the bill, **Reps. Strong of Albany, Brennan of Colchester, Hango of Berkshire, and Page of Newport City** moved to amend the House's proposal of amendment as follows:

First: By striking out Sec. 22a, appropriations; fiscal year 2022; funding source, in its entirety and inserting in lieu thereof a new Sec. 22a to read as follows:

Sec. 22a. [Deleted.]

Second: By striking out Sec. 23, effective date, and its reader assistance heading in their entirety and inserting in lieu thereof a new section to be Sec. 23 and a reader assistance heading to read as follows:

* * * Effective Dates * * *

Sec. 23. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 3, 4, 7, 8, 10, 14, 16, and 17 (sections relating to implementing universal vote by mail for general elections) shall take effect on July 1, 2023.

Pending the question, Shall the House amend its proposal of amendment as offered by Rep. Strong and others?, **Rep. Hango of Berkshire** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House amend its proposal of amendment as offered by Rep. Strong and others?, was decided in the negative. Yeas, 39. Nays, 99.

Those who voted in the affirmative are:

Achey of Middletown Springs	Harrison of Chittenden	Norris of Shoreham
Beck of St. Johnsbury	Higley of Lowell	Page of Newport City
Bock of Chester	LaClair of Barre Town	Palasik of Milton
Canfield of Fair Haven	Lefebvre of Newark	Parsons of Newbury
Cupoli of Rutland City	Lefebvre of Orange	Peterson of Clarendon
Dickinson of St. Albans Town	Marcotte of Coventry	Rosenquist of Georgia
Donahue of Northfield	Martel of Waterford	Savage of Swanton
Fagan of Rutland City	Martin of Franklin	Shaw of Pittsford
Feltus of Lyndon	Mattos of Milton	Smith of Derby
Goslant of Northfield	McCoy of Poultney	Smith of New Haven
Graham of Williamstown	McFaun of Barre Town	Strong of Albany
Hango of Berkshire	Morgan, L. of Milton	Toof of St. Albans Town
	Morgan, M. of Milton	Williams of Granby
	Norris of Sheldon	

Those who voted in the negative are:

Ancel of Calais	Emmons of Springfield	Partridge of Windham
Anthony of Barre City	Gannon of Wilmington	Pearl of Danville
Arrison of Weathersfield	Goldman of Rockingham	Pugh of South Burlington
Austin of Colchester	Grad of Moretown	Rachelson of Burlington
Bartholomew of Hartland	Hooper of Montpelier	Redmond of Essex
Birong of Vergennes	Hooper of Burlington	Rogers of Waterville
Black of Essex	Houghton of Essex	Satcowitz of Randolph
Bluemle of Burlington	Howard of Rutland City	Scheu of Middlebury
Bongartz of Manchester	James of Manchester	Seymour of Sutton
Bos-Lun of Westminster	Jerome of Brandon	Sheldon of Middlebury
Brady of Williston	Jessup of Middlesex	Sibilia of Dover
Briglin of Thetford	Killacky of South Burlington	Sims of Craftsbury
Brown of Richmond	Kimbell of Woodstock	Small of Winooski
Brownell of Pownal	Kitzmiller of Montpelier	Squirrell of Underhill
Brumsted of Shelburne	Kornheiser of Brattleboro	Stebbins of Burlington
Burditt of West Rutland	LaLonde of South	Stevens of Waterbury
Burke of Brattleboro	Burlington	Sullivan of Dorset
Burrows of West Windsor	Lanpher of Vergennes	Surprenant of Barnard
Campbell of St. Johnsbury	Leffler of Enosburgh	Taylor of Colchester
Chase of Colchester	Lippert of Hinesburg	Till of Jericho
Christie of Hartford	Long of Newfane	Toleno of Brattleboro
Cina of Burlington	Masland of Thetford	Townsend of South
Coffey of Guilford	McCarthy of St. Albans City	Burlington
Colburn of Burlington	McCullough of Williston	Troiano of Stannard
Colston of Winooski	Morris of Springfield	Vyhovsky of Essex
Conlon of Cornwall	Mrowicki of Putney *	Walz of Barre City
Copeland Hanzas of	Mulvaney-Stanak of	Webb of Shelburne
Bradford	Burlington	White of Bethel
Corcoran of Bennington	Murphy of Fairfax	White of Hartford
Cordes of Lincoln	Nicoll of Ludlow	Whitman of Bennington
Dolan of Essex	Nigro of Bennington	Wood of Waterbury
Dolan of Waitsfield	Notte of Rutland City	Yacovone of Morristown
Donnally of Hyde Park	Noyes of Wolcott	Yantachka of Charlotte
Durfee of Shaftsbury	Ode of Burlington	
Elder of Starksboro	Pajala of Londonderry	

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

Batchelor of Derby	Hooper of Randolph	Patt of Worcester
Brennan of Colchester	McCormack of Burlington	Scheuermann of Stowe
Gregoire of Fairfield	Morrissey of Bennington	Terenzini of Rutland Town
Helm of Fair Haven	O'Brien of Tunbridge	

Rep. Mrowicki of Putney explained his vote as follows:

“Madam Speaker:

I vote against this amendment because I trust Vermonters to do the right thing. If facts arise that tell me otherwise, I'm ready to take a look at that but I'm not ready to get caught up in national fallacies that our elections are not secure. I'm not ready to tell Vermonters that I don't trust them because of what other states are doing as they pass bills that promote voter suppression, especially of BIPOC Americans. I vote no as I trust Vermonters, especially when it comes to our elections.”

Thereupon, the bill was read a third time and passed in concurrence with proposal of amendment.

Message from the Senate No. 59

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

Madam Speaker:

I am directed to inform the House that:

The Senate has considered House proposals of amendment to Senate bills of the following titles:

S. 20. An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products.

S. 86. An act relating to miscellaneous changes to laws related to vehicles and vessels.

And has concurred therein.

The Senate has considered a bill originating in the House of the following title:

H. 227. An act relating to approval of amendments to the charter of the City of Winooski.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

H. 360. An act relating to accelerated community broadband deployment.

H. 420. An act relating to miscellaneous agricultural subjects.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 2. Joint resolution sincerely apologizing and expressing sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices.

And has adopted the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

Adjournment

At four o'clock and eight minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.