

# Journal of the House

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**Tuesday, April 25, 2017**

At ten o'clock in the forenoon the Speaker called the House to order.

## **Devotional Exercises**

Devotional exercises were conducted by Dede Cummings, publisher and poet, Brattleboro, VT.

## **Pledge of Allegiance**

Page Eusebio Aja, III of Barre led the House in the Pledge of Allegiance.

## **Bill Referred to Committee on Ways and Means**

### **S. 136**

Senate bill, entitled

An act relating to miscellaneous consumer protection provisions

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

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

### **S. 122**

Senate bill, entitled

An act relating to increased flexibility for school district mergers

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

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

### **S. 133**

Senate bill, entitled

An act relating to examining mental health care and care coordination

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

## **Joint Resolution Referred to Committee**

### **J.R.H. 9**

Joint resolution supporting the sentiments expressed in "Free Inquiry on

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Campus: A Statement of Principles by over One Hundred Middlebury College Professors”

Offered by: Representatives Scheuermann of Stowe and Turner of Milton

Whereas, according to the document “Free Inquiry on Campus: A Statement of Principles by over One Hundred Middlebury College Professors” (the statement), on March 2, 2017, roughly 100 Middlebury College students prevented Dr. Charles Murray, a controversial visiting speaker, from addressing an audience when “unidentified assailants mobbed the speaker, and one of our faculty was seriously injured,” and

Whereas, this severe violation of academic freedom prompted a diverse group of over 100 Middlebury College faculty members to issue the statement espousing these principles on academic discourse in a civil society:

Genuine higher learning is possible only where free, reasoned, and civil speech and discussion are respected.

Only through the contest of clashing viewpoints do we have any hope of replacing mere opinion with knowledge.

The incivility and coarseness that characterize so much of American politics and culture cannot justify a response of incivility and coarseness on the college campus.

The impossibility of attaining a perfectly egalitarian sphere of free discourse can never justify efforts to silence speech and debate.

Exposure to controversial points of view does not constitute violence.

Students have the right to challenge and to protest non-disruptively the views of their professors and guest speakers.

A protest that prevents campus speakers from communicating with their audience is a coercive act.

No group of professors or students has the right to act as final arbiter of the opinions that students may entertain.

No group of professors or students has the right to determine for the entire community that a question is closed for discussion.

The purpose of college is not to make faculty or students comfortable in their opinions and prejudices.

The purpose of education is not the promotion of any particular political or social agenda.

The primary purpose of higher education is the cultivation of the mind, thus allowing for intelligence to do the hard work of assimilating and

sorting information and drawing rational conclusions.

A good education produces modesty with respect to our own intellectual powers and opinions as well as openness to considering contrary views.

All our students possess the strength, in head and in heart, to consider and evaluate challenging opinions from every quarter.

We are steadfast in our purpose to provide all current and future students an education on this model, and we encourage our colleagues at colleges across the country to do the same, and

Whereas, these principles constitute the essential and fundamental values of academic freedom in a democracy, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly supports the sentiments expressed in “Free Inquiry on Campus: A Statement of Principles by over One Hundred Middlebury College Professors,” and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Middlebury College President Laurie L. Patton.

Which was read and, in the Speaker’s discretion, treated as a bill and referred to the committee on Education.

### **Third Reading; Bill Passed**

#### **H. 333**

House bill, entitled

An act relating to identification of gender-free restrooms in public buildings and places of public accommodation

Was taken up, read the third time and passed.

#### **Proposal of Amendment agreed to; Third Reading; Bill Passed in Concurrence with Proposal of Amendment**

#### **S. 127**

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

Was taken up and pending third reading of the bill, **Rep. Till of Jericho** moved to propose to the Senate to amend the bill as follows:

By inserting a new section and a reader assistance thereto after Sec. 13 to read as follows:

\* \* \* Safety Belts \* \* \*

Sec. 13a. 23 V.S.A. § 1259 is amended as follows:

§ 1259. SAFETY BELTS; PERSONS AGE 18 YEARS OF AGE OR OVER

\* \* \*

~~(e) This section may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for another suspected traffic violation. An operator shall not be subject to the penalty established in this section unless the operator is required to pay a penalty for the primary violation. Notwithstanding subdivision 4(44)(B) of this title, a person convicted of violating this section or of section 1258 of this title (child restraint systems; persons under 18 years of age) shall have two points assessed against his or her driving record.~~

\* \* \*

Pending the question, Shall the House Proposal of Amendment be amended as offered by Rep. Till of Jericho? **Rep. Till of Jericho** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House Proposal of Amendment be amended as offered by Rep. Till of Jericho? was decided in the negative. Yeas, 36. Nays, 105.

Those who voted in the affirmative are:

Bartholomew of Hartland	Houghton of Essex	Rachelson of Burlington
Beck of St. Johnsbury	Howard of Rutland City	Squirrell of Underhill
Briglin of Thetford	Joseph of North Hero	Stevens of Waterbury
Browning of Arlington	Keenan of St. Albans City	Stuart of Brattleboro
Christensen of Weathersfield	Lucke of Hartford	Sullivan of Burlington
Copeland-Hanzas of Bradford	Macaig of Williston	Till of Jericho
Deen of Westminster	Masland of Thetford	Viens of Newport City
Devereux of Mount Holly	McCullough of Williston	Walz of Barre City
Dunn of Essex *	Miller of Shaftsbury	Weed of Enosburgh
Feltus of Lyndon	Mrowicki of Putney	Yacovone of Morristown
Fields of Bennington	O'Sullivan of Burlington	Yantachka of Charlotte
Head of South Burlington	Poirier of Barre City *	
	Pugh of South Burlington	

Those who voted in the negative are:

Ainsworth of Royalton	Gardner of Richmond	Myers of Essex
Bancroft of Westford	Giambatista of Essex	Nolan of Morristown
Baser of Bristol	Gonzalez of Winooski	Norris of Shoreham
Batchelor of Derby	Grad of Moretown	Noyes of Wolcott
Belaski of Windsor	Graham of Williamstown	Ode of Burlington
Beyor of Highgate	Greshin of Warren	Olsen of Londonderry
Bissonnette of Winooski	Haas of Rochester	Parent of St. Albans Town

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Bock of Chester	Harrison of Chittenden	Partridge of Windham
Botzow of Pownal	Hebert of Vernon	Pearce of Richford
Brennan of Colchester	Helm of Fair Haven	Potter of Clarendon
Brumsted of Shelburne	Higley of Lowell	Quimby of Concord
Buckholz of Hartford	Hill of Wolcott	Rosenquist of Georgia
Burditt of West Rutland	Hooper of Montpelier	Savage of Swanton
Burke of Brattleboro	Hooper of Brookfield	Scheu of Middlebury
Canfield of Fair Haven	Hubert of Milton	Scheuermann of Stowe
Carr of Brandon	Jessup of Middlesex	Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs	Jickling of Brookfield	Shaw of Pittsford
Christie of Hartford *	Juskiewicz of Cambridge	Sibilia of Dover
Cina of Burlington	Keefe of Manchester	Smith of Derby
Colburn of Burlington	Kimbell of Woodstock	Smith of New Haven
Condon of Colchester	Krowinski of Burlington	Strong of Albany
Conlon of Cornwall	LaClair of Barre Town	Sullivan of Dorset
Connor of Fairfield	Lalonde of South Burlington	Taylor of Colchester
Conquest of Newbury	Lanpher of Vergennes	Toleno of Brattleboro
Corcoran of Bennington	Lawrence of Lyndon	Toll of Danville
Cupoli of Rutland City	Lefebvre of Newark	Townsend of South Burlington
Dakin of Colchester	Lewis of Berlin	Trieber of Rockingham
Donahue of Northfield	Lippert of Hinesburg	Troiano of Stannard
Emmons of Springfield	Long of Newfane	Turner of Milton
Fagan of Rutland City	Martel of Waterford	Van Wyck of Ferrisburgh
Forguites of Springfield	McCormack of Burlington	Willhoit of St. Johnsbury
Frenier of Chelsea	McCoy of Poultney	Wood of Waterbury
Gage of Rutland City	McFaun of Barre Town	Wright of Burlington
Gamache of Swanton	Morris of Bennington	Young of Glover
Gannon of Wilmington	Morrissey of Bennington	
	Murphy of Fairfax	

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

Ancel of Calais	Donovan of Burlington	Sheldon of Middlebury
Dickinson of St. Albans Town	Kitzmiller of Montpelier	Terenzini of Rutland Town
	Marcotte of Coventry	Webb of Shelburne

**Rep. Christie of Hartford** explained his vote as follows:

“Madam Speaker:

As past 1st responder and presently a certified safe driver instructor I believe in seat belt use. My no vote was one about process. I trust your House Committee on Transportation’s request to DMV to emphasize the improvement of our usage data, and report back, so we can truly inform our decision.”

**Rep. Dunn of Essex** explained her vote as follows:

“Madam Speaker:

The number of deaths and total brain injuries that are a result of motor

vehicle accidents when the driver and/or the passengers are not wearing seat belts is growing.

Not only is this a cost to the health care system, but more importantly it is a great cost to the families and communities involved. It can have a profound effect on the survivors as well.”

**Rep. Poirier of Barre City** explained his vote as follows:

“Madam Speaker:

I voted yes because this issue has been before us in the past. The arguments against this amendment are the same as they have been in the past. I do not know how many times we need further study for issue that makes sense and can reduce the carnage on our highways.”

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

**Third Reading; Joint Resolution Adopted in Concurrence  
with Proposal of Amendment**

**J.R.S. 25**

Joint resolution, entitled

Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend conservation easements related to the former Hancock Lands and adjacent Averill Inholdings in Essex County and to sell the Bertha Tract in Mendon and the Burch Tract in Killington to the Trust for Public Land

Was taken up read third time and adopted in concurrence with proposal of amendment.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 527**

**Rep. Lewis of Berlin**, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the Town of East Montpelier and to the merger of the Town and the East Montpelier Fire District No. 1

Reported in favor of its passage when amended as follows:

In Sec. 4 (effective date), by striking out the section in its entirety and inserting in lieu thereof two new sections to be Secs. 4 and 5 to read:

Sec. 4. TRANSITIONAL PROVISIONS; ELECTED TOWN OFFICERS

Notwithstanding the provisions of Sec. 2 of this act, 24 App. V.S.A. chapter 114E, §§ 5 (Town Clerk) and 6 (Collector of Current Taxes and Collector of Delinquent Taxes), that provides that the offices of the Town Clerk and Collector of Delinquent Taxes shall be appointed by the Selectboard, an elected Town Clerk or Collector of Delinquent Taxes in office immediately prior to the effective date of that section may continue to hold that office until July 1, 2017. At the end of the elected Town Clerk's or Collector of Delinquent Taxes' term of office, or in the case of a vacancy in his or her office, the provisions of Sec. 2 of this act, 24 App. V.S.A. chapter 114E, §§ 5 (Town Clerk) and 6 (Collector of Current Taxes and Collector of Delinquent Taxes), shall apply.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Government Operations agreed to and third reading ordered.

**Second Reading; Proposal of Amendment Agreed to;  
Third Reading Ordered**

**S. 10**

**Rep. Deen of Westminster**, for the committee on Natural Resources, Fish & Wildlife, to which had been referred Senate bill, entitled

An act relating to liability for the contamination of potable water supplies

Reported in favor of its passage in concurrence with proposal of amendment as follows by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Contaminated Potable Water Supplies \* \* \*

Sec. 1. 10 V.S.A. § 6615e is added to read:

§ 6615e. RELIEF FOR CONTAMINATED POTABLE WATER SUPPLIES

(a) Definitions. As used in this section:

(1) "Public water system" means any system or combination of systems owned or controlled by a person that provides drinking water through pipes or other constructed conveyances to the public and that has at least 15 service connections or serves an average of at least 25 individuals daily for at least 60 days out of the year. A "public water system" includes all collection, treatment, storage, and distribution facilities under the control of the water supplier and used primarily in connection with the system, and any collection

or pretreatment storage facilities not under the control of the water supplier that are used primarily in connection with the system. "Public water system" shall also mean any part of a system that does not provide drinking water, if use of such a part could affect the quality or quantity of the drinking water supplied by the system. "Public water system" shall also mean a system that bottles drinking water for public distribution and sale.

(2) "Public community water system" means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(b) Extension of public community water system.

(1) The Secretary, after due consideration of cost, may initiate a proceeding under this section to determine whether a person that released perfluorooctanoic acid into the air, groundwater, surface water, or onto the land is liable for the costs of extending the water supply of a public water system to an impacted property. A person who released perfluorooctanoic acid shall be liable for the extension of a municipal water line when:

(A) the property is served by a potable water supply regulated under chapter 64 of this title;

(B) the Secretary has determined that the potable water supply on the property:

(i) is a failed supply under chapter 64 of this title due to perfluorooctanoic acid contamination; or

(ii) is likely to fail due to contamination by perfluorooctanoic acid due to the proximity of the potable water supply to other potable water supplies contaminated by perfluorooctanoic acid or due to other relevant factors; and

(C) the person the Secretary determined released perfluorooctanoic acid into the air, groundwater, surface water, or onto the land is a cause of or contributor to the perfluorooctanoic acid contamination or likely contamination of the potable water supply.

(2) A person liable for the extension of a public water system under this section shall be strictly, jointly, and severally liable for all costs associated with that public water system extension. The remedy under this section is in addition to those provided by existing statutory or common law.

(c) Liability payment.

(1) Following notification of liability by the Secretary, a person liable under subsection (b) of this section for the extension of the water supply of a

public water system shall pay the owner of the public water system for the extension of the water supply within 30 days of receipt of a final engineering design or within an alternate time frame ordered by the Secretary.

(2) If the person liable for the extension of the water supply does not pay the owner within the time frame required under subdivision (1) of this subsection, the person shall be liable for interest on the assessed cost of the extension of the water supply.

(d) Available defenses; rights. All defenses to liability and all rights to contribution or indemnification available to a person under section 6615 of this title are available to a person subject to liability under this section.

## Sec. 2. APPLICATION OF LIABILITY

(a) 10 V.S.A. § 6615e, enacted under Sec. 1 of this act, shall apply to any determination of liability made by the Secretary of Natural Resources under 10 V.S.A. § 6615e after the effective date of the section.

(b) Notwithstanding any contrary provision of 1 V.S.A. § 214, 10 V.S.A. § 6615e shall apply to any relevant release of perfluorooctanoic acid regardless of the date of the relevant release, including releases that occurred prior to the effective date of 10 V.S.A. § 6615e.

\* \* \* Hazardous Materials \* \* \*

Sec. 3. 10 V.S.A. § 6602(16) is amended to read:

(16)(A) “Hazardous material” means all petroleum and toxic, corrosive, or other chemicals and related sludge included in any of the following:

(i) any substance defined in section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980;

(ii) petroleum, including crude oil or any fraction thereof; ~~or~~

(iii) hazardous wastes, as determined under subdivision (4) of this section; or

(iv) a chemical or substance that, when released, poses a risk to human health or other living organisms and that is listed by the Secretary by rule.

(B) “Hazardous material” does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, State, and local laws and regulations and according to manufacturer’s instructions. Nothing in this subdivision shall affect the authority granted and the limitations imposed by section 6608a of this title.

Sec. 4. 10 V.S.A. § 6602(12) is amended to read:

(12) “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any ground or surface waters.

\* \* \* Brownfields \* \* \*

Sec. 5. 10 V.S.A. § 6652(b) is amended to read:

(b) Upon receipt of the completion report, the Secretary shall determine whether additional work is required in order to complete the plan. The applicant shall perform any additional activities necessary to complete the corrective action plan as required by the Secretary and shall submit a new completion report. When the Secretary determines that the applicant has successfully completed the corrective action plan and paid all fees and costs due under this subchapter, the Secretary shall issue a certificate of completion, which certifies that the work is completed. The certificate of completion shall include a description of any land use restrictions and other conditions required by the corrective action plan. The Secretary may establish land use restrictions in the certificate of completion for a property, but the Secretary shall not acquire interests in the property in order to establish a land use restriction.

Sec. 6. 10 V.S.A. § 6653 is amended to read:

§ 6653. RELEASE FROM LIABILITY; PERSONAL RELEASE FROM  
LIABILITY

(a) An applicant who has obtained a certificate of completion pursuant to section 6652 of this title and successor owners of the property included in the certificate of completion who are not otherwise liable under section 6615 for the release or threatened release of a hazardous material at the property shall not be liable under subdivision 6615(a)(1) of this title for any of the following:

(1) A release or threatened release that existed at the property at the time of the approval of the corrective action plan and complies with one or both of the following:

(A) was discovered after the approval of the corrective action plan by means that were not recognized standard methods at the time of approval of the corrective action plan;

(B) the material was not regulated as hazardous material until after approval of the corrective action plan.

(2) Cleanup after approval of the corrective action plan was done

pursuant to more stringent cleanup standards effective after approval of the corrective action plan.

(3) Natural resource damages pursuant to section 6615d of this title, provided that the applicant did not cause the release that resulted in the damages to natural resources.

\* \* \*

(c) A release from liability under this section or forbearance from action provided by section 6646 of this title does not extend to any of the following:

(1) A release or threatened release of a hazardous material that was not present at the time the applicant submitted an application pursuant to this subchapter where the release or threatened release:

(A) has not been addressed under an amended corrective action plan approved by the Secretary; or

(B) was caused by intentional or reckless conduct by the applicant or agents of the applicant.

(2) Failure to comply with the general obligations established in section 6644 of this title.

(3) A release that occurs subsequent to the issuance of a certificate of completion.

(4) Failure to comply with the use restrictions contained within the certificate of completion for the site issued pursuant to subsection 6652(b) of this title.

\* \* \*

\* \* \* Groundwater Classification \* \* \*

Sec. 7. 10 V.S.A. § 1392(d) is amended to read:

(d) The groundwater management strategy, including groundwater classification and associated technical criteria and standards, shall be adopted as a rule in accordance with the provisions of 3 V.S.A., chapter 25. ~~The secretary shall file any final proposed rules regarding the groundwater management strategy, with the natural resources board not less than 30 days prior to filing with the legislative committee on administrative rules. The board shall review the final proposed rules and comment regarding their compatibility with the Vermont water quality standards and the objectives of the Vermont Water Pollution Control Act. The secretary shall include the natural resources board's comments in filing the final proposed rules with the legislative committee on administrative rules.~~

Sec. 8. 10 V.S.A. § 1394(a) is amended to read:

(a) The state State adopts, for purposes of classifying its groundwater, the following classes and definitions thereof:

\* \* \*

(4) Class IV. Not suitable as a source of potable water but suitable for some agricultural, industrial and commercial use, provided that the Secretary may authorize, subject to conditions, use as a source of potable water supply or other use under a reclassification order issued for the aquifer.

\* \* \* Public Trust Lands \* \* \*

Sec. 9. ADDITIONAL AUTHORIZED USE; PUBLIC TRUST LANDS

(a) The General Assembly finds that:

(1) the General Assembly has the authority to authorize public uses of filled public trust lands in the City of Burlington; and

(2) the use of the filled public trust lands in the City of Burlington authorized by this act is consistent with the public trust doctrine.

(b) In addition to the uses authorized by the General Assembly in 1990 Acts and Resolves No. 274, 1991 Acts and Resolves No. 53, 1996 Acts and Resolves No. 87, and 1997 Acts and Resolves No. 22, the filled public trust lands within the City of Burlington that are located north of the centerline of Maple Street extending north to the northern terminus of the Lake Street extension completed in 2016 and that extend to the waters of Lake Champlain may be utilized for public markets that benefit Vermont's public and that are available to the public on an open and nondiscriminatory basis.

(c) Any use authorized under this act is subject to all applicable requirements of law.

\* \* \* Effective Date \* \* \*

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Natural Resources, Fish and Wildlife? **Rep. Morrissey of Bennington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Natural Resources, Fish and

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Wildlife? was decided in the affirmative. Yeas, 140. Nays, 2.

Those who voted in the affirmative are:

Ainsworth of Royalton	Giambatista of Essex	Nolan of Morristown
Ancel of Calais	Gonzalez of Winooski	Norris of Shoreham
Bancroft of Westford	Grad of Moretown	Noyes of Wolcott
Bartholomew of Hartland	Graham of Williamstown	Ode of Burlington
Baser of Bristol	Greshin of Warren	Olsen of Londonderry
Batchelor of Derby	Haas of Rochester	O'Sullivan of Burlington
Beck of St. Johnsbury	Harrison of Chittenden	Parent of St. Albans Town
Belaski of Windsor	Head of South Burlington	Partridge of Windham
Beyor of Highgate	Hebert of Vernon	Pearce of Richford
Bissonnette of Winooski	Helm of Fair Haven	Poirier of Barre City
Bock of Chester	Higley of Lowell	Potter of Clarendon
Botzow of Pownal	Hill of Wolcott	Pugh of South Burlington
Brennan of Colchester	Hooper of Montpelier	Quimby of Concord
Briglin of Thetford	Hooper of Brookfield	Rachelson of Burlington
Browning of Arlington	Houghton of Essex	Rosenquist of Georgia
Brumsted of Shelburne	Howard of Rutland City	Savage of Swanton
Buckholz of Hartford	Hubert of Milton	Scheu of Middlebury
Burditt of West Rutland	Jessup of Middlesex	Scheuermann of Stowe
Burke of Brattleboro	Jickling of Brookfield	Sharpe of Bristol
Canfield of Fair Haven	Joseph of North Hero	Shaw of Pittsford
Carr of Brandon	Juskiewicz of Cambridge	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Keefe of Manchester	Smith of Derby
Christensen of Weathersfield	Keenan of St. Albans City	Smith of New Haven
Christie of Hartford	Kimbell of Woodstock	Squirrell of Underhill
Cina of Burlington	Krowinski of Burlington	Stevens of Waterbury
Colburn of Burlington	LaClair of Barre Town	Strong of Albany
Condon of Colchester	Lalonde of South Burlington	Stuart of Brattleboro
Conlon of Cornwall	Lanpher of Vergennes	Sullivan of Dorset
Connor of Fairfield	Lawrence of Lyndon	Sullivan of Burlington
Conquest of Newbury	Lefebvre of Newark	Taylor of Colchester
Copeland-Hanzas of Bradford	Lewis of Berlin	Till of Jericho
Corcoran of Bennington	Lippert of Hinesburg	Toleno of Brattleboro
Cupoli of Rutland City	Long of Newfane	Toll of Danville
Dakin of Colchester	Lucke of Hartford	Townsend of South Burlington
Deen of Westminster	Macaig of Williston	Trieber of Rockingham
Dunn of Essex	Marcotte of Coventry	Troiano of Stannard
Emmons of Springfield	Martel of Waterford	Van Wyck of Ferrisburgh
Fagan of Rutland City	Masland of Thetford	Viens of Newport City
Feltus of Lyndon	McCormack of Burlington	Walz of Barre City
Fields of Bennington	McCoy of Poultney	Weed of Enosburgh
Forguites of Springfield	McCullough of Williston	Willhoit of St. Johnsbury
Frenier of Chelsea	McFaun of Barre Town	Wood of Waterbury
Gage of Rutland City	Miller of Shaftsbury	Wright of Burlington
Gamache of Swanton	Morris of Bennington	Yacovone of Morristown
Gannon of Wilmington	Morrissey of Bennington	Yantachka of Charlotte
	Mrowicki of Putney	Young of Glover
	Murphy of Fairfax	

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Gardner of Richmond                      Myers of Essex

Those who voted in the negative are:

Donahue of Northfield \*                  Turner of Milton

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

Devereux of Mount Holly	Donovan of Burlington	Terenzini of Rutland Town
Dickinson of St. Albans Town	Kitzmiller of Montpelier	Webb of Shelburne
	Sheldon of Middlebury	

**Rep. Donahue of Northfield** explained her vote as follows:

“Madam Speaker:

Actions to impose new, strict liability sanctions on a retroactive basis are highly problematic to me. At a minimum this should have closely scrutinized by our Judiciary Committee.”

Thereupon, third reading was ordered.

**Message from the Senate No. 49**

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

Madam Speaker:

I am directed to inform the House that:

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

**S. 23.** An act relating to juvenile jurisdiction.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

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

**H. 326.** An act relating to eligibility and calculation of grant or subsidy amount for Reach Up, Reach Ahead, and the Child Care Services Program.

And has passed the same in concurrence.

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

**H. 5.** An act relating to investment of town cemetery funds.

**H. 74.** An act relating to nonconsensual sexual conduct.

**H. 230.** An act relating to consent by minors for mental health treatment related to sexual orientation and gender identity.

**H. 308.** An act relating to a committee to reorganize and reclassify Vermont's criminal statutes.

**H. 508.** An act relating to building resilience for individuals experiencing adverse childhood experiences.

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

#### **Message from the Senate No. 50**

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

Madam Speaker:

I am directed to inform the House that:

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

**H. 513.** An act relating to making miscellaneous changes to education law.

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

The Senate has on its part adopted joint resolution of the following title:

**J.R.S. 32.** Joint resolution relating to weekend adjournment.

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

#### **Recess**

At twelve o'clock and fourteen minutes, the Speaker declared a recess until four o'clock in the afternoon.

At four o'clock and five minutes the Speaker called the House to order.

#### **Message from Governor**

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

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the twenty-fifth day of April, 2017, he signed bills originating in the House of the following titles:

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- H.14**      **An act relating to automated external defibrillator**
- H.201**     **An act relating to length of stay at designated shelters**
- H. 379**    **An act relating to providing an extension for repeal of the Search and Rescue Council**

**Second Reading; Proposal of Amendment Agreed to;  
Third Reading Ordered**

**S. 52**

**Rep. Sibilia of Dover**, for the committee on Energy and Technology, to which had been referred Senate bill, entitled

An act relating to the Public Service Board and its proceedings

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Preapplication Submittals; Energy Facilities \* \* \*

Sec. 1. 30 V.S.A. § 248(f) is amended to read:

(f) However, plans for the construction of such a facility within the State must be submitted by the petitioner to the municipal and regional planning commissions no less than 45 days prior to application for a certificate of public good under this section, unless the municipal and regional planning commissions shall waive such requirement.

(1) ~~Such~~ The municipal or regional planning commission may take one or more of the following actions:

(A) ~~hold~~ Hold a public hearing on the proposed plans. The planning commission may request that the petitioner or the Department of Public Service, or both, attend the hearing. The petitioner and the Department each shall have an obligation to comply with such a request. The Department shall consider the comments made and information obtained at the hearing in making recommendations to the Board on the application and in determining whether to retain additional personnel under subdivision (1)(B) of this subsection.

(B) Request that the Department of Public Service exercise its authority under section 20 of this title to retain experts and other personnel to review the proposed facility. The Department may commence retention of these personnel once the petitioner has submitted proposed plans under this subsection. The Department may allocate the expenses incurred in retaining these personnel to the petitioner in accordance with section 21 of this title.

Granting a request by a planning commission pursuant to this subdivision shall not oblige the Department or the personnel it retains to agree with the position of the commission.

~~(C) Such commissions shall make~~ Make recommendations, ~~if any, to the Public Service Board and to the petitioner at least seven days prior to filing of the petition with the Public Service Board~~ within 40 days of the petitioner's submittal to the planning commission under this subsection.

(D) Once the petition is filed with the Public Service Board, make recommendations to the Board by the deadline for submitting comments or testimony set forth in the applicable provision of this section, Board rule, or scheduling order issued by the Board.

(2) The petitioner's application shall address the substantive written comments related to the criteria of subsection (b) of this section received by the petitioner within 45 days of the submittal made under this subsection and the substantive oral comments related to those criteria made at a public hearing under subdivision (1) of this subsection.

\* \* \* Facility Siting; Service of Application When Determined Complete;  
Extension of Telecommunications Siting Authority \* \* \*

Sec. 2. 30 V.S.A. § 246 is amended to read:

#### § 246. TEMPORARY SITING OF METEOROLOGICAL STATIONS

(a) As used in this section, a "meteorological station" consists of one temporary tower, which may include guy wires, and attached instrumentation to collect and record wind speed, wind direction, and atmospheric conditions.

(b) The Public Service Board shall establish by rule or order standards and procedures governing application for, and issuance or revocation of, a certificate of public good for the temporary installation of one or more meteorological stations under the provisions of section 248 of this title. A meteorological station shall be deemed to promote the public good of the State if it is in compliance with the criteria of this section and the Board rules or orders. An applicant for a certificate of public good for a meteorological station shall be exempt from the requirements of subsection 202(f) of this title.

(c) In developing rules or orders, the Board:

(1) ~~Shall develop a simple application form and shall require that completed applications be filed~~ the applicant first file the application with the Board, and that, within two business days of notification from the Board that the application is complete, the applicant serve copies of the complete application on the Department of Public Service, the Agency of Natural Resources, the Agency of Transportation, and the municipality in which the

meteorological station is proposed to be located.

(2) Shall require that if no objections are filed within 30 days of the Board's receipt of a complete application date of service of the complete application under subdivision (1) of this subsection, and the Board determines that the applicant has met all of the requirements of section 248 of this title, the certificate of public good shall be issued for a period that the Board finds reasonable, but in no event for more than five years. Upon request of an applicant, the Board may renew a certificate of public good. Upon expiration of the certificate, the meteorological station and all associated structures and material shall be removed, and the site shall be restored substantially to its preconstruction condition.

(3) May waive the requirements of section 248 of this title that are not applicable to meteorological stations, including criteria that are generally applicable to public service companies as defined in this title. The Board shall not waive review regarding whether construction will have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, and the public health and safety.

(4) Shall seek to simplify the application and review process, as appropriate, in conformance with this section.

\* \* \*

Sec. 3. 30 V.S.A. § 248(a)(4) is amended to read:

(4)(A) With respect to a facility located in the State, the Public Service Board shall hold a nontechnical public hearing on each petition for such finding and certificate in at least one county in which any portion of the construction of the facility is proposed to be located. From the comments made at the public hearing, the Board shall derive areas of inquiry that are relevant to the findings to be made under this section and shall address each such area in its decision. Prior to making findings, if the record does not contain evidence on such an area, the Board shall direct the parties to provide evidence on the area. This subdivision does not require the Board to respond to each individual comment.

(B) The Public Service Board shall hold technical hearings at locations which it selects.

(C) ~~At the time of filing its application with the Board, copies shall be given by the petitioner to~~ Within two business days of notification from the Board that the petition is complete, the petitioner shall serve copies of the complete petition on the Attorney General and the Department of Public Service, and, with respect to facilities within the State, the Department of Health, Agency of Natural Resources, Historic Preservation Division, Agency

of Transportation, Agency of Agriculture, Food and Markets, and to the chair or director of the municipal and regional planning commissions and the municipal legislative body for each town and city in which the proposed facility will be located.

(D) Notice of the public hearing shall be published and maintained on the Board's website for at least 12 days before the day appointed for the hearing. Notice of the public hearing shall be published once in a newspaper of general circulation in the county or counties in which the proposed facility will be located, and the notice shall include an Internet address where more information regarding the proposed facility may be viewed.

\* \* \*

Sec. 4. 30 V.S.A. § 248(j)(2) is amended to read:

(2) Any party seeking to proceed under the procedures authorized by this subsection shall file a proposed certificate of public good and proposed findings of fact with its petition. The Within two business days of notification by the Board that the filing is complete, the party shall serve copies of the complete filing on the parties specified in subdivision (a)(4)(C) of this section and the Board shall give written notice of the proposed certificate and its determination that the filing is complete to the those parties specified in subdivision (a)(4)(C) of this section, to any public interest organization that has in writing requested notice of applications to proceed under this subsection, and to any other person found by the Board to have a substantial interest in the matter. Such notice also shall be published on the Board's website within two days of issuing the determination that the filing is complete and shall request comment within 28 30 days of the initial publication date of service of the complete filing on the question of whether the petition raises a significant issue with respect to the substantive criteria of this section. If the Board finds that the petition raises a significant issue with respect to the substantive criteria of this section, the Board shall hear evidence on any such issue.

Sec. 5. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS  
FACILITIES

\* \* \*

(e) Notice. No less than 60 days prior to filing an application for a certificate of public good under this section, the applicant shall serve written notice of an application to be filed with the Board pursuant to this section to the legislative bodies and municipal and regional planning commissions in the

communities in which the applicant proposes to construct or install facilities; the Secretary of Natural Resources; the Secretary of Transportation; the Division for Historic Preservation; the Commissioner of Public Service and its Director for Public Advocacy; the Natural Resources Board if the application concerns a telecommunications facility for which a permit previously has been issued under 10 V.S.A. chapter 151; and the landowners of record of property adjoining the project sites. In addition, at least one copy of each application shall be filed with each of these municipal and regional planning commissions. The notices to the legislative body and planning commission of the municipality shall attach a statement that itemizes the rights and opportunities available to those bodies under subdivisions (c)(2) and (e)(2) of this section and under subsections (m), (n), and (o) of this section and informs them of the guide published under subsection (p) of this section and how to obtain a copy of that guide.

\* \* \*

(i) Sunset of Board authority. Effective on July 1, ~~2017~~ 2020, no new applications for certificates of public good under this section may be considered by the Board.

(j) Telecommunications facilities of limited size and scope.

\* \* \*

(2)(A) Any ~~party~~ person seeking to proceed under the procedures authorized by this subsection shall file a proposed certificate of public good and proposed findings of fact with its application, ~~and provide~~. Within two business days of notification from the Board that the filing is complete, the applicant shall serve notice and a copy of the application, proposed certificate of public good, and proposed findings of fact to on the Commissioner of Public Service and its Director for Public Advocacy, the Secretary of Natural Resources, the Division for Historic Preservation, the Natural Resources Board if the application concerns a telecommunications facility for which a permit previously has been issued under 10 V.S.A. chapter 151, and each of the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities. ~~At the same time the applicant files the documents specified in this subdivision with the Board~~ Within two business days of notification from the Board that the filing is complete, the applicant also shall give serve written notice of the proposed certificate ~~to~~ on the landowners of record of property adjoining the project site or sites unless the Board has previously determined on request of the applicant that good cause exists to waive or modify the notice requirement with respect to such landowners. Such notice shall request comment to the Board within ~~21~~ 30 days of the ~~notice~~ date of service on the question of

whether the application raises a significant issue with respect to the substantive criteria of this section. If the Board finds that an application raises a significant issue with respect to the substantive criteria of this section, the Board shall hear evidence on any such issue.

\* \* \*

(C) If the Board accepts a request to consider an application under the procedures of this subsection, then unless the Public Service Board subsequently determines that an application raises a significant issue, the Board shall issue a final determination on an application filed pursuant to this subsection ~~within 45 days of its filing or, if the original filing did not substantially comply with the Public Service Board's rules, within 45~~ 60 days of the date on which the Clerk of the Board notifies the applicant that the filing is complete. If, subsequent to acceptance of an application under this subsection, the Board rules that an application raises a significant issue, it shall issue a final determination on an application filed pursuant to this subsection ~~within 90 days of its filing or, if the original filing did not substantially comply with the Public Service Board's rules, within 90~~ days of the date on which the Clerk of the Board notifies the applicant that the filing is complete.

\* \* \*

(k) De minimis modifications. An applicant intending to make a de minimis modification of a telecommunications facility shall provide written notice of its intent, including a description of the de minimis modification, its plans for the de minimis modification, and its certification that the project constitutes a de minimis modification under this section, to the following: the landowner of record of the property on which the facility is located; the legislative body of the municipality in which the applicant proposes to undertake such limited modifications to the facility; and the Commissioner of Public Service and his or her Director for Public Advocacy. Unless an objection to the classification of a proposed project as a de minimis modification is filed with the Board within ~~24~~ 30 days of this notice, a certificate of public good shall be issued. Objections may be filed only by persons entitled to notice of this proposed project pursuant to this subsection. If an objection of the classification of the proposed project as a de minimis modification is timely filed with the Board, the Board may determine whether the intended project meets the definition of de minimis modification established in subdivision (b)(2) of this section.

\* \* \*

(o) Retention; experts. The Department of Public Service may retain experts and other personnel as identified in section 20 of this title to provide

information essential to a full consideration of an application for a certificate of public good under this section. The Department may allocate the expenses incurred in retaining these personnel to the applicant in accordance with section 21 of this title. The Department may commence retention of these personnel once the applicant has filed the ~~45-day~~ 60-day notice under subsection (e) of this section. A municipal legislative body or planning commission may request that the Department retain these personnel. Granting such a request shall not oblige the Department or the personnel it retains to agree with the position of the municipality.

\* \* \*

\* \* \* Notice of Petitions for a CPG to Do Business \* \* \*

Sec. 6. 30 V.S.A. § 231 is amended to read:

§ 231. CERTIFICATE OF PUBLIC GOOD; ABANDONMENT OF  
SERVICE; HEARING

(a) A person, partnership, unincorporated association, or previously incorporated association, ~~which~~ that desires to own or operate a business over which the Public Service Board has jurisdiction under the provisions of this chapter shall first petition the Board to determine whether the operation of such business will promote the general good of the State, and shall at that time file a copy of any such petition with the Department. The Department, within 12 days, shall review the petition and file a recommendation regarding the petition in the same manner as is set forth in subsection 225(b) of this title. Such recommendation shall set forth reasons why the petition shall be accepted without hearing or shall request that a hearing on the petition be scheduled. If the Department requests a hearing on the petition, or, if the Board deems a hearing necessary, it shall appoint a time and place in the county where the proposed corporation is to have its principal office for hearing the petition, ~~and shall make an order for the publication of the substance thereof and the time and place of hearing two weeks successively in a newspaper of general circulation in the county to be served by the petitioner, the last publication to be at least seven days before the day appointed for the hearing.~~ At least 12 days before this hearing, notice of the hearing shall be published on the Board's website and once in a newspaper of general circulation in the county in which the hearing will occur. The website notice shall be maintained through the date of the hearing. The newspaper notice shall include an Internet address where more information regarding the petition may be viewed. The Director for Public Advocacy shall represent the public at ~~such~~ the hearing. If the Board finds that the operation of such business will promote the general good of the State, it shall give such person, partnership,

unincorporated association, or previously incorporated association a certificate of public good specifying the business and territory to be served by such petitioners. For good cause, after opportunity for hearing, the Board may amend or revoke any certificate awarded under the provisions of this section. If any such certificate is revoked, the person, partnership, unincorporated association, or previously incorporated association shall no longer have authority to conduct any business which is subject to the jurisdiction of the Board whether or not regulation thereunder has been reduced or suspended, under section 226a or 227a of this title.

\* \* \*

\* \* \* Enforcement \* \* \*

Sec. 7. 30 V.S.A. § 2 is amended to read:

§ 2. DEPARTMENT POWERS

\* \* \*

(h) The Department shall investigate when it receives a complaint that there has been noncompliance with section 246, 248, 248a, or 8010 of this title, any rule adopted pursuant to those sections, or any certificate of public good issued pursuant to those sections, including a complaint of such noncompliance received pursuant to section 208 of this title or the complaint protocol established under 2016 Acts and Resolves No. 130, Sec. 5c.

Sec. 8. 30 V.S.A. § 30 is amended to read:

§ 30. PENALTIES; AFFIDAVIT OF COMPLIANCE

\* \* \*

(h) In accordance with the process set forth in this subsection, the Department may issue an administrative citation to a person the Department believes after investigation violated section 246, 248, 248a, or 8010 of this title, any rule adopted pursuant to those sections, or any certificate of public good issued pursuant to those sections.

(1) An administrative citation, whether draft or final, shall:

(A) state each provision of statute and rule and each condition of a certificate of public good alleged to have been violated;

(B) include a concise statement of the facts giving rise to the alleged violation and the evidence supporting the existence of those facts;

(C) request that the person take the remedial action specified in the notice or pay a civil penalty of not more than \$5,000.00 for the violation, or both; and

(D) if remedial action is requested, state the reasons for seeking the action.

(2) The Department shall initiate the process by issuing a draft administrative citation to the person and sending a copy to each municipality in which the person's facility is located, each adjoining property owner to the facility, the complainant if any, and, for alleged violations of the facility's certificate of public good, each party to the proceeding in which the certificate was issued.

(A) At the time the draft citation is issued, the Department shall file a copy with the Board and post the draft citation on its website.

(B) Commencing with the date of issuance, the Department shall provide an opportunity of 30 days for public comment on the draft citation. The Department shall include information on this opportunity in the draft citation.

(C) Once the public comment period closes, the Department:

(i) Shall provide the person and the Board with a copy of each comment received.

(ii) Within 15 days of the close of the comment period, may file a revised draft citation with the Board. The revised draft citation may be accompanied by a stipulation or agreed settlement between the person and the Department with a request for Board approval.

(D) The Board may on its own initiative open a proceeding to investigate the violation alleged in the draft citation. The Board shall take any such action within 25 days of the close of the public comment period, or the filing of a revised draft citation, whichever is later. Such a Board proceeding shall supersede the draft citation.

(3) If the Board has not opened a proceeding pursuant to subdivision (2)(D) of this subsection, the Department may issue a final administrative citation to the person. Within 30 days of receipt of a final administrative citation, the person shall respond in one of the following ways:

(A) Request a hearing before the Board on the existence of the alleged violation, the proposed penalty, and the proposed remedial action.

(B) Pay any civil penalty set forth in the notice and agree to undertake such remedial action as is set forth in the notice and submit to the Department for its approval a plan for compliance. In such a case, the final administrative citation shall be enforceable in the same manner as an order of the Board.

(C) Decline to contest the existence of the alleged violation and request a hearing on either the proposed penalty or remedial action, or both. When exercising this option, a person may agree to either the proposed penalty or remedial action and seek a hearing only on the penalty or action with which the person disagrees.

(4) When a person requests a hearing under subdivision (3) of this subsection, the Board shall open a proceeding and conduct a hearing in accordance with the provisions of this section on the alleged violation and such remedial action and penalty as are set forth in the notice. Notwithstanding any contrary provision of this section, a penalty under this subdivision (4) shall not exceed \$5,000.00.

(5) If a person pays the civil penalty set forth in a final administrative citation, then the Department shall be precluded from seeking and the Board from imposing additional civil penalties for the same alleged violation unless the violation is continuing or is repeated.

(6) If a person agrees to undertake the remedial action set forth in a final administrative citation, failure to undertake the action or comply with a compliance plan approved by the Department shall constitute a separate violation.

(7) The Board may approve disposition of a final administrative citation by stipulation or agreed settlement submitted before entry of a final order.

(8) Penalties assessed under this subsection shall be deposited in the General Fund.

\* \* \* Name Change to Public Utility Commission \* \* \*

Sec. 9. 30 V.S.A. § 3 is amended to read:

§ 3. ~~PUBLIC SERVICE BOARD~~ UTILITY COMMISSION

(a) The ~~Vermont Public Service Board~~ Utility Commission shall consist of a Chair and two members. The Chair and each member shall not be required to be admitted to the practice of law in this State.

(b) The Chair shall be nominated, appointed, and confirmed in the manner of a Superior judge.

(c) Members of the ~~Board~~ Commission other than the Chair shall be appointed in accordance with this subsection. Whenever a vacancy occurs, public announcement of the vacancy shall be made. The Governor shall submit at least five names of potential nominees to the Judicial Nominating Board for review. The Judicial Nominating Board shall review the candidates in respect to judicial criteria and standards only and shall recommend to the

Governor those candidates the Board considers qualified. The Governor shall make the appointment from the list of qualified candidates. The appointment shall be subject to the consent of the Senate.

(d) The term of each member shall be six years. Any appointment to fill a vacancy shall be for the unexpired portion of the term vacated. A member wishing to succeed himself or herself in office may seek reappointment under the terms of this section.

(e) Notwithstanding 3 V.S.A. § 2004, or any other provision of law, members of the ~~Board~~ Commission may be removed only for cause. When a ~~Board~~ Commission member who hears all or a substantial part of a case retires from office before such case is completed, he or she shall remain a member of the ~~Board~~ Commission for the purpose of concluding and deciding such case, and signing the findings, orders, decrees, and judgments therein. A retiring Chair shall also remain a member for the purpose of certifying questions of law if appeal is taken. For such service, he or she shall receive a reasonable compensation to be fixed by the remaining members of the ~~Board~~ Commission and necessary expenses while on official business.

(f) A case shall be deemed completed when the ~~Board~~ Commission enters a final order therein even though such order is appealed to the Supreme Court and the case remanded by that court to the ~~Board~~ Commission. Upon remand the ~~Board~~ Commission then in office may in its discretion consider relevant evidence including any part of the transcript of testimony in the proceedings prior to appeal.

(g) The Chair shall have general charge of the offices and employees of the ~~Board~~ Commission.

Sec. 10. 30 V.S.A. § 7001(1) is amended to read:

(1) ~~“Board”~~ “Commission” means the Public Service ~~Board~~ Utility Commission under section 3 of this title.

Sec. 11. 30 V.S.A. § 8002(1) is amended to read:

(1) ~~“Board”~~ “Commission” means the Public Service ~~Board~~ Utility Commission under section 3 of this title, ~~except when used to refer to the Clean Energy Development Board.~~

Sec. 12. REVISION AUTHORITY

When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Council shall make the following revisions throughout the statutes as needed for consistency with Secs. 9–11 of this act, as long as the revisions have no other effect on the meaning of the affected statutes:

(1) replace “Public Service Board” with “Public Utility Commission”; and

(2) replace “Board” with “Commission” when the existing term “Board” refers to the Public Service Board.

Sec. 13. RULES; NAME CHANGE

(a) The rules of the Public Service Board in effect on July 1, 2017 shall become rules of the Vermont Public Utility Commission (the Commission).

(b) In those rules, the Commission is authorized to change all references to the Public Service Board so that they refer to the Commission. Unless accompanied by one or more other revisions to the rules, such a change need not be made through the rulemaking process under the Administrative Procedure Act.

\* \* \* Remote Location Access by Citizens to PSB Hearings \* \* \*

Sec. 14. PLAN; CITIZENS’ ACCESS TO PSB HEARINGS FROM  
REMOTE LOCATIONS

(a) On or before December 15, 2017, the Division for Telecommunications and Connectivity within the Department of Public Service, in consultation with relevant organizations such as the Vermont Access Network and Vermont access management organizations, shall submit to the House Committee on Energy and Technology and the Senate Committees on Finance and on Natural Resources and Energy a plan to achieve citizen access to hearings and workshops of the Public Service Board from remote locations across the State. The access shall include interactive capability and the ability to use multiple remote locations simultaneously. The plan may build on the Department’s Vermont Video Connect proposal described in the Report to the General Assembly by the Vermont Interactive Technologies Working Group dated Dec. 9, 2015, submitted pursuant to 2015 Acts and Resolves No. 58, Sec. E.602.1.

(b) The plan shall include each of the following:

- (1) assessment of cost-effective interactive video technologies;
- (2) identification of at least five locations across Vermont that are willing and able to host the access described in subsection (a) of this section;
- (3) the estimated capital costs of providing such access; and
- (4) the estimated operating costs for hosting and connecting.

\* \* \* Citizen Access to Public Service Board; Implementation Report \* \* \*

Sec. 15. REPORT; IMPLEMENTATION OF WORKING GROUP

## RECOMMENDATIONS

On or before December 15, 2017, the Public Service Board shall submit to the House Committee on Energy and Technology and the Senate Committees on Finance and on Natural Resources and Energy a report on the progress made in implementing the recommendations of the Access to Public Service Board Working Group created by 2016 Acts and Resolves No. 174, Sec. 15, including those recommendations that the Group identified as not requiring statutory change.

\* \* \* Appliance Efficiency \* \* \*

## Sec. 16. PURPOSE

In light of the findings set forth at 9 V.S.A. § 2792, Secs. 17 through 21 of this act adopt federal appliance and lighting efficiency standards in effect on January 19, 2017 so that the same standards will be in place in Vermont should the federal standards be repealed or voided. The act also adopts federal standards for general service lighting that have been adopted by the U.S. Department of Energy and are scheduled to come into effect on January 20, 2020, again so that the same standards will be in place in Vermont. The act does not adopt standards for other products or standards for a product that are different from the federal standards.

Sec. 17. 9 V.S.A. § 2793 is amended to read:

## § 2793. DEFINITIONS

As used in this chapter:

\* \* \*

(15) “General service lamp” has the same meaning as set forth in the action published at 82 Fed. Reg. 7276, 7321-22 (January 19, 2017) and modified by the action published at 82 Fed. Reg. 7322, 7333 (January 19, 2017).

Sec. 18. 9 V.S.A. § 2794 is amended to read:

## § 2794. SCOPE

(a) The provisions of this chapter apply to the following types of new products sold, offered for sale, or installed in the State:

- (1) Medium voltage dry-type distribution transformers.
- (2) Metal halide lamp fixtures.
- (3) Residential furnaces and residential boilers.
- (4) Single-voltage external AC to DC power supplies.

(5) State-regulated incandescent reflector lamps.

(6) General service lamps.

(7) Each other product for which the Commissioner is required to adopt an efficiency or water conservation standard by rule pursuant to section 2795 of this title.

(8) Any other product that may be designated by the Commissioner in accordance with section 2797 of this title.

(b) The provisions of this chapter do not apply to:

(1) New products manufactured in the State and sold outside the State and the equipment used in manufacturing those products.

(2) New products manufactured outside the State and sold at wholesale inside the State for final retail sale and installation outside the State.

(3) Products installed in mobile manufactured homes at the time of construction.

(4) Products designed expressly for installation and use in recreational vehicles.

Sec. 19. 9 V.S.A. § 2795 is amended to read:

§ 2795. EFFICIENCY AND WATER CONSERVATION STANDARDS

~~Not later than June 1, 2007, the~~ The Commissioner shall adopt rules in accordance with the provisions of 3 V.S.A. chapter 25 establishing minimum efficiency standards for the types of new products set forth in section 2794 of this title. The rules shall provide for the following minimum efficiency standards for products sold or installed in this State:

\* \* \*

(6) In the rules, the Commissioner shall adopt minimum efficiency and water conservation standards for each product that is subject to a standard under 10 C.F.R. §§ 430 and 431 as those provisions existed on January 19, 2017. The minimum standard and the testing protocol for each product shall be the same as adopted in those sections of the Code of Federal Regulations.

(7) In the rules, the Commissioner shall adopt a minimum efficacy standard for general service lamps of 45 lumens per watt, when tested in accordance with 10 C.F.R. § 430.23(gg) as that provision existed on January 19, 2017.

Sec. 20. 9 V.S.A. § 2796 is amended to read:

§ 2796. IMPLEMENTATION

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\* \* \*

(f)(1) When federal preemption under 42 U.S.C. § 6297 applies to a standard adopted pursuant to this chapter for a product, the standard shall become enforceable on the occurrence of the earliest of the following:

(A) The federal energy or water conservation standard for the product under 42 U.S.C. chapter 77 is withdrawn, repealed, or otherwise voided. However, this subdivision (A) shall not apply to any federal energy or water conservation standard set aside by a court of competent jurisdiction upon the petition of a person who will be adversely affected, as provided in 42 U.S.C. § 6306(b).

(B) A waiver of federal preemption is issued pursuant to 42 U.S.C. § 6297.

(2) The federal standard for general service lamps shall be considered to be withdrawn, repealed, or otherwise voided within the meaning of this subsection if it does not come into effect on January 20, 2020 pursuant to the actions published at 82 Fed. Reg. 7276 and 7333 (January 19, 2017).

(3) When a standard adopted pursuant to this chapter becomes enforceable under this subsection, a person shall not sell or offer for sale in the State a new product subject to the standard unless the efficiency or water conservation of the new product meets or exceeds the requirements set forth in the standard.

#### Sec. 21. RULE ADOPTION; SCHEDULE; REPORT

(a) Rule adoption; schedule.

(1) On or before August 1, 2017, the Commissioner of Public Service shall file with the Secretary of State proposed rules to effect Sec. 19 of this act.

(2) On or before April 1, 2018, the Commissioner shall finally adopt these rules, unless the Legislative Committee on Administrative Rules extends this date pursuant to 3 V.S.A. § 843(c).

(b) Reports.

(1) On or before December 15, 2017, the Commissioner of Public Service shall file a progress report on the rulemaking required by this act. The report shall attach the proposed rules as filed with the Secretary of State.

(2) On or before December 15, 2018, the Commissioner of Public Service shall file a further progress report on the rulemaking required by this act. The report shall attach the rules as finally adopted by the Commissioner.

\* \* \* Energy Storage \* \* \*

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 Sec. 22. ENERGY STORAGE; REPORT

(a) Definitions. As used in this section, “energy storage” means a system that uses mechanical, chemical, or thermal processes to store energy for later use.

(b) Report. On or before November 15, 2017, the Commissioner of Public Service shall submit a report on the issue of deploying energy storage on the Vermont electric transmission and distribution system.

(1) The Commissioner shall submit the report to the House Committee on Energy and Technology and the Senate Committees on Finance and on Natural Resources and Energy.

(2) The Commissioner shall provide an opportunity for the public and Vermont electric transmission and distribution companies to submit information relevant to the preparation of the report.

(3) The report shall:

(A) summarize existing state, regional, and national actions or initiatives affecting deployment of energy storage;

(B) identify and summarize federal and state jurisdictional issues regarding deployment of energy storage;

(C) identify the opportunities for, the benefits of, and the barriers to deploying energy storage;

(D) identify and evaluate regulatory options and structures available to foster energy storage, including potential cost impacts to ratepayers; and

(E) assess the potential methods for fostering the development of cost-effective solutions for energy storage in Vermont and the potential benefits and cost impacts of each method for ratepayers.

(4) The report shall identify the challenges and opportunities for fostering energy storage in Vermont.

Sec. 23. 30 V.S.A. § 8015 is amended to read:

§ 8015. VERMONT CLEAN ENERGY DEVELOPMENT FUND

\* \* \*

(b) Definitions. ~~For purposes of~~ As used in this section, the following definitions shall apply:

\* \* \*

(6) “Energy storage” means a system that uses mechanical, chemical, or thermal processes to store energy for later use.

---

\* \* \*

(d) Expenditures authorized.

(1) Projects for funding may include the following:

(A) projects that will sell power in commercial quantities;

(B) among those projects that will sell power in commercial quantities, funding priority will be given to those projects that commit to sell power to Vermont utilities on favorable terms;

(C) projects to benefit publicly owned or leased buildings;

(D) renewable energy projects on farms, which may include any or all costs incurred to upgrade to a three-phase line to serve a system on a farm;

(E) ~~small-scale~~ small-scale renewable energy in Vermont residences, institutions, and businesses:

(i) generally; and

(ii) through the Small-scale Renewable Energy Incentive Program;

(F) projects under the agricultural economic development special account established under 6 V.S.A. § 4710(g) to harvest biomass, convert biomass to energy, or produce biofuel;

(G) until December 31, 2008 only, super-efficient buildings;

(H) projects to develop and use thermal or geothermal energy, regardless of whether they also involve the generation of electricity;

(I) emerging energy-efficient technologies;

(J) effective projects that are not likely to be established in the absence of funding under the program;

(K) natural gas vehicles and associated fueling infrastructure if each such vehicle is dedicated only to natural gas fuel and, on a life cycle basis, the vehicle's emissions will be lower than those of commercially available vehicles using other fossil fuel, and any such infrastructure will deliver gas without interruption of flow;

(L) electric vehicles and associated charging stations;

(M) energy storage projects that facilitate utilization of renewable energy resources.

\* \* \*

\* \* \* Telecommunications Plan \* \* \*

Sec. 24. 30 V.S.A. § 202d is amended to read:

§ 202d. TELECOMMUNICATIONS PLAN

(a) The Department of Public Service shall constitute the responsible planning agency of the State for the purpose of obtaining for all consumers in the State stable and predictable rates and a technologically advanced telecommunications network serving all service areas in the State. The Department shall be responsible for the provision of plans for meeting emerging trends related to telecommunications technology, markets, financing, and competition.

(b) The Department shall prepare a Telecommunications Plan for the State. The Department of Innovation and Information, the Agency of Commerce and Community Development, and the Agency of Transportation shall assist the Department in preparing the Plan. The Plan shall be for a 10-year period and shall serve as a basis for State telecommunications policy. Prior to preparing the Plan, the Department shall prepare:

(1) ~~an~~ An overview, looking 10 years ahead, of future requirements for telecommunications services, considering services needed for economic development, technological advances, and other trends and factors which, as determined by the Department of Public Service, will significantly affect State telecommunications policy and programs;

(2) ~~a survey~~ One or more surveys of Vermont residents and businesses, conducted in cooperation with the Agency of Commerce and Community Development to determine what telecommunications services are needed now and in the succeeding ~~ten~~ 10 years, generally, and with respect to the following specific sectors in Vermont;

(A) the educational sector, with input from the Secretary of Education;

(B) the health care and human services sectors, with input from the Commissioner of Health and the Secretary of Human Services;

(C) the public safety sector, with input from the Commissioner of Public Safety and the Executive Director of the Enhanced 911 Board; and

(D) the workforce training and development sectors, with input from the Commissioner of Labor.

(3) ~~an~~ An assessment of the current state of telecommunications infrastructure;

(4) ~~an~~ An assessment, conducted in cooperation with the Department of Innovation and Information and the Agency of Transportation, of the current

---

State telecommunications system and evaluation of alternative proposals for upgrading the system to provide the best available and affordable technology for use by government; and.

(5) ~~an~~ An assessment of the state of telecommunications networks and services in Vermont relative to other states, including price comparisons for key services and comparisons of the state of technology deployment.

(c) In developing the Plan, the Department shall take into account the State telecommunications policies and goals of section 202c of this title.

(d) In establishing plans, public hearings shall be held and the Department shall consult with members of the public, representatives of telecommunications utilities with a certificate of public good, other providers, including the Vermont Electric Power Co., Inc. (VELCO), and other interested State agencies, particularly the Agency of Commerce and Community Development, the Agency of Transportation, and the Department of Innovation and Information, whose views shall be considered in preparation of the Plan. To the extent necessary, the Department shall include in the Plan surveys to determine existing, needed, and desirable plant improvements and extensions, access and coordination between telecommunications providers, methods of operations, and any change that will produce better service or reduce costs. To this end, the Department may require the submission of data by each company subject to supervision by the Public Service Board.

(e) Before adopting a Plan, the Department shall conduct public hearings on a final draft and shall consider the testimony presented at such hearings in preparing the final Plan. At least one hearing shall be held jointly with Committees of the General Assembly designated by the General Assembly for this purpose. The Plan shall be adopted by September 1, 2014, and then reviewed and updated as provided in subsection (f) of this section.

(f) The Department, from time to time, but in no event less than every three years, shall institute proceedings to review the Plan and make revisions, where necessary. The three-year major review shall be made according to the procedures established in this section for initial adoption of the Plan. For good cause or upon request by a joint resolution passed by the General Assembly, an interim review and revision of any section of the Plan may be made after conducting public hearings on the interim revision. At least one hearing shall be held jointly with Committees of the General Assembly designated by the General Assembly for this purpose.

(g) The Department shall review and update the minimum technical service characteristic objectives not less than every three years beginning in 2017. In the event such review is conducted separately from an update of the Plan, the

Department shall issue revised minimum technical service characteristic objectives as an amendment to the Plan.

\* \* \* Standard Offer Program; Exemption \* \* \*

Sec. 25. STANDARD OFFER PROGRAM; EXEMPTION; REPORT

(a) On or before December 15, 2018, the Public Service Board (Board) shall submit a written report providing its recommendations related to the exemption set forth at 30 V.S.A. § 8005a(k)(2)(B) and any issues arising from that exemption, including the effect of the exemption on the State's achievement of the renewable energy goals set forth in 30 V.S.A. § 8001. In developing its recommendations under this section, the Board shall conduct a proceeding to solicit input from potentially affected parties and the public.

(b) Notwithstanding any contrary provision of the exemption at 30 V.S.A. § 8005a(k)(2)(B), a retail electricity provider shall not qualify to be exempt under subdivision 8005a(k)(2)(B) during calendar year 2018 or calendar year 2019 unless that provider previously qualified for an exemption under that subdivision.

(c) In this section, "retail electricity provider" has the same meaning as in 30 V.S.A. § 8002.

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

Sec. 26. EFFECTIVE DATES

This section and Secs. 14 through 25 shall take effect on passage. The remainder of this act shall take effect on July 1, 2017.

and that after passage the title of the bill be amended to read: "An act relating to the Public Service Board, energy, and telecommunications"

**Rep. Keenan of St. Albans City**, for the committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the committee on Energy and Technology

The bill having appeared on the Calendar one day for notice, was taken up, read the second time, the reports of the committees on Energy and Technology and Appropriations were agreed to and third reading was ordered.

**Second Reading, Proposal of Amendment Agreed to;  
Third Reading Ordered**

**S. 130**

**Rep. Conlon of Cornwall**, for the committee on Education, to which had

been referred Senate bill, entitled

An act relating to miscellaneous changes to education laws

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: By striking out Sec. 2 (Educational and Training Programs for College Credit), Sec. 3 (Student Enrollment; Small School Grant), Secs. 6–8 (speech-language pathologists), and Sec. 19 (Effective Dates) with their reader assistances, in their entirety.

Second: By renumbering the remaining sections to be numerically correct.

Third: By adding eight new sections, to be Secs. 14, 15, 16, 17, 18, 19, 20, and 21, with reader assistances, to read:

\* \* \* Criminal Record Checks \* \* \*

Sec. 14. 16 V.S.A § 255(k) is added to read:

(k) The requirements of this section shall not apply to persons operating or employed by a child care facility that is prequalified to provide prekindergarten education pursuant to section 829 of this title and that is required to be licensed by the Department for Children and Families pursuant to 33 V.S.A § 3502.

Sec. 15. 33 V.S.A § 3511 is amended to read:

§ 3511. DEFINITIONS

As used in this chapter:

\* \* \*

(2) “Child care facility” means any place or program operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care, and supervision of children under 16 years of age outside their homes for periods of fewer than 24 hours a day by a person other than a child’s own parent, guardian, or relative, as defined by rules adopted by the Department for Children and Families, but not including a kindergarten approved by the State Board of Education or a prequalified prekindergarten program operated by a school.

\* \* \*

\* \* \* Education Weighting Study Committee \* \* \*

Sec. 16. EDUCATION WEIGHTING STUDY COMMITTEE

(a) Creation. There is created the Education Weighting Study Committee to consider and make recommendations on the criteria used for determining

weighted long-term membership of a school district under 16 V.S.A. § 4010.

(b) Membership. The Committee shall be composed of the following nine members:

(1) two current members of the House of Representatives, not from the same party, who shall be appointed by the Speaker of the House;

(2) two current members of the Senate, not from the same party, who shall be appointed by the Committee on Committees;

(3) the Secretary of Education or designee;

(4) the Secretary of Human Services or designee;

(5) the Executive Director of the Vermont Superintendent's Association or designee;

(6) the Executive Director of the Vermont School Boards Association or designee; and

(7) the Executive Director of the Vermont National Education Association or designee.

(c) Powers and duties.

(1) The Committee shall consider and make recommendations on the criteria used for the determining weighted long-term membership of a school district under 16 V.S.A. § 4010, including the following:

(A) the relationship between each of the current weighting factors and the quality and equity of educational outcomes for students;

(B) whether any of the weighting factors, including the weighting factors for students from economically deprived backgrounds and for students for whom English is not the primary language, should be modified, and if so, how the weighting factors should be modified and if the modification would further the quality and equity of educational outcomes for students; and

(C) whether to add any weighting factors, including a school district population density factor, and if so, why the weighting factor should be added and if the weighting factor would further the quality and equity of educational outcomes for students.

(2) In addition to considering and make recommendations on the criteria used for the determining weighted long-term membership of a school district under subdivision (1) of this subsection, the Committee may consider and make recommendations on other methods that would further the quality and equity of educational outcomes for students.

(d) Assistance. The Committee shall have the administrative, technical,

and legal assistance of the Agency of Education.

(e) Report. On or before January 15, 2018, the Committee shall submit a written report to the House and Senate Committees on Education with its findings and any recommendations.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Committee to occur on or before May 30, 2017.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Committee shall cease to exist on January 16, 2018.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than seven meetings.

(2) Other members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than seven meetings.

\* \* \* Surety Bond; Postsecondary Institutions \* \* \*

Sec. 17. 16 V.S.A. § 175 is amended to read:

§ 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

(a) When an institution of higher education, whether or not chartered in this State, proposes to discontinue the regular course of instruction, either permanently or for a temporary period other than a customary vacation period, the institution shall:

(1) promptly inform the State Board;

(2) prepare the academic record of each current and former student in a form satisfactory to the State Board and including interpretive information required by the Board; and

(3) deliver the records to a person designated by the State Board to act as permanent repository for the institution's records, together with the reasonable cost of entering and maintaining the records.

\* \* \*

(e) When an institution of higher education is unable or unwilling to comply with the requirements of subsection (a) of this section, the State Board may expend State funds necessary to ensure the proper storage and availability of the institution's records. The Attorney General shall then seek recovery under this subsection, in the name of the State, of all of the State's incurred costs and expenses, including attorney's fees, arising from the failure to comply. Claims under this subsection shall be a lien on all the property of a defaulting institution, until all claims under this subsection are satisfied. The lien shall take effect from the date of filing notice thereof in the records of the town or towns where property of the defaulting institution is located.

\* \* \*

(g)(1) Each institution of higher education accredited in Vermont, except institutions that are members of the Association of Vermont Independent Colleges (AVIC), the University of Vermont, and the Vermont State Colleges, shall acquire and maintain a bond from a corporate surety licensed to do business in Vermont in the amount of \$50,000.00 to cover costs that may be incurred by the State under subsection (e) of this section due to the institution's failure to comply with the requirements of subsection (a) of this section, and the institution shall provide evidence of the bond to the Secretary within 30 days of receipt. The State shall be entitled to recover up to the full amount of the bond in addition to the other remedies provided in subsection (e) of this section.

(2) AVIC shall maintain a memorandum of understanding with each of its member colleges under which each member college agrees to:

(A) upon the request of AVIC, properly administer the student records of a member college that fails to comply with the requirements of subsection (a) of this section; and

(B) contribute on an equitable basis and in a manner determined in the sole discretion of AVIC to the costs of another AVIC member or other entity selected by AVIC maintaining the records of a member college that fails to comply with the requirements of subsection (a) of this section.

\* \* \* Small School Support \* \* \*

Sec. 18. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) In this section:

\* \* \*

(2) "Enrollment" means the number of students who are enrolled in a

school operated by the district on October 1, provided, however, that for prekindergarten students, "enrollment" shall include any prekindergarten child for whom the school district of residence has provided prekindergarten education or on whose behalf it has paid tuition pursuant section 829 of this title. A student shall be counted as one whether the student is enrolled as a full-time or part-time student.

\* \* \*

(4) "Average grade size" means two-year average enrollment divided by the number of grades taught in the district on October 1. For purposes of this calculation, ~~kindergarten and prekindergarten programs shall be counted together as one grade~~ as two grades.

\* \* \*

Sec. 19. 2015 Acts and Resolves No. 46, Sec. 20 is amended to read:

Sec. 20. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) In this section:

(1) "Eligible school district" means a school district that:

~~operates at least one school; and~~

~~(A) has a two-year average combined enrollment of fewer than 100 students in all the schools operated by the district; or has~~

~~(B)~~(A) operates at least one school with an average grade size of 20 or fewer; and

(B) has been determined by the State Board, on an annual basis, to be eligible due to either:

(i) the lengthy driving times or inhospitable travel routes between the school and the nearest school in which there is excess capacity; or

(ii) the academic excellence and operational efficiency of the school, which shall be based upon consideration of:

(I) the school's measurable success in providing a variety of high-quality educational opportunities that meet or exceed the educational quality standards adopted by the State Board pursuant to section 165 of this title;

(II) the percentage of students from economically deprived backgrounds, as identified pursuant to subsection 4010(d) of this title, and those students' measurable success in achieving positive outcomes;

(III) the school's high student-to-staff ratios; and

(IV) the district's participation in a merger study and submission of a merger report to the State Board pursuant to chapter 11 of this title or otherwise.

(2) "Enrollment" means the number of students who are enrolled in a school operated by the district on October 1, provided, however, that for prekindergarten students, "enrollment" shall include any prekindergarten child for whom the school district of residence has provided prekindergarten education or on whose behalf it has paid tuition pursuant section 829 of this title. A student shall be counted as one whether the student is enrolled as a full-time or part-time student.

\* \* \*

(4) "Average grade size" means two-year average enrollment divided by the number of grades taught in the district on October 1. For purposes of this calculation, kindergarten and prekindergarten programs shall be counted together as one grade as two grades.

\* \* \*

(6) "School district" means a town, city, incorporated, interstate, or union school district or a joint contract school established under subchapter 1 of chapter 11 of this title.

\* \* \*

~~(c) Small schools financial stability grant: In addition to a small schools support grant, an eligible school district whose two-year average enrollment decreases by more than 10 percent in any one year shall receive a small schools financial stability grant. However, a decrease due to a reduction in the number of grades offered in a school or to a change in policy regarding paying tuition for students shall not be considered an enrollment decrease. The amount of the grant shall be determined by multiplying 87 percent of the base education amount for the current fiscal year, by the number of enrollment, to the nearest one-hundredth of a percent, necessary to make the two-year average enrollment decrease only 10 percent. [Repealed.]~~

~~(d) Funds for both grants shall be appropriated from the Education Fund and shall be added to payments for the base education amount or deducted from the amount owed to the Education Fund in the case of those districts that must pay into the Fund under section 4027 of this title. [Repealed.]~~

\* \* \*

\* \* \* Prekindergarten Education Recommendations \* \* \*

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**Sec. 20. PREKINDERGARTEN EDUCATION RECOMMENDATIONS**

On or before November 1, 2017, the Secretaries of Human Services and of Education shall jointly present recommendations to the House and Senate Committees on Education that will ensure equity, quality, and affordability, and reduce duplication and complexity, in the current delivery of prekindergarten services.

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

**Sec. 21. EFFECTIVE DATES**

(a) This section, Secs. 1–7, 9–13, 16, 18, and 20 shall take effect on passage.

(b) Sec. 8 (State-placed students) shall take effect beginning with the 2017–2018 school year.

(c) Secs. 14–15 (criminal record checks) shall take effect on passage and shall apply to persons hired or contracted with after June 30, 2017 and to persons who apply for or renew a teaching or child care provider license after June 30, 2017.

(d) Sec. 17 (surety bond; postsecondary institutions) shall take effect on October 1, 2017.

(e) Sec. 19 (small school support) shall take effect on July 1, 2019, and shall apply to grants made in fiscal year 2020 and after.

**Rep. Juskiewicz of Cambridge**, for the committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the committee on Education and when amended as follows:

First: By striking out Sec. 15 (definitions) in its entirety and inserting in lieu thereof the following:

Sec. 15. [Deleted.]

Second: In Sec. 16 (Education Weighting Study Committee), in each of subdivisions (g)(1) and (2), by striking out the word “seven” and inserting in lieu thereof the word “three”.

Third: By striking out Sec. 18, 16 V.S.A. § 4015 (small school support) in its entirety, with its reader assistance, and inserting in lieu thereof the following:

Sec. 18. [Deleted.]

Fourth: By striking out Sec. 19, 2015 Acts and Resolves No. 46, Sec. 20, (small school support) in its entirety and inserting in lieu thereof the following:

Sec. 19. [Deleted.]

Fifth: By striking out Sec. 21 (effective dates) in its entirety, with its reader assistance, and inserting in lieu thereof the following:

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

Sec. 21. EFFECTIVE DATES

(a) This section, Secs. 1–7, 9–13, 16, and 20 shall take effect on passage.

(b) Sec. 8 (State-placed students) shall take effect beginning with the 2017–2018 school year.

(c) Sec. 14 (criminal record checks) shall take effect on passage and shall apply to persons hired or contracted with after June 30, 2017 and to persons who apply for or renew a teaching or child care provider license after June 30, 2017.

(d) Sec. 17 (surety bond; postsecondary institutions) shall take effect on October 1, 2017.

The bill having appeared on the Calendar one day for notice was taken up, read the second time, the report of the committee on Appropriations was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Education, as amended? **Rep. Pugh of South Burlington** moved to amend the proposal of the committee on Education, as amended, as follows:

In new Sec. 20 (prekindergarten education recommendations), after “House and Senate Committees on Education”, by inserting “, House Committee on Human Services, and Senate Committee on Health and Welfare”

Which was agreed to. Thereupon, the report of the committee on Education, as amended, was agreed to and third reading was ordered.

**Favorable Report; Second Reading;  
Third Reading Ordered**

**H. 524**

**Rep. Lewis of Berlin**, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the Town of Hartford

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading

ordered.

**Senate Proposal of Amendment Concurred in**

**H. 3**

The Senate proposed to the House to amend House bill, entitled  
An act relating to burial depth in cemeteries

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

In Sec. 1, 18 V.S.A. § 5319(b), in subdivision (1), by inserting after the first sentence, a second sentence to read as follows:

Nothing in this subdivision shall be construed to prohibit the interment of a human body at a depth greater than three and one-half feet below the surface of the ground.

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment Concurred in**

**H. 136**

The Senate proposed to the House to amend House bill, entitled  
An act relating to accommodations for pregnant employees

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

Sec. 1. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

\* \* \*

(14) “Pregnancy-related condition” means a limitation of an employee’s ability to perform the functions of a job caused by pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

Sec. 2. 21 V.S.A. § 495k is added to read:

§ 495k. ACCOMMODATIONS FOR PREGNANCY-RELATED CONDITIONS

(a)(1) It shall be an unlawful employment practice for an employer to fail to provide a reasonable accommodation for an employee’s pregnancy-related condition, unless it would impose an undue hardship on the employer.

(2) An employee with a pregnancy-related condition, regardless of whether the employee is an “individual with a disability” as defined in

subdivision 495d(5) of this subchapter, shall have the same rights and be subject to the same standards with respect to the provision of a reasonable accommodation, pursuant to this subchapter, as a qualified individual with a disability as defined in subdivision 495d(6) of this subchapter.

(b) Nothing in this section shall be construed to diminish the rights, privileges, or remedies of an employee pursuant to federal or State law, a collective bargaining agreement, or an employment contract.

(c) An employer shall post notice of the provisions of this section in a form provided by the Commissioner in a place conspicuous to employees at the employer's place of business.

(d) Nothing in this section shall be construed to indicate or deem that a pregnancy-related condition necessarily constitutes a disability.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2018.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Savage of Swanton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House concur in the Senate proposal of amendment? was decided in the affirmative. Yeas, 139. Nays, 2.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gamache of Swanton	Murphy of Fairfax
Ancel of Calais	Gannon of Wilmington	Myers of Essex
Bancroft of Westford	Giambatista of Essex	Nolan of Morristown
Bartholomew of Hartland	Gonzalez of Winooski	Norris of Shoreham
Baser of Bristol	Grad of Moretown	Noyes of Wolcott
Batchelor of Derby	Graham of Williamstown	Ode of Burlington
Beck of St. Johnsbury	Greshin of Warren	Olsen of Londonderry
Belaski of Windsor	Haas of Rochester	O'Sullivan of Burlington
Beyor of Highgate	Harrison of Chittenden	Parent of St. Albans Town
Bissonnette of Winooski	Head of South Burlington	Partridge of Windham
Bock of Chester	Hebert of Vernon	Pearce of Richford
Botzow of Pownal	Helm of Fair Haven	Poirier of Barre City
Brennan of Colchester	Higley of Lowell	Potter of Clarendon
Briglin of Thetford	Hill of Wolcott	Pugh of South Burlington
Browning of Arlington	Hooper of Montpelier	Quimby of Concord
Brumsted of Shelburne	Hooper of Brookfield	Rachelson of Burlington
Buckholz of Hartford	Houghton of Essex	Rosenquist of Georgia
Burditt of West Rutland	Howard of Rutland City	Savage of Swanton
Burke of Brattleboro	Hubert of Milton	Scheu of Middlebury
Canfield of Fair Haven	Jessup of Middlesex	Scheuermann of Stowe
Carr of Brandon	Jickling of Brookfield	Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Shaw of Pittsford
	Juskiewicz of Cambridge	Sibilia of Dover

Christensen of Weathersfield	Keefe of Manchester	Smith of Derby
Christie of Hartford	Keenan of St. Albans City	Smith of New Haven
Cina of Burlington	Kimbell of Woodstock	Squirrell of Underhill
Colburn of Burlington	Krowinski of Burlington	Stevens of Waterbury
Condon of Colchester	LaClair of Barre Town	Stuart of Brattleboro
Conlon of Cornwall	Lalonde of South Burlington	Sullivan of Dorset
Connor of Fairfield	Lanpher of Vergennes	Sullivan of Burlington
Conquest of Newbury	Lawrence of Lyndon	Taylor of Colchester
Copeland-Hanzas of Bradford	Lefebvre of Newark	Till of Jericho
Corcoran of Bennington	Lewis of Berlin	Toleno of Brattleboro
Cupoli of Rutland City	Lippert of Hinesburg	Toll of Danville
Dakin of Colchester	Long of Newfane	Townsend of South Burlington
Deen of Westminster	Lucke of Hartford	Troiano of Stannard
Devereux of Mount Holly	Macaig of Williston	Turner of Milton
Dickinson of St. Albans Town	Marcotte of Coventry	Viens of Newport City
Donahue of Northfield	Martel of Waterford	Walz of Barre City
Dunn of Essex	Masland of Thetford	Weed of Enosburgh
Emmons of Springfield	McCormack of Burlington	Willhoit of St. Johnsbury
Fagan of Rutland City	McCoy of Poultney	Wood of Waterbury
Feltus of Lyndon	McCullough of Williston	Wright of Burlington
Fields of Bennington	McFaun of Barre Town	Yacovone of Morristown
Forguites of Springfield	Miller of Shaftsbury	Yantachka of Charlotte
Frenier of Chelsea	Morris of Bennington	Young of Glover
	Morrissey of Bennington	
	Mrowicki of Putney	

Those who voted in the negative are:

Gage of Rutland City                      Van Wyck of Ferrisburgh \*

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

Donovan of Burlington	Sheldon of Middlebury	Trieber of Rockingham
Gardner of Richmond	Strong of Albany	Webb of Shelburne
Kitzmiller of Montpelier	Terenzini of Rutland Town	

**Rep. Van Wyck of Ferrisburgh** explained his vote as follows:

“Madam Speaker:

”I voted no. Businesses can figure this out. It's another full employment bill for lawyers.”

**Action on Bill Postponed**

**H. 145**

House bill, entitled

An act relating to establishing the Mental Health Crisis Response Commission

Was taken up and pending the question Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Donahue of Northfield**, action on the bill was postponed until April 26, 2017.

**Action on Bill Postponed**

**H. 184**

House bill, entitled

An act relating to evaluation of suicide profiles

Was taken up and pending the question shall the House concur in the Senate proposal of amendment? on motion of **Rep. Dunn of Essex** action on the bill was postponed until April 26, 2017.

**Senate Proposal of Amendment Concurred in**

**H. 462**

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

An act relating to social media privacy for employees

The Senate proposes to the House to amend the bill in Sec. 1, 21 V.S.A. § 495k, in subsection (e), by adding a subdivision (4) to read as follows:

(4) Nothing in this section shall be construed to prevent an employer from complying with the requirements of State or federal law.

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment Concurred in**

**H. 502**

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

An act relating to modernizing Vermont's parentage laws

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

Sec. 1. FINDINGS AND INTENT

Current Vermont law provides detailed guidance as to the legal and physical rights and responsibilities of parents, if they marry and divorce, with respect to their biological children or stepchildren. However, statutory law has not kept pace with the changing nature of today's families. Through this act, the General Assembly seeks to assemble attorneys and members with particular expertise in these matters, who can examine parentage laws in other jurisdictions and develop a proposal for the General Assembly to consider during the 2018 legislative session that integrates with our existing laws best

practices for providing for the best interest of the child in various types of parentage proceedings.

## Sec. 2. PARENTAGE STUDY COMMITTEE

(a) Creation. There is created the Parentage Study Committee to examine and provide recommendations with regard to modernizing Vermont's parentage laws in recognition of the changing nature of the family.

(b) Membership. The Committee shall be composed of the following members:

(1) a judge or Justice appointed by the Chief Superior Judge;

(2) a member appointed by the Commissioner for Children and Families;

(3) an attorney appointed by the Director of the Office of Child Support;

(4) two members appointed by the Vermont Bar Association who are attorneys experienced in parentage issues related to reproductive technology and surrogacy; and

(5) one member who is a medical professional with expertise in reproductive technology, who is appointed by the other members of the Committee at its first meeting.

(c) Powers and duties. The Committee shall study how Vermont's parentage laws should be updated to address various issues that have come before the courts in recent years and issues that have arisen and been addressed in other New England states on these matters, including assisted reproductive technology and de facto parentage.

(d) Report. On or before October 1, 2017, the Committee shall submit a written report to the House and Senate Committees on Judiciary, the Senate Committee on Health and Welfare, and the House Committee on Human Services with its findings and recommendations for legislative action.

## Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

### **Senate Proposal of Amendment Concurred in**

#### **H. 507**

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

An act relating to Next Generation Medicaid ACO pilot project reporting requirements

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

First: In Sec. 1, Next Generation Medicaid ACO pilot project reports, in subsection (a), following “Health Reform Oversight Committee,” by inserting the Green Mountain Care Board,

Second: In Sec. 1, Next Generation Medicaid ACO pilot project reports, in subsection (a), at the end subdivision (3), by adding before the semicolon, for which quarterly data is available

Third: By adding a new section to be Sec. 3, to read as follows:

Sec. 3. 2016 Acts and Resolves No. 165, Sec. 6 is amended to read:

Sec. 6. OUT-OF-POCKET PRESCRIPTION DRUG LIMITS; 2018  
PILOT; REPORTS

(a) The Department of Vermont Health Access shall convene an advisory group to develop options for bronze-level qualified health benefit plans to be offered on the Vermont Health Benefit Exchange for the 2018 and 2019 plan year years, including:

(1) one or more plans with a higher out-of-pocket limit on prescription drug coverage than the limit established in 8 V.S.A. § 4089i; and

(2) two or more plans with an out-of-pocket limit at or below the limit established in 8 V.S.A. § 4089i.

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(c)(1) The advisory group shall meet at least six times prior to the Department submitting plan designs to the Green Mountain Care Board for approval.

(2) In developing the standard qualified health benefit plan designs for the 2018 and 2019 plan year years, the Department of Vermont Health Access shall present the recommendations of the advisory committee established pursuant to subsection (a) of this section to the Green Mountain Care Board.

(d)(1) Prior to the date on which qualified health plan forms must be filed with the Department of Financial Regulation pursuant to 8 V.S.A. § 4062, a health insurer offering qualified health benefit plans on the Vermont Health Benefit Exchange shall seek approval from the Green Mountain Care Board to modify the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i for one or more nonstandard bronze-level plans. In considering an insurer’s request, the Green Mountain Care Board shall provide an opportunity for the advisory group established in subsection (a) of this section, and any other interested party, to comment on the recommended modifications.

(2)(A) Notwithstanding any provision of 8 V.S.A. § 4089i to the contrary, the Green Mountain Care Board may approve modifications to the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i for one or more bronze-level plans for the 2018 and 2019 plan year years only.

(B) For the 2018 and 2019 plan year years, the Department of Vermont Health Access shall certify at least two standard bronze-level plans that include the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i, as long as the plans comply with federal requirements. Notwithstanding any provision of 8 V.S.A. § 4089i to the contrary, the Department may certify one or more bronze-level qualified health benefit plans with modifications to the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i for the 2018 and 2019 plan year years only.

(e)(1)(A) For each individual enrolled in a bronze-level qualified health benefit plan for plan years 2016 and 2017 who had out-of-pocket prescription drug expenditures during the 2016 plan year that met the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i, the health insurer shall, absent an alternative plan selection or plan cancellation by the individual, automatically reenroll the individual in a bronze-level qualified health benefit plan for plan year 2018 with an out-of-pocket prescription drug limit at or below the limit established in 8 V.S.A. § 4089i.

(B) For each individual enrolled in a bronze-level qualified health benefit plan for plan years 2017 and 2018 who had out-of-pocket prescription drug expenditures during the 2017 plan year that met the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i, the health insurer shall, absent an alternative plan selection or plan cancellation by the individual, automatically reenroll the individual in a bronze-level qualified health benefit plan for plan year 2019 with an out-of-pocket prescription drug limit at or below the limit established in 8 V.S.A. § 4089i.

(2) Prior to reenrolling an individual in a plan pursuant to subdivision (1) of this subsection, the health insurer shall notify the individual of the insurer's intent to reenroll ~~automatically~~ the individual automatically in a bronze-level qualified health benefit plan for the forthcoming plan year ~~2018~~ with an out-of-pocket prescription drug limit at or below the limit established in 8 V.S.A. § 4089i unless the individual contacts the insurer to select a different plan, and of the availability of bronze-level plans with higher out-of-pocket prescription drug limits. The health insurer shall collaborate with the consumer organization members of the advisory group established in subsection (a) of this section as to the notification's form and content.

(f)(1) The Director of Health Care Reform in the Agency of Administration, in consultation with the Department of Vermont Health Access

and the Office of Legislative Council, shall determine whether the Secretary of the U.S. Department of Health and Human Services has the authority under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152 (ACA), to waive annual limitations on out-of-pocket expenses or actuarial value requirements for bronze-level plans, or both. On or before October 1, 2016, the Director shall present information to the Health Reform Oversight Committee regarding the authority of the Secretary of the U.S. Department of Health and Human Services to waive out-of-pocket limits and actuarial value requirements, the estimated costs of applying for a waiver, and alternatives to a waiver for preserving the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i.

(2) If the Director of Health Care Reform determines that the Secretary has the necessary authority, then on or before March 1, ~~2017~~ 2019, the Commissioner of Vermont Health Access, with the Director's assistance, shall apply for a waiver of the cost-sharing or actuarial value limitations, or both, in order to preserve the availability of bronze-level qualified health benefit plans that meet Vermont's out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i.

(g) On or before February 15, 2017, the Department of Vermont Health Access shall provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance:

(1) an overview of the cost-share increase trend for bronze-level qualified health benefit plans offered on the Vermont Health Benefit Exchange for the 2014 through 2017 plan years that were subject to the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i;

(2) detailed information regarding lower cost-sharing amounts for selected services that will be available in bronze-level qualified health benefit plans in the 2018 ~~and 2019~~ plan year years due to the flexibility to increase the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i pursuant to subdivision (d)(2) of this section;

(3) a comparison of the bronze-level qualified health benefit plans offered in the 2018 ~~and 2019~~ plan year years in which there will be flexibility in the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i with the plans in which there will not be flexibility;

(4) information about the process engaged in by the advisory group established in subsection (a) of this section and the information considered to determine modifications to the cost-sharing amounts in all bronze-level qualified health benefit plans for the 2018 ~~and 2019~~ plan year years, including

prior year utilization trends, feedback from consumers and health insurers, Health Benefit Exchange outreach and education efforts, and relevant national studies;

(5) cost-sharing information for standard bronze-level qualified health benefit plans from states with federally facilitated exchanges compared to those on the Vermont Health Benefit Exchange; and

(6) an overview of the outreach and education plan for enrollees in bronze-level qualified health benefit plans offered on the Vermont Health Benefit Exchange.

(h) On or before February 1, 2018, the Department of Vermont Health Access shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance:

(1) enrollment trends in bronze-level qualified health benefit plans offered on the Vermont Health Benefit Exchange; and

(2) recommendations from the advisory group established pursuant to subsection (a) of this section regarding ~~continuation of the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i;~~

(A) whether there is a need for flexibility in the design of bronze-level plans on the Vermont Health Benefit Exchange for plan years after plan year 2019; and

(B) if there is a continued need for flexibility in the design of bronze plans, options for enabling that flexibility without limiting or eroding the value or availability of the protection afforded by the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i.

And by renumbering the remaining section (effective date) to be numerically correct.

Which proposal of amendment was considered and concurred in.

### **Rules Suspended; Bills Messaged to Senate Forthwith**

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

#### **H. 333**

House bill, entitled

An act relating to identification of gender-free restrooms in public buildings and places of public accommodation

#### **S. 127**

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

**J.R.S. 25**

Joint Resolution, entitled

Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend conservation easements related to the former Hancock Lands and adjacent Averill Inholdings in Essex County and to sell the Bertha Tract in Mendon and the Burch Tract in Killington to the Trust for Public Land

**Rules Suspended; Action Ordered Messaged to Senate Forthwith  
and Bills Delivered to the Governor Forthwith**

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith and the bills ordered delivered to the Governor forthwith:

**H. 3**

House bill, entitled

An act relating to burial depth in cemeteries

**H. 136**

House bill, entitled

An act relating to accommodations for pregnant employees

**H. 462**

House bill, entitled

An act relating to social media privacy for employees

**H. 502**

House bill, entitled

An act relating to modernizing Vermont's parentage laws

**H. 507**

House bill, entitled

An act relating to Next Generation Medicaid ACO pilot project reporting requirements

**Adjournment**

At five o'clock and twelve minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.