Journal of the Senate

TUESDAY, APRIL 4, 2023

The Senate was called to order by the President.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Message from the House No. 38

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 276. An act relating to creating a rental housing registry.

H. 479. An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

H. 483. An act relating to the accountability and oversight of approved independent schools that are eligible to receive public tuition.

H. 486. An act relating to school construction.

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

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

H.C.R. 71. House concurrent resolution recognizing the economic significance of Benefit Corporations in Vermont.

H.C.R. 72. House concurrent resolution congratulating the Boys & Girls Clubs of Vermont's 2023 Youth of the Year honorees.

H.C.R. 73. House concurrent resolution congratulating the West Rutland High School Golden Horde girls' basketball team on winning a second consecutive Division IV championship.

H.C.R. 74. House concurrent resolution congratulating former Mt. Anthony Union High School Patriots' basketball coach Dave Fredrickson on his induction into the Vermont Sports Hall of Fame.

H.C.R. 75. House concurrent resolution congratulating the Mt. Anthony Union High School Patriots on winning a second consecutive Division I boys Nordic skiing championship.

H.C.R. 76. House concurrent resolution designating April 6, 2023 as Alzheimer's Awareness Day at the State House.

H.C.R. 77. House concurrent resolution congratulating the 2023 Mt. Anthony Union High School Patriots on winning their 34th consecutive State wrestling championship.

H.C.R. 78. House concurrent resolution commemorating the bicentennial of the establishment of Concord Academy.

H.C.R. 79. House concurrent resolution recognizing April 5, 2023 as Start by Believing Day in Vermont.

H.C.R. 80. House concurrent resolution congratulating Cersosimo Industries Inc. on its 75th anniversary.

H.C.R. 81. House concurrent resolution designating April 4, 2023 as Youth and Young Adult Mental Health Day in Vermont.

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

Bill Referred to Committee on Rules

S. 79.

Senate bill of the following title, appearing on the Calendar for notice, under Temporary Rule 44A, was referred to the Committee on Rules:

An act relating to limitations on hospital liens.

Bill Referred to Committee on Finance

H. 53.

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

An act relating to driver's license suspensions.

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 22.

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Baruth,

J.R.S. 22. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 7, 2023, it be to meet again no later than Tuesday, April 11, 2023.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 143.

By Senator Ram Hinsdale,

An act relating to miscellaneous changes to civil rights reforms, law enforcement activity, and correctional services.

To the Committee on Judiciary.

S. 144.

By Senator Chittenden,

An act relating to increased notice and communication in school harassment, hazing, and bullying prevention policies and procedures.

To the Committee on Education.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 276.

An act relating to creating a rental housing registry.

To the Committee on Economic Development, Housing and General Affairs.

H. 479.

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

To the Committee on Transportation.

H. 483.

An act relating to the accountability and oversight of approved independent schools that are eligible to receive public tuition.

To the Committee on Education.

H. 486.

An act relating to school construction.

To the Committee on Education.

Bill Amended; Third Reading Ordered

S. 135.

Senate committee bill entitled:

An act relating to the establishment of VT Saves.

Having appeared on the Calendar for notice for one day, was taken up.

Senator Brock, for Committee on Finance, to which the bill was referred, recommended the bill ought to pass.

Senator Perchlik, for the Committee on Appropriations, to which the bill was referred, recommended the bill be amended as follows:

First: In Sec. 2, VT Saves; implementation, in subsection (a), in the first sentence, by striking out "The" and inserting in lieu thereof Subject to an appropriation from the General Assembly, the

Second: By striking out Sec. 3, VT Saves; FY 2024; appropriations, in its entirety and by renumbering the remaining sections to be numerically correct.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Third Reading Ordered

H. 28.

Senator Norris, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to diversion and expungement.

Reported that the bill ought to passage in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 25.

Senator Williams, for the Committee on Health and Welfare, to which was referred Senate bill entitled:

An act relating to regulating cosmetic and menstrual products containing certain chemicals and chemical classes and textiles and athletic turf fields containing perfluoroalkyl and polyfluoroalkyl substances.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Chemicals in Cosmetic and Menstrual Products * * *

Sec. 1. 18 V.S.A. chapter 36 is added to read:

CHAPTER 36. CHEMICALS IN COSMETIC AND MENSTRUAL PRODUCTS

§ 1721. DEFINITIONS

As used in this chapter:

(1) "Bisphenols" means any member of a class of industrial chemicals that contain two hydroxyphenyl groups. Bisphenols are used primarily in the manufacture of polycarbonate plastic and epoxy resins.

(2) "Cosmetic product" means articles or a component of articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, promoting attractiveness, or improving or altering appearance, including those intended for use by professionals. "Cosmetic product" does not mean soap, dietary supplements, or food and drugs approved by the U.S. Food and Drug Administration.

(3) "Formaldehyde releasing agent" means a chemical that releases formaldehyde.

(4) "Intentionally added" means the addition of a chemical in a product that serves an intended function in the product component.

(5) "Manufacturer" means any person, firm, association, partnership, corporation, organization, joint venture, importer, or domestic distributor of a cosmetic or menstrual product. As used in this subdivision, "importer" means the owner of the product.

(6) "Menstrual product" means a product used to collect menstruation and vaginal discharge, including tampons, pads, sponges, menstruation underwear, disks, applicators, and menstrual cups, whether disposable or

reusable.

(7) "Ortho-phthalates" means any member of the class of organic chemicals that are esters of phthalic acid containing two carbon chains located in the ortho position.

(8) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(9) "Professional" means a person granted a license pursuant to 26 V.S.A. chapter 6 to practice in the field of barbering, cosmetology, manicuring, or esthetics.

§ 1722. PROHIBITED CHEMICALS IN COSMETIC AND MENSTRUAL PRODUCTS

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State any cosmetic or menstrual product to which the following chemicals or chemical classes have been intentionally added in any amount:

(1) Ortho-phthalates;

(2) PFAS;

(3) Formaldehyde (CAS 50-00-0) and formaldehyde releasing agents;

(4) Methylene glycol (CAS 463-57-0);

(5) Mercury and mercury compounds (CAS 7439-97-6);

(6) 1, 4-dioxane (CAS 123-91-1);

(7) Isopropylparaben (CAS 4191-73-5);

(8) Isobutylparaben (CAS 4247-02-3);

(9) Lead and lead compounds (CAS 7439-92-1);

(10) Asbestos;

(11) Aluminum salts;

(12) Triclosan (CAS 3380-34-5);

(13) m-phenylenediamine and its salts (CAS 108-42-5); and

(14) o-phenylenediamine and its salts (CAS 95-54-5).

(b) A cosmetic or menstrual product made through manufacturing processes intended to comply with this chapter and containing a technically unavoidable trace quantity of a chemical or chemical class listed in subsection

(a) of this section shall not be in violation of this chapter on account of the trace quantity where it is the result of:

(1) natural or synthetic ingredients;

(2) the manufacturing process;

(3) storage; or

(4) migration from packaging.

(c) The manufacturer of a cosmetic or menstrual product containing 1,4 dioxane, lead, lead compounds, or any combination of these chemicals may apply to the Department of Health for a one-year waiver from subsection (a) of this section. The Department shall only approve a waiver application in which the manufacturer submits evidence that the manufacturer has taken steps to reduce the presence of 1,4 dioxane, lead, lead compounds, or any combination of these chemicals in the cosmetic or menstrual product and is still unable to comply with subsection (a) of this section. The Department shall not approve more than two one-year waiver applications for a particular product.

§ 1723. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

Sec. 2. COMMUNITY ENGAGEMENT PLAN

On or before December 1, 2024, the Department of Health shall develop, adopt, and submit a community engagement plan to the Senate Committee on Health and Welfare and to the House Committee on Human Services related to the enactment of 18 V.S.A. chapter 36. The community engagement plan shall:

(1) identify cosmetic products marketed to individuals who are Black, Indigenous, or Persons of Color that contain potentially harmful ingredients;

(2) direct outreach to provide culturally appropriate education concerning harmful ingredients used in cultural and other cosmetic products, prioritizing engagement with vulnerable populations;

(3) make recommendations for priority chemicals or products to be regulated; and

(4) include methods for outreach and communication with those who face barriers to participation, such as language.

* * * PFAS in Textiles * * *

Sec. 3. 18 V.S.A. chapter 33C is amended to read:

CHAPTER 33C. PFAS IN SKI WAX AND TEXTILES

§ 1691. DEFINITIONS

As used in this chapter:

(1) "Apparel" means any of the following:

(A) Clothing items intended for regular wear or formal occasions, including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear, formal wear, onesies, bibs, diapers, footwear, and everyday uniforms for workwear. Clothing items intended for regular wear or formal occasions does not include clothing items for exclusive use by the U.S. Armed Forces, outdoor apparel for severe wet conditions, and personal protective equipment.

(B) Outdoor apparel.

(2) "Department" means the Department of Health.

~~(2)~~(3) "Intentionally added" means the addition of a chemical in a product that serves an intended function in the product component.

(4) "Outdoor apparel" means clothing items intended primarily for outdoor activities, including hiking, camping, skiing, climbing, bicycling, and fishing.

(5) "Outdoor apparel for severe wet conditions" means outdoor apparel that are extreme and extended use products designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from snow, in order to protect the health and safety of the user and that are not marketed for general consumer use. Examples of extreme and extended use products include outerwear for offshore fishing, offshore sailing, whitewater kayaking, and mountaineering.

~~(3)~~(6) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning as in section 1661 of this title.

(7) "Personal protective equipment" has the same meaning as in section 1661 of this title.

(8) "Regulated perfluoroalkyl and polyfluoroalkyl substances" or

"regulated PFAS" means:

(A) PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product; or

(B) the presence of PFAS in a product or product component at or above 100 parts per million, as measured in total organic fluorine.

~~(4)~~(9) "Ski wax" means a lubricant applied to the bottom of snow runners, including skis and snowboards, to improve their grip and glide properties.

(10) "Textile" means any item made in whole or part from a natural, manmade, or synthetic fiber, yarn, or fabric, and includes leather, cotton, silk, jute, hemp, wool, viscose, nylon, or polyester. "Textile" does not include single-use paper hygiene products, including toilet paper, paper towels, tissues, or single-use absorbent hygiene products.

(11) "Textile articles" means textile goods of a type customarily and ordinarily used in households and businesses, and includes apparel, accessories, handbags, backpacks, draperies, shower curtains, furnishings, upholstery, bedding, towels, napkins, and table cloths. "Textile articles" does not include:

(A) a vehicle, as defined in 1 U.S.C. § 4, or its component parts;

(B) a vessel, as defined in 1 U.S.C. § 3, or its component parts;

(C) an aircraft, as defined in 49 U.S.C. § 40102(a)(6), or its component parts;

(D) filtration media and filter products used in industrial applications, including chemical or pharmaceutical manufacturing and environmental control technologies; and

(E) textile articles used for laboratory analysis and testing.

§ 1692. SKI WAX

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State ski wax or related tuning products to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

§ 1692a. TEXTILES

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a textile or textile article to which regulated PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

§ 1693. CERTIFICATE OF COMPLIANCE

The Attorney General may request a certificate of compliance from a manufacturer of ski wax, textiles, or textile articles. Within 30 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this chapter; or

(2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

§ 1694. RULEMAKING

Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

§ 1695. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

Sec. 3a. 18 V.S.A. § 1691(8) is amended to read:

(8) "Regulated perfluoroalkyl and polyfluoroalkyl substances" or "regulated PFAS" means:

(A) PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or

technical effect in the product; or

(B) the presence of PFAS in a product or product component at or above ~~100~~ 50 parts per million, as measured in total organic fluorine.

Sec. 3b. 18 V.S.A. § 1691 is amended to read:

§ 1691. DEFINITIONS

As used in this chapter:

(1) "Apparel" means any of the following:

(A) Clothing items intended for regular wear or formal occasions, including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear, formal wear, onesies, bibs, diapers, footwear, and everyday uniforms for workwear. Clothing items intended for regular wear or formal occasions does not include clothing items for exclusive use by the U.S. Armed Forces~~, outdoor apparel for severe wet conditions,~~ and personal protective equipment.

(B) Outdoor apparel.

(C) Outdoor apparel for severe wet conditions.

* * *

* * * PFAS in Turf Fields * * *

Sec. 4. 18 V.S.A. chapter 33D is added to read:

CHAPTER 33D. PFAS IN ATHLETIC TURF FIELDS

§ 1696. DEFINITIONS

As used in this chapter:

(1) "Athletic turf field" means an artificial or synthetic recreation area used for competitive outdoor sports that is owned or operated by a public or private postsecondary education institution that operates in Vermont.

(2) "Department" means the Department of Health.

(3) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning as in section 1661 of this title.

§ 1697. ATHLETIC TURF FIELDS

A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State an athletic turf field containing PFAS. This section shall not apply to the sale of athletic turf fields that have already been approved by voters prior to July 1, 2023.

§ 1698. CERTIFICATE OF COMPLIANCE

The Attorney General may request a certificate of compliance from a manufacturer of an athletic turf field. Within 30 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this chapter; or

(2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

§ 1699. RULEMAKING

Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

§ 1699a. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

Sec. 5. REPORT; MANAGEMENT OF PFAS ACROSS PRODUCT CATEGORIES

On or before November 15, 2023, the Department of Environmental Conservation, in consultation with the Department of Health, shall submit a report to the House Committee on Human Services and the Senate Committee on Health and Welfare containing recommendations on how to more comprehensively manage perfluoroalkyl and polyfluoroalkyl substances and other toxic chemicals by chemical class across a range of product categories.

* * * Effective Dates * * *

Sec. 6. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that:

(1) Sec. 1 (chemicals in cosmetic and menstrual products) and Sec. 3

(PFAS in ski wax and textiles) shall take effect on January 1, 2025.

(2) Sec. 3a (18 V.S.A. § 1691(8)) shall take effect on July 1, 2027.

(3) Sec. 3b (definitions) shall take effect on July 1, 2028.

And that when so amended the bill ought to pass.

Senator Bray, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass when so amended.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to and third reading of the bill was ordered.

Consideration Resumed; Bill Amended; Third Reading Ordered

S. 60.

Consideration was resumed on Senate bill entitled:

An act relating to local option taxes.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Finance?, Senators Brock, Bray, Chittenden, Cummings, MacDonald and McCormack moved to amend the recommendation of amendment of the Committee on Finance by striking out all after "by striking out Sec. 2 (confidentiality of tax records) in its entirety" and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. VALIDATION OF 2022 LOCAL OPTION TAX VOTES

The General Assembly authorizes a municipality to assess any local option tax that was approved by the voters, pursuant to 24 V.S.A. § 138, at the municipality's 2022 annual municipal meeting.

And by renumbering the remaining section to be numerically correct.

Which was agreed to.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Finance, as amended? was agreed to and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 80.

Senator Bray, for the Committee on Natural Resources and Energy, to which was referred Senate bill entitled:

An act relating to miscellaneous environmental conservation subjects.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Dam Registration and Design Standards * * *

Sec. 1. 2018 Acts and Resolves No. 161, Sec. 2 is amended to read:

Sec. 2. DAM REGISTRATION PROGRAM REPORT

On or before January 1, ~~2023~~ 2025, the Department of Environmental Conservation shall submit a report to the House Committees on ~~Natural Resources, Fish, and Wildlife~~ Environment and Energy and on Ways and Means and the Senate Committees on Natural Resources and Energy and on Finance. The report shall contain:

(1) an evaluation of the dam registration program under 10 V.S.A. chapter 43;

(2) a recommendation on whether to modify the fee structure of the dam registration program;

(3) a summary of the dams registered under the program, organized by amount of water impounded and hazard potential classification; and

(4) an evaluation of any other dam safety concerns related to dam registration.

Sec. 2. 2018 Acts and Resolves No. 161, Sec. 3 is amended to read:

Sec. 3. ADOPTION OF RULES

The Secretary of Natural Resources shall adopt the rules required under 10 V.S.A. § 1110 as follows:

(1) the rules required under 10 V.S.A. § 1110(1) (exemptions), § 1110(3) (emergency action plan), § 1110(4) (hazard potential classification), § 1110(5) (dam registration), and § 1110(6) (dam inspection) shall be adopted on or before July 1, 2020; and

(2) the rules required under 10 V.S.A. § 1110(2) (dam design standards) shall be adopted on or before July 1, ~~2022~~ 2024.

* * * Public Waters; Encroachment * * *

Sec. 3. 29 V.S.A. § 402(7) is amended to read:

(7) "Public waters" means navigable waters excepting those waters in private ponds and private preserves as set forth in 10 V.S.A. ~~chapter 119~~ § 1442.

* * * Salvage Yards * * *

Sec. 4. 24 V.S.A. § 2248(d) is amended to read:

(d) No person may deliver salvage vehicles to or operate a mobile salvage vehicle crusher at a salvage yard that does not hold a certificate of registration under this subchapter. A salvage yard holding a certificate of registration under this subchapter shall post a copy of its current certificate in a clearly visible location in the proximity of each entrance to the salvage yard. Notwithstanding any other provision of law to the contrary, a salvage yard that does not hold a certificate of registration under this subchapter may operate a mobile salvage vehicle crusher with a liquids collection system, in accordance with the rules adopted under this subchapter for vehicle crushing, for the purpose of closing the salvage yard after first notifying the Secretary in writing of the intent to close the salvage yard.

* * * Water Quality Financing; State Revolving Loan Funds * * *

Sec. 5. 24 V.S.A. § 4753 is amended to read:

§ 4753. REVOLVING LOAN FUNDS; AUTHORITY TO SPEND; REPORT

(a) There is hereby established a series of special funds to be known as:

(1) The Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund, which shall be used, consistent with federal law, to provide loans for planning and construction of clean water projects, including acquisitions of project-related easements, land, options to purchase land, and temporary or permanent rights-of-way, and for implementing related management programs.

* * *

(10) The Vermont Wastewater and Potable Water Revolving Loan Fund, which shall be used to provide loans to individuals, in accordance with section 4763b of this title, for the design and construction of repairs to or replacement of wastewater systems and potable water supplies when the wastewater system or potable water supply is a failed system or supply as defined in 10 V.S.A. § 1972, or when a designer demonstrates that the wastewater system or potable water supply has a high probability of failing. The amount of up to $275,000.00 from the fees collected pursuant to 3 V.S.A. § 2822(j)(4) or from the Fund established in subdivision (1) of this subsection, or a combination of both, shall be deposited into this Fund at the beginning of each fiscal year to ensure a minimum balance of available funds of $275,000.00 exists for each fiscal year.

(b)(1) Each of such funds shall be established and held separate and apart from any other funds or monies of the State and shall be used and administered

exclusively for the purpose of this chapter with the exception of transferring funds from the Vermont Drinking Water Planning Loan Fund and the Vermont Drinking Water Source Protection Fund to the Vermont Environmental Protection Agency (EPA) Drinking Water State Revolving Fund, and from the Vermont Pollution Control Revolving Fund to the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund, when authorized by the Secretary.

(2) These funds shall be administered by the Bond Bank on behalf of the State, except that:

(A) the Vermont EPA Drinking Water State Revolving Fund and the Vermont Drinking Water Planning Loan Fund shall be administered by VEDA concerning loans to privately owned public water systems in accordance with subchapter 3 of this chapter;

(B) the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund shall be administered by VEDA concerning loans to private entities for clean water projects in accordance with subchapter 4 of this chapter; and

(C) the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund and the Vermont Wastewater and Potable Water Revolving Loan Fund may be administered by a community development financial institution, as that term is defined in 12 U.S.C. § 4702, that is contracted with by the State for the purpose of providing loans to individuals ~~for failed wastewater systems and potable water supplies~~ in accordance with section 4763b of this chapter.

* * *

Sec. 6. 24 V.S.A. chapter 120, subchapter 2 is amended to read:

Subchapter 2. ~~Municipal~~ Loans to Municipalities and Individuals

* * *

§ 4757. REVOLVING LOAN FUNDS; ADDITIONAL USES

In addition to providing a source of funds from which loans may be made to municipalities under this chapter, each fund created under section 4753 of this chapter may be used for one or more of the following purposes:

(1) To make loans, to refund bonds or notes of a municipality issued after March 7, 1985 for sewerage works, or after July 1, 1993 for water supply systems for the purpose of financing the construction of any capital improvements or management program described in section 4753 and certified under section 4756 of this title.

(2) To guarantee or insure, directly or indirectly, the payment of notes or bonds issued or to be issued by a municipality for the purpose of financing the construction of any capital improvement or management program described in section 4754 of this title and certified under section 4756.

(3) To guarantee or insure, directly or indirectly, funds established by municipalities for the purpose of financing construction of any capital improvement described in section 4754 of this title.

(4) To invest available fund balances, and to credit the net interest income thereon to the particular fund providing investment funds.

(5) To pay the costs of the Bond Bank, VEDA, and the agency associated with the administration of each fund; provided, however, that no more than four percent of the aggregate of the highest fund balances in any fiscal year shall be used for such purposes, and that a separate account be established outside the Drinking Water State Revolving Fund for such purposes. As used in this subsection, costs shall include fiscal, clerical, administrative, and issuance expenditures directly attributable and allocated to the maintenance implementation and administration of the loan funds created under this chapter.

(6) To pay from the Vermont Environmental Protection (EPA) Pollution Control Revolving Fund or the Vermont Wastewater and Potable Water Revolving Loan Fund the costs of administration of loans awarded under ~~subdivision 4753(a)(10)~~ section 4763b of this title.

* * *

§ 4763b. LOANS TO INDIVIDUALS FOR FAILED WASTEWATER SYSTEMS AND FAILED POTABLE WATER SUPPLIES

(a) Notwithstanding any other provision of law to the contrary, when the wastewater system or potable water supply serving only single-family and multifamily residences either meets the definition of a failed supply or system in 10 V.S.A. § 1972 or is demonstrated by a designer to have a high probability of failing, the Secretary of Natural Resources may lend monies to an owner of one or more of the residences from the Vermont Wastewater and Potable Water Revolving Loan Fund established in section 4753 of this title. In such cases, the following conditions shall apply:

(1) a loan may only be made to an owner with a household income equal to or less than 200 percent of the State average median household income;

(2) a loan may only be made to an owner who resides in one of the residences served by the failed supply or system on a year-round basis;

(3) ~~a loan may only be made to an owner who has been denied financing for the repair, replacement, or construction due to involuntary disconnection by at least one other financing entity;~~ [Repealed.]

(4) when the failed supply or system also serves residences owned by persons other than the loan applicant, a loan may only be made for an equitable share of the cost to repair or replace the failed supply or system that is determined through agreement of all of the owners of residences served by the failed system or supply;

(5) no construction loan shall be made to an individual under this subsection, nor shall any part of any revolving loan made under this subsection be expended, until all of the following take place:

(A) the Secretary of Natural Resources determines that if a wastewater system and potable water supply permit is necessary for the design and construction of the project to be financed by the loan, the permit has been issued to the owner of the failed system or supply; and

(B) the individual applying for the loan certifies to the Secretary of Natural Resources that the proposed project has secured all State and federal permits, licenses, and approvals necessary to construct and operate the project to be financed by the loan;

(6) all funds from the repayment of loans made under this section shall be deposited into the Vermont Wastewater and Potable Water Revolving Loan Fund.

(b) Notwithstanding any other provision of law to the contrary, when the wastewater system serving only single-family and multifamily residences either meets the definition of a failed system in 10 V.S.A. § 1972 or is demonstrated by a designer to have a high probability of failing, the Secretary of Natural Resources may lend monies to an owner of one or more of the residences from the Vermont Wastewater and Potable Water Revolving Loan Fund and capitalized by money that has been transferred from the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund pursuant to subdivision 4753(a)(10) of this title, provided that no State funds are used. In such cases, all of the following conditions shall apply:

(1) A loan may only be made to an owner with a household income equal to or less than 200 percent of the State average median household income.

(2) A loan may only be made to an owner who resides in one of the residences served by the failed system on a year-round basis.

(3) A loan may only be made to an owner who demonstrates sufficient

means to pay the principal and interest on the loan.

(4) A loan may only be made for a project that is a clean water project the Secretary has designated as a priority for receipt of financial assistance.

(5) When the failed system also serves residences owned by persons other than the loan applicant, a loan may only be made for an equitable share of the cost to repair or replace the failed system that is determined through agreement of all of the owners of residences served by the failed system.

(6) No construction loan shall be made to an individual under this subsection, nor shall any part of any revolving loan made under this subsection be expended, until all of the following take place:

(A) the Secretary of Natural Resources determines that if a wastewater system and potable water supply permit is necessary for the design and construction of the project to be financed by the loan, the permit has been issued to the owner of the failed system; and

(B) the individual applying for the loan certifies to the Secretary of Natural Resources that the proposed project has secured all State and federal permits, licenses, and approvals necessary to construct and operate the project to be financed by the loan.

(7) Loans shall be awarded at or below market interest rates.

(8) All funds from the repayment of loans made under this subsection shall be deposited into the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund.

(c) Loans awarded under this section:

(1) shall include a loan repayment schedule that commences not later than one year after completion of the funded project for which loan funds have been issued; and

(2) shall not be used for the operation and maintenance expenses, or laboratory fees for monitoring, of a wastewater system or potable water supply.

(d) The Secretary of Natural Resources shall establish standards, policies, and procedures as necessary for the implementation of this section. The Secretary may establish criteria to extend the payment period of a loan or to waive all or a portion of the loan amount.

* * *

Sec. 7. 2018 Acts and Resolves No. 185, Sec. 12 is amended to read:

Sec. 12. SUSPENSION OF PRIVATE LOANS FOR CLEAN WATER

PROJECTS

~~(a) Neither the Vermont Economic Development Authority (VEDA) nor the Secretary of Natural Resources shall accept, review, or act on any applications for loans to private entities under 24 V.S.A. chapter 120, subchapter 4 submitted after June 30, 2023. However, VEDA and the Secretary shall continue to review and act on initial applications submitted on or before June 30, 2023, as well as any amendments to timely initial applications.~~

~~(b)~~ It is the intent of the General Assembly that the private loans under 24 V.S.A. chapter 120, subchapter 4, the expansion of 24 V.S.A. chapter 120 to provide funding for natural resources projects, and the sponsorship program defined at 24 V.S.A. § 4752(18) shall all be reviewed during the 2023 legislative session.

* * * Clean Water Reporting * * *

Sec. 8. 10 V.S.A. § 1264(k) is amended to read:

(k) Report on treatment practices. ~~Report on treatment practices.~~ As part of the report required under section 1389a of this title, the Secretary annually shall report the following:

(1) whether the phosphorus load from new development permitted under this section by the Secretary in the Lake Champlain watershed in the previous ~~calendar~~ State fiscal year is achieving at least a 70 percent average phosphorus load reduction;

(2) the estimated total phosphorus load reduction from new development, redevelopment, and retrofit of impervious surface permitted under this section in the previous State fiscal year; and

(3) the number of projects and the percentage of projects as a whole that implemented Tier 1 stormwater treatment practices, Tier 2 stormwater treatment practices, or Tier 3 stormwater treatment practices in the previous State fiscal year.

Sec. 9. 10 V.S.A. § 1389a(b)(6) is amended to read:

(6) Beginning on January ~~2023~~ 2024, a summary of the administration of the grant programs established under sections 925–928 of this title, including whether these grant programs are adequately funding implementation of the Clean Water Initiative and whether the funding limits for the Water Quality Enhancement Grants under subdivision 1389(e)(1)(D) of this title should be amended to improve State implementation of the Clean Water Initiative.

Sec. 10. 2019 Acts and Resolves No. 76, Sec. 7 is amended to read:

Sec. 7. RECOMMENDATIONS ON NUTRIENT CREDIT TRADING

On or before July 1, ~~2022~~ 2024, the Secretary of Natural Resources, after consultation with the Clean Water Board, shall submit to the Senate Committees on Appropriations, on Natural Resources and Energy, and on Finance and the House Committees on Appropriations, on ~~Natural Resources, Fish, and Wildlife~~ Environment and Energy, and on Ways and Means recommendations regarding implementation of a market-based mechanism that allows the purchase of water quality credits by permittees under 10 V.S.A. chapter 47, and other entities. The report shall include information on the cost to develop and manage any recommended trading program.

* * * ANR Enforcement Practices * * *

Sec. 11. 10 V.S.A. § 1527 is amended to read:

§ 1527. PENALTY

A person who violates a provision of this chapter shall be fined ~~not more than $1,000.00 for each violation~~ in accordance with chapter 201 of this title.

Sec. 12. 10 V.S.A. § 6697 is amended to read:

§ 6697. CIVIL PENALTIES; WARNING

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

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

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

~~(3) be subject to a civil penalty of $100.00 for a third or subsequent offense~~ be fined in accordance with chapter 201 of this title.

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

Sec. 13. 24 V.S.A. § 2282 is amended to read:

§ 2282. PENALTY

A person who violates this subchapter shall be fined by the legislative body not less than $5.00 nor more than $50.00 for each day of the violation. A person who violates the requirements of this subchapter shall be fined by the Agency of Natural Resources in accordance with 10 V.S.A. chapter 201.

* * * Solid Waste Certification * * *

Sec. 14. 10 V.S.A. § 6605f(a) is amended to read:

(a) Disqualifying criteria. Any nongovernmental entity or person applying for a certification under section 6605, 6605a, or 6606 of this title, for interim certification under section 6605b of this title~~, or for a waste transportation permit under section 6607a of this title,~~ shall be denied certification or other authorization if the Secretary finds:

* * *

* * * DEC Procedural Requirements * * *

Sec. 15. 10 V.S.A. § 7716 is amended to read:

§ 7716. TYPE 5 PROCEDURES

(a) Purpose; scope.

(1) The purpose of this section is to establish the public notice and comment requirements that the Department must follow when issuing emergency permits and other permits listed in this section.

(2) The procedures under this section shall be known as Type 5 Procedures. This section shall govern each of the following:

* * *

(E) issuance of emergency sludge and septage disposal approvals under section 6605 of this title; ~~and~~

(F) shoreland registrations authorized under chapter 49A of this title; and

(G) issuance of authorization under the Construction General Permit or individual stormwater permits issued pursuant to chapter 47 of this title, for discharges of stormwater runoff related to emergency construction activities; emergency construction activities are those necessary to address imminent risk to life or a risk of damage to public or private property, including damage to lifeline infrastructure, as determined by the Secretary.

(b) Notice of final decision. The Secretary shall provide notice of the final decision through the environmental notice bulletin and shall post the decision to the bulletin.

Sec. 16. 29 V.S.A. § 405(d) is added to read:

(d) A permit issued pursuant to this section shall be effective on the date that is signed and issued to the applicant.

* * * Potable Water Supply * * *

Sec. 17. 10 V.S.A. § 1972(4) is amended to read:

(4)(A) "Failed supply" means a potable water supply:

(i) that has been found to exceed the standard set by the Secretary in rule for one or more of the following contaminants:

(I) total coliform;

(II) nitrates;

(III) nitrites;

(IV) arsenic; or

(V) uranium;

(ii) that the Secretary affirmatively determines as not potable, due to the presence of a contaminated site, a leaking underground storage tank, or other known sources of groundwater contamination or naturally occurring contaminants~~, and that information has been posted on the Agency of Natural Resources' website~~; or

(iii) the Secretary affirmatively determines to be failed due to the supply providing an insufficient quantity of water to maintain the usual and customary uses of a building or structure or campground~~, and that information has been posted on the Agency of Natural Resources' website~~.

(B) Notwithstanding the provisions of this subdivision, a potable water supply shall not be a failed supply if:

(i) these effects can be and are remedied solely by minor repairs, including the repair of a broken pipe leading from a building or structure to a well, the replacement of a broken pump, repair or replacement of a mechanical component, or deepening or hydrofracturing a well; or

(ii) these effects have lasted for only a brief period of time, the cause of the failure has been determined to be an unusual and nonrecurring event, and the supply has recovered from the state of failure. Supplies that have recurring, continuing, or seasonal failures shall be considered to be failed supplies.

(C) If a project is served by multiple potable water supplies, the failure of one supply will not require the issuance of a permit or permit amendment for any other supply that is not in a state of failure.

* * * Petroleum Cleanup Fund Assistance Program * * *

Sec. 18. 10 V.S.A. § 1941 is amended to read:

§ 1941. PETROLEUM CLEANUP FUND

* * *

(b) The Secretary may authorize disbursements from the Fund for the purpose of the cleanup and restoration of contaminated soil and groundwater caused by releases of petroleum, including aviation gasoline, from underground storage tanks and aboveground storage tanks, including air emissions for remedial actions, and for compensation of third parties for injury and damage caused by a release. This Fund shall be used for no other governmental purposes, nor shall any portion of the Fund ever be available to borrow from by any branch of government; it being the intent of the General Assembly that this Fund and its increments shall remain intact and inviolate for the purposes set out in this chapter. Disbursements under this section may be made only for uninsured costs incurred after January 1, 1987 and for which a claim is made prior to July 1, 2029 and judged to be in conformance with prevailing industry rates. This includes:

(1) Costs incurred by taking corrective action as directed by the Secretary for any release of petroleum into the environment from:

(A) An underground storage tank defined as a category one tank used for commercial purposes, provided disbursements on any site shall not exceed $1,240,000.00 and shall be made from the Motor Fuel Account, as follows:

(i) after the first $10,000.00 of the cleanup costs have been borne by the owners or operators of double-wall tank systems ~~used for commercial purposes~~ or single-wall tank systems that were either taken out of service or abandoned prior to July 1, 1985; and

(ii) ~~after the first $15,000.00 of cleanup costs have been borne by the owners or operators of combination tank systems, whether lined or unlined, used for commercial purposes, unless the system is a lined combination tank system that has been granted a five-year extension under subsection 1927(f) of this title;~~

~~(iii)~~ after the first $25,000.00 of cleanup costs have been borne by the owners or operators of lined combination tank systems that have been granted a five-year extension to operate under subsection 1927(f) of this title~~;~~

~~(iv) after the first $25,000.00 of cleanup costs have been borne by the owners or operators of single-wall tank systems used for commercial purposes~~.

(B) An underground motor fuel tank used for farming or residential purposes either after the first $250.00 of the cleanup costs have been borne by the owners or operators of tanks with a capacity equal to or less than 1,100

gallons ~~and used for farming or residential purposes~~, or after the first $1,000.00 of the cleanup costs have been borne by the owners or operators of tanks with capacities over 1,100 gallons. Disbursements on any site shall not exceed ~~$990,000.00~~ $1,000,000.00 and shall be made from the Motor Fuel Account.

(C) An underground heating fuel tank used for on-premises heating after the first $10,000.00 of the cleanup costs have been borne by the owners or operators of tanks with capacities over 1,100 gallons used for commercial purposes, or after the first $250.00 of the cleanup costs have been borne by the owners or operators of tanks with capacities equal to or less than 1,100 gallons used for commercial purposes, or after the first $250.00 of the cleanup costs have been borne by the owners or operators of residential and farm tanks. Disbursements on any site shall not exceed ~~$990,000.00~~ $1,000,000.00 and shall be made from the Heating Fuel Account.

(D) An aboveground storage tank site after the first $1,000.00 of the cleanup costs have been borne by the owners or operators of tanks used for commercial purposes, or after the first $250.00 of the cleanup costs have been borne by the owners or operators of residential and farm tanks. Disbursements under this subdivision (b)(1)(D) on any individual site shall not exceed ~~$25,000.00~~ $50,000.00. These disbursements shall be made from the Motor Fuel Account or Heating Fuel Account, depending upon the use or contents of the tank.

(E) A bulk storage aboveground motor fuel or heating fuel storage tank site after the first $10,000.00 of the cleanup costs have been borne by the owners or operators of tanks used for commercial purposes. Disbursements under this subdivision (b)(1)(E) on any individual site shall not exceed ~~$990,000.00~~ $1,000,000.00. These disbursements shall be made from the Motor Fuel Account.

(F) If a site is contaminated by petroleum releases from both heating fuel and motor fuel tanks, or where the source of the petroleum contamination has not been ascertained, the Secretary shall have the discretion to disburse funds from either the Heating Fuel or Motor Fuel Account, or both.

(2) Costs incurred in compensating third parties for bodily injury and property damage, as approved by the Secretary in consultation with the Commissioner of Financial Regulation, caused by release of petroleum from an underground category one storage tank into the environment from a site, up to $1 million, but shall not include payment of any punitive damages.

(3) Costs incurred in taking immediate corrective action to contain or mitigate the effects of any release of petroleum into the environment from an

underground storage tank or aboveground storage tank if, in the judgment of the Secretary, such action is necessary to protect the public health and the environment. The Secretary may seek reimbursement of the first $10,000.00 of the costs.

(4) The cost of corrective action up to $1 million for any release of petroleum into the environment from an underground storage tank or tanks:

(A) whose owner, in the judgment of the Secretary, is incapable of carrying out the corrective action; ~~or~~

(B) whose owner or operator cannot be determined; or

(C) [Repealed.]

(D) whose owner, in the judgment of the Secretary, is financially incapable of carrying out the corrective action in a timely manner.

(5) [Repealed.]

(6) The costs of creating and operating a risk retention pool authorized by section 1939 of this title, which costs are in excess of a reasonable contribution by participants, as determined by the Secretary with the advice of the Commissioner of Financial Regulation. The authority for disbursements under this subdivision shall terminate on June 1, 1992.

(7) Administrative and field supervision costs incurred by the Secretary in carrying out the provisions of this subchapter. Annual disbursements shall not exceed 10 percent of annual receipts.

(8) ~~The cost of initiating spill control procedures, removal actions, and remedial actions to clean up spills of oil and other petroleum products where the responsible party is unknown, cannot be contacted, is unwilling to take action, or does not take timely action that the Secretary considers necessary.~~ [Repealed.]

(c) The Secretary may authorize disbursements from the Fund for costs of initiating spill control procedures, removal actions, and remedial actions to clean up spills of oil and other petroleum products where the responsible party is unknown, cannot be contacted, is unwilling to take action, or does not take timely action that the Secretary considers necessary. The Secretary may seek reimbursement of the costs, including any costs determined to be covered by insurance.

(d) The Secretary may use up to one-half the amount deposited to the Motor Fuel Account of the Fund from the licensing fees assessed under section 1942 of this title to capitalize the Underground Motor Fuel Storage Tank Loan Assistance Program established by section 1944 of this title and the cost of

administering the Program. If the Secretary determines that a balance will remain after all qualifying loan applications have been satisfied, the unneeded balance may be used for cleanup. The Secretary may use the amount in the Heating Fuel Account of the Fund for purposes of funding measures related to heating oil and kerosene.

~~(d)~~(e) Disbursements from the Fund for cleanup costs incurred prior to passage shall be limited to uninsured costs.

~~(e)~~(f) The Secretary shall establish the Petroleum Cleanup Fund Advisory Committee that shall meet not less than annually to review receipts and disbursements from the Fund, to evaluate the effectiveness of the Fund in meeting its purposes and the reasonableness of the cost of cleanup and to recommend alterations and statutory amendments deemed appropriate. The Advisory Committee shall submit an annual report of its findings to the General Assembly on January 15 of each year. In its annual report, the Advisory Committee shall review the financial stability of the Fund, evaluate the implementation of assistance related to underground farm or residential heating fuel storage tanks and aboveground storage tanks, and the need for continuing assistance, and shall include recommendations for sustainable funding sources to finance the provision of that assistance. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. The membership of the Committee shall include the following or their designated representative:

(1) the Secretary of Natural Resources, who shall be chair;

(2) the Commissioner of Environmental Conservation;

(3) the Commissioner of Financial Regulation;

(4) a licensed gasoline distributor;

(5) a retail gasoline dealer;

(6) a representative of a statewide refining-marketing petroleum association;

(7) one member of the House to be appointed by the Speaker of the House;

(8) one member of the Senate to be appointed by the Committee on Committees;

(9) a licensed heating fuel dealer;

(10) a representative of a statewide heating fuel dealers' association; and

(11) a licensed real estate broker.

~~(f)~~(g) The Secretary may seek reimbursement to the Fund of cleanup expenditures only when the owner of the tank is in significant violation of ~~his or her~~ the owner's permit or rules, or when a required fee has not been paid for the tank from which the release occurred or, to the extent covered, when there is insurance coverage. When the Secretary has paid the first $10,000.00 of costs under subdivision (b)(4)(D) of this section, the Secretary may seek reimbursement of those costs.

~~(g)~~(h) The owner of a farm or residential heating fuel storage tank used for on-premises heating or an underground or aboveground heating fuel storage tank used for on-premises heating by a mobile home park resident, as defined in section 6201 of this title, who desires assistance to close, replace, or upgrade the tank or replace their heating fuel system with advanced wood heat or a heat pump may apply to the Secretary for such assistance. The financial assistance may be in the form of grants of up to~~: $2,000.00~~ $3,000.00 or the costs of closure, replacement, or upgrade, whichever is less, for an aboveground storage tank located inside a structure; up to ~~$3,000.00~~ $4,000.00 or the costs of closure, replacement, or upgrade, whichever is less, for an aboveground storage tank located outside a structure; ~~and~~ up to ~~$4,000.00~~ $5,000.00 or the costs of closure, replacement, or upgrade, whichever is less, for an underground storage tank; and up to $4,000.00 or the actual cost of replacing their heating system with advanced wood heat or a heat pump, whichever amount is less. As used in this subsection, "structure" means any assembly of materials that is intended for occupancy or use by a person and that has at least three walls and a roof. Grants shall be made only to the current property owners, except at mobile home parks where a grant may be awarded to a mobile home park resident. To be eligible to receive the grant, an environmental site assessment must be conducted by a qualified consultant during the tank closure, replacement, or upgrade if the tank is an underground heating fuel storage tank. In addition, if the closed tank is to be replaced with an underground heating fuel storage tank, the replacement tank and piping shall provide a level of environmental protection at least equivalent to that provided by a double wall tank and secondarily contained piping. Grants shall be awarded on a priority basis to projects that will avoid the greatest environmental or health risks. The Secretary shall also give priority to applicants who are replacing their underground heating fuel tanks with aboveground heating fuel storage tanks that will be installed in accordance with the Secretary's recommended standards. The Secretary shall also give priority to ~~lower income~~ lower-income applicants. To be eligible to receive the grant, the owner must provide the previous year's financial information and, if the replacement tank is an aboveground tank, must ensure that any

work to replace or upgrade a tank shall be done in accordance with industry standards (National Fire Protection Association, or NFPA, Code 31), as it existed on July 1, 2004, until another date or edition is specified by rule of the Secretary. The Secretary shall authorize only up to ~~$400,000.00~~ $500,000.00 in assistance for underground and aboveground heating fuel tanks in any one fiscal year from the Heating Fuel Account for this purpose. The application must be accompanied by the following information:

(1) proof of ownership, including information disclosing all owners of record of the property, except in the case where the applicant is a mobile home park resident;

(2) for farm or residential aboveground heating fuel storage tank owners, a copy of the federal income tax return for the previous year;

(3) identification of the contractor performing any heating fuel storage tank closure, replacement, ~~or~~ upgrade, or system replacement;

(4) an estimated cost of tank closure, replacement, ~~or~~ upgrade, or system replacement;

(5) the amount and type of assistance requested;

(6) a schedule for the work;

(7) description of surrounding area, including location of water supply wells, surface waters, and other sensitive receptors; and

(8) such other information and assurances as the Secretary may require.

* * * Effective Date * * *

Sec. 19. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

And that when so amended the bill ought to pass.

Senator Baruth Assumes the Chair

Senator Bray, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass when so amended.

Senator Lyons, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass when so amended.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to and third reading of the bill was ordered.

Third Reading Ordered

H. 466.

Senator Clarkson, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to technical corrections for the 2023 legislative session.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Bill Passed

S. 115.

Senate bill of the following title was read the third time and passed:

An act relating to miscellaneous agricultural subjects.

Proposal of Amendment; Third Reading Ordered

H. 148.

Senator Hashim, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to raising the age of eligibility to marry.

Reported recommending that the Senate propose to the House to amend the bill by inserting a new Sec. 2a to read as follows:

Sec. 2a. 12 V.S.A. § 7156 is amended to read:

§ 7156. EFFECT OF EMANCIPATION

(a) The order of emancipation shall recognize the minor as an adult for all purposes that result from reaching the age of majority, including:

(1) entering into a binding contract;

(2) litigation and settlement of controversies, including the ability to sue and be sued;

(3) buying or selling real property;

(4) establishing a residence except that an emancipation order may not be used for the purpose of obtaining residency and in-state tuition or benefits at the University of Vermont or the Vermont State Colleges;

(5) being prosecuted as an adult under the criminal laws of the State;

(6) terminating parental support and control of the minor and their rights to the minor's income;

(7) terminating parental tort liability for minor; and

(8) indicating the minor's emancipated status on driver's license or identification card issued by the State.

(b) The order of emancipation shall not affect the status of the minor in the applicability of any provision of law ~~which~~ that requires specific age requirements under the State or federal constitution or any State or federal law, including laws that require a person to be at least 18 years of age to marry and laws that prohibit the sale, purchase, or consumption of alcoholic beverages to or by a person under 21 years of age.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposal of amendment was agreed to.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 28, Nays 0.

Senator Hashim having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

Those Senators who voted in the negative were: None.

Those Senators absent or not voting were: Baruth (presiding), MacDonald.

Message from the House No. 39

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 492. An act relating to setting the homestead property tax yields and the nonhomestead property tax rate.

H. 493. An act relating to capital construction and State bonding.

H. 494. An act relating to making appropriations for the support of government.

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

The House has adopted joint resolution of the following title:

J.R.H. 4. Joint resolution recognizing March 31, 2023 as Transgender Day of Visibility in Vermont, expressing support for the transgender rights of all Vermonters, and opposing legislation restricting the rights of transgender Vermonters regardless of their age.

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

Adjournment

On motion of Senator Clarkson, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 5, 2023.