

Journal of the Senate

THURSDAY, MARCH 30, 2017

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 37

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 130. An act relating to approval of amendments to the charter of the Town of Hartford.

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

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.

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

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

J.R.S. 27. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Message from the Governor

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

Mr. President:

I am directed by the Governor to inform the Senate that on the twenty-ninth day of March, 2017 he approved and signed bill originating in the Senate of the following title:

S. 38. An act relating to the Government Accountability Committee and the State Outcomes Report.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 143.

By White, Kitchel and Westman,
An act relating to volunteer immunity.
To the Committee on Judiciary.

Bills Referred

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

H. 130.

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

To the Committee on Government Operations.

H. 308.

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

To the Committee on Judiciary.

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.

To the Committee on Health and Welfare.

Committee Bill Amended; Third Reading Ordered

S. 131.

Senate committee bill entitled:

An act relating to State's Attorneys and sheriffs.

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

Senator Sears, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be read third time?, Senators Sears, Ashe, Kitchel, McCormack, Nitka, Starr and Westman moved to amend the bill by inserting a new section to be numbered Sec. 10a to read as follows:

Sec. 10a. 24 V.S.A. § 367 is amended to read:

§ 367. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS

* * *

(c)(1) The Executive Director shall prepare and submit all budgetary and financial materials and forms ~~which~~ that are required of the head of a department of State government with respect to all State funds appropriated for all of the Vermont State's Attorneys and sheriffs. At the beginning of each fiscal year, the Executive Director, with the approval of the Executive Committee, shall establish allocations for each of the State's Attorneys' offices from the State's Attorneys' appropriation. Thereafter, the Executive Director shall exercise budgetary control over these allocations and the general appropriation for State's Attorneys. The Executive Director shall monitor the sheriff's transport budget and report to the sheriffs on a monthly basis the status of the budget. He or she shall provide centralized support services for the State's Attorneys and sheriffs with respect to budgetary planning, training, and office management, and perform such other duties as the Executive Committee directs. The Executive Director may employ clerical staff as needed to carry out the functions of the Department.

(2) The Executive Director may enter into an agreement with the Commissioner of Human Resources to provide assistance and support in relation to negotiating and administering any collective bargaining agreement with the employees of the State's Attorneys' offices pursuant to 3 V.S.A. chapter 27.

* * *

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senators Sears and Starr moved to amend the bill by striking out Sec. 9, 13 V.S.A. § 5306, victim advocates, in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. [Deleted.]

Which was disagreed to.

Thereupon, third reading of the bill was ordered.

Committee Bill Amended; Third Reading Ordered
S. 122.

Senate committee bill entitled:

An act relating to increased flexibility for school district mergers.

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

Senator Lyons, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass.

Senator McCormack, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended in Sec. 10, 2012 Acts and Resolves No. 156, Sec. 9, in subsection (a), by deleting the last sentence in its entirety and inserting in lieu thereof a new sentence to read as follows: Community outreach materials shall be limited to those that are reasonably designed to inform and educate.

And that when so amended the bill ought to pass.

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

Thereupon, pending the question, Shall the bill be read third time?, Senators Baruth, Balint, Benning, Bray, Ingram and Mullin moved to amend the bill as follows:

First: By striking out Sec. 7 in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. 2015 Acts and Resolves No. 46, Sec. 9 is amended to read:

Sec. 9. SELF-EVALUATION, MEETINGS, AND PROPOSAL

(a) ~~On~~ Subject to subsection (b) of this section, on or before November 30, 2017, the board of each school district in the State that:

(1) has a governance structure different from the preferred structure identified in Sec. 5(b) of this act (Education District), or that does not expect to become or will not become an Education District on or before July 1, 2019;
or

(2) does not qualify for an exemption under Sec. 10(c) of this act, shall perform each of the following actions:

~~(1)(A)~~ Self-evaluation. The board shall evaluate its current ability to meet or exceed each of the goals set forth in Sec. 2 of this act.

~~(2)(B)~~ Meetings.

~~(A)~~(i) The board shall meet with the boards of one or more other districts, including those representing districts that have similar patterns of school operation and tuition payment, to discuss ways to promote improvement throughout the region in connection with the goals set forth in Sec. 2 of this act.

~~(B)~~(ii) The districts do not need to be contiguous and do not need to be within the same supervisory union.

~~(3)~~(C) Proposal. The board of the district, solely on behalf of its own district or jointly with the boards of other districts, shall submit a proposal to the Secretary of Education and the State Board of Education in which the district:

(A)(i) proposes to retain its current governance structure, to work with other districts to form a different governance structure, or to enter into another model of joint activity;

~~(B)~~(ii) demonstrates, through reference to enrollment projections, student-to-staff ratios, the comprehensive data collected pursuant to 16 V.S.A. § 165, and otherwise, how the proposal in subdivision ~~(A)~~(i) of this subdivision ~~(3)~~(C) supports the district's or districts' ability to meet or exceed each of the goals set forth in Sec. 2 of this act; ~~and~~

~~(C)~~(iii) identifies detailed actions it proposes to take to continue to improve its performance in connection with each of the goals set forth in Sec. 2 of this act; ~~and~~

(iv) describes its history of merger, consolidation, or other models of joint activity with other school districts before the enactment of this act, and its consideration of merger, consolidation, or other models of joint activity with other school districts on or after the enactment of this act.

(b) The date by which a qualifying district must take the actions required by subsection (a) of this section is extended from November 30, 2017 to January 31, 2018. A qualifying district is a district that:

(1) proposed a school district consolidation plan under 2010 Acts and Resolves No. 153, as amended, or 2012 Acts and Resolves No. 156, as amended, which was rejected by voters;

(2) is a member of a study committee formed under 16 V.S.A. § 706 that provides to the Secretary a declaration that another school district wants to join the district's study committee, signed by each member of the study committee and the district that proposes to join the study committee; or

(3) is a member of a supervisory union that, on or after July 1, 2010, combined with another supervisory union.

Second: By striking out Sec. 8 in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. TIME EXTENSION FOR VOTE OF ELECTORATE

Notwithstanding any provision of law to the contrary, the date by which a qualifying district must receive final approval from the electorate for its merger proposal is extended from July 1, 2017 to November 30, 2017. A qualifying district is a district that:

(1) proposed a school district consolidation plan under 2010 Acts and Resolves No. 153, as amended, or 2012 Acts and Resolves No. 156, as amended, which was rejected by voters;

(2) is a member of a study committee formed under 16 V.S.A. § 706 that provides to the Secretary a declaration that another school district wants to join the district's study committee, signed by each member of the study committee and the district that proposes to join the study committee; or

(3) is a member of a supervisory union that, on or after July 1, 2010, combined with another supervisory union.

Third: By striking out Sec. 11 in its entirety and inserting in lieu thereof a new Sec. 11 to read as follows:

Sec. 11. 2015 Acts and Resolves No. 46, Sec. 10 is amended to read:

Sec. 10. TRANSITION TO SUSTAINABLE GOVERNANCE
STRUCTURES; PROPOSAL; FINAL PLAN

* * *

(d)(1) The Secretary of Education shall make a supplemental Transitional Facilitation Grant of \$10,000.00 to a school district that:

(A) has received or is eligible to receive tax incentives under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended (a qualifying school district); and

(B) either on its own initiative or at the request of the State Board, agrees by vote of its electorate to merge with another school district (a qualifying merger).

(2) A qualifying school district shall use the grant funding to defray the cost of integration. The Secretary shall pay the grant amount to a qualifying school district for each qualifying merger with a school district even if multiple qualifying mergers are effective on the same date. The Secretary shall pay the grant amount not later than 30 days after all required approvals are obtained.

(3) Notwithstanding any provision to the contrary in 16 V.S.A. § 4025, the Secretary of Education shall pay the supplemental Transition Facilitation Grant from the Education Fund.

(4) The supplemental Transition Facilitation Grant shall be available for a qualifying merger initiated by a qualifying school district only if the merger is scheduled to take effect on or before November 30, 2018.

Which was agreed to.

Thereupon, the question, Shall the bill be read the third time?, was decided in the affirmative.

Senator Ashe Assumes the Chair

Committee Bill Amended; Third Reading Ordered

S. 130.

Senate committee bill entitled:

An act relating to miscellaneous changes to education laws.

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

President Resumes the Chair

Senator McCormack, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended as follows:

First: In Sec. 2, in the first sentence, by striking out the following: “\$40,000.00” and inserting in lieu thereof the following: \$20,000.00

Second: By striking out Sec. 19 and its reader assistance in its entirety.

Third: By striking out the original Sec. 20 in its entirety and inserting in lieu thereof a new section to be numbered Sec. 19 to read as follows:

Sec. 19. EFFECTIVE DATES

(a) This section, Secs. 1–5, 9–12, and 14–18 shall take effect on passage.

(b) Secs. 6–8 (speech-language pathologists) shall take effect on January 1, 2018.

(c) Sec. 13 (State-placed students) shall take effect beginning with the 2017–2018 school year.

And that when so amended the bill ought to pass.

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

Thereupon, pending the question, Shall the bill be read third time?, Senators Balint, Baruth, Bray, Ingram and Mullin moved to amend the bill in Sec. 1, by striking out subsection (e) in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

(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, including recommendations for any amendments to legislation.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senators White, Ayer, Clarkson and Pearson moved to amend the bill as follows:

First: By striking out Secs. 6–8, with their reader assistance, in their entirety.

And by renumbering the remaining sections to be numerically correct.

Second: By striking out Sec. 19 and inserting in lieu thereof a new section to be numbered Sec. 16 to read as follows:

Sec. 16. EFFECTIVE DATES

(a) This section, Secs. 1–9 and 11–15 shall take effect on passage.

(b) Sec. 10 (State-placed students) shall take effect beginning with the 2017–2018 school year.

Which was disagreed to.

Thereupon, third reading of the bill was ordered.

Committee Bill Amended; Third Reading Ordered

S. 133.

Senate committee bill entitled:

An act relating to examining mental health care and care coordination.

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

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended as follows:

First: By striking out Sec. 16 in its entirety and inserting in lieu thereof a new Sec. 16 to read as follows:

Sec. 16. PAY SCALE; DESIGNATED AND SPECIALIZED SERVICE AGENCY EMPLOYEES

It is the intent of the General Assembly that funds be appropriated to designated and specialized service agencies for the following purposes:

(1) in fiscal year 2018, to fund increases in the hourly wages of workers to \$14.00 and to increase the salaries for crisis response team personnel to be at least 85 percent of those salaries earned by regionally equivalent State, health care, or school-based positions of equal skills, credentials, and lengths of employment;

(2) in fiscal year 2019, to fund increases in the hourly wages of workers to \$15.00 and to increase the salaries for clinical employees and other personnel in a manner that advances the goal of achieving competitive compensation to regionally equivalent State, health care, or school-based positions of equal skills, credentials, and lengths of employment; and

(3) in fiscal year 2020, after the completion of a market rate analysis by the designated and specialized service agencies, to further increase the salaries for clinical employees and personnel in a manner that advances the goal of achieving competitive compensation to regionally equivalent State, health care, or school-based positions of equal skills, credentials, and lengths of employment.

Second: By striking out Sec. 17 in its entirety and renumbering the remaining section to be numerically correct.

And that when so amended the bill ought to pass.

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

Thereupon, third reading of the bill was ordered.

Bill Amended; Bill Passed

S. 34.

Senate bill entitled:

An act relating to cross-promoting development incentives and State policy goals.

Was taken up.

Thereupon, pending third reading of the bill, Senators Ashe, Branagan, Brooks, Champion, Collamore, Cummings, Degree, Lyons, MacDonald, Pollina, Rodgers, Sirotkin and Starr moved to amend the bill by adding a new section to be numbered Sec. 9a to read as follows:

* * * Workers' Compensation * * *

Sec. 9a. WORKERS' COMPENSATION; FORESTRY, LOGGING, AND AGRICULTURE; STUDY; REPORT

(a) The Commissioner of Financial Regulation, in consultation with the Commissioner of Labor, the Secretary of Agriculture, Food and Markets, the Commissioner of Forests, Parks, and Recreation, the National Council on Compensation Insurance, and other interested stakeholders, shall identify and study occupations in Vermont's forestry, logging, and agriculture sectors that experience a high risk of workplace and on-the-job injuries and whose workers' compensation insurance is characterized by high premiums and few policy holders in the insurance pool. In particular, the Commissioner shall:

(1) examine differences in the potential for loss, premium rates, and experience and participation in the workers' compensation marketplace between the identified occupations and the average for all industries and occupations in Vermont;

(2) study potential methods for reducing workers' compensation premium rates and costs for the identified occupations, without diminishing the rights and benefits of injured workers, including risk pooling between multiple high-risk industries or occupations, creating self-insured trusts, creating voluntary safety certification programs, and programs or best practices employed by other states; and

(3) model the potential impact on workers' compensation premiums and costs from each of the methods identified pursuant to subdivision (2) of this subsection.

(b) On or before November 15, 2017, the Commissioner of Financial Regulation shall submit a written report to the House Committees on Agriculture and Forestry and on Commerce and Economic Development and the Senate Committees on Agriculture and on Finance regarding his or her findings and any recommendations for legislative action to reduce the workers' compensation premium rates and costs, without diminishing the rights and benefits of injured workers, for the occupations identified in the study.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

Committee Bill Amended; Third Reading Ordered

S. 135.

Senate committee bill entitled:

An act relating to promoting economic development.

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

Senator Starr, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended by striking out Secs. H.1–H.3. in their entirety and inserting in lieu thereof:

Secs. H.1–H.3. [Reserved.]

And that when so amended the bill ought to pass.

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

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

Thereupon, pending the question, Shall the bill be read third time?, Senators Mullin, Balint, Baruth, Clarkson and Sirotkin moved to amend the bill as follows:

First: In Sec. C.1., by striking out subdivision (c)(5) in its entirety and inserting in lieu thereof a new subdivision (c)(5) to read as follows:

(5) be overseen by a board:

(A) that shall:

(i) set program terms;

(ii) prepare and design plan documents; and

(iii) be authorized to appoint an administrator to assist in the selection of investments, managers, custodians, and other support services; and

(B) that shall be composed of seven members as follows:

(i) an individual with investment experience, to be appointed by the Governor;

(ii) an individual with private sector retirement plan experience, to be appointed by the Governor;

(iii) an individual with investment experience, to be appointed by the State Treasurer;

(iv) an individual who is an employee or retiree, to be appointed by the State Treasurer;

(v) an individual who is an employee advocate or consumer advocate, to be appointed by the Speaker of the House;

(vi) an individual who is an employer, to be appointed by the Committee on Committees; and

(vii) the State Treasurer, who shall serve as chair.

Second: In Sec C.2., amending 2016 Acts and Resolves No. 157, Sec. F.1, in subdivision (a)(2), by striking out the following: “, and the board that will oversee the plan.”

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senators Bray, Campion and Pearson moved to amend the bill by striking out Sec. B.1 in its entirety and inserting in lieu thereof:

Sec. B.1. [Deleted.]

Which was agreed to on a roll call Yeas 18, Nays 11.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Bray, Brooks, Campion, Clarkson, Cummings, Ingram, Lyons, MacDonald, McCormack, Pearson, Pollina, Sears, Sirotkin, White.

Those Senators who voted in the negative were: Benning, Branagan, Collamore, Degree, Flory, Kitchel, Mazza, Mullin, Nitka, Rodgers, Westman.

The Senator absent and not voting was: Starr.

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

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Benning, Branagan, Bray, Brooks, Campion, Clarkson, Collamore, Cummings, Degree, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Westman, White.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Baruth, Starr.

Senator Ashe Assumes the Chair

**Committee Bill Amended; Third Reading Ordered; Consideration
Postponed**

S. 136.

Senate committee bill entitled:

An act relating to miscellaneous consumer protection provisions.

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

President Resumes the Chair

Senator Sirotkin, for the Committee on Finance, to which the bill was referred, reported recommending that the bill be amended as follows:

First: In Sec. 3, 9 V.S.A. chapter 116, in § 4185, by adding two subdivisions to be (6) and (7) to read as follows:

(6) “Net fantasy sports contest revenues” means the amount equal to the total of all entry fees that a fantasy sports operator collects from all fantasy sports players, less the total of all sums paid out as winnings to all fantasy sports players, multiplied by the location percentage for Vermont.

(7) “Location percentage” mean the percentage, rounded to the nearest tenth of a percent, of the total of all entry fees collected from fantasy sports players located in Vermont, divided by the total entry fees collected from all fantasy sports players in fantasy sports contests.

Second: In Sec. 3, 9 V.S.A. chapter 116, by striking out sections 4188–4190 in their entirety and inserting in lieu thereof new sections 4188–4190 to read as follows:

§ 4188. EXEMPTION

The provisions of 13 V.S.A. chapter 51, relating to gambling and lotteries, shall not apply to a fantasy sports contest.

§ 4189. REGISTRATION

In addition to applicable requirements under Titles 11–11C for a business organization doing business in this State to register with the Secretary of State, on or before January 15 following each year in which a fantasy sports operator offers a fantasy sports contest to consumers in this State, the operator shall file an annual registration with the Secretary of State on a form adopted for that purpose and pay to the Secretary an annual registration fee in an amount equal to one-half of one percent of its annual net fantasy sports contest revenue for the prior calendar year.

§ 4190. ENFORCEMENT

(a) A person that violates a provision of this chapter commits an unfair and deceptive act in commerce in violation of section 2453 of this title.

(b) The Attorney General has the authority to adopt rules to implement the provisions of this chapter and to conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under chapter 63, subchapter 1 of this title.

Third: By inserting a new section to be numbered Sec. 3a to read as follows:

Sec. 3a. 32 V.S.A. § chapter 221 is added to read:

CHAPTER 221. FANTASY SPORTS§ 9001. DEFINITIONS

The terms used in this chapter shall have the same mean as the terms defined in 9 V.S.A. chapter 116.

§ 9002. TAX IMPOSED

A fantasy sports operator shall annually pay 11 percent of its annual net fantasy sports contest revenue to the Department of Taxes for deposit in the General Fund. The tax shall be on annual net fantasy sports contest revenue for each calendar year. To the extent it does not conflict with the terms of this chapter, the tax imposed by this section shall be implemented under the administrative and appeal provisions related to Vermont's personal income tax under chapter 151 of this title.

§ 9003. RETURNS

Any person liable for the tax imposed by this chapter shall, on or before the 15th day of March, return to the Commissioner under oath of a person with legal authority to bind the fantasy sports operator a statement containing its name and place of business, its net fantasy sports contest revenues for the preceding year, and any other information required by the Commissioner, along with the tax due for the prior calendar year.

§ 9004. PENALTIES

(a) Any person subject to the provisions of this chapter who fails to pay the tax imposed by this chapter by the date that payment is due or fails to submit a return as required by this chapter is subject to the provisions of section 3202 of this title.

Fourth: By striking out Sec. 4 (effective date) in its entirety and its reader assistance, and inserting in lieu thereof a new Sec 4 to read as follows:

* * * Effective Date * * *

Sec. 4. EFFECTIVE DATES

This act shall take effect on July 1, 2017, except Sec. 3a, which shall take effect on January 1, 2018 and apply to calendar year 2018 and after.

And that when so amended the bill ought to pass.

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

Thereupon, pending the question, Shall the bill be read third time?, Senators Mullin, Balint, Baruth, Clarkson and Sirotkin moved to amend the bill as follows:

First: In Sec. 1, 9 V.S.A. § 4001, in subdivision (10), by striking out the word “four” and inserting in lieu thereof the word two

Second: In Sec. 1, in 9 V.S.A. § 4010(d)(1), by striking out the word “person” and inserting in lieu thereof the word contractor and by striking out the word “chapter” and inserting in lieu thereof the word section

Third: In Sec. 1, in 9 V.S.A. § 4010(d)(2), after the following: “civil actions” by inserting the following: to enforce the provisions of this section

Fourth: In Sec. 3, in 9 V.S.A. § 4186, by adding a new subdivision to be numbered subdivision (6) to read as follows:

(6) prohibit the use of computer scripts that provide a player with a competitive advantage over another player;

and renumbering the remaining subdivisions to be numerically correct

Fifth: By adding a new section to be numbered Sec. 3b to read as follows:

Sec. 3b. 32 V.S.A. § 3102(e)(19) is added to read:

(19) To the Secretary of State for the purpose of administering the registration fee for fantasy sports operators under 9 V.S.A. § 4189.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Ashe moved that action be postponed until tomorrow.

Which was agreed to.

Bill Amended; Third Reading Ordered**S. 103.**

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

An act relating to the regulation of toxic substances and hazardous materials.

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

* * * Toxics Use Reduction and Reporting* * *

Sec. 1. 10 V.S.A. § 6633 is added to read:

§ 6633. INTERAGENCY COMMITTEE ON CHEMICAL MANAGEMENT

(a) Creation. There is created the Interagency Committee on Chemical Management in the State to:

- (1) evaluate chemical inventories in the State on an annual basis;
- (2) identify potential risks to human health and the environment from chemical inventories in the State; and
- (3) propose measures or mechanisms to address the identified risks from chemical inventories in the State.

(b) Membership. The Interagency Committee on Chemical Management shall be composed of the following five members:

- (1) the Secretary of Agriculture, Food and Markets or designee;
- (2) the Secretary of Natural Resources or designee;
- (3) the Commissioner of Health or designee;
- (4) the Commissioner of Labor or designee; and
- (5) the Commissioner of Public Safety or designee.

(c) Powers and duties. The Interagency Committee on Chemical Management shall:

(1) Convene a citizen advisory panel to provide input and expertise to the Committee. The citizen advisory panel shall consist of persons with expertise in:

- (A) toxicology;
- (B) environmental law;
- (C) manufacturing products;

- (D) environmental health;
- (E) public health;
- (F) risk analysis;
- (G) maternal and child health care;
- (H) occupational health;
- (I) industrial hygiene;
- (J) public policy;
- (K) the operation of academic institutions; and
- (L) retail sales.

(2) Monitor actions taken by the U.S. Environmental Protection Agency (EPA) to regulate chemicals under the Toxic Substances Control Act, 15 U.S.C. chapter 53, and notify relevant State agencies of any EPA action relevant to the jurisdiction of the agency.

(3) Annually review chemical inventories in the State in relation to emerging scientific evidence in order to identify chemicals of high concern not regulated by the State.

(d) Assistance. The Interagency Committee on Chemical Management shall have the administrative, technical, and legal assistance of the Agency of Natural Resources; the Agency of Agriculture, Food and Markets; the Department of Health; the Department of Public Safety; and the Department of Labor.

(e) Report. On or before January 15, and annually thereafter, the Interagency Committee on Chemical Management shall report to the Senate Committees on Natural Resources and Energy; on Health and Welfare; and on Economic Development, Housing and General Affairs and the House Committees on Natural Resources, Fish and Wildlife; on Human Services; and on Commerce and Economic Development regarding the actions of the Committee. The provisions of 2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the report to be made under this section. The report shall include:

(1) an estimate or summary of the known chemical inventories in the State;

(2) a summary of any change under federal statute or rule affecting the regulation of chemicals in the State;

(3) recommended legislative or regulatory action to address the risks posed by new or emerging chemicals of high concern; and

(4) recommend legislative or regulatory action to reduce health risks from exposure to chemicals of high concern and reduce risks of harm to the natural environment.

(f) Meetings.

(1) The Secretary of Natural Resources shall be the chair of the Interagency Committee on Chemical Management.

(2) The Secretary of Natural Resources call the first meeting of the Interagency Committee on Chemical Management to occur on or before July 1, 2017.

(3) A majority of the membership of the Interagency Committee on Chemical Management shall constitute a quorum.

(g) Authority of agencies. The establishment of the Interagency Committee on Chemical Management shall not limit the independent authority of a State agency to regulate chemical use or management under existing State or applicable federal law.

Sec. 2. INTERAGENCY COMMITTEE ON CHEMICAL MANAGEMENT;
REPORT ON TOXIC USE REDUCTION AND REPORTING

On or before January 15, 2018, after consultation with the citizen advisory panel and as part of the first report required under 10 V.S.A. § 6633(e), the Interagency Committee on Chemical Management shall:

(1) Recommend how the State shall establish a centralized or unified electronic reporting system to facilitate compliance by businesses and other entities with chemical reporting and other regulatory requirements in the State. The recommendation shall:

(A) identify a State agency or department to establish and administer the reporting system;

(B) estimate the staff and funding necessary to administer the reporting system;

(C) propose how businesses and the public can access information submitted to or maintained as part of the reporting systems, including whether access to certain information or categories of information should be limited due to statutory requirements, regulatory requirements, trade secret protection, or other considerations;

(D) propose how information maintained as part of the reporting system can be accessed, including whether the information should be searchable by: chemical name, common name, brand name, product model, Global Product Classification (GPC) product brick description, standard

industrial classification, chemical facility, geographic area, zip code, or address;

(E) propose how manufacturers of consumer products or subsets of consumer products shall report or notify the State of the presence of designated chemicals of concern in a consumer product and how information reported by manufacturers is made available to the public;

(F) propose a method for displaying information or filtering or refining search results so that information maintained on the reporting system can be accessed or identified in serviceable or functional manner for all users of the system, including governmental agencies or departments, commercial and industrial businesses reporting to the system, nonprofit associations, and citizens; and

(G) estimate a time line for establishment of the reporting system.

(2) Recommend statutory amendments and regulatory revisions to existing State recordkeeping and reporting requirements for chemicals, hazardous materials, and hazardous wastes in order to facilitate assessment of risks to human health and the environment posed by the use of chemicals in the State. The recommendations shall include:

(A) the thresholds or amounts of chemicals used, manufactured, or distributed, and hazardous materials and hazardous wastes generated or managed, in the State that require recordkeeping and reporting;

(B) the persons or entities using, manufacturing, or distributing chemicals and generating or managing hazardous materials and hazardous wastes that are subject to recordkeeping and reporting requirements; and

(C) any changes required to streamline and modernize existing recordkeeping and reporting requirements to facilitate compliance by business and other entities.

(3) Recommend amendments to the requirements for Toxic Use Reduction and Hazardous Waste Reduction under 10 V.S.A. chapter 159, subchapter 2 that shall include:

(A) The list of chemicals or materials subject to the reporting and planning requirements. The list of chemicals or materials shall include and be in addition to the chemicals or substances listed under Title III, Section 313 of the Superfund Amendments and Reauthorization Act of 1986 and 18 V.S.A. § 1773 (chemicals of high concern to children).

(B) The thresholds or amounts of chemicals used or hazardous waste generated by a person that require reporting and planning.

(C) The information to be reported, including:

(i) the quantity of hazardous waste generated and the quantity of hazardous waste managed during a year;

(ii) the quantity of toxic substances, or raw material resulting in hazardous waste, used during a year;

(iii) an assessment of the effect of each hazardous waste reduction measure and toxics use reduction measure implemented; and

(iv) a description of factors during a year that have affected toxics use, hazardous waste generation, releases into the environment, and onsite and offsite hazardous waste management.

(D) The persons or entities using chemicals or generating hazardous waste that are subject to reporting and planning;

(E) Proposed revisions to the toxic chemical or hazardous waste reduction planning requirements, including conditions or criteria that qualify a person to complete a plan.

(F) Any changes to streamline and modernize the program to improve its effectiveness.

(4) Draft legislation to implement the Committee's recommendations under subdivisions (1), (2), and (3) of this section.

* * * Testing Groundwater * * *

Sec. 3. 10 V.S.A. § 1982 is added to read:

§ 1982. TESTING OF GROUNDWATER SOURCES

(a) Definition. As used in this section, "groundwater source" means that portion of a potable water supply that draws water from the ground, including a drilled well, shallow well, driven well point, or spring.

(b) Testing prior to new use. Prior to use of a new groundwater source as a potable water supply, where testing is not otherwise required, the person who owns or controls the groundwater source shall test the groundwater source for the parameters set forth in subsection (d) of this section.

(c) Parameters of testing. A water sample collected under this section shall be analyzed for, at a minimum: arsenic, lead, uranium, gross alpha radiation, total coliform bacteria, total nitrate and nitrite, fluoride, manganese, and any other parameters required by the Agency by rule. The Agency by rule may require testing for a parameter by region or specific geographic area of concern.

(d) Submission of test results. Results of the testing required under subsection (b) shall be submitted, on a form provided by the Agency, to the Agency, and the Department of Health as required by rules adopted under subsection (e) of this section.

(e) Rulemaking. The Secretary, after consultation with the Department of Health, the Wastewater and Potable Water Supply Technical Advisory Committee, private laboratories, and other interested parties, shall adopt by rule requirements regarding:

(1) when, prior to use of a new groundwater source, the test required under subsection (b) of this section shall be conducted;

(2) who shall be authorized to sample the source for the test required under subsections (b) and (c) of this section, provided that the rule shall include the person who owns or controls the groundwater source and licensed well drillers among those authorized to conduct the test;

(3) how a water sample shall be collected in order to comply with the requirements of the analyses to be performed; and

(4) any other requirements necessary to implement this section.

Sec. 4. AGENCY OF NATURAL RESOURCES; GROUNDWATER SOURCE TESTING

The Secretary of Natural Resources shall commence rulemaking under 10 V.S.A. § 1982 on or before July 1, 2017. The Secretary shall adopt rules under 10 V.S.A. § 1982 on or before January 1, 2018.

Sec. 5. 18 V.S.A. § 501b is amended to read:

§ 501b. CERTIFICATION OF LABORATORIES

(a) The ~~commissioner~~ Commissioner may certify a laboratory that meets the standards currently in effect of the National Environmental Laboratory Accreditation Conference and is accredited by an approved National Environmental Laboratory Accreditation Program accrediting authority or its equivalent to perform the testing and monitoring:

(1) required under 10 V.S.A. chapter 56 and the federal Safe Drinking Water Act; and

(2) of water from a potable water supply, as that term is defined in 10 V.S.A. § 1972(6).

(b)(1) The ~~commissioner~~ Commissioner may by order suspend or revoke a certificate granted under this section, after notice and opportunity to be heard, if the ~~commissioner~~ Commissioner finds that the certificate holder has:

(A) submitted materially false or materially inaccurate information; or

(B) violated any material requirement, restriction, or condition of the certificate; or

(C) violated any statute, rule, or order relating to this title.

(2) The order shall set forth what steps, if any, may be taken by the certificate holder to relieve the holder of the suspension or enable the certificate holder to reapply for certification if a previous certificate has been revoked.

(c) A person may appeal the suspension or revocation of the certificate to the ~~board~~ Board under section 128 of this title.

* * *

(f) A laboratory certified to conduct testing of groundwater sources or water supplies from under 10 V.S.A. § 1982 or other statute for use by a potable water supply, as that term is defined in 10 V.S.A. § 1972(6), shall submit the results of groundwater analyses to the ~~department of health~~ Department of Health and the ~~agency of natural resources~~ Agency of Natural Resources in a format required by the ~~department of health~~ Department of Health.

* * * Effective Dates * * *

Sec. 6. EFFECTIVE DATES

(a) This section and Secs. 1 (Interagency Committee on Chemical Management), 2 (report on toxic use reduction and reporting), and 4 (groundwater testing rulemaking) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2018, except that 10 V.S.A. § 1982(f) in Sec. 3 shall take effect on passage.

And that when so amended the bill ought to pass.

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

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

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

Thereupon, pending the question, Shall the bill be read a third time?, Senator Branagan moved that the bill be committed to Committee on Health and Welfare, which was disagreed to.

Thereupon, the third reading of the bill was ordered.

Bill Passed

S. 127.

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

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

Joint Resolution Adopted on the Part of the Senate

J.R.S. 25.

Joint Senate committee resolution of the following title was read the third time and adopted on the part of the Senate:

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.

Adjournment

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