

## 2019-2020 Legislative Bill Update<sup>1</sup>

Compiled for FOVLAP by the FOVLAP Legislative Committee

29 July 2020

---

### House Bills

#### **H.9 - An act relating to the creation of the "Be a Water Champ" vehicle registration plate and "Be a Water Champ" income tax return checkoff.**

*This bill proposes to: (1) create a new motor vehicle registration plate named "Be a Water Champ," which will showcase Champ; enhance the public awareness of the State's interest in restoring, protecting, and maintaining water quality; and raise additional revenue for the Clean Water Fund; and (2) create a "Be a Water Champ" checkoff on the State individual income tax return so that an individual can designate some or all of a refund due to, or an overpayment made by, the taxpayer to the Clean Water Fund.*

1/10/2019 first time reading and referred to the House Committee on Transportation.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.9>

#### **H.50 - An act relating to the accumulation of microplastics in the waters and environment of the State**

*This bill proposes to require that when a person installs a buoy, dock, or floating structure on the waters of the State, expanded polystyrene foam used for flotation shall be encapsulated by a protective covering or shall be designed to prevent the expanded polystyrene foam from disintegrating into the water. The bill also would prohibit a person from selling, distributing, or using certain expanded polystyrene foam products in or on the waters of the State or within 250 feet of a water of the State if the product is not encapsulated.*

1/18/2019 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.50>

#### **H.55 - An act relating to the use of expanded polystyrene foam in waters of the State**

*This bill proposes to require the Secretary of Natural Resources to contract with a consultant or organization to study the extent of microplastic contamination in the environment and drinking water of Vermont.*

1/22/2019 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.55>

#### **H.98 - An act relating to landfill operation in the State**

*This bill proposes to require the Secretary of Natural Resources to conduct an assessment of the feasibility and cost of siting a landfill in the State of Vermont. In addition, the bill would require the Secretary of Natural Resources to report to the General Assembly regarding the management of landfill leachate that contains chemicals of emerging concern.*

1/29/2019 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.98>

<sup>1</sup>See the Vermont Legislative graphic at end of this document, "How a bill becomes law."

**H.190 - An act relating to the management of fish and wildlife**

*This bill proposes to establish the Vermont Working Group on Wildlife Governance to advise the General Assembly regarding the management of fish, wildlife, and fur-bearing animals of the State in a manner that serves the interests and values of all of the people of the State.*

2/8/2019 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.190>

**H.205 - An act relating to the regulation of neonicotinoid pesticides**

**Signed by Governor on May 28, 2019 - Act 35:** <https://legislature.vermont.gov/bill/status/2020/H.205>

**H.263 - An act relating to wastewater treatment of perfluoroalkyl and polyfluoroalkyl substances**

*This bill proposes to require the Secretary of Natural Resources to amend the Vermont Quality Standards to include criteria or effluent limitations for perfluoroalkyl and polyfluoroalkyl substances.*

2/19/2019 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.263>

**H.264 - An act relating to monitoring for cyanobacteria in waters of the State**

*This bill proposes to require the Department of Health, at least every other day, to conduct or arrange for monitoring for the presence cyanobacteria in every State or municipal recreation area where the public can come into contact with waters of the State.*

2/19/2019 1<sup>st</sup> time reading and referred to the House Committee on Human Services.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.264>

**H.267 - An act relating to prohibiting the land application of septage and biosolids**

*This bill proposes to prohibit the land application of biosolids and septage in the State.*

2/19/2019 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.267>

**H.268 - An act relating to prohibiting the retail sale of neonicotinoid pesticides**

*This bill proposes to ban the retail sale of neonicotinoid pesticides in the State beginning on January 1, 2020, except for: pet care products used for preventing, destroying, repelling, or mitigating fleas, mites, ticks, heartworms, or other insects or organisms; personal care products used for preventing, destroying, repelling, or mitigating lice or bedbugs; and indoor pest control products used for preventing, destroying, repelling, or mitigating insects indoors. The bill would also ban the use, sale, and application of the herbicides atrazine and glyphosate.*

2/19/2019 1<sup>st</sup> time reading and referred to the House Committee on Agriculture and Forestry.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.268>

**H.270 - An act relating to requiring the issuance of statewide total maximum daily load plan for waters impaired by e-coli bacteria**

*This bill proposes to require the Secretary of Natural Resources to issue by July 1, 2020 a total maximum daily load (TMDL) plan for the waters of the State that are impaired due to e-coli bacteria. If the Secretary fails to issue the a TMDL for all e-coli bacteria impaired waters or water segments on or before July 1, 2020, the bill would prohibit the Secretary of Natural Resources from issuing any new permit for a discharge of waste in a water or water segment that is impaired for e-coli bacteria until a TMDL is issued for the water or water segment.*

2/19/2019 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife  
**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.270>

**H.273 - An act relating to funding water quality programs with revenue from the estate tax and the property transfer tax**

*This bill proposes to dedicate revenue generated from the estate tax and the property transfer tax for deposit into the Clean Water Fund, for the purposes of that Fund. Under the bill, in fiscal year 2022, 20 percent of the property transfer tax would be deposited into the General Fund. Beginning in fiscal year 2023, 19 percent of the property transfer tax would be deposited into the Clean Water Fund, and the amount of property transfer tax revenue deposited into the General Fund would be reduced from 33 percent to 14 percent of revenue generated from the property transfer tax. In addition, beginning in 2019, the bill would raise the amount of a Vermont taxable estate subject to the State estate tax each year until 2021 when the Vermont estate tax would be set at 16 percent of a Vermont taxable estate in excess of \$5,750,000.00. Beginning July 1, 2021, all estate tax revenue would be deposited into the Clean Water Fund.*

2/19/2019 1<sup>st</sup> time reading and referred to the House Committee on Ways and Means.  
**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.273>

**H.552 - An act relating to the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund**

**Signed by Governor on July 13, 2020 – Act 141:** <https://legislature.vermont.gov/bill/status/2020/H.552>

**H.582 -An act relating to the management of fish and wildlife**

*This bill proposes to amend the State policy under which the Commissioner of Fish and Wildlife and the Fish and Wildlife Board (Board) manage fish, wildlife, and fur-bearing species in the State. The bill would provide that fish, wildlife, and fur-bearing species shall not be managed to serve a special interest sector. The bill provides that the primary mission of the Department of Fish and Wildlife and the Board is the conservation and protection of fish, wildlife, plants, and their habitats. The bill further provides that the governance of wildlife in the State shall be carried out in accordance with the North American Model of Wildlife Conservation.*

1/7/2020 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife.  
**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.582>

**H.581 - An act relating to the funding of the Department of Fish and Wildlife**

*This bill proposes to establish the Vermont Working Group on Wildlife Funding to advise the General Assembly regarding the funding of all activities of the Department of Fish and Wildlife for the conservation and management of fish, wildlife, and fur-bearing animals of the State in a manner that serves the interests and values of all of the people of the State.*

1/7/2020 1<sup>st</sup> time reading and referred to House Committee on Natural Resources, Fish and Wildlife.

6/19/2020 Referred to the House Committee on Appropriations.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.581>

**H.658 - An act relating to the land application of sludge and septage**

*This bill proposes to prohibit the land application of sludge or septage except for exceptional quality biosolids. The bill would require municipally owned wastewater treatment facilities to accept septage for treatment. The bill would establish a Biosolids Conversion Special Fund to provide grants to municipal wastewater facilities for the purpose of converting septage and sludge to exceptional quality biosolids.*

1/14/2020 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.658>

**H.730 - An act relating to establishing a Salt Application Program at the Agency of Natural Resources**

*This bill proposes to require the Secretary of Natural Resources to establish a Salt Application Program to train commercial applicators of salt and salt alternatives in best management practices to most efficiently apply salt or salt alternatives and to prevent salt or salt alternatives from entering the waters of the State. A certified commercial 10applicator shall be presumed to be in compliance with water quality laws when applying salt or salt alternatives according to the best management practices established by the Secretary.*

1/15/2020 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.730>

**H.759 - An act relating to the use of neonicotinoid-treated article seed**

*This bill proposes to require a person proposing to use neonicotinoid-treated article seed in the State to obtain authorization to use the seed from the Secretary of Agriculture, Food and Markets upon a showing of need.*

1/16/2020 1<sup>st</sup> time reading and referred to the House Committee on Agriculture and Forestry.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.759>

#### **H.761 - An act relating to stormwater permitting**

*This bill proposes to extend by two years the required date by which coverage under a general permit shall be sought for a discharge of stormwater from impervious surface of three or more acres in size when the stormwater discharge previously was not permitted or was permitted under an individual permit or general permit that did not incorporate the requirements of the 2002 Stormwater Management Manual. The bill also would grandfather discharges of stormwater from the requirement to seek coverage under the three-acre permit if the discharge was previously permitted, the current owner of the parcel from which the discharge originates is the original listed permittee on the previously issued individual permit, and the previously issued permit is current or has not expired*

1/17/2020 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.761>

#### **H.828 - An act relating to Vermont standards for issuing a Clean Water Act section 401 certification**

*This bill proposes to amend the Vermont Water Quality Standards (VWQS) to clarify that the standards apply to wetlands and discharges to wetlands. The bill also would amend the VWQS to require that any federal Clean Water Act (CWA) section 401 certification issued by the State for waters or for wetlands shall include: an evaluation of water quality impacts on waters and wetlands and an evaluation of alternative means of accomplishing the proposed action for which certification is sought. The bill would require that the State conduct a cumulative impacts analysis of the water quality impacts on waters and wetlands of an activity subject to the CWA section 401 certification. A CWA section 401 certification would not be granted unless the Secretary of Natural Resources determines one of the following: it is more likely than not that the proposed activity will not cause significant impacts; or when an alternatives analysis is required, there may be significant impacts but no practicable alternative exists.*

1/21/2020 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.828>

#### **H.829 - An act relating to the use of the pesticide chlorpyrifos**

*This bill proposes to ban the use, sale, or application of the pesticide chlorpyrifos.*

1/21/2020 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.829>

### **H.831 - An act relating to stormwater management**

*This bill proposes to delay by two 15years the deadline for coverage under the stormwater general permit for 16discharges of stormwater from impervious surface of three or more acres in size, when the stormwater discharge previously was not permitted or was permitted under an individual permit or general permit that did not incorporate the requirements of the 2002 Stormwater Management Manual or any subsequently adopted Stormwater Management Manual. The bill would also require the Agency of Natural Resources to provide planning and engineering services to an owner of impervious surface subject to coverage under the general permit free of charge at the discretion of the owner of the impervious surface. In addition, the bill would require the Secretary of Natural Resources to report to the General Assembly with recommendations for how the State should fund or provide financial assistance to owners of impervious surface subject to the three-acre stormwater permit*

1/22/2020 1<sup>st</sup> time reading and referred to the House Committee on Natural Resources, Fish and Wildlife.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.831>

### **H.832 - An act relating to the use and management of pesticides**

*This bill proposes to transfer the oversight and administration of the Pesticide Advisory Council from the 1Agency of Agriculture, Food and Markets to the Department of Health. The bill would also amend the membership of the Pesticide Advisory Council.*

1/22/2020 1<sup>st</sup> time reading and referred to the House Committee on Agriculture and Forestry.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.832>

### **H.833 - An act relating to the interbasin transfer of surface waters**

*This bill proposes to require the Secretary of Natural Resources to convene a Surface Water Diversions and Transfers Study Group to investigate and make recommendations to the General Assembly regarding the environmental, economic, and recreational impacts of transferring surface water between watershed basins and of diversions of surface water in general.*

6/24/2020 Passes House and passes to the Senate. 6/26/2020 time reading and referred to the Senate Committee on Natural Resources and Energy.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/H.833>

## **Senate Bills**

### **S.55 - An act relating to the regulation of toxic substances and hazardous materials**

**Signed by the Governor June 19, 2020 - Act No. 75:** <https://legislature.vermont.gov/bill/status/2020/S.55>

### **S.69 - An act relating to regulating the use of wake boats on State waters**

*This bill proposes to regulate the operation of wake boats on the public waters of the State.*

2/1/2019 1<sup>st</sup> time reading and referred to the Senate Committee on Natural Resources and Energy.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/S.69>

**S.96 - An act relating to the provision of water quality services** (formerly known as an act relating to establishing a Clean Water Assessment to fund State 11 water quality programs).

**Signed by Governor on June 19, 2020 – Act 76:** <https://legislature.vermont.gov/bill/status/2020/S.96>

**S.180 - An act relating to prohibiting the use and application of the pesticide chlorpyrifos**

*This bill proposes to phase-in a ban on the use and application of the pesticide chlorpyrifos. Beginning on July 1, 2020, the bill would prohibit the aerial application of chlorpyrifos. Beginning on January 1, 2021, the bill would prohibit application of chlorpyrifos except for application to the trunks of apple trees. Beginning on January 1, 2022, all uses and applications of chlorpyrifos would be prohibited.*

3/13/2020 passed by Senate; passes to House. 3/25/20 1<sup>st</sup> time reading and referred to the House Committee on Agriculture and Forestry.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/S.180>

**S.185 - An act relating to the adoption of a climate change response plan**

*This bill proposes to require the Department of Health to develop and adopt a statewide climate change response plan. It further proposes to require regional planning commissions to develop a communications plan for the purpose of mitigating and responding to climate change related public health risks.*

5/19/2020 passed by Senate; passes to House. 5/20/2020 1<sup>st</sup> time reading and referred to House Committee on Human Services.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/S.185>

**S.192 - An act relating to prohibiting the use of the herbicide glyphosate**

*This bill proposes to ban the sale, use, or application of the herbicide glyphosate.*

1/7/2020 1<sup>st</sup> time reading and referred to the Senate Committee on Agriculture.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/S.192>

**S.215 - An act relating to the use of State fishing access areas**

*This bill proposes to require a person to possess a fish and wildlife access area license when using a State access area, landing area, or parking area unless the person is less than 15 years of age; holds a valid fishing, hunting, or trapping license; is the owner of, operator of, or passenger in a validly registered vessel; or is approved by the Commissioner of Fish and Wildlife.*

1/7/2020 1<sup>st</sup> time reading and referred to the Senate Committee on Natural Resources and Energy.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/S.215>

**S.221 -An act relating to transferring regulation of aquatic nuisance control to the Department of Fish and Wildlife**

*This bill proposes to transfer regulatory jurisdiction over the State aquatic nuisance control program from the Department of Environmental Conservation to the Department of Fish and Wildlife.*

2/14/2020 1st time reading and referred to the Senate Committee on Natural Resources and Energy.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/S.221>

**S.266 - An act relating to prohibiting the use of neonicotinoid-treated article seed**

*This bill proposes to prohibit the sale, offer for sale, distribution, or use of neonicotinoid-treated article seeds in the State beginning July 1, 2023.*

2/14/2020 1st time reading and referred to the Senate Committee on Natural Resources and Energy.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/S.266>

**S.272 - An act relating to the use and management of pesticides**

*This bill proposes to transfer the oversight and administration of the Pesticide Advisory Council from the Agency of Agriculture, Food and Markets to the Department of Health. The bill would also amend the membership of the Pesticide Advisory Council.*

1/14/2020 1st time reading and referred to the Senate Committee on Agriculture.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/S.272>

**S.312 - An act relating to stormwater permitting**

*This bill proposes to extend by two years the required date by which coverage under a general permit shall be sought for a discharge of stormwater from impervious surface of three or more acres in size when the stormwater discharge previously was not permitted or was permitted under an individual permit or general permit that did not incorporate the requirements of the 2002 Stormwater Management Manual.*

1/17/2020\_1st time reading and referred to the Senate Committee on Natural Resources and Energy

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/S.312>

**S.315 - An act relating to administration and enforcement of agricultural water quality violations**

*This bill proposes to transfer from the Secretary of Agriculture, Food and Markets to the Secretary of Natural Resources all authority to administer and enforce water quality requirements on farms in Vermont.*

1/17/2020 1st time reading and referred to the Senate Committee on Agriculture.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/S.315>



### S.321 - An act relating to miscellaneous fish and wildlife issues

*This bill proposes to amend multiple provisions related to the authority of the Department of Fish and Wildlife (Department). The bill would authorize the Commissioner of Fish and Wildlife (Commissioner) to authorize the taking of wild animals under certain specified conditions. The bill would authorize the Department to enter reciprocal service agreements with the U.S. Fish and Wildlife Service. The bill would authorize the Commissioner to designate three days on Labor Day weekend as free fishing days. The bill would amend the uniform point system statute to make technical revisions and to make a violation of snaring law a 20 -15 point violation. The bill would amend the fees for fishing tournaments. The bill would also prohibit the carrying of an air gun or a cocked crossbow in a motor vehicle. In addition, the bill would grant the Department the authority to respond to escaped swine or wild swine, including authority to take or euthanize escaped or wild swine.*

3/11/2020 on request of Senator Alice Nitka, the bill was **withdrawn** pursuant to Senate Rule 50.

<https://legislature.vermont.gov/bill/status/2020/S.321>

### PR.9 - Proposed Amendment to the Constitution: Conservation and development: right to clean environment

*This proposal would amend the Constitution of the State of Vermont in order to provide that the citizens of the State have a right to a clean environment.*

2/14/2020 1st time reading and referred to Committee on Natural Resources and Energy.

**No action since.**

<https://legislature.vermont.gov/bill/status/2020/PR.9>

## 2020 Climate Change Bills

New climate change bills are part of a comprehensive package of bills addressing climate change for Vermonters. **The table below is from the statehouse website list of climate change-related bills as of Jan 2020.** To track a bill, under TITLE, **click the bill number in blue** to link to statehouse page of bill detail status. Once on 'bill status' page, to read the text of a bill, click inside the box on the blue '**As Introduced**' link.

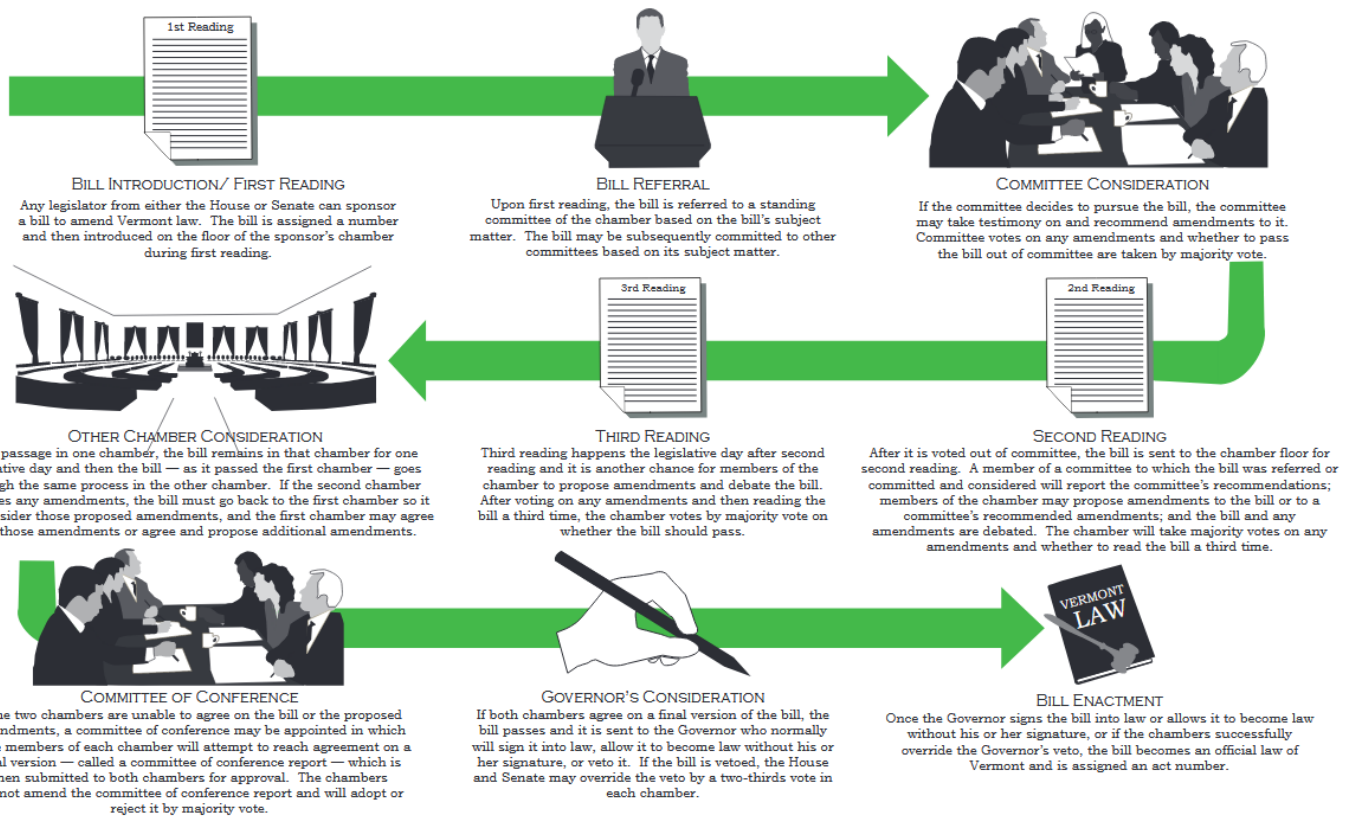
TITLE	ACT #
<a href="#">H.91</a>	An act relating to a cap and trade program for greenhouse gas emissions caused by transportation, heating, and other energy use
<a href="#">H.462</a>	An act relating to addressing climate change
<a href="#">H.463</a>	An act relating to a carbon charge that is refunded on electric bills
<a href="#">H.477</a>	An act relating to a carbon charge, public transportation, tax credits, weatherization, and incentives
<a href="#">H.688</a>	An act relating to addressing climate change
<a href="#">H.868</a>	An act relating to a regenerative economy
<a href="#">H.905</a>	An act relating to the Vermont State Auditor and potential legislation and rules concerning climate change
<a href="#">H.916</a>	An act relating to creating a Vermont Green New Deal Fund
<a href="#">J.R.H.4</a>	Joint resolution expressing support for the Vermont students who led a protest to demand that public officials act now to halt and reverse climate change
<a href="#">S.75</a>	An act relating to a cap and trade program for greenhouse gas emissions caused by transportation, heating, and other energy use
<a href="#">S.171</a>	An act relating to addressing climate change, increasing weatherization, and rating the energy performance of buildings

**TITLE**

**ACT #**

- S.173** An act relating to the mitigation of climate change
- S.185** An act relating to the adoption of a climate change response plan
- S.311** An act relating to creating a Vermont Green New Deal Fund

# HOW A BILL BECOMES LAW



For more information on Vermont's legislative process, see "Vermont's Legislative Process" by the Clerk of the House, <http://www.leg.state.vt.us/HouseClerk/Vermont%20Legislative%20Process.htm>