

Journal of the Senate

THURSDAY, MARCH 12, 2026

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 28

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

Mr. President:

I am directed to inform the Senate that:

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

H. 545. An act relating to issuing immunization recommendations.

And has concurred therein.

Bill Referred to Committee on Finance

S. 214.

Senate 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 the provision of prekindergarten education in geographically isolated school districts.

Bill Referred to Committee on Appropriations

S. 326.

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

An act relating to miscellaneous amendments to laws relating to motor vehicles.

Bill Amended; Third Reading Ordered**S. 179.**

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

An act relating to the Uniform Disclaimer of Property Interests Act.

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

Sec. 1. 14 V.S.A. chapter 129 is added to read:

CHAPTER 129. VERMONT DISCLAIMER OF PROPERTY INTERESTS
ACT

§ 4101. SHORT TITLE

This chapter may be cited as the “Vermont Uniform Disclaimer of Property Interests Act.”

§ 4102. DEFINITIONS

As used in this chapter:

(1) “Disclaimant” means the person to whom a disclaimed interest or power would have passed had the disclaimer not been made.

(2) “Disclaimed interest” means the interest that would have passed to the disclaimant had the disclaimer not been made.

(3) “Disclaimer” means the refusal to accept an interest in or power over property.

(4) “Fiduciary” means a personal representative, trustee, agent acting under a power of attorney, or other person authorized to act as a fiduciary with respect to the property of another person.

(5) “Jointly held property” means property held in the name of two or more persons under an arrangement in which all holders have concurrent interests and under which the last surviving holder is entitled to the whole of the property.

(6) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, governmental agency, governmental instrumentality, public corporation, or any other legal or commercial entity.

(7) “Personal representative” means a duly appointed representative of a probate estate, such as an executor or administrator.

(8) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, recognized by federal law or formally acknowledged by a state.

(9) “Trust” means:

(A) an express trust, charitable or noncharitable, with additions thereto, whenever and however created; or

(B) a trust created pursuant to a statute, judgment, or decree that requires the trust to be administered in the manner of an express trust.

§ 4103. SCOPE

This chapter applies to disclaimers of any interest in or power over property, whenever created.

§ 4104. SUPPLEMENTED BY OTHER LAW

(a) Unless displaced by a provision of this chapter, the principles of law and equity supplement this chapter.

(b) This chapter does not limit any right of a person to waive, release, disclaim, or renounce an interest in or power over property under a law other than this chapter.

§ 4105. POWER TO DISCLAIM; GENERAL REQUIREMENTS; WHEN IRREVOCABLE

(a) A person may disclaim, in whole or in part, any interest in or power over property, including a power of appointment. A person may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim.

(b) Except to the extent a fiduciary’s right to disclaim is expressly restricted or limited by another statute of this State or by the instrument creating the fiduciary relationship, a fiduciary may disclaim, in whole or in part, any interest in or power over property, including a power of appointment, whether acting in a personal or representative capacity. A fiduciary may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim, or an instrument other than the instrument that created the fiduciary relationship imposed a restriction or limitation on the right to disclaim.

(c) To the extent that there is no material conflict of interest, a parent, as defined in 15C V.S.A. § 102(16), can disclaim on behalf of the parent's minor, if a guardian has not been or is not required to be appointed for the child.

(d) To be effective, a disclaimer shall be in a writing or other record, declare the disclaimer, describe the interest or power disclaimed, be signed, and be delivered or filed in the manner provided in section 4112 of this title. As used in this subsection:

(1) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(2) "Signed" means:

(A) by the person making the disclaimer, or by another individual directed by the person making the disclaimer to sign the name of the person making the disclaimer in the presence of the person making the disclaimer and two credible witnesses who shall also sign the record in the presence of all parties hereto; and

(B) with present intent to authenticate or adopt a record to:

(i) execute or adopt a tangible symbol; or

(ii) attach to or logically associate with the record an electronic sound, symbol, or process.

(e) A partial disclaimer may be expressed as a fraction, percentage, monetary amount, term of years, limitation of a power, or any other interest or estate in the property.

(f) A disclaimer becomes irrevocable when it is delivered or filed pursuant to section 4112 of this title or when it becomes effective as provided in sections 4107–4111 of this title, whichever occurs later.

(g) A disclaimer made under this chapter is not a transfer, assignment, or release.

§ 4106. DISCLAIMER OF INTEREST IN PROPERTY

(a) As used in this section:

(1) "Future interest" means an interest that takes effect in possession or enjoyment, if at all, later than the time of its creation.

(2) "Time of distribution" means the time when a disclaimed interest would have taken effect in possession or enjoyment.

(b) Except for a disclaimer governed by section 4107 or 4108 of this title, the following rules apply to a disclaimer of an interest in property:

(1) The disclaimer takes effect as of the time the instrument creating the interest becomes irrevocable, or, if the interest arose under the law of intestate succession, as of the time of the intestate's death.

(2) The disclaimed interest passes according to any provision in the instrument creating the interest providing for the disposition of the interest, should it be disclaimed, or of disclaimed interests in general.

(3) If the instrument does not contain a provision described in subdivision (2) of this subsection, the following rules apply:

(A) If the disclaimant is not an individual, the disclaimed interest passes as if the disclaimant did not exist.

(B) If the disclaimant is an individual, except as otherwise provided in subdivisions (C) and (D) of this subdivision (3), the disclaimed interest passes as if the disclaimant had died immediately before the time of distribution.

(C) If by law or under the instrument, the descendants of the disclaimant would share in the disclaimed interest by any method of representation had the disclaimant died before the time of distribution, the disclaimed interest passes only to the descendants of the disclaimant who survive the time of distribution.

(D) If the disclaimed interest would pass to the disclaimant's estate had the disclaimant died before the time of distribution, the disclaimed interest instead passes by representation to the descendants of the disclaimant who survive the time of distribution. If no descendant of the disclaimant survives the time of distribution, the disclaimed interest passes to those persons, including the state but excluding the disclaimant, and in such shares as would succeed to the transferor's intestate estate under the intestate succession law of the transferor's domicile had the transferor died at the time of distribution. However, if the transferor's surviving spouse is living but is remarried at the time of distribution, the transferor is deemed to have died unmarried at the time of distribution.

(4) Upon the disclaimer of a preceding interest, a future interest held by a person other than the disclaimant takes effect as if the disclaimant had died or ceased to exist immediately before the time of distribution, but a future interest held by the disclaimant is not accelerated in possession or enjoyment.

§ 4107. DISCLAIMER OF RIGHTS OF SURVIVORSHIP IN JOINTLY HELD PROPERTY

(a) Upon the death of a holder of jointly held property, a surviving holder may disclaim, in whole or part, the greater of:

(1) a fractional share of the property determined by dividing the number one by the number of joint holders alive immediately before the death of the holder to whose death the disclaimer relates; or

(2) all of the property except that part of the value of the entire interest attributable to the contribution furnished by the disclaimant.

(b) A disclaimer under subsection (a) of this section takes effect as of the death of the holder of jointly held property to whose death the disclaimer relates.

(c) An interest in jointly held property disclaimed by a surviving holder of the property passes as if the disclaimant predeceased the holder to whose death the disclaimer relates.

§ 4108. DISCLAIMER OF INTEREST BY TRUSTEE

If a trustee disclaims an interest in property that otherwise would have become trust property, the interest does not become trust property.

§ 4109. DISCLAIMER OF POWER OF APPOINTMENT OR OTHER POWER NOT HELD IN FIDUCIARY CAPACITY

If a holder disclaims a power of appointment or other power not held in a fiduciary capacity, the following rules apply:

(1) If the holder has not exercised the power, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.

(2) If the holder has exercised the power and the disclaimer is of a power other than a presently exercisable general power of appointment, the disclaimer takes effect immediately after the last exercise of the power.

(3) The instrument creating the power is construed as if the power expired when the disclaimer became effective.

§ 4110. DISCLAIMER BY APPOINTEE, OBJECT, OR TAKER IN DEFAULT OF EXERCISE OF POWER OF APPOINTMENT

(a) A disclaimer of an interest in property by an appointee of a power of appointment takes effect as of the time the instrument by which the holder exercises the power becomes irrevocable.

(b) A disclaimer of an interest in property by a permissible appointee or taker in default of an exercise of a power of appointment takes effect as of the time the instrument creating the power becomes irrevocable.

§ 4111. DISCLAIMER OF POWER HELD IN FIDUCIARY CAPACITY

(a) If a fiduciary disclaims a power held in a fiduciary capacity that has not been exercised, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.

(b) If a fiduciary disclaims a power held in a fiduciary capacity that has been exercised, the disclaimer takes effect immediately after the last exercise of the power.

(c) A disclaimer under this section is effective as to another fiduciary if the disclaimer so provides and the fiduciary disclaiming has the authority to bind the estate, trust, or other person for whom the fiduciary is acting.

§ 4112. DELIVERY OR FILING

(a) As used in this section, “beneficiary designation” means an instrument, other than an instrument creating a trust, naming the beneficiary of:

(1) an annuity or insurance policy;

(2) an account with a designation for payment on death;

(3) a security registered in beneficiary form;

(4) a pension, profit-sharing, retirement, or other employment-related benefit plan; or

(5) any other nonprobate transfer at death, including an enhanced life estate deed created pursuant to 27 V.S.A. chapter 6.

(b) Subject to subsections (c)–(m) of this section, delivery of a disclaimer may be effected by personal delivery, first-class mail, or any other method likely to result in its receipt.

(c) In the case of an interest created under the law of intestate succession or an interest created by will, other than an interest in a testamentary trust:

(1) the disclaimer shall be delivered to the personal representative of the decedent’s estate; or

(2) if no personal representative is then serving, the disclaimer shall be filed with a court having jurisdiction to appoint the personal representative.

(d) In the case of an interest in a testamentary trust:

(1) the disclaimer shall be delivered to the trustee then serving, or if no trustee is then serving, to the personal representative of the decedent’s estate; or

(2) if no personal representative is then serving, the disclaimer shall be filed with a court having jurisdiction to enforce the trust.

(e) In the case of an interest in an inter vivos trust:

(1) the disclaimer must be delivered to the trustee then serving;

(2) if no trustee is then serving, the disclaimer shall be filed with a court having jurisdiction to enforce the trust; or

(3) if the disclaimer is made before the time the instrument creating the trust becomes irrevocable, the disclaimer shall be delivered to the settlor of a revocable trust or the transferor of the interest.

(f) In the case of an interest created by a beneficiary designation that is disclaimed before the designation becomes irrevocable, the disclaimer shall be delivered to the person making the beneficiary designation.

(g) In the case of an interest in personal property created by a beneficiary designation that is disclaimed after the designation becomes irrevocable, the disclaimer shall be delivered to the person obligated to distribute the interest.

(h) If real property or an interest in real property is disclaimed, a copy of the disclaimer shall be recorded in the land records of the town in which the property or interest disclaimed is located.

(i) In the case of a disclaimer by a surviving holder of jointly held property, the disclaimer shall be delivered to the person to whom the disclaimed interest passes.

(j) In the case of a disclaimer by a permissible appointee or taker in default of exercise of a power of appointment at any time after the power was created:

(1) the disclaimer shall be delivered to the holder of the power or to the fiduciary acting under the instrument that created the power; or

(2) if no fiduciary is then serving, the disclaimer shall be filed with a court having authority to appoint the fiduciary.

(k) In the case of a disclaimer by an appointee of a nonfiduciary power of appointment:

(1) the disclaimer shall be delivered to the holder, the personal representative of the holder's estate or to the fiduciary under the instrument that created the power; or

(2) if no fiduciary is then serving, the disclaimer shall be filed with a court having authority to appoint the fiduciary.

(l) In the case of a disclaimer by a fiduciary of a power over a trust or estate, the disclaimer shall be delivered as provided in subsection (c), (d), or (e) of this section, as if the power disclaimed were an interest in property.

(m) In the case of a disclaimer of a power by an agent, the disclaimer shall be delivered to the principal or the principal's representative.

§ 4113. WHEN DISCLAIMER BARRED OR LIMITED

(a) A disclaimer is barred by a written waiver of the right to disclaim.

(b) A disclaimer of an interest in property is barred if any of the following events occur before the disclaimer becomes effective:

(1) the disclaimant accepts the interest sought to be disclaimed;

(2) the disclaimant voluntarily assigns, conveys, encumbers, pledges, or transfers the interest sought to be disclaimed or contracts to do so; or

(3) a judicial sale of the interest sought to be disclaimed occurs.

(c) A disclaimer, in whole or part, of the future exercise of a power held in a fiduciary capacity is not barred by its previous exercise.

(d) A disclaimer, in whole or part, of the future exercise of a power not held in a fiduciary capacity is not barred by its previous exercise unless the power is exercisable in favor of the disclaimant.

(e) A disclaimer is barred or limited if so provided by law other than this chapter.

(f) A disclaimer of a power over property that is barred by this section is ineffective. A disclaimer of an interest in property that is barred by this section takes effect as a transfer of the interest disclaimed to the persons who would have taken the interest under this chapter had the disclaimer not been barred.

§ 4114. TAX QUALIFIED DISCLAIMER

Notwithstanding any other provision of this chapter, if as a result of a disclaimer or transfer the disclaimed or transferred interest is treated pursuant to the provisions of the Internal Revenue Code, as may be amended, or any regulations promulgated under it, as never having been transferred to the disclaimant, then the disclaimer or transfer is effective as a disclaimer under this chapter.

§ 4115. RECORDING OF DISCLAIMER

If an instrument transferring an interest in or power over property subject to a disclaimer is required or permitted by law to be filed, recorded, or registered, then the disclaimer may be so filed, recorded, or registered. Failure to file, record, or register the disclaimer does not affect its validity as between the disclaimant and persons to whom the property interest or power passes by reason of the disclaimer.

§ 4116. APPLICATION TO EXISTING RELATIONSHIPS

Except as otherwise provided in section 4113 of this title, an interest in or power over property existing on the effective date of this chapter as to which the time for delivering or filing a disclaimer under law superseded by this chapter has not expired may be disclaimed after the effective date of this chapter.

§ 4117. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act (15 U.S.C. § 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. § 7003(b)).

§ 4118. UNIFORMITY OF APPLICATION AND CONSTRUCTION

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 2. REPEAL

14 V.S.A. chapter 83 (Uniform Disclaimer of Property Interests Act) is repealed.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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.

Bills Passed

Senate bills of the following titles were read the third time and passed:

S. 173. An act relating to workers' compensation and the Vermont Labor Relations Board.

S. 183. An act relating to home improvement and land improvement fraud.

S. 213. An act relating to the use of smart meters by public water systems.

S. 223. An act relating to water quality of the waters of Vermont.

S. 230. An act relating to flexible working arrangements.

Bill Amended; Third Reading Ordered**S. 212.**

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

An act relating to potable water supply and wastewater system connections.

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

Sec. 1. 10 V.S.A. § 1971 is amended to read:

§ 1971. PURPOSE

It is the purpose of this chapter to:

(1) establish a comprehensive program to regulate the construction, replacement, modification, and operation of potable water supplies and wastewater systems in the State in order to protect human health and the environment, including potable water supplies, surface water, and groundwater;

* * *

~~(6) allow delegation of the permitting program created by this chapter to municipalities demonstrating the capacity to administer the chapter review of potable water supply and wastewater system connections pursuant to general permits adopted under this chapter.~~

Sec. 2. 10 V.S.A. § 1972 is amended to read:

§ 1972. DEFINITIONS

For the purposes of this chapter:

* * *

(6) “Potable water supply” means the source, treatment, and conveyance equipment used to provide water used or intended to be used for human consumption, including drinking, washing, bathing, the preparation of food, or laundering. This definition includes a service connection to a public water system of any size. This definition does not include any internal piping or plumbing, except for mechanical systems, such as pump stations and storage tanks or lavatories, that are located inside a building or structure and that are integral to the operation of a potable water system. This definition also does not include a potable water supply that is subject to regulation under chapter 56 of this title.

* * *

(10) “Wastewater system” means any piping, pumping, treatment, or disposal system used for the conveyance and treatment of sanitary waste or used water, including carriage water, shower and wash water, and process wastewater. This definition does not include any internal piping or plumbing, except for mechanical systems, such as pump stations and storage tanks or toilets, that are located inside a building or structure and that are integral to the operation of a wastewater system. This definition also does not include wastewater systems that are used exclusively for the treatment and disposal of animal manure. In this chapter, “wastewater system” refers to a soil-based disposal system of less than 6,500 gallons per day, or a sewerage sanitary sewer collection system connection of any size.

Sec. 3. 10 V.S.A. § 1973 is amended to read:

§ 1973. PERMITS

(a) Except as provided in this section and sections 1974 and 1978 of this title, a person shall obtain a permit from the Secretary before:

* * *

(7) making a new or modified connection to a new or existing potable water supply or wastewater system; or

* * *

(f)(4) The Secretary shall give deference to a certification by a licensed designer with respect to the engineering design or judgment exercised by the designer in order to minimize Agency review of certified designs. Nothing in this section shall limit the responsibility of the licensed designer to comply with all standards and rules, or the authority of the Secretary to review and comment on design aspects of an application or to enforce Agency rules with respect to the design or the design certification.

~~(2) The Secretary shall issue a permit for a new or modified connection to a water main and a sewer main or indirect discharge system from a building or structure in a designated downtown development district upon submission of an application under subsection (b) of this section that consists solely of the certification of a licensed designer, in accordance with subsection (d) of this section, and a letter from the owner of the water main and sewer main or indirect discharge system allocating the capacity needed to accommodate the new or modified connection. However, this subdivision (2) shall not apply if the Secretary finds one of the following:~~

~~(A) The Secretary has prohibited the system that submitted the allocation letter from issuing new allocation letters due to a lack of capacity.~~

~~(B) As a result of an audit of the application performed on a random basis or in response to a complaint, the system is not designed in accordance with the rules adopted under this chapter.~~

* * *

(k)(1) The Secretary shall adopt a general permit for both potable water supply and wastewater system connections that require a permit under this chapter. Under the general permit, the Secretary may give deference to applications for connections certified by a licensed designer. The Secretary shall publish a manual providing guidance to licensed designers implementing the general permit for potable water supply or wastewater system connections. The manual shall include guidance for determining or defining the capacity of a public water system or pollution abatement facility for purposes of approving a potable water supply or wastewater system connection.

(2) The Secretary may adopt general permitting programs for other activities that require a permit under this section that the Secretary determines are low risk, low impact, and low complexity.

Sec. 4. 10 V.S.A. § 1976 is amended to read:

§ 1976. DELEGATION OF CONNECTION PERMITTING AUTHORITY
TO MUNICIPALITIES

~~(a)(1) The Secretary may delegate to a municipality authority to:~~

~~(A) implement all sections of this chapter, except for sections 1975 and 1978 of this title; or~~

~~(B) implement permitting under this chapter for the subdivision of land, a building or structure, or a campground when the subdivision, building or structure, or campground is served by sewerage connections and water service lines, provided that:~~

~~(i) the lot, building or structure, or campground utilizes both a sanitary sewer service line and a water service line; and~~

~~(ii) the water main and sanitary sewer collection line that the water service line and sanitary sewer service line are connected to are owned and controlled by the delegated municipality.~~

~~(2) If a municipality submits a written request for delegation of this chapter, the Secretary shall delegate authority to the municipality to implement and administer provisions of this chapter, the rules adopted under this chapter, and the enforcement provisions of chapter 201 of this title relating to this chapter, provided that the Secretary is satisfied that the municipality:~~

~~(A) has established a process for accepting, reviewing, and processing applications and issuing permits, that shall adhere to the rules established by the Secretary for potable water supplies and wastewater systems, including permits, by rule, for sewerage connections;~~

~~(B) has hired, appointed, or retained on contract, or will hire, appoint, or retain on contract, a licensed designer to perform technical work that must be done by a municipality under this section to grant permits;~~

~~(C) will take timely and appropriate enforcement actions pursuant to the authority of chapter 201 of this title;~~

~~(D) commits to reporting annually to the Secretary on a form and date determined by the Secretary;~~

~~(E) will only issue permits for water service lines and sanitary sewer service lines when there is adequate capacity in the public water supply system source, wastewater treatment facility, or indirect discharge system; and~~

~~(F) will comply with all other requirements of the rules adopted under section 1978 of this title The Secretary may delegate to a municipality authority to conduct technical review of proposed projects that include both municipal potable water supply and municipal wastewater system connections that require a permit under this chapter, provided that the water main and sanitary sewer collection line that the water service line and sanitary sewer service line are connected to are owned and controlled by the delegated municipality. Municipalities delegated authority under this section shall be required to incorporate the requirements of the Secretary's general permit for potable water supply and wastewater system connections into a municipal connection approval, including deference to applications for connections certified by a licensed designer.~~

~~(2) If a municipality submits a request for delegation of authority under this subsection, the Secretary shall delegate authority to the municipality to implement and administer provisions of this chapter governing municipal potable water supply and wastewater system connections, provided that the municipality:~~

~~(A) is qualified to perform the technical review as determined by the Secretary;~~

~~(B) receives authorization from the municipal legislative body to administer a program for review of potable water supply and wastewater system connections;~~

~~(C) meets any other requirement for the delegation program as adopted by the Secretary in writing;~~

(D) will only issue permits for water service lines and sanitary sewer service lines when there is adequate capacity in the public water system, wastewater treatment facility, or indirect discharge system;

(E) submits required documentation of the permitted project as determined by the Secretary; and

(F) complies with the requirements for connection and all requirements of the Agency's rules adopted under section 1978 of this title.

* * *

(f) The Secretary may review municipal implementation of this section on a random basis, or in response to a complaint, or on ~~his or her~~ the Secretary's own motion. This review may include consideration of the municipal implementation itself, as well as consideration of the practices, testing procedures employed, systems designed, system designs approved, installation procedures used, and any work associated with the performance of these tasks.

Sec. 5. 3 V.S.A. § 2822 is amended to read:

§ 2822. BUDGET AND REPORT; POWERS

* * *

(i) The Secretary shall not process an application for which the applicable fee has not been paid unless the Secretary specifies that the fee may be paid at a different time or unless the person applying for the permit is exempt from the permit fee requirements pursuant to 32 V.S.A. § 710. Municipalities shall be exempt from the payment of fees under this section except for those fees prescribed in subdivisions (j)(1), (7), (8), (14), and (15) of this section for which a municipality may recover its costs by charging a user fee to those who use the permitted services. Municipalities shall pay fees prescribed in subdivisions (j)(2), (10), (11), (12), and (26) of this section, except that a municipality shall also be exempt from those fees for stormwater systems prescribed in subdivisions (j)(2)(A)(iii)(I), (II), or (IV) and (j)(2)(B)(iv)(I), (II), or (V) of this section for which a municipality has assumed full legal responsibility under 10 V.S.A. § 1264. Municipalities that conduct a technical review or approval of a potable water supply or wastewater system connection permitted under 10 V.S.A. § 1976 within the municipality may charge a fee for the cost of municipal services, provided that the municipality shall pay an administrative processing fee of \$100.00 for submission to the Secretary of Natural Resources of documentation of the municipally permitted project.

(j) In accordance with subsection (i) of this section, the following fees are established for permits, licenses, certifications, approvals, registrations, orders, and other actions taken by the Agency of Natural Resources.

* * *

(4) For potable water supply and wastewater permits issued under 10 V.S.A. chapter 64. Projects under this subdivision include: a wastewater system, including a sewerage connection; and a potable water supply, including a connection to a public water supply:

(A) Original applications, or major amendments for a project that is not a potable water supply or wastewater system connection with the following proposed design flows. In calculating the fee, the highest proposed design flow whether wastewater or water shall be used:

(i) design flows 560 gpd or less: \$306.25 per application;

(ii) design flows greater than 560 and less than or equal to 2,000 gpd: \$870.00 per application;

(iii) design flows greater than 2,000 and less than or equal to 6,500 gpd: \$3,000.00 per application;

(iv) design flows greater than 6,500 and less than or equal to 10,000 gpd: \$7,500.00 per application; or

(v) design flows greater than 10,000 gpd: \$13,500.00 per application.

(B) Minor amendments: \$150.00.

(C) Minor projects: \$270.00.

As used in this subdivision (j)(4)(C), “minor project” means a project that meets the following: there is an increase in design flow but no construction is required; there is no increase in design flow but construction is required, excluding replacement potable water supplies and wastewater systems; or there is no increase in design flow and no construction is required, excluding applications that contain designs that require technical review.

(D) Notwithstanding the other provisions of this subdivision (4), when a project is located in a Vermont neighborhood, as designated under 24 V.S.A. chapter 76A, the fee shall be ~~no~~ not more than \$50.00 in situations in which the application has received an allocation for sewer capacity from an approved municipal system. This limitation shall not apply in the case of fees charged as part of a duly delegated municipal program.

(E) Original applications or major amendments for coverage under a potable water supply or wastewater system connection general permit issued under 10 V.S.A. § 1973(k)(1), the following fee according to the highest proposed design flow of wastewater or water for the connection:

-
- (i) design flows below 2,000 gpd: \$250.00 per application;
 - (ii) design flows of between 2,000 gpd and 6,500 gpd: \$2,500.00 per application;
 - (iii) design flows greater than 6,500 gpd: \$5,000.00 per application;

* * *

Sec. 6. IMPLEMENTATION; REPEAL OF EXEMPTIONS IN RULE

(a) On or before December 1, 2027, the Secretary of Natural Resources shall publish the general permit and manual required under 10 V.S.A. § 1973(k)(1) for potable water supply or wastewater system connections.

(b) Beginning on January 1, 2028, the Secretary of Natural Resources shall begin to accept certifications of the connections of potable water supplies and wastewater systems under the general permit required by 10 V.S.A. § 1973(k)(1).

(c)(1) The following provisions of the Department of Environmental Conservation's Wastewater System and Potable Water Supply Rules shall be repealed on January 1, 2028:

(A) Subdivisions 1-304(15) and (16) (modification of design flows of a wastewater system or potable water supply serving an existing building or structure);

(B) Subdivision 1-603(b)(2) (related to full delegation of permitting to municipalities); and

(C) Subdivisions 1-603(b)(8), (9), and (10) (related to recordkeeping by fully delegated municipalities).

(2) References in chapter 6 of the Department of Environmental Conservation's Wastewater System and Potable Water Supply Rules related to full delegation to municipalities of permitting potable water and wastewater system connections are no longer applicable or enforceable due to the repeal of statutory authority for full delegation.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2026.

And that when so amended the bill ought to pass.

Senator Beck, 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.

Bill Amended; Third Reading Ordered

S. 227.

Senator Ram Hinsdale, for the Committee on Education, to which was referred Senate bill entitled:

An act relating to creating immigration protocols in Vermont schools.

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

Sec. 1. PURPOSE

The purpose of this act is to secure the right of every child to equal access to a free public education and to a school that is safe from intimidation and fear, regardless of immigration status. In order to ensure the right to educational equality, schools must take steps to protect the integrity of school learning environments for all children, so that no parent is discouraged from sending a child to, and no child is discouraged from attending, school, including due to the threat of immigration enforcement on a school campus.

Sec. 2. 16 V.S.A. chapter 33 is amended to read:

CHAPTER 33. FIRE AND EMERGENCY PREPAREDNESS DRILLS
AND, SAFETY PATROLS, AND IMMIGRATION PROTOCOLS

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§ 1486. IMMIGRATION PROTOCOLS

(a) Definitions. As used in this section:

(1)(A) “Law enforcement officer” has the same meaning as in 20 V.S.A. § 2351a and includes any officer of a federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency.

(B) “Law enforcement officer” does not include a school resource officer or safety officer who is stationed at a school.

(2) “Nonpublic area of a school” means an area of a school that normally requires authorization by the school to enter, consistent with the policy required by section 1484 of this chapter, and includes any area a school determines to be nonpublic.

(3) “School” means a public school or an independent school approved under section 166 of this title, and includes employees, independent contractors, and school resource and safety officers working for the school.

(b) Immigration resources. A superintendent shall:

(1) distribute immigration and civil rights–related resources to staff, students, and family members of students that are provided to the superintendent by the Office of the Attorney General or by another source that has had its resources reviewed and approved by the Office;

(2) at each school the superintendent oversees, designate at least one individual to serve as a resource for immigration-related matters who shall receive on an ongoing basis from the superintendent updated information and training material as provided to the superintendent by the Office of the Attorney General; and

(3) foster, to the greatest extent possible, a relationship with a legal or immigration advocacy institution that will provide assistance to a student with regard to immigration-related concerns, including a situation where a guardian of the student has been detained by immigration authorities while the student is in school.

(c) Student records. Schools are prohibited from using policies or procedures to engage in practices that have the effect of excluding a student from school, including:

(1) collecting or requesting information regarding citizenship or immigration status of a student or of a family member of the student except as required by State or federal law or as required to administer a State or federally supported educational program;

(2) designating the student’s immigration status, citizenship, place of birth, nationality, or national origin:

(A) in any database that the school maintains; or

(B) as directory information, as that term is defined by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and 34 C.F.R. Part 99; and

(3) voluntarily sharing student information, including immigration status, citizenship, place of birth, nationality, national origin, sexual orientation, status as a survivor of domestic violence or sexual assault, status as a recipient of public assistance, or school discipline records, with a third party unless required to do so by State or federal law.

(d) Law enforcement on site and requests for information.

(1) The superintendent of a school shall:

(A) subject to subdivision (B) of this subdivision (1), be the sole authority to admit a law enforcement officer who appears on an immigration-related matter into a nonpublic area of school; and

(B) designate at least one individual who works at each school to serve as a designee of the superintendent in the event that the superintendent is not present when the law enforcement officer appears on site.

(2) The superintendent or designee shall not allow a law enforcement officer appearing on an immigration-related matter into a nonpublic area of a school unless a judicial warrant is presented by the officer that names a specific individual under arrest or subject to a search.

(3) In the event a law enforcement officer appearing on an immigration-related matter enters a nonpublic area of a school without approval from the superintendent or designee, the school shall not obstruct the officer from entering the nonpublic area of a school.

(4) Absent a judicial warrant, no school shall reveal any information about a student or school staff member in response to an immigration-related request from a law enforcement officer.

(5) As used in this subsection, “immigration-related matter” and “immigration-related request” mean an administrative warrant, civil warrant, immigration detainer, or any other document or request that pertains to an individual’s immigration or citizenship status.

(6) On or before January 1, 2027, the Agency of Education, in consultation with the Vermont Superintendents Association, shall develop, and review at least annually, model administrative procedures to help schools execute the policies set forth in this subsection.

(e) Immigration agreements. Except as required by federal or State law, no school shall enter into an agreement with a State, local, or federal government entity that furthers the enforcement of any immigration law. The school superintendent is the sole individual to approve an agreement required by federal or State law.

(f) Applicability. Nothing in this section is intended to prohibit or impede any school from complying with the lawful requirements of 8 U.S.C. §§ 1373 and 1644.

(g) Policy required.

(1) Model policy. On or before January 1, 2027, the Agency of Education, in consultation with the Office of the Attorney General, the Vermont Independent School Association, and the Vermont School Boards Association shall develop, and review at least annually, a model policy that reflects the requirements set forth in this section.

(2) Adoption of policy.

(A) Beginning with the 2027–2028 school year, each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title an immigration protocol policy that shall be at least as stringent as the model policy developed by the Agency. Any school board that fails to adopt a policy shall be presumed to have adopted the most current model policy published by the Agency.

(B) Beginning with the 2027–2028 school year, each approved independent school shall develop, adopt, and ensure enforcement of an immigration protocol policy that shall be at least as stringent as the model policy developed by the Agency. Any approved independent school that fails to adopt a policy shall be presumed to have adopted the most current model policy published by the Agency.

Sec. 3. IMMIGRATION RESOURCE GUIDE

(a) The Office of the Attorney General, in consultation with the Agency of Education, shall develop an immigration resource guide pursuant to 16 V.S.A. § 1486(b)(1). The guide shall:

(1) include immigration- and civil rights-related resources; information regarding standby guardianships pursuant to 14 V.S.A. § 2626a; and a list of immigration, human rights, and relevant advocacy organizations available to provide immigration assistance to students and staff;

(2) be developed in a manner that serves to protect the privacy and safety of students and staff; and

(3) be completed on or before August 1, 2026, and be sent to all superintendents for distribution to school districts on or before August 31, 2026.

(b) The Office of the Attorney General shall review the guide at least once annually and send any updates to the guide to all superintendents not later than 30 days after completing the update.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2026.

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, and the recommendation of amendment was agreed to, on a roll call, Yeas 26, Nays 2.

Senator Ram Hinsdale 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, Benson, Bongartz, Brennan, Brock, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hashim, Heffernan, Lyons, Major, Mattos, Morley, Perchlik, Plunkett, Ram Hinsdale, Vyhovsky, Watson, Weeks, Westman, White, Williams.

Those Senators who voted in the negative were: Ingalls, Norris.

Those Senators absent and not voting were: Gulick, Harrison.

Thereupon, third reading was ordered.

Adjournment

On motion of Senator Baruth, the Senate adjourned until eleven o'clock and thirty minutes in the morning.