

Journal of the Senate

WEDNESDAY, MAY 7, 2025

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Committee of Conference Appointed

H. 494.

An act relating to capital construction and State bonding.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Harrison
Senator Plunkett
Senator Ingalls

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Bills Referred to the Committee on Appropriations

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

H. 44. An act relating to miscellaneous amendments to the laws governing impaired driving.

H. 167. An act relating to establishing the Vermonters Feeding Vermonters Grant at the Agency of Agriculture, Food and Markets.

House Proposal of Amendment Concurred In with Amendment

S. 50.

House proposal of amendment to Senate bill entitled:

An act relating to increasing the size of solar net metering projects that qualify for expedited registration.

Was taken up.

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

Sec. 1. 30 V.S.A. § 8010 is amended to read:

§ 8010. SELF-GENERATION AND NET METERING

* * *

(c) In accordance with this section, the Commission shall adopt and implement rules that govern the installation and operation of net metering systems.

(1) The rules shall establish and maintain a net metering program that:

* * *

(G) accounts for changes over time in the cost of technology; and

(H) allows a customer to retain ownership of the environmental attributes of energy generated by the customer's net metering system and of any associated tradeable renewable energy credits or to transfer those attributes and credits to the interconnecting retail provider, and:

(i) if the customer retains the attributes, reduces the value of the credit provided under this section for electricity generated by the customer's net metering system by an appropriate amount; and

(ii) if the customer transfers the attributes to the interconnecting provider, requires the provider to retain them for application toward compliance with sections 8004 and 8005 of this title; and

(I) allows a customer to change the customer's decision to retain or transfer the attributes once in the 120-day period after the net metering system is commissioned.

* * *

(3) The rules shall establish standards and procedures governing application for and issuance or revocation of a certificate of public good for net metering systems under the provisions of section 248 of this title. In establishing these standards and procedures:

* * *

(F) This subdivision (F) applies to an application for a net metering system with a capacity that is greater than ~~15~~ 25 kilowatts, unless the system is located on a new or existing structure the primary purpose of which is not the generation of electricity. With respect to such a system, the rules shall not waive or include provisions that are less stringent than each of the following:

(i) the requirement of subdivision 248(a)(4)(C) of this title to provide a copy of the application to the Agencies of Agriculture, Food and Markets and of Natural Resources; the Department of Public Service; the Division for Historic Preservation; the municipal legislative body; and the municipal and regional planning commissions; and

(ii) the requirements of subsection 248(f) (preapplication submittal) of this title.

(G) The rules shall establish an expedited registration procedure for net metering systems of 25 kilowatts and less in size.

* * *

Sec. 2. RULEMAKING

The Public Utility Commission shall update its Rule 5.100 to allow ground mounted photovoltaic net metering systems of 25 kilowatts and less to qualify for expedited registration. It is the intent of the General Assembly that the Commission shall allow systems of 25 kilowatts and less to use the expedited registration before the rules are updated.

Sec. 3. 30 V.S.A. § 248(s) is amended to read:

(s) This subsection sets minimum setback requirements that shall apply to in-state ground-mounted solar electric generation facilities approved under this section, unless the facility is installed on a canopy constructed on an area primarily used for parking vehicles that is in existence or permitted on the date the application for the facility is filed.

(1) The minimum setbacks shall be:

(A) From a State or municipal highway, measured from the edge of the traveled way:

(i) 100 feet for a facility with a plant capacity exceeding 150 kW;
and

(ii) 40 feet for a facility with a plant capacity less than or equal to 150 kW but greater than ~~15~~ 25 kW; and

(iii) 10 feet for a facility with a plant capacity less than or equal to 25 kW.

(B) From each property boundary that is not a State or municipal highway:

(i) 50 feet for a facility with a plant capacity exceeding 150 kW;
and

(ii) 25 feet for a facility with a plant capacity less than or equal to 150 kW but greater than 15 25 kW; and

(iii) 10 feet for a facility with a plant capacity less than or equal to 25 kW.

(2) ~~This subsection does not require a setback for a facility with a plant capacity equal to or less than 15 kW.~~ [Repealed.]

(3) On review of an application, the Commission may:

(A) require a larger setback than this subsection requires;

(B) approve an agreement to a smaller setback among the applicant, the municipal legislative body, and each owner of property adjoining the smaller setback; or

(C) require a setback for a facility constructed on an area primarily used for parking vehicles, if the application concerns such a facility.

(4) In this subsection:

(A) “kW” and “plant capacity” ~~shall~~ have the same meaning as in section 8002 of this title.

(B) “Setback” means the shortest distance between the nearest portion of a solar panel or support structure for a solar panel, at its point of attachment to the ground, and a property boundary or the edge of a highway’s traveled way.

Sec. 4. 30 V.S.A. § 248(a)(7) is amended to read:

(7) When a certificate of public good under this section or amendment to such a certificate is issued for an in-state electric generation or energy storage facility with a capacity that is greater than ~~15~~ 25 kilowatts, the certificate holder within 45 days shall record a notice of the certificate or amended certificate, on a form prescribed by the Commission, in the land records of each municipality in which a facility subject to the certificate is located ~~and shall submit proof of this recording to the Commission.~~ The recording under this subsection shall be indexed as though the certificate holder were the grantor of a deed. The prescribed form shall not exceed one page and shall require identification of the land on which the facility is to be located by reference to the conveyance to the current landowner, the number of the certificate, and the name of each person to which the certificate was issued and shall include information on how to contact the Commission to view the certificate and supporting documents.

Sec. 5. PUBLIC UTILITY COMMISSION RECOMMENDATION;
DEFINITION OF SINGLE PLANT

On or before November 1, 2025, and with input from stakeholders, the Public Utility Commission shall submit a recommended amended definition of “plant” in 30 V.S.A. § 8002(18) and an overview of their process and explanation of the recommendation to the House Committee on Energy and Digital Infrastructure and the Senate Committee on Natural Resources and Energy. In making its recommendation, the Commission shall consider:

- (1) the land use benefits of collocation of energy generation facilities;
- (2) the ability to ensure comprehensive review of collocated facilities;
- and
- (3) the potential impacts to ratepayers associated with collocated facilities.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Watson moved that the Senate concur in the House proposal of amendment with a further proposal of amendment by adding a new section to be Sec. 1a to read as follows:

Sec. 1a. NET METERING RENEWABLE ENERGY CREDITS
OWNERSHIP

The Public Utility Commission (PUC) shall allow a customer who owns a net metering system that was commissioned between January 1, 2023 and July 1, 2025 to change the customer’s decision to retain the attributes once. The customer shall be allowed to transfer the attributes to the utility by submitting a request to the PUC by September 2, 2025.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment with further proposal of amendment?, was decided in the affirmative.

Proposal of Amendment; Bill Passed in Concurrence

H. 491.

House bill entitled:

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

Was taken up.

Thereupon, pending third reading of the bill, Senator Vyhovsky moved that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PROPERTY DOLLAR EQUIVALENT YIELD, INCOME
DOLLAR EQUIVALENT YIELD, AND NONHOMESTEAD
PROPERTY TAX RATE FOR FISCAL YEAR 2026

For fiscal year 2026 only:

(1) Pursuant to 32 V.S.A. § 5402b(b), the property dollar equivalent yield shall be \$8,224.00.

(2) Pursuant to 32 V.S.A. § 5402b(b), the income dollar equivalent yield shall be \$12,346.00.

(3) Notwithstanding 32 V.S.A. § 5402(a)(1) and any other provision of law to the contrary, the nonhomestead property tax rate shall be \$1.782 per \$100.00 of equalized education property value.

(4)(A) For bills issued for fiscal year 2026, the Commissioner of Taxes shall increase the property tax credit determined pursuant to 32 V.S.A. § 6066(a)(1) and (4) by 5.8 percent for each claimant. Notwithstanding 32 V.S.A. § 6067, and for purposes of this increase only, the cumulative credit under 32 V.S.A. § 6066(a)(1) and (4) shall also be increased by 5.8 percent.

(B) The increase in property tax credit provided under this subdivision (4) shall not be included in the calculation required under 32 V.S.A. § 5402b(a)(4).

Sec. 2. EDUCATION FUND RESERVE; PROPERTY TAX RATE OFFSET

In fiscal year 2026, \$69,000,000.00 shall be reserved in the Education Fund to offset education property tax rate increases in fiscal year 2027. The Commissioner of Taxes shall assume that the \$69,000,000.00 reserved under this section is unreserved and unallocated and applies to the calculation of the fiscal year 2027 yields and nonhomestead rate when making the recommendation required pursuant to 32 V.S.A. § 5402b on or before December 1, 2025. The reserve created under this section shall be considered an authorized use of Education Fund monies pursuant to 16 V.S.A. § 4025.

Sec. 3. 32 V.S.A. § 6066 is amended to read:

§ 6066. COMPUTATION OF PROPERTY TAX CREDIT AND RENTER
CREDIT

(a) An eligible claimant who owned the homestead on April 1 of the year in which the claim is filed shall be entitled to a credit for the prior year's homestead property tax liability amount determined as follows:

* * *

(6) Each dollar amount in this subsection shall be adjusted for inflation annually on or before November 15 by the Commissioner of Taxes. As used in this subdivision, “adjusted for inflation” means adjusting the dollar amount by the National Income and Product Accounts (NIPA) implicit price deflator for state and local government consumption expenditures and gross investment published by the U.S. Department of Commerce, Bureau of Economic Analysis, from fiscal year 2025 through the fiscal year for which the amount is being determined and rounding upward to the nearest whole dollar amount.

* * *

Sec. 4. 32 V.S.A. § 5410 is amended to read:

§ 5410. DECLARATION OF HOMESTEAD

(a) A homestead owner shall declare ownership of a homestead for purposes of education property tax and provide the homestead owner’s household income as defined in section 6061 of this title.

(b) Annually, on or before the due date for filing the Vermont income tax return, without extension, each homestead owner shall, on a form prescribed by the Commissioner, which shall be verified under the pains and penalties of perjury, declare the owner’s homestead, if any, as of, or expected to be as of, April 1 of the year in which the declaration is made, and provide the homestead owner’s household income as defined in section 6061 of this title.

* * *

Sec. 5. 32 V.S.A. § 6061 is amended to read:

§ 6061. DEFINITIONS

As used in this chapter unless the context requires otherwise:

* * *

(17) “Equalized value of the housesite in the taxable year” means the value of the housesite on the grand list for April 1 of the taxable year, divided by the number resulting from dividing the municipality’s common level of appraisal determined by equalization of the grand list for April 1 of the year preceding the taxable year by the statewide adjustment of the taxable year as defined in subdivision 5401(17) of this title.

* * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

Which was disagreed to.

Thereupon, the bill was read the third time and passed in concurrence, on a roll call, Yeas 26, Nays 2.

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

Roll Call

Those Senators who voted in the affirmative were: Baruth, Beck, Bongartz, Brennan, Brock, Chittenden, Collamore, Cummings, Douglass, Gulick, Harrison, Hart, Hashim, Heffernan, Ingalls, Major, Mattos, Norris, Perchlik, Plunkett, Ram Hinsdale, Watson, Weeks, Westman, White, Williams.

Those Senators who voted in the negative were: Hardy, Vyhovsky.

Those Senators absent and not voting were: Clarkson, Lyons.

Senate Resolution Adopted

S.R. 14.

Senate resolution of the following title was read the third time and adopted:

Senate resolution strongly urging the U.S. Department of Agriculture (USDA) and the Centers for Disease Control and Prevention (CDC) to expedite the establishment and implementation of an avian influenza vaccine national reserve and distribution system for small- and medium-sized poultry farms.

Third Reading Ordered

H. 27.

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

An act relating to the Domestic Violence Fatality Review Commission.

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.

Point of Privilege Journalized

During announcements, on a point of personal privilege, Senator Gulick addressed the Chair, and on motion of Senator Hardy, her remarks were entered into the Journal.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, May 8, 2025.