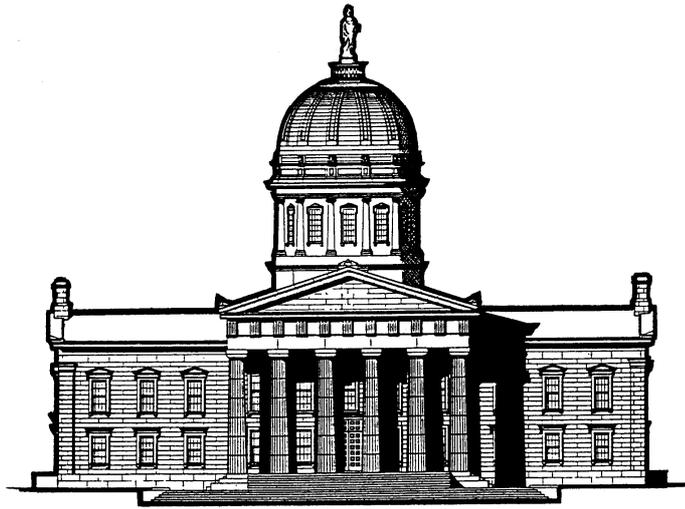


STATE OF VERMONT



SUMMARY OF THE ACTS AND RESOLVES

OF THE

2009 VERMONT GENERAL ASSEMBLY

PREPARED BY THE STAFF OF THE
LEGISLATIVE COUNCIL

**SUMMARY OF THE
ACTS AND RESOLVES
OF THE
2009 VERMONT GENERAL ASSEMBLY**

**Prepared by the Staff of the
Legislative Council**

The materials in this booklet summarize and highlight major features of legislation and resolutions enacted or adopted during the 2009 Session of the Vermont General Assembly. The purpose of this publication is to provide the public with general information about the various subject matter areas addressed by the legislature. The summaries should not be relied upon as a substitute for reading the actual text of the 2009 Acts and Resolves, which is posted on the legislative website (www.leg.state.vt.us) or may be obtained from the Legislative Council (802-828-2231).

TABLE OF CONTENTS
PART I. INDEX

AGRICULTURE.....	iii
ALCOHOLIC BEVERAGES	iii
APPROPRIATIONS & FINANCE.....	iii
BANKING & INSURANCE.....	iii
COMMERCE & TRADE	iv
CONSERVATION & DEVELOPMENT.....	iv
CONSUMER PROTECTION.....	iv
CORRECTIONS.....	v
CRIMES & CRIMINAL PROCEDURES.....	v
DOMESTIC RELATIONS.....	v
ECONOMIC DEVELOPMENT.....	v
EDUCATION.....	v
ELECTIONS.....	vi
EXECUTIVE BRANCH.....	vi
FISH & WILDLIFE.....	vi
GENERAL PROVISIONS.....	vi
HEALTH.....	vi
HOUSING.....	vii
HUMAN SERVICES.....	vii
INSURANCE.....	vii
JUDICIARY.....	viii
LABOR.....	viii
LEGISLATURE.....	viii
MOTOR VEHICLES.....	viii
MUNICIPAL GOVERNMENT & CHARTERS.....	ix
PROFESSIONS & OCCUPATIONS.....	x
PROPERTY.....	x
PUBLIC RECORDS.....	x
PUBLIC SAFETY.....	x
PUBLIC SERVICE.....	x
RETIREMENT.....	xi
TAXATION & FEES.....	xi
TOBACCO PRODUCTS.....	xi
TRANSPORTATION.....	xi
JOINT RESOLUTIONS RELATING TO USE OF THE STATE HOUSE.....	xi
CONCURRENT RESOLUTIONS AS COMMEMORATIONS, MEMORIALS, AND SENTIMENTS.....	xi
JOINT RESOLUTIONS RELATING TO SESSIONS AND ADJOURNMENT.....	xxi
JOINT RESOLUTIONS RELATING TO PETITIONS, ISSUES, AND POLICY DIRECTIVES.....	xxi
SENATE RESOLUTIONS.....	xxiii
HOUSE RESOLUTIONS.....	xxiii

PART II. SUMMARY AND TABLES

SUMMARY OF THE ACTS, MUNICIPAL ACTS, VETOED LEGISLATION NOT ENACTED, SPECIAL SESSION ACTS, AND RESOLUTIONS.....	1
2009 TRANSFER TABLE.....	117
SUMMARY OF BIENNIAL AND SPECIAL SESSION ACTIVITIES 2009.....	122

PART I. INDEX

AGRICULTURE

Commerce; milk pricing, Act No. 48 (S.89).....	40
Conservation; agriculture; solid waste; composting, Act No. 41 (H.145).....	26
Conservation; department of forests, parks and recreation; licensing state forest land for maple sugar production, Act No. 21 (S.94)	16
Conservation; energy; biomass, Act No. 37 (H.152).....	24
Dairy operations; sale of unpasteurized (raw) milk, Act No. 62 (H.125).....	67
Farmers' markets; EBTs; appropriation, Act No. 51 (H.192)	50
Health; health insurance; employer-sponsored insurance assistance; workers' compensation; agricultural workers, Act No. 61 (H.444).....	65
Pest control; Interstate Pest Compact, Act No. 8 (H.348)	9
Renewable energy and energy efficiency, Act No. 45 (H.446)	32

ALCOHOLIC BEVERAGES

DUI; total abstinence; reinstatement of operator license, Act No. 23 (S.70)	17
Wine; spirits; fortified wines; tastings, Act No. 10 (S.27).....	11

APPROPRIATIONS & FINANCE

Budget adjustment for Fiscal Year 2009, Act No. 4 (H.232)	7
Capital appropriations; bonding; school construction funding, Act No. 43 (H.445).....	27
Education; grants, scholarship, and loan programs; Vermont Student Assistance Corporation, Act No. 2 (H.166).....	6
Fiscal Year 2010 Omnibus Appropriations Act, Special Session Act No. 1 (H.441)	74
Taxation and finance; appropriations; interim budget; reductions, Act No. 52 (H.75)	51
Taxation and finance; budget; grant report, Act No. 19 (S.38)	14
Technical corrections to the BIG BILL– Fiscal Year 2010 Appropriations Act (H.441), Special Session Act No. 3 (Special Session S.1)	82

BANKING & INSURANCE

Banking, insurance, securities, and health care administration; miscellaneous housekeeping amendments, Act No. 42 (S.42).....	26
Health; utilization; health insurers; administrative costs; patient education; health care quality; VPQHC; accountable care organization; certificate of need, Act No. 49 (S.129).....	41
Home mortgage protection for Vermonters, Act No. 29 (H.171).....	20

Senior protection and financial services, Act No. 53 (H.222)	51
Trusts; administration of trusts, Act No. 20 (S.86).....	14

COMMERCE & TRADE

Agriculture; commerce; milk pricing, Act No. 48 (S.89)	40
Agriculture; farmers’ markets; EBTs; appropriation, Act No. 51 (H.192).....	50
Home mortgage protection for Vermonters, Act No. 29 (H.171).....	20
Motor vehicle parts and accessories; engine coolants and antifreeze, Act No. 15 (H.6)..	13
Renewable energy and energy efficiency, Act No. 45 (H.446)	32
Senior protection and financial services, Act No. 53 (H.222)	51
Uniform Prudent Management of Institutional Funds Act, Act No. 9 (H.287)	9
Vermont’s motor vehicle franchise laws, Act No. 57 (S.51).....	55

CONSERVATION & DEVELOPMENT

Agriculture; solid waste; composting, Act No. 41 (H.145)	26
Economic development; ARRA; programs; planning; oversight, Act No. 54 (H.313)....	51
Energy; biomass, Act No. 37 (H.152).....	24
Executive branch fees, Act No. 47 (H.136)	38
Forests, parks and recreation; licensing state forest land for maple sugar production, Act No. 21 (S.94).....	16
Public water supply; water treatment, Act No. 27 (H.80)	19
Renewable energy and energy efficiency, Act No. 45 (H.446)	32
Technical corrections to underground storage tanks and the petroleum cleanup fund (H.83), the Vermont Recovery and Reinvestment Act of 2009 (H.313), the BIG BILL – Fiscal Year 2010 Appropriations Act (H.441), and capital construction and bonding (H.445), Special Session Act No. 3 (Special Session S.1)	82
Transportation; salvage yards, Act No. 56 (S.47).....	54
Underground storage tanks; petroleum cleanup fund; stage II vapor recovery, Act No. 22 (H.83)	16
Water resources; wetlands, Act No. 31 (H.447)	21
Water resources management; aquatic nuisance species, Act No. 46 (H.15).....	37

CONSUMER PROTECTION

Home mortgage protection for Vermonters, Act No. 29 (H.171).....	20
Senior protection and financial services, Act No. 53 (H.222)	51
Trusts; administration of trusts, Act No. 20 (S.86).....	14

CORRECTIONS

Capital appropriations; bonding; school construction funding, Act No. 43 (H.445).....	27
Corrections; mental illness; functional impairment, Act No. 26 (S.2)	19
Crimes; criminal procedure; corrections; human services; education; sex offenders, Act No. 1 (S.13)	1
Criminal procedure; sex offenders; sex offender registry, Act No. 58 (S.125)	58

CRIMES & CRIMINAL PROCEDURES

Corrections; human services; education; sex offenders, Act No. 1 (S.13)	1
Crimes; crime victims; profits from crime, Act No. 55 (S.26)	52
Executive; attorney general; diversion, Act No. 12 (H.204)	12
Executive branch fees, Act No. 47 (H.136)	38
Sex offenders; sex offender registry, Act No. 58 (S.125).....	58

DOMESTIC RELATIONS

Domestic relations; marriage, Act No. 3 (S.115).....	6
Trusts; administration of trusts, Act No. 20 (S.86).....	14

ECONOMIC DEVELOPMENT

ARRA; programs; planning; oversight, Act No. 54 (H.313).....	51
Technical corrections to the Vermont Recovery and Reinvestment Act of 2009 (H.313), Special Session Act No. 3 (Special Session S.1)	82

EDUCATION

Agriculture; farmers' markets; EBTs; appropriation, Act No. 51 (H.192).....	50
Capital appropriations; bonding; school construction funding, Act No. 43 (H.445).....	27
Crimes; criminal procedure; corrections; human services; education; sex offenders, Act No. 1 (S.13)	1
Education property tax rate; base education payment amount; taxation, Act No. 60 (H.12)	64
Enosburg Falls; education; school district; charter; repeal, Act No. M-4 (H.36)	70
Executive; state employees; teachers; municipal employees; retirement benefits, Act No. 24 (H.431)	17
Grants, scholarship, and loan programs; Vermont Student Assistance Corporation, Act No. 2 (H.166)	6
Miscellaneous provisions, Special Session Act No. 2 (H.442).....	81
Pre-K–12; higher education, Act No. 38 (H.405).....	24

Technical corrections; divided vote; tuition; choice; designated schools; state-placed students; veterinarian educational loan repayment; teen parent education; school completion rate; high school completion program; truancy, Act No. 44 (H.427)	30
--	----

ELECTIONS

Campaign finance; filings, Act No. 17 (S.69)	13
Elections, Act No. 40 (S.121)	25
Periodic reapportionment; legislative apportionment board; appointments, Act No. 18 (S.111).....	13

EXECUTIVE BRANCH

Attorney general; diversion, Act No. 12 (H.204)	12
Budget adjustment for fiscal year 2009, Act No. 4 (H.232)	7
Executive branch fees, Act No. 47 (H.136)	38
Fiscal Year 2010 Omnibus Appropriations Act, Special Session Act No. 1 (H.441)	74
Labor; employment practices; polygraph examinations, Act No. 5 (H.186).....	8
Miscellaneous provisions, Special Session Act No. 2 (H.442).....	81
Renewable energy and energy efficiency, Act No. 45 (H.446)	32
Reports; repeal, Act No. 33 (S.25).....	22
State employees; teachers; municipal employees; retirement benefits, Act No. 24 (H.431)	17
Taxation and finance; budget; grant report, Act No. 19 (S.38)	14

FISH & WILDLIFE

Conservation; water resources management; aquatic nuisance species, Act No. 46 (H.15)	37
Executive branch fees, Act No. 47 (H.136)	38
Youth hunting eligibility, Act No. 11 (H.64).....	12

GENERAL PROVISIONS

Games of chance; nonprofit organizations; venues, Act No. 16 (H.249)	13
--	----

HEALTH

Anatomical gifts; motor vehicles, Act No. 39 (S.67)	25
Automated external defibrillators, Act No. 7 (H.34)	8
Banking, insurance, securities, and health care administration; miscellaneous housekeeping amendments, Act No. 42 (S.42).....	26
Capital appropriations; bonding; school construction funding, Act No. 43 (H.445).....	27

Corrections; mental illness; functional impairment, Act No. 26 (S.2)	19
Executive branch fees, Act No. 47 (H.136)	38
Health insurance; coverage; cancer; colorectal; colonoscopy, Act No. 34 (H.24)	22
Health; health care reform; health insurance; health information technology; electronic health record; Blueprint for Health; Catamount Health; Vermont health access plan; employer-sponsored insurance assistance; workers' compensation; contract standard; rental network contract; chlamydia; stroke treatment; vaccine; immunization; Healthy Workers Program; agricultural workers; brominated flame retardant; orally administered chemotherapy, Act No. 61 (H.444).....	65
Health; utilization; health insurers; administrative costs; patient education; health care quality; VPQHC; accountable care organization; certificate of need, Act No. 49 (S.129).....	41
Lighted tobacco products; workplace prohibition, Act No. 32 (S.7).....	22
Long-term care; receivership; judicial process, Act No. 36 (H.453).....	23
Medicaid waiver; technical corrections to health care reform (H.444), Special Session Act No. 3 (Special Session S.1).....	82
Palliative care; pain management, Act No. 25 (H.435)	18
Prescription drugs; medical devices; biological products; manufacturers; gifts; disclosure; corrections; generic drugs; substitution, Act No. 59 (S.48).....	62

HOUSING

Home mortgage protection for Vermonters, Act No. 29 (H.171).....	20
Senior protection and financial services, Act No. 53 (H.222)	51

HUMAN SERVICES

Crimes; criminal procedure; corrections; human services; education; sex offenders, Act No. 1 (S.13).....	1
Human services; juvenile judicial proceedings, Act No. 28 (H.91)	20

INSURANCE

Agriculture; pest control; Interstate Pest Compact, Act No. 8 (H.348).....	9
Banking, insurance, securities, and health care administration; miscellaneous housekeeping amendments, Act No. 42 (S.42).....	26
Executive; state employees; teachers; municipal employees; retirement benefits, Act No. 24 (H.431)	17
Health; health care reform; health insurance; health information technology; electronic health record; Blueprint for Health; Catamount Health; Vermont health access plan; employer-sponsored insurance assistance; workers' compensation; contract standard; rental network contract; chlamydia; stroke treatment; vaccine; immunization; Healthy	

Workers Program; agricultural workers; brominated flame retardant; orally administered chemotherapy, Act No. 61 (H.444).....	65
Health; health insurance; coverage; cancer; colorectal; colonoscopy, Act No. 34 (H.24).....	22
Miscellaneous provisions, Special Session Act No. 2 (H.442).....	81

JUDICIARY

Automated external defibrillators, Act No. 7 (H.34).....	8
Capital appropriations; bonding; school construction funding, Act No. 43 (H.445).....	27
Crimes; criminal procedure; corrections; human services; education; sex offenders Act No. 1 (S.13).....	1
Criminal procedure; sex offenders; sex offender registry, Act No. 58 (S.125).....	58
Executive; attorney general; diversion, Act No. 12 (H.204).....	12
Juvenile judicial proceedings; human services. Act No. 28 (H.91).....	20
Long-term care; receivership; judicial process, Act No. 36 (H.453).....	23
Motor vehicles; registration suspension; arrest reports; accident reports; accident data repository; failure to deliver certificate of title; salvage titles for vessels, snowmobiles, and all-terrain vehicles; anatomical gifts, Act No. 39 (S.67).....	25
Trusts; administration of trusts, Act No. 20 (S.86).....	14

LABOR

Employment practices; polygraph examinations, Act No. 5 (H.186).....	8
Executive; state employees; teachers; municipal employees; retirement benefits, Act No. 24 (H.431).....	17
Health; health care reform; health insurance; Blueprint for Health; Catamount Health; Vermont health access plan; employer-sponsored insurance assistance; workers' compensation; contract standard; rental network contract; Healthy Workers Program; agricultural workers; brominated flame retardant; orally administered chemotherapy, Act No. 61 (H.444).....	65
Health; lighted tobacco products; workplace prohibition, Act No. 32 (S.7).....	22

LEGISLATURE

Fiscal Year 2010 Omnibus Appropriations Act, Special Session Act No. 1 (H.441).....	74
Reapportionment, periodic; elections; legislative apportionment board; appointments, Act No. 18 (S.111).....	13

MOTOR VEHICLES

Commerce and trade; motor vehicle parts and accessories; engine coolants and antifreeze, Act No. 15 (H.6).....	13
--	----

Conservation; water resources management; aquatic nuisance species, Act No. 46 (H.15)	37
DUI; total abstinence; reinstatement of operator license, Act No. 23 (S.70)	17
Motor carrier out-of-service orders; registration suspension; arrest reports; accident reports; accident data repository; failure to deliver certificate of title; salvage titles for vessels, snowmobiles, and all-terrain vehicles; anatomical gifts, Act No. 39 (S.67)	25
Motorboats; water sports; operation of personal watercraft, Act No. 30 (S.91).....	20
Transportation program, Act No. 50 (H.438)	42
Vermont’s motor vehicle franchise laws, Act No. 57 (S.51).....	55

MUNICIPAL GOVERNMENT & CHARTERS

Berlin, town of; municipal charters; amendment, Act No. M-8 (H.433).....	71
Burlington, city of; municipal charters; amendment, Act No. M-1 (H.95)	69
Burlington, city of; municipal charters; amendment, Act No. M-11 (H.451)	71
Capital appropriations; bonding; school construction funding, Act No. 43 (H.445).....	27
Cold Brook Fire District; municipal charters; public safety; fire districts; charters, Act No. M-3 (H.131)	69
Enosburg Falls; education; school district; charter; repeal, Act No. M-4 (H.36).....	70
Essex Junction, village of; municipal charters; amendment; Act No. M-13 (H.452).....	72
Executive branch fees, Act No. 47 (H.136)	38
Executive; state employees; teachers; municipal employees; retirement benefits, Act No. 24 (H.431)	17
Hartford, town of; municipal charters, Act No. M-5 (H.160).....	70
Morristown Corners Water Corporation; water districts; municipal charters, Act No. M-9 (H.297)	71
Public safety; police officers; reports, Act No. 14 (H.205)	12
Rutland, city of; municipal charters; amendment, Act No. M-6 (H.69).....	70
South Burlington, city of; municipal charters; amendment, Act No. M-12 (H.443).....	72
St. Johnsbury, town of; municipal charters; amendment, Act No. M-7 (H.430).....	70
Swanton, village of; municipal charters; codification; amendment, Act No. M-10 (H.448)	71
Technical amendments, Special Session Act No. 3 (Special Session S.1)	82
Transportation program, Act No. 50 (H.438)	42
Williston, town of; municipal charters; amendment, Act No. M-2 (H.31).....	69

PROFESSIONS & OCCUPATIONS

Executive branch fees, Act No. 47 (H.136) 38
Palliative care; pain management, Act No. 25 (H.435) 18
Professions and occupations, Act No. 35 (H.86) 23

PROPERTY

Capital appropriations; bonding; school construction funding, Act No. 43 (H.445)..... 27
Senior protection and financial services, Act No. 53 (H.222) 51
Trusts; administration of trusts, Act No. 20 (S.86)..... 14
Unclaimed property; state treasurer, Act No. 13 (S.96) 12
Uniform Prudent Management of Institutional Funds Act, Act No. 9 (H.287) 9

PUBLIC RECORDS

Capital appropriations; bonding; school construction funding, Act No. 43 (H.445)..... 27

PUBLIC SAFETY

Criminal procedure; sex offenders; sex offender registry, Act No. 58 (S.125)..... 58
DUI; total abstinence; reinstatement of operator license, Act No. 23 (S.70) 17
Executive branch fees, Act No. 47 (H.136) 38
Labor; employment practices; polygraph examinations, Act No. 5 (H.186)..... 8
Motor vehicles; motorboats; water sports; operation of personal watercraft,
Act No. 30 (S.91)..... 20
Municipal government; municipal charters; public safety; fire districts; charters; Cold
Brook Fire District, Act No. M-3 (H.131) 69
Municipal government; police officers; reports, Act No. 14 (H.205) 12

PUBLIC SERVICE

Conservation; energy; biomass, Act No. 37 (H.152)..... 24
Decommissioning funds of nuclear energy generation plants, H.436 (VETOED)..... 73
Miscellaneous provisions, Special Session Act No. 2 (H.442)..... 81
Renewable energy and energy efficiency, Act No. 45 (H.446) 32
Technical amendments, Special Session Act No. 3 (Special Session S.1)..... 82
Transportation program, Act No. 50 (H.438) 42
Wireless telecommunications facilities and project approvals for municipal and
cooperative utilities, Act No. 6 (H.135)..... 8

RETIREMENT

Executive; state employees; teachers; municipal employees; retirement benefits,
Act No 24. (H.431) 17
Fiscal Year 2010 Omnibus Appropriations Act, Special Session Act No. 1 (H.441) 74
Miscellaneous provisions, Special Session Act No. 2 (H.442)..... 81

TAXATION & FEES

Banking, insurance, securities, and health care administration; miscellaneous
housekeeping amendments, Act No. 42 (S.42)..... 26
Conservation; underground storage tanks; petroleum cleanup fund; stage II vapor
recovery, Act No. 22 (H.83) 16
Executive branch fees, Act No. 47 (H.136) 38
Fiscal Year 2010 Omnibus Appropriations Act, Special Session Act No. 1 (H.441) 74
Miscellaneous provisions, Special Session Act No. 2 (H.442)..... 81
Taxation; education property tax rate; base education payment amount, Act No. 60
(H.12) 64
Taxation and finance; appropriations; interim budget; reductions, Act No. 52 (H.75) 51
Taxation and finance; budget; grant report, Act No. 19 (S.38) 14
Technical amendments, Special Session Act No. 3 (Special Session S.1) 82
Transportation; transportation program, Act No. 50 (H.438) 42

TOBACCO PRODUCTS

Health; lighted tobacco products; workplace prohibition, Act No. 32 (S.7) 22
Miscellaneous provisions, Special Session Act No. 2 (H.442)..... 81

TRANSPORTATION

Conservation; transportation; salvage yards, Act No. 56 (S.47)..... 54
Transportation program, Act No. 50 (H.438) 42

JOINT RESOLUTIONS RELATING TO USE OF THE STATE HOUSE

Boys’ State program, use of state house, No. R-133 (J.R.H.19) 97
Girls’ State civic education program, use the state house, Special Session No. R-5
(Special Session J.R.H.2)..... 112

**CONCURRENT RESOLUTIONS AS COMMEMORATIONS, MEMORIALS,
AND SENTIMENTS**

After-school programs, education-based, celebrating, No. R-139 (H.C.R.88)..... 98
Agriculture, Food and Markets’ “Agriview”, 70th anniversary, No. R-166 (S.C.R.22) 101

Albert D. Lawton Middle School boys' A-basketball, No. R-112 (H.C.R.75)	95
Aldrich Public Library, centennial anniversary, No. R-9 (S.C.R.1).....	85
All-Vermont Academic Team, congratulating, No. R-188 (H.C.R.136).....	103
Alpine skiing in Vermont, diamond anniversary, No. R-65 (H.C.R.42)	91
Alzheimer's Disease and Related Disorders, No. R-154 (H.C.R.109).....	100
American Cancer Society's 2009 Relay for Life events, honoring, No. R-259 (H.C.R.179).....	111
American Legion, Sons of, No. R-14 (S.C.R. 5)	86
Anderson, Gary, honoring, No. R-260 (H.C.R.180).....	111
Anderson, Thomas, honoring, No. R-100 (S.C.R.15).....	94
Annis, Charlotte Neer, honoring, No. R-86 (H.C.R.55)	93
Asian Lunar Year 4707, No. R-45 (H.C.R.22)	89
Barber, Jayne, honoring, No. R-111 (H.C.R.73)	95
Belknap, Sherry Walter, in memory, No. R-146 (H.C.R.51)	99
Bellow Falls All-Stars baseball, No. R-34 (H.C.R.18).....	88
Bennett, Mark, in memory, No. R-194 (H.C.R.114)	104
Bennington Fraternal Order of Eagles' Aerie #1861, centennial anniversary, No. R-57 (H.C.R.35).....	90
Bennington Project Independence, 30th anniversary, No. R-257 (H.C.R.177).....	111
Benson, Joy, honoring, No. R-88 (H.C.R.57).....	93
Binns, Joanie, honoring, No. R-143 (S.C.R.19)	98
Blake, Anne, congratulating, No. R-215 (H.C.R.151).....	106
Blakely, Marqus, congratulating, No. R-118 (H.C.R.74).....	96
Boera, A. Richard, congratulating, No. R-222 (S.C.R.29)	107
Bombard, David L., Lt. Col., in memory, No. R-87 (H.C.R.56).....	93
Bond, Benjamin, congratulating, No. R-207 (H.C.R.143)	105
Boright, Charles Alan, honoring, No. R-24 (H.C.R.14).....	87
Boy Scout Eagle Class of 2008, congratulating, No. R-73 (H.C.R.50).....	91
Brattleboro community, work to combat intolerance, recognizing, No. R-121 (H.C.R.82).....	96
Brattleboro Union High School marching band, honoring, No. R-48 (H.C.R.25)	89
<i>Bridge, The</i> , newspaper, 15th anniversary, No. R-10 (S.C.R.2).....	85
Bridport Grange's legislative breakfast, honoring, No. R-95 (S.C.R.13).....	94

Broomhall, Erlon (Bucky), congratulating, No. R-212 (H.C.R.148).....	106
Brown-Wolff, Janet Medston Perrigo, congratulating, No. R-125 (H.C.R.96).....	97
Brush, Fletcher, in memory, No. R-83 (H.C.R.37).....	92
Buchanan, Doris S., Judge, honoring, No. R-51 (H.C.R.30).....	89
Buildings and General Services security patrol and state house staff, professionalism, No. R-144 (S.C.R.20)	99
Burlingame, James, honoring, No. R-187 (H.C.R.135).....	103
Burlington High School faculty and students, congratulating, No. R-190 (S.C.R.25)...	103
Burr, Samuel H., honoring, No. R-23 (H.C.R.13)	87
Burr and Burton Academy Bulldogs 2009 championship boys' alpine ski team, congratulating, No. R-205 (H.C.R.140).....	105
Burr and Burton Academy Bulldogs 2009 Division II girls' championship basketball team, congratulating, No. R-203 (H.C.R.138).....	105
Burr and Burton Academy Bulldogs 2009 Division II girls' championship ice hockey team, congratulating, No. R-204 (H.C.R.139).....	105
Burr and Burton Academy Bulldogs 2009 girls' championship snowboarding team, congratulating, No. R-206 (H.C.R.141).....	105
Butterfield, Robert, honoring, No. R-81 (S.C.R.11).....	92
Buzzell, George, honoring, No. R-160 (H.C.R.117)	100
Cain, Nick, congratulating, No. R-200 (H.C.R.131)	104
Caldwell, John, honoring, No. R-107 (H.C.R.67)	95
Caledonia Essex Ambulance Service, 25th anniversary, No. R-223 (S.C.R.30).....	107
CarShare Vermont, congratulating, No. R-42 (H.C.R.12).....	88
Central Vermont Public Service, commending, No. R-56 (H.C.R.32).....	90
Chamberlain, Effie (Bartlett), honoring, No. R-162 (H.C.R.101)	101
Champlain Valley Union High School Redhawks 2008 Division I championship field hockey team, congratulating, No. R-177 (H.C.R.110)	102
Champlain Valley Union High School Redhawks 2009 Division I championship boys' ice hockey team, congratulating, No. R-178 (H.C.R.119).....	102
Chelsea High School Red Devils 2009 Division IV girls' basketball championship, No. R-150 (H.C.R.103).....	99
Cheney, Margaret, Vermont State Representative, congratulating on recent marriage, No. R-258 (H.C.R.178).....	111
Child care providers in Vermont, honoring, No. R-110 (H.C.R.71)	95
Chroma Technology Corporation, congratulating, No. R-248 (H.C.R.168)	110

Cisna, Thomas, welcoming, No. R-14 (S.C.R.5).....	86
Claussen Enterprises, Inc., congratulating, No. R-199 (H.C.R.128)	104
Cole, Sally, U.S. Army Reserve Specialist First Class, welcoming home, No. R-92 (H.C.R.61).....	93
Collins, William, congratulating, No. R-119 (H.C.R.77)	96
Dean, Howard, Governor, recognizing political accomplishments, No. R-130 (S.C.R.16)	97
Dilts, John, congratulating, No. R-183 (H.C.R.129)	103
Donahue, John C., Jr., in memory, No. R-147 (H.C.R.64).....	99
Dr. Richard A. Sleeman Center, congratulating, No. R-257 (H.C.R.177)	111
Dugan, John Charles, congratulating, No. R-252 (H.C.R.172)	110
Eagle Class of 2008, congratulating, No. R-73 (H.C.R.50).....	91
Education-based after-school programs, celebrating, No. R-139 (H.C.R.88)	98
Energizer in Bennington, congratulating, No. R-79 (S.C.R.9)	92
Essex High School Fed Challenge team on its outstanding performance, congratulating, No. R-246 (H.C.R.166).....	109
Essex High School Hornets Division I championship girls' ice hockey team, congratulating, No. R-172 (H.C.R.83).....	101
Essex High School Hornets state gymnastics championship team, congratulating, No. R-173 (H.C.R.84).....	101
Essex High School, 2009 Siemens Award for Advanced Placement, congratulating, No. R-192 (H.C.R.95).....	104
Essex High School, <i>We the People: The Citizen and the Constitution</i> state championship class, congratulating, No. R-209 (H.C.R.145)	105
Fahner, Tom, congratulating, No. R-234 (H.C.R.152)	108
Fantoni, Charles V., honoring, No. R-46 (H.C.R.23)	89
Faris, Elizabeth C, Dr., in memory, No. R-202 (H.C.R.137)	105
Federal TRIO programs in Vermont, honoring, No. R-109 (H.C.R.70).....	95
Flaherty, Michael, in memory, No. R-26 (H.C.R.16).....	87
Flory, Joseph J., in memory, No. R-237 (H.C.R.157)	108
Forest, State, Vermont's first, centennial anniversary, No. R-11 (S.C.R.3).....	85
Fowler, Pat and Alan, congratulating, No. R-196 (H.C.R.123).....	104
Fowler, Rose, honoring, No. R-197 (H.C.R.124).....	104
Frederick H. Tuttle Middle School, congratulating Jay Hoffman and his students, No. R-179 (H.C.R.120).....	102

French, Daniel, congratulating, Special Session No. R-14 (Special Session H.C.R.8)..	113
Friel, Mike, congratulating, No. R-184 (H.C.R.130).....	103
George, Margaret Jean, in memory, No. R-181 (H.C.R.126).....	102
Gibby, George, in memory, No. R-193 (H.C.R.107).....	104
Grace Cottage Hospital, 60th anniversary, No. R-180 (H.C.R.122)	102
Grafton FAST Squad, congratulating, No. R-250 (H.C.R.170)	110
Granges of Vermont, honoring, No. R-158 (H.C.R.115)	100
Green Mountain Council Boy Scout Eagle Class of 2008, congratulating, No. R-73 (H.C.R.50).....	91
Green Mountain Power Corporation, commending, No. R-136 (H.C.R.89).....	98
Green Up poster winners, 2009, congratulating, No. R-201 (H.C.R.132).....	105
Habif, Steve honoring, No. R-124 (H.C.R.92)	96
Handy, Lawrence, honoring, No. R-220 (S.C.R.27).....	107
Harris, Everett W., in memory, No. R-168 (S.C.R.24).....	101
Harris Hill Ski Jump in Brattleboro, commemorating, No. R-244 (H.C.R.164).....	109
Hartford High School boys' ice hockey team, No. R-138 (H.C.R.94).....	98
Hartford High School debaters, congratulating, No. R-195 (H.C.R.121)	104
Hartford High School football team, No. R-84 (H.C.R.38).....	92
Harwood Union High School boys' cross-country, congratulating, No. R-49 (H.C.R.26)	89
Harwood Union High School field hockey, No. R-50 (H.C.R.27).....	89
Hazen Union High School Division III championship boys' basketball team, congratulating, No. R-175 (H.C.R.97).....	102
Henderson, David, Dr., honoring, No. R-149 (H.C.R.100)	99
Hewitt, Jenny, congratulating, Special Session No. R-4 (Special Session S.C.R.4)	112
Heydinger, Caroline, congratulating, No. R-208 (H.C.R.144).....	105
Hoffman, Jay, congratulating, No. R-179 (H.C.R.120).....	102
Hu, Xin, congratulating, No. R-185 (H.C.R.133).....	103
Hunt, Kurt, 1st Lt., congratulating, No. R-80 (S.C.R.10).....	92
Huntington Public Library, congratulating, No. R-41 (H.C.R.11)	88
Hutchinson, James, in memory, No. R-17 (H.C.R.1)	86
Ice Storm, December 2008, commending CVPS and other electric companies, No. R-56 (H.C.R.32).....	90

Ice Storm, December 2008, commending GMP and other electric companies, No. R-136 (H.C.R.89).....	98
International House of Pancakes Restaurant, congratulating for serving pure Vermont maple syrup, No. R-249 (H.C.R.169)	110
Iraq, military personnel who have died in, in memory, No. R-70 (H.C.R.47)	91
Irons, Gene E., honoring, No. R-216 (H.C.R.153)	106
J.W. & D.E. Ryan, Vermont Centennial Business Award, No. R-129 (H.C.R.80).....	97
Janawicz, David Alan, in memory, No. R-67 (H.C.R.44)	91
Jareckie, David S., in memory, No. R-217 (H.C.R.154)	106
Johnson, Timothy, Dr., congratulating, No. R-43 (H.C.R.20).....	88
Journey East Program, tenth anniversary, No. R-137 (H.C.R.91).....	98
Jr. Iron Chef competition, congratulating winners, No. R-157 (H.C.R.113).....	100
Kelemen, Brittany, congratulating, No. R-27 (H.C.R.28)	87
Kosovo, independence, first anniversary of, No. R-72 (H.C.R.49).....	91
Krug, Mary, congratulating, No. R-174 (H.C.R.85).....	102
Langlois, Katherine (Kitty), honoring, No. R-75 (H.C.R.53).....	92
Lawrence, Andrea Mead, in memory, No. R-167 (S.C.R.23)	101
Leach, Roderick, honoring, No. R-126 (H.C.R.98).....	97
Leddy, Diana, congratulating, No. R-91 (H.C.R.60).....	93
Leland & Gray Union High School baseball team, congratulating, No. R-25 (H.C.R.15)	87
Leland & Gray Union Middle and High School, congratulating, No. R-137 (H.C.R.91)	98
Lendway, Jane McLuckie, honoring, No. R-90 (H.C.R.59).....	93
Libraries, librarians and library workers, honoring, No. R-156 (H.C.R.112)	100
Lisi-Baker, Deborah, honoring, No. R-93 (H.C.R.62)	93
Little, George E., Jr., in memory, No. R-141 (S.C.R.17)	98
Lost Nation Theater, congratulating, No. R-21 (H.C.R. 7)	86
Macedonia and Senegal, partnership with Vermont National Guard, welcoming participants, No. R-236 (H.C.R.156)	108
Mach, Susan, honoring, No. R-198 (H.C.R.125).....	104
Maple Sugar Festival, St. Johnsbury, congratulating, No. R-142 (S.C.R.18)	98
Masure, Eliza, congratulating, No. R-63 (H.C.R.39)	90
Matteson, Robert, congratulating, No. R-68 (H.C.R.45).....	91

McGhee, Ryan Casey, U.S. Army Cpl., in memory, Special Session No. R-9 (Special Session H.C.R.3).....	112
Meehan, Robert, honoring, No. R-171 (H.C.R.41).....	101
Metcalf, Stephen, honoring, Special Session No. R-2 (Special Session S.C.R.2).....	111
Military personnel who have died in Iraq, in memory, No. R-70 (H.C.R.47).....	91
Miller, Gloria, in memory, No. R-242 (H.C.R.162)	109
Milton High School girls' soccer, No. R-19 (H.C.R.3)	86
Muzzy-Allen-Monroe family, celebrating, No. R-44 (H.C.R.21)	89
Myers, Allen S., in memory, No. R-240 (H.C.R.160).....	109
National Alliance of Mental Illness, recognizing, No. R-55 (H.C.R.31)	90
Northeast Kingdom, geographic designation, 60th anniversary, No. R-106 (H.C.R.66) .	95
Northeastern Vermont Regional Hospital, primary care providers' offices, congratulating, No. R-116 (H.C.R.69).....	96
Noyes, Alan Howard, former Vermont National Guard Assistant Adjutant General, in memory, No. R-247 (H.C.R.167)	109
Nurse anesthetists, recognizing importance, No. R-28 (H.C.R.29).....	87
Obdrzalek, Bob, congratulating, No. R-89 (H.C.R.58)	93
Odyssey of the Mind competition, No. R-182 (H.C.R.127).....	102
O'Neil, William, congratulating, No. R-82 (H.C.R.4)	92
O.U.R. House of Central Vermont, Inc., 20th anniversary, No. R-224 (S.C.R.31).....	107
Outright Vermont, 20th anniversary, No. R-66 (H.C.R.43)	91
Page, Kenneth J., honoring, Special Session No. R-11 (Special Session H.C.R.5)	112
Panton General Store, Centennial Business Award, congratulating, No. R-128 (H.C.R.79).....	97
Parsons, Marselis, recognizing the journalistic contributions, Special Session No. R-13 (Special Session H.C.R.7).....	112
Peace & Justice Center, 30th anniversary, No. R-64 (H.C.R.40).....	90
Pecor, Terry and Linda, honoring, No. R-40 (H.C.R.10)	88
Phillips, Captain Richard, praising bravery, No. R-153 (H.C.R.108)	100
Pico Ski Club, 60th anniversary, No. R-104 (H.C.R.63).....	94
Pierson John A., Jr., in memory, No. R-243 (H.C.R.163).....	109
Pond, Jocelyn, congratulating, No. R-33 (H.C.R.17)	87
Proctor High School Phantoms' Division IV championship boys' basketball team, congratulating, No. R-263 (H.C.R.86).....	111

Proctorsville Volunteer Fire Department, 175th anniversary, No. R-47 (H.C.R.24)	89
Prudential Spirit of Community Awards, congratulating winners, No. R-99 (S.C.R.14)	94
Rick Marcotte Central School teams, Vermont Odyssey of the Mind competition, congratulating, No. R-182 (H.C.R.127).....	102
Riggen, Theodore, Dr., honoring, Special Session No. R-1 (Special Session S.C.R.1).	111
Rochester, Town of, Asian Lunar Year 4707, No. R-45 (H.C.R.22)	89
Rockingham Free Public Library, 100th anniversary of its residency, No. R-35 (H.C.R.19).....	88
Rooks, Robert J., honoring, No. R-69 (H.C.R.46).....	91
Ross, Sean, cross-country championship, No. R-18 (H.C.R.2)	86
Rowe, Harry, Dr., recognizing, No. R-108 (H.C.R.68)	95
Roxbury Free Library, 75th anniversary, No. R-105 (H.C.R.65).....	94
Rutledge, Bonnie, Commissioner of Motor Vehicles, honoring, Special Session No. R-8 (Special Session H.C.R.2).....	112
Seldon Technologies, Inc., congratulating, No. R-251 (H.C.R.171).....	110
Shrine Maple Sugar Bowl Game and Pageant, welcoming, Special Session No. R-12 (Special Session H.C.R.6).....	112
Shriver, Mary Jane, in memory, No. R-58 (H.C.R.33).....	90
Silent Heat, honoring, No. R-74 (H.C.R.52)	91
Silloway, Kimberly, Dr., congratulating, No. R-186 (H.C.R.134).....	103
South Burlington designation as a Tree City U.S.A, congratulating, No. R-159 (H.C.R.116).....	100
South Burlington Network News, congratulating Jay Hoffman and his students No. R-179 (H.C.R.120).....	102
Spaulding High School Division I Crimson Tide championship girls' basketball, No. R-151 (H.C.R.104).....	99
Spaulding High School football team, congratulating, No. R-32 (H.C.R.6)	87
Spaulding High School students, Times Argus athletes of the year, congratulating, No. R-152 (H.C.R.105).....	99
Spectrum Youth and Family Services, congratulating, No. R-127 (H.C.R.72).....	97
Springfield Cosmos boys' basketball, No. R-113 (H.C.R.76).....	95
Springfield High School football, No. R-39 (H.C.R.8)	88
St. Johnsbury, Maple Sugar Festival, congratulating, No. R-142 (S.C.R.18)	98
State forester and state forest, Vermont's first, centennial anniversary, No. R-11 (S.C.R.3)	85

State house staff and Buildings and General Services security patrol, professionalism, No. R-144 (S.C.R.20)	99
Steventon, Joseph T., in memory, No. R-235 (H.C.R.155)	108
Suskin, Lee, honoring, No. R-15 (S.C.R.6)	86
Taiwan relationship, No. R-94 (S.C.R.12).....	93
Ted’s Pizza Shop, golden anniversary, No. R-253 (H.C.R.173)	110
Thunder Road International Speedbowl, 50th anniversary season, No. R-221 (S.C.R.28)	107
Tom and Sally’s Handmade Chocolates Inc., congratulating, Special Session No. R-7 (Special Session H.C.R.1).....	112
Transportation district 7, congratulating, No. R-123 (H.C.R.90).....	96
Tree City U.S.A, South Burlington, congratulating, No. R-159 (H.C.R.116).....	100
Tucci, Mark, honoring, No. R-74 (H.C.R. 52).....	91
Turner, David M., in memory, No. R-85 (H.C.R.54)	93
U-32 boys’ soccer, No. R-20 (H.C.R.5)	86
U-32 High School Raiders, Nordic ski team, congratulating, No. R-120 (H.C.R.78).....	96
University of Vermont Catamount skiers on their team and individual accomplishments, congratulating, R-161 (H.C.R.118).....	100
University of Vermont Catamounts nationally third-ranked men’s ice hockey team, congratulating, No. R-214 (H.C.R.150).....	106
University of Vermont Lady Catamounts 2009 America East championship women’s basketball team, congratulating, No. R-155 (H.C.R.111).....	100
University of Vermont, honoring the history of baseball and softball, No. R-239 (H.C.R.159).....	109
Vergennes Union High School Commodores cheerleading, No. R-114 (H.C.R.81).....	95
Vermont, State of, and Taiwan, relationship, No. R-94 (S.C.R.12)	93
Vermont Children’s Aid Society, honoring, No. R-124 (H.C.R.92)	96
Vermont court diversion, 30th anniversary, No. R-145 (S.C.R.21)	99
Vermont Employer Support of the Guard and Reserve Day, designating, No. R-211 (H.C.R.147).....	106
Vermont Farm Show, 75th anniversary, No. R-30 (S.C.R.7)	87
Vermont General Assembly, greater weather fortitude, No. R-31 (S.C.R.8).....	87
Vermont maple syrup, International House of Pancakes Restaurant, No. R-249 (H.C.R.169).....	110
Vermont National Guard partnership with Macedonia and Senegal, welcoming participants, No. R-236 (H.C.R.156)	108

Vermont National Guard troops, served in Kosovo, congratulating, No. R-72 (H.C.R.49).....	91
Vermont Principal Recognition Day at the state house, No. R-189 (H.C.R.142)	103
Vermont Retailer of the Year, 2008, congratulating, No. R-199 (H.C.R.128).....	104
Vermont Ski Museum Hall of Fame, induction into, Erlon (Bucky) Broomhall, No. R-212 (H.C.R.148).....	106
Vermont Sledcats sled hockey team, honoring, No. R-241 (H.C.R.161).....	109
Vermont State House, 150th anniversary, No. R-148 (H.C.R.93).....	99
Vermont State Symphony Orchestra, 75th anniversary, No. R-13 (S.C.R.4).....	86
Vermont Student Assistance Corporation’s Career and Education Outreach program, 40th anniversary, No. R-210 (H.C.R.146).....	106
Vermont Studio Center, 25th anniversary, No. R-191 (S.C.R.26)	103
Vermont 2-1-1 telephone support system, commending, No. R-71 (H.C.R.48)	91
Vermont Veterans’ Home, 125th anniversary, No. R-256 (H.C.R.176)	110
Vincent’s Drug & Variety Store, congratulating, No. R-238 (H.C.R.158)	109
Voorheis, Marion, congratulating, No. R-213 (H.C.R.149)	106
Wall, Max, Rabbi, in memory, Special Session No. R-10 (Special Session H.C.R.4)...	112
Wardsboro 4th of July parade and street fair, 60th anniversary, No. R-245 (H.C.R.165).....	109
Wassick, Joseph, congratulating, No. R-140 (H.C.R.99)	98
Welch, Peter, U.S. Representative, congratulating on recent marriage, No. R-258 (H.C.R.178).....	111
Werner, Brooke, congratulating, No. R-163 (H.C.R.102).....	101
Weston Craft Show, 25th anniversary, No. R-22 (H.C.R.9)	86
Wheating, Andrew, honoring, No. R-135 (H.C.R.87).....	98
Williston All Stars Little League Baseball, No. R-52 (H.C.R.34).....	89
Winn, Maurice Stephens, honoring, No. R-62 (H.C.R.36).....	90
Wolk, David, Castleton State College President, congratulating, No. R-255 (H.C.R.175).....	110
Woodstock Union Middle School Science Bowl team, congratulating, No. R-254 (H.C.R.174).....	110
Woodstock Winter Fest, celebrating, No. R-65 (H.C.R. 42).....	91
Worth, Anna E., Dr., in memory, Special Session No. R-3 (Special Session S.C.R.3) .	111
Xin Hu, congratulating, No. R-185 (H.C.R.133).....	103
Young, William, honoring, No. R-176 (H.C.R.106)	102

JOINT RESOLUTIONS RELATING TO SESSIONS AND ADJOURNMENT

Adjutant and Inspector General election, joint assembly, No. R-36 (J.R.S.11) 88

Budget message of the governor, joint assembly, No. R-6 (J.R.S.5)..... 85

Canvass votes for state officers, report, joint assembly, No. R-2 (J.R.S.2)..... 85

Final adjournment of the General Assembly in 2009, No. R-262 (J.R.S.35) 111

Final adjournment of the special session of the General Assembly in 2009, Special Session No. R-6 (Special Session J.R.H.3)..... 112

Inaugural message of the governor, joint assembly, No. R-3 (J.R.S.3)..... 85

Joint rules, No. R-1 (J.R.S.1) 85

Judiciary, state of the, message, providing for, No. R-78 (J.R.S.20)..... 92

March recess, No. R-59 (J.R.S.15) 90

Retention of three superior judges, and one district judge, joint assembly, No. R-101 (J.R.S.22) 94

Sergeant at Arms election, joint assembly, No. R-36 (J.R.S.11)..... 88

State of the Judiciary message, joint assembly, No. R-78 (J.R.S.20) 92

Town meeting adjournment, No. R-4 (J.R.S.4) 85

Trustees of the University of Vermont and State Agricultural College election, joint assembly, No. R-36 (J.R.S.11)..... 88

University of Vermont trustees election, joint assembly, No. R-36 (J.R.S.11)..... 88

University of Vermont trustees election, procedure, No. R-37 (J.R.S.12) 88

Weekend adjournment, No. R-5 (J.R.S.6), No. R-7 (J.R.S.8), No. R-12 (J.R.S.9), No. R-29 (J.R.S.10), No. R-38 (J.R.S.13), No. R-60 (J.R.S.16), No. R-77 (J.R.S.19), No. R-98 (J.R.S.23), No. R-115 (J.R.S.25), No. R-117 (J.R.S.27), No. R-134 (J.R.H.20), No. R-164 (J.R.S.29), No. R-165 (J.R.S.30), No. R-170 (J.R.S.33)..... 85

JOINT RESOLUTIONS RELATING TO PETITIONS, ISSUES, AND POLICY DIRECTIVES

American Legion, Linda M. Perham, candidacy for national commander, No. R-54 (J.R.H.5)..... 90

Asbestos-related illnesses, Health Department study, No. R-96 (J.R.S.17) 94

Banks, locally owned, recognizing, No. R-225 (J.R.H.10) 107

Beecher Falls Port of Entry, No. R-16 (J.R.H.1) 86

Camel’s Hump State Park, authorizing the Commissioner of Forests, Parks and Recreation to enter into land exchanges and to sell a portion of Camel’s Hump State Park, No. R-261 (J.R.S.32)..... 111

Canine Good Citizenship program, encouraging training, No. R-53 (J.R.H. 4)..... 89

Civil War, Wilderness battlefield, protection, No. R-76 (J.R.S.14)	92
Classified state employees, No. R-232 (J.R.H.26)	108
Dairy industry, in support, No. R-97 (J.R.S.21)	94
Electronic payment interchange rates, No. R-169 (J.R.S.31)	101
Energy use, reduction in, challenging all Vermonters, No. R-226 (J.R.H.11)	107
Fair Housing Month in Vermont, designating, No. R-132 (J.R.H.16)	97
Federal Emergency Grant JFO #2371, accepting, No. R-122 (J.R.H.17).....	96
Health care career awareness month, designating, No. R-219 (J.R.S.34)	107
Health Department study, asbestos-related illness, No. R-96 (J.R.S.17).....	94
Hemp, industrial, legalization of, No. R-218 (J.R.S.26).....	106
Highway aid, payments to towns, No. R-8 (J.R.S.7)	85
Homeowner and Bank Protection Act, urging Congress to enact new, No. R-228 (J.R.H.29).....	107
Human Rights Day, designating, No. R-102 (J.R.H.9).....	94
International Violence Against Women Act, No. R-103 (J.R.H.13)	94
Land exchanges, authorizing the Commissioner of Forests, Parks and Recreation to enter into, No. R-261 (J.R.S.32)	111
Municipal public works employees, honoring, No. R-230 (J.R.H.22)	108
National Health Insurance Act (or the Expanded and Improved Medicare for All Act), H.R. 676, urging Congress to enact, No. R-227 (J.R.H.27)	107
Perham, Linda M., National Commander of the American Legion, candidacy, No. R-54 (J.R.H.5).....	90
Public Works Week in Vermont, designating, No. R-230 (J.R.H.22).....	108
Pumpkin carving day, designating, No. R-61 (J.R.H.8)	90
Sexual violence awareness month, designating, No. R-131 (J.R.S.28)	97
Shriners Hospital for Children in Springfield, Massachusetts, in support of the continued operation, No. R-233 (J.R.H.30).....	108
Streams and rivers, preservation, No. R-231 (J.R.H.23)	108
U.S. Border Patrol Station, No. R-16 (J.R.H.1).....	86
Wilderness, Civil War battlefield, protection, No. R-76 (J.R.S.14)	92
Women ski jumpers for athletic equity at the 2010 Winter Olympics in British Columbia, supporting the effort of, No. R-229 (J.R.H.31).....	108

SENATE RESOLUTIONS

Clean Water Act in Vermont, urging the agency of natural resources to retain delegated authority to administer the federal Clean Water Act, S.R.13	114
Disability history week, designating, S.R.12	114
Equal pay day, commemorating, S.R.11	114
H.125, An act relating to the sale of unpasteurized (raw) milk, Special Session S.R.4 .	115
Health care, universal, urging Congress to adopt a system of, S.R.7	114
Insurance companies, urging Congress to oppose the federal regulation or chartering of insurance companies, S.R.14	114
Mercury, global treaty on, request President to support, S.R.6	114
Milk, sale of unpasteurized (raw), Special Session S.R.4	115
Senate, committee to inform the Governor of the organization of the Senate, Special Session S.R.2	115
Senate, informing the House of the organization of the, S.R.3	114
Senate, informing the House of the organization of the, Special Session S.R.3	115
Senate, meeting dates of the, S.R.4.....	114
Senate, organization of, committee to inform governor, S.R.2	114
Senate, rules of, S.R.1	114
Senate, rules to govern the Special Session of 2009, Special Session S.R.1	114
Shriners Hospital for Children in Springfield, Massachusetts, support of the continued operation of, S.R.15	114
Tibetan people, condemning the repression of, and urging Congress to take forceful action to end this denial of human rights and to extend diplomatic recognition to Tibet, S.R.8.....	114

HOUSE RESOLUTIONS

Canadian provincial enhanced driver's licenses, urging the federal government to approve as meeting the land and sea border requirements of the Western Hemisphere Travel Initiative, H.R.21	116
Disability history week, designating, H.R.17	116
Equal pay day, commemorating, H.R.16.....	116
High mortgage fees, H.R.18	116
House, organization of, informing Governor, H.R.3	115
House, organization of, informing Senate, H.R.2.....	115
House, Rules and Orders of, amending Rule 25, H.R.5	115
House, Rules of, amending Rule 25, jurisdiction of committee on agriculture, H.R.6 ..	115

House, rules to govern the Special Session of 2009, Special Session H.R.1.....	116
House rules, H.R.1	115
Insurance companies, in opposition to the federal regulation or chartering of, H.R.15 .	116
Lake Champlain, water quality of, encouraging a renewed commitment to the cleanup and restoration of, as part of the 400th anniversary of its discovery by Samuel de Champlain, H.R.20.....	116
Nuclear Disarmament Day, designating, Special Session H.R.2.....	116
Phillips, Richard, Captain, expressing concern for and demanding the immediate release of, H.R.13.....	116
Professional Social Work Month, designating, H.R.10.....	115
State government regulatory officials, requesting they work cooperatively with Vermont small businesses in enforcement of rules and regulations, H.R.11.....	115
Universal health care, urging Congress to adopt, H.R.9.....	115
Vermont Wear Red Day, designating, H.R.7.....	115
Vermont-Quebec international border, treatment of individuals at, H.R.12	115
Walk @ Lunch Day, designating, H.R.14	116
Water quality of Lake Champlain, encouraging a renewed commitment to the cleanup and restoration of, as part of the 400th anniversary of its discovery by Samuel de Champlain, H.R.20.....	116

**PART II. SUMMARY OF THE ACTS, MUNICIPAL ACTS, VETOED
LEGISLATION NOT ENACTED, SPECIAL SESSION ACTS, AND
RESOLUTIONS**

ACTS

**Act No. 1
(S.13)**

Crimes; criminal procedure; corrections; human services; education; sex offenders

This act is divided into several topics addressing sexual violence: Prevention, Investigation and Prosecution, Sentencing, Corrections and Supervision, and Systemwide Changes.

**** Prevention ***
Secs. 2–15*

Charges the appropriate legislative committees with developing a comprehensive statewide approach to the prevention of child sexual abuse.

Extends the sunset for the Sexual Violence Prevention Task Force from 2012 to 2014.

Includes a sexual abuse prevention component in all school health curricula and directs the commissioner of education to convene a working group to prepare technical assistance materials that support instruction of the sexual abuse prevention component and to provide training on this topic.

Requires the commissioner of education to check the child protection registry and vulnerable adult abuse, neglect, and exploitation registry prior to issuing a new license or reinstating a lapsed license for a professional educator.

Requires school districts to check the child protection registry and vulnerable adult abuse, neglect, and exploitation registry prior to hiring staff and to conduct periodic rechecks of the registries and criminal history records.

Requires the commissioner of education to report to the senate and house committees on education and on judiciary by January 15, 2010 on ways to ensure the safety of students without creating barriers that make it impossible or impractical for volunteers to assist school staff.

Requires school boards' policies to ensure that superintendents, headmasters of recognized or approved schools, and their contractors check the names and birth dates of any work study students with the Vermont Internet sex offender registry prior to allowing work study students unsupervised contact with schoolchildren. A person who is on the Vermont Internet sex offender registry would not be eligible to be a work study student.

Permits criminal record checks and registry checks to be done through a subscription service with the Vermont criminal information center.

Requires school boards to ensure that all school employees receive orientation on the prevention, identification, and reporting of child abuse, and that parents and caregivers receive information and education about child sexual abuse.

Requires that licensed child care facilities ensure that all employees receive orientation on the prevention, identification, and reporting of child abuse.

Directs appropriate administrative agencies to conduct outreach efforts to raise awareness of families and communities about child sexual abuse.

Formally establishes the Center for the Prevention and Treatment of Sexual Abuse and its mission.

Establishes a new crime of sexual exploitation of a minor, prohibiting sexual conduct between a minor and a person who is at least 48 months older than the minor; and who is in a position of power, authority, or supervision over the minor by virtue of the actor's undertaking the responsibility, professionally or voluntarily, to provide for the health or welfare of minors, or guidance, leadership, instruction, or organized recreational activities for minors.

Adds aggravated sexual assault on a child to the definition of "listed crimes" and to the list of crimes for which an offender must register as a sex offender.

Requires registered sex offenders to report if they are living in a household with a child under the age of 18.

Requires the department of corrections (DOC) to follow protocol in coordinating with the department for children and families (DCF) if DOC has a role in approving housing for an offender.

Requires the department of public safety (DPS) to notify DCF if an offender reports that the residence in which the offender is living contains a child.

* * * *Investigation and Prosecution* * * *
Secs. 16–29

Funds and staffs special investigation units fully and places responsibility for sex offender registry compliance with the units.

Requires participation by DOC in child protection response teams and special investigation units.

On passage of the act, requires collection of DNA from any person convicted of a misdemeanor domestic violence or a misdemeanor sex offense for which registration as a sex offender is required (applies retroactively to convictions as of April 29, 1998 and people incarcerated or under supervision for such a conviction as of that date).

As of July 1, 2011, requires collection of DNA from any person arraigned for a felony offense.

As a general rule, prohibits taking pretrial depositions of child victims in sexual abuse cases, but permits such depositions in special circumstances under a protective order that sets forth procedures for shielding the victim from emotional harm, unnecessary annoyance, embarrassment, oppression, invasion of privacy, or undue burden of expense or waste of time.

Amends the age requirement for admissibility of prior statements of child victims to 12 years of age at the time the statements were made, instead of 10 years of age at the time of trial.

Amends the evidentiary requirements for human services board child abuse and neglect substantiation proceedings to limit the application of the Rules of Evidence with respect to hearsay.

* * * *Sentencing* * * *
Secs. 30–37

Establishes a new crime of aggravated sexual assault of a child with a mandatory 25-year-to-life sentence.

Eliminates the option of a deferred sentence for a person charged with aggravated sexual assault of a child.

Permits a deferred sentence for other sexually based crimes against a child, but expunges only the record of the adjudication upon successful completion of the sentence while permitting all agencies to retain their own records and files related to the arrest, citation, investigation, and charge which led to the deferred sentence, and to share such records and files with other investigating agencies in accordance with state and federal law.

Establishes an index for deferred sentences and permits DOC access for the purpose of preparing a presentence report for the sentencing court for most sex offenses.

Mandates presentence reports for most sex offenses and adds new crimes for which the reports are required.

Permits information from the child protection registry and the vulnerable adult abuse, neglect, and exploitation registry to be used for the purpose of preparing a presentence report.

Permits DCF access to presentence investigations.

Permits the commissioner of DOC to inspect confidential juvenile court records that are not sealed if it would be helpful in preparing a presentence investigation (PSI), determining placement, or developing a treatment plan for a person convicted of a registrable sex offense.

Permits a sentencing court access to its sealed juvenile records of a person convicted of a sexual offense.

Directs a sentencing court to determine if sealed juvenile records of court proceedings exist for a person convicted of a registrable offense, and, if so, to release records to the commissioner of DOC to be used for a PSI, determining placement, or developing a treatment plan. The commissioner shall consider only information relating to adjudications that may be considered precursor offenses to the sex offense conviction.

* * * *Corrections and Supervision* * * *
Secs. 38–48

Permits courts to review and amend conditions of probation for sex offenders prior to release on probation when a split sentence is imposed and the offender has not complied with conditions of incarceration.

Permits periodic polygraph examinations and supervision of computer activities as special conditions of probation.

Requires a judicial hearing prior to discharging a sex offender from probation.

Directs DOC to establish a systems approach of community supervision of sex offenders and assigns specialized probation officers to work only with sex offenders.

Requires an independent review of probation and parole caseloads as they relate to supervision of sex offenders.

Requires high-risk sex offenders to serve at least 70 percent of their maximum sentence.

Adds all agency of human services' employees, contractors, and grantees who have contact with clients to the list of mandatory reporters of suspected child abuse or neglect and requires the agency of human services (AHS) to develop protocols for determining which of its employees, contractors, and grantees are mandatory reporters and to train those employees appropriately. AHS is required to report to the senate and house committees on judiciary, the senate committee on health and welfare, the house committee on human services, and the house committee on corrections and institutions no later than September 15, 2009 regarding its efforts to ensure that its employees are properly trained.

Mandates a prehearing detention for sex offenders who violate risk-related conditions of probation or parole.

* * * *Systemwide Changes* * * *
Secs. 49–52a

Requires on or before November 15, 2011, and every five years thereafter, the auditor of accounts to submit to the senate and house committees on judiciary, the house committees on corrections and institutions, on appropriations, on education, and on human services, and the senate committee on health and welfare an independent audit which assesses the status of the state's sexual abuse response system, including prevention, criminal investigations, presentence investigations and sentencing of offenders, supervision and treatment of offenders, victim and family assistance and treatment, and training for those working in the system.

Fully complies with federal law that requires DCF to release information to the public about child fatalities to include release of information about "near fatalities".

Urges local communities not to enact sex offender residency restrictions and requests that the Vermont League of Cities and Towns, Inc. work with communities to ensure they are receiving accurate information about the potential pitfalls of such laws and to

encourage communities to focus on prevention and other strategies to improve public safety.

Requires DOC to report to the general assembly on:

- protocols for permitting a sex offender to live in a home with children and plans to notify DCF;
- criteria and centralized review or release recommendations made by the department with respect to sex offenders;
- a plan to improve training and oversight of department employees who work with sex offenders; and
- an update on the implementation of this act.

Adds a representative of the Vermont sheriffs' association and a representative of the Vermont association of chiefs of police to the specialized investigative unit grants board.

Date Signed by the Governor: March 4, 2009

Effective Dates: There are various effective dates for the act.

Secs. 1 (legislative intent), 2 (comprehensive statewide approach to the prevention of child sexual abuse), 2a (sexual violence prevention task force), 11–13b (community outreach; center for the prevention and treatment of sexual abuse; sexual exploitation of a minor; listed crime definition; sex offender definition), 16–22 (special investigation units; multidisciplinary teams; DNA), 30 (aggravated sexual assault of a child), 46 (training AHS employees regarding mandatory reporting), and 49–52a (audit; child near fatality; DOC report; special investigation units) of the act take effect on passage. (Passage was March 4, 2009, the date on which the governor signed the bill.)

Secs. 10 (child care facilities), 14–15 (reporting to sex offender registry), 26–29 (depositions; hearsay exceptions; human services board hearings), 33–44 (deferred sentences; juvenile records; probation conditions; discharge from probation audit of DOC sex offender caseloads, high-risk sex offenders), 45 (mandatory reporting of child abuse and neglect), 47 (parole), and 48 (modification of probation) of the act take effect July 1, 2009.

Sec. 8 (subscription service) of the act takes effect July 1, 2010.

Secs. 23–25 (DNA taken at arraignment) of the act take effect July 1, 2011.

Sec. 33b (prohibition of deferred sentences for certain offenses) of the act takes effect July 1, 2014.

All other sections of the act take effect as explicitly set forth in Secs. 3b (comprehensive health education), 6c (licensing and employment), 7a (volunteers, work study students, and community-based learning), and 9a (information for school employees and the public).

Act No. 2
(H.166)

Education; grants, scholarship, and loan programs; Vermont Student Assistance Corporation; reserve and pledged equity funds

This act provides moral obligation backing of the state of Vermont to the Vermont Student Assistance Corporation (VSAC) up to a total of \$50 million. VSAC is a public, nonprofit corporation created by the general assembly in 1965 with the mission to ensure that all Vermonters have access to the information and financial resources they need to achieve their education and training goals beyond high school. VSAC provides financial aid services, grants, scholarships, loans, and outreach services. A moral obligation is a term of art in the finance world. The moral obligation of the state can only be created through specific legislation, and it is not a legally binding obligation. Instead, it is a statutory provision that permits a bond issuer to request an appropriation from the general assembly for certain limited purposes such as to replenish an account held by the issuer for the benefit of the bond owners and bond guarantors. The general assembly may choose to make the appropriation or may choose not to make the appropriation. By leveraging the state's favorable bond rating, providing moral obligation backing can be expected to improve VSAC's ability to access the capital markets and allow VSAC to borrow money at more favorable rates than would otherwise be available. Other state instrumentalities that receive moral obligation support include the Vermont Municipal Bond Bank, the Vermont Housing Finance Agency, the Vermont Economic Development Authority, the Vermont Telecommunications Authority, the University of Vermont, and the Vermont State Colleges.

Date Signed by the Governor: March 31, 2009

Effective Date: On passage (March 31, 2009, the date on which the governor signed the bill)

Act No. 3
(S.115)

Domestic relations; marriage

This act redefines civil marriage as the legal union of two people. To qualify to marry, the couple may not be related to one another and must be at least 18 years old unless a minor has the consent of a parent.

When the act takes effect on September 1, 2009, same-sex couples will have access to the civil marriage laws but may no longer establish a civil union. Couples with existing civil unions will be permitted to marry one another. The civil marriage does not dissolve the civil union. Civil unions established before September 1, 2009 will continue to be recognized in Vermont, regardless of whether the couple chooses to marry.

Couples who reside outside Vermont may marry in Vermont if they meet the qualifications under our state law even if they would not be permitted to marry in their home state. The marriage would be considered valid in Vermont; however, the couple's home state would determine if it is valid in that jurisdiction and for what purposes.

The act provides that clergy are authorized to solemnize marriages but are not required to solemnize any particular marriage. A clergyperson who refuses to solemnize a marriage is afforded immunity from civil lawsuit under the statutes. A clergyperson may choose to regularly solemnize heterosexual marriages but refuse to solemnize same-sex marriages.

The act provides similar protections to religious organizations through an exemption in the law of public accommodations. Religious organizations and their related nonprofit organizations are not required to provide services or facilities to any person if the purpose is related to the solemnization or celebration of a marriage. A church may selectively provide such services to some individuals while denying them to others, and the refusal shall not give rise to any civil claim or cause of action.

The act clarifies that the civil marriage laws are not to be construed to affect the ability of a fraternal benefit society to determine the admission of its members or to determine the scope of beneficiaries and do not require a society “that has been established and is operating for charitable and educational purposes and which is operated, supervised, or controlled by or in connection with a religious organization to provide insurance benefits to any person if to do so would violate the society’s free exercise of religion, as guaranteed by the First Amendment to the Constitution of the United States or by Chapter I, Article 3 of the Constitution of the State of Vermont.”

Finally, the act directs the staff of the legislative council, in its statutory revision capacity, to make such amendments to the Vermont Statutes Annotated as are necessary to effect the purpose of the act, including substituting the words “civil marriage” for the word “marriage.” Such changes are to be made when new legislation is proposed or when there is a republication of a volume of the Vermont Statutes Annotated.

Vetoed by the Governor: April 6, 2009

Veto overridden by vote of the General Assembly: April 7, 2009

Effective Date: September 1, 2009

Act No. 4
(H.232)

Budget adjustment for Fiscal Year 2009

This act is the fiscal year 2009 Budget Adjustment Act. It adjusts the amounts appropriated for the support of government for fiscal year 2009 by No. 192 of the Acts of the 2007 Adj. Sess. (2008) and other acts.

Signed by the Governor: April 24, 2009

Effective Date: April 24, 2009. Most sections are effective on passage (passage was on April 24, 2009, the date on which the governor signed the bill), though some provisions have other effective dates.

Act No. 5
(H.186)

Labor; employment practices; polygraph examinations

This act authorizes the use of polygraph examinations for applicants for law enforcement positions at the department of fish and wildlife and for investigators at the department of liquor control and the liquor control board.

Date Signed by the Governor: April 29, 2009

Effective Date: July 1, 2009

Act No. 6
(H.135)

Wireless telecommunications facilities and project approvals for municipal and cooperative utilities

This act provides an exemption for equipment used by utilities exclusively for intra- and interutility communications from the requirement to obtain a certificate of public good (CPG) for the placement of wireless communications facilities on an electric generation or transmission facility.

The act further provides that municipal and cooperative utilities do not need to obtain voter or member approval, respectively, for projects issued a CPG under a subsection 248(j) proceeding.

Date Signed by the Governor: April 30, 2009

Effective Date: On passage (April 30, 2009, the date on which the governor signed the bill)

Act No. 7
(H.34)

Automated external defibrillators

This act provides Good Samaritan limited immunity to any person, except a health care provider or emergency medical provider acting in the normal course of his or her duties, who provides emergency care by the use of an automated external defibrillator (AED), owns a premises on which an AED is located, or provides a training course in the operation of an AED. Current law provides such immunity only if the person has complied with certain education and training requirements related to AEDs. The act also removes the prohibition in current law on using an AED before the education and training requirements are completed, and removes the requirement that any person who owns or leases an AED maintain a relationship with a physician to provide technical assistance and consultation regarding its use.

Date Signed by the Governor: May 1, 2009

Effective Date: On passage (May 1, 2009, the date on which the governor signed the bill)

Act No. 8
(H.348)

Agriculture; pest control; Interstate Pest Compact

This act enacts the Interstate Pest Compact as state statute. The Interstate Pest Control Compact serves as a national insurance fund to help states to remedy funding restraints and bridge the jurisdictional gaps that exist among federal and state governments when facing plant pest infestation or outbreaks. The articles of the compact address establishment of an insurance fund, administration of the insurance fund, assistance from the insurance fund, how requests from the fund are made, the budget of the fund, and financial surety requirements. In addition to enacting the required articles of the Interstate Pest Compact, the act authorizes the state to cooperate and coordinate pest control activities with the compact insurance fund, and designates the secretary of agriculture, food and markets as the administrator of the compact for Vermont.

Date Signed by the Governor: May 1, 2009
Effective Date: July 1, 2009

Act No. 9
(H.287)

Uniform Prudent Management of Institutional Funds Act

This act adopts the Uniform Prudent Management of Institutional Funds Act (UPMIFA), which was drafted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) over a period of four years and was ultimately recommended for enactment by state legislatures in 2006. UPMIFA is designed to replace the existing Uniform Management of Institutional Funds Act (UMIFA), approved by NCCUSL in 1972.

Both investment in assets and expenditure for charitable purposes have grown exponentially in the 35 years since UMIFA was drafted; asset management theory and practice have also advanced. UPMIFA, as an update and successor to UMIFA, establishes a more unified basis for charitable fund management than UMIFA. To date, 30 states have adopted UPMIFA, and 16 more have introduced the act in 2009.

Investment

UPMIFA incorporates the experience gained in the last 35 years under UMIFA by providing stronger guidance for investment management and enumerating a more exact set of rules for investing in a prudent manner. It requires investment “in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances.” It requires prudence in incurring investment costs, authorizing “only costs that are appropriate and reasonable.” Factors to be considered in investing are expanded to include, for example, the effects of inflation. UPMIFA emphasizes that investment decisions must be made in relation to the overall resources of the institution and its charitable purposes. No investment decision may be made in isolation, but must be made in light of the fund’s entire portfolio, and as a part of an investment strategy “having risk and return objectives reasonably suited to the fund and to the institution.” A

charitable institution must diversify assets as an affirmative obligation unless “special circumstances” dictate otherwise. Assets must be reviewed within a reasonable time after they come into the possession of the institution in order to conform them to the investment strategy and objectives of the fund. Investment experts, whether in-house or hired for the purpose, are held to a standard of care consistent with that expertise.

UMIFA initiated the era of modern portfolio management for charitable institutions. Charitable institutions will have more precise standards to guide them. Courts will have more precise standards with which to measure prudence in the event of a challenge. The result should be more money for programs supported by charitable funds, including endowments.

Expenditure

UMIFA initiated the concept of total return expenditure of endowment assets for charitable program purposes, expressly permitting prudent expenditure of both appreciation and income and replacing the old trust law concept that only income (e.g., interest and dividends) could be spent. Thus, asset growth and income could be appropriated for program purposes, subject to the rule that a fund could not be spent below “historic dollar value.”

UPMIFA builds upon UMIFA’s rule on appreciation, but it eliminates the concept of “historic dollar value.” UPMIFA, instead, provides new guidance on prudence and makes the need for a floor on spending unnecessary. UPMIFA states that the institution “may appropriate for expenditure or accumulate so much of an endowment fund as the institution determines to be prudent for the uses, benefits, purposes and duration for which the endowment fund is established.” Seven criteria guide the institution in its yearly expenditure decisions: “1) duration and preservation of the endowment fund; 2) the purposes of the institution and the endowment fund; 3) general economic conditions; 4) effect of inflation or deflation; 5) the expected total return from income and the appreciation of investments; 6) other resources of the institution; and 7) the investment policy of the institution.” These standards mirror the standards that apply to investment decision-making, thus unifying both investment and expenditure decisions more concretely.

Release or Modification of Restrictions

UPMIFA recognizes and protects donor intent more broadly than UMIFA did, in part by providing a more comprehensive treatment of the modification of restrictions on charitable funds. Sometimes a restriction imposed by a donor becomes impracticable or wasteful or may impair the management of a fund. The donor may consent to release the restriction, if the donor is still alive and able to do so, but if the donor is not available, the charity can ask for court approval of a modification of the restriction. Under UMIFA, the only option with respect to a restriction was release of the restriction. UPMIFA instead authorizes a modification that a court determines to be in accordance with the donor’s probable intention. If the charity asks for court approval of a modification, the charity must notify the attorney general, who may participate in the proceeding.

UPMIFA adds a new provision that allows a charity to modify a restriction on a small (less than \$50,000) and old (over 20 years old) fund without going to court. If a restriction has become impracticable or wasteful, the charity may notify the attorney general, wait 60 days, and then, unless the attorney general objects, modify the restriction in a manner consistent with the charitable purposes expressed in any documents that were part of the original gift.

Date Signed by the Governor: May 5, 2009

Effective Date: On passage (May 5, 2009, the date on which the governor signed the bill)

Act No. 10

(S.27)

Alcoholic beverages; wine; spirits; fortified wines; tastings

This act intends to improve marketing options for retail sale of wine, fortified wine, and spirits made in Vermont. Specifically the act permits:

1. Manufacturers of wine to:
 - a. Serve wines and beers at special events held on their premises.
 - b. Obtain a second class license that permits them to sell wine and beer by the bottle at their premises.
2. Manufacturers of fortified wine to:
 - a. Conduct tastings of their products on the licensed premises.
 - b. Sell their product as well as wines produced by others by the glass and by the bottle on the licensed premises.
 - c. Obtain up to 10 fourth class or farmers' markets licenses each year to permit them to sell their product on their premises or at a farmers' market.
3. Manufacturers of spirits to:
 - a. Conduct tastings and sell their product on their premises.
 - b. Obtain a special events permit to conduct tastings and to sell their product by the bottle at special food and beverage events.

This act also changes residency and citizenship requirements for liquor licensees so that the license holders need not be residents of either the state or the municipality in which the license is issued, but does require that the owner, a majority of the owners, or a majority of corporate directors, as the case may be, be U.S. citizens.

Date Signed by the Governor: May 5, 2009

Effective Date: On passage (May 5, 2009, the date on which the governor signed the bill)

Act No. 11
(H.64)

Fish and wildlife; youth hunting eligibility

This act deletes the requirement that only Vermont residents can participate in the youth hunting weekend for deer or turkey. The act allows for reciprocity with youth hunting programs in other states.

Date Signed by the Governor: May 7, 2009
Effective Date: July 1, 2009

Act No. 12
(H.204)

Executive; attorney general; diversion

This act requires a participant in an adult or juvenile court diversion program to pay the diversion fee before being successfully discharged from the program. It also requires the attorney general to report to the senate and house committees on judiciary by January 15, 2011 on the impact of the act on the state's court diversion programs.

Date Signed by the Governor: May 7, 2009
Effective Date: July 1, 2009

Act No. 13
(S.96)

State treasurer; unclaimed property

This act revises the unclaimed property statutes regarding property valued at \$100.00 or less.

Date Signed by the Governor: May 7, 2009
Effective Date: On passage (May 7, 2009, the date on which the governor signed the bill)

Act No. 14
(H.205)

Municipal government; public safety; police officers; reports

This act requires certain reports be submitted to the Vermont criminal justice training council regarding law enforcement officer appointments and removals and the creation or elimination of a police department.

Date Signed by the Governor: May 8, 2009
Effective Date: July 1, 2009

Act No. 15
(H.6)

**Commerce and trade; motor vehicle parts and accessories; engine coolants
and antifreeze**

This act requires that any engine coolant or antifreeze sold in Vermont contain a bittering agent to render the engine coolant or antifreeze unpalatable to children and animals.

Date Signed by the Governor: May 12, 2009

Effective Date: On passage (May 12, 2009, the date on which the governor signed the bill)

Act No. 16
(H.249)

Games of chance; nonprofit organizations; venues

This act provides that a location that is owned by a nonprofit organization may be the location for no more than three casino nights in a calendar quarter and no more than 12 casino nights in any calendar year, provided there are at least 15 days between any two events.

Date Signed by the Governor: May 12, 2009

Effective Date: On passage (May 12, 2009, the date on which the governor signed the bill)

Act No. 17
(S.69)

Elections; campaign finance; filings

This act allows the secretary of state to require that campaign finance forms be filed in a digital format.

Date Signed by the Governor: May 12, 2009

Effective Date: July 1, 2009

Act No. 18
(S.111)

**Elections; periodic reapportionment; legislative apportionment
board; appointments**

This act modifies the requirements for appointments to the legislative apportionment board.

Date Signed by the Governor: May 12, 2009

Effective Date: July 1, 2009

Act No. 19
(S.38)

Taxation and finance; budget; grant report

This act requires the department of finance and management to publish an annual report on its website regarding all federal grants made by executive branch agencies in the preceding calendar year beginning January 31, 2010; and regarding all federal and state grants beginning January 31, 2015.

Date Signed by the Governor: May 14, 2009

Effective Date: July 1, 2009, except Sec. 3 (federal and state grant report) on July 1, 2014

Act No. 20
(S.86)

Trusts; administration of trusts

This act modernizes and codifies the laws governing testamentary and inter vivos trusts. The act adopts the Uniform Trust Code in large measure, drawing from common law sources as well as existing statutory law, but has been modified in part to reflect current Vermont legal principles. The act provides a set of basic default rules that govern voluntary trusts. However, because the act is a set of default rules, the terms of a trust instrument will govern even if the terms are inconsistent with the act.

Sec. 1 of the act contains the body of the new trust code. It is divided into 12 chapters which provide a set of rules that govern voluntary trusts.

Chapter 1 addresses the scope of the code and its application to certain trusts. This chapter provides a definition of terms that are used throughout the act. It also sets forth the principle that the act provides default rules when a trust instrument does not address a particular issue. Therefore, a person who creates a trust can override the provisions of the act except in certain limited situations. These situations include: (1) the requirements for creating a valid trust; (2) the duty of good faith a trustee owes to the trust beneficiaries; (3) the requirement that a trust have a lawful purpose; (4) the powers of the court over a trust; and (5) the rights of creditors of settlors and beneficiaries.

Chapter 2 addresses court jurisdiction. The act places the jurisdiction over trust administration in the probate court. This chapter also states that a trust will not be supervised by a court unless a proceeding is brought by an interested person that invokes the jurisdiction of the probate court.

Chapter 3 lays out a series of agency rules, describing who may act as the agent of another person in transactions or proceedings related to a trust. The most significant innovation in the chapter is a provision for “virtual representation” whereby a minor, an incapacitated person, an unborn individual, or a person whose identity is not known may be represented and legally bound by another person who has a substantially identical interest with respect to a particular question or dispute, provided that there is no conflict of interest in that representation.

Chapter 4 describes the requirements for creating a valid trust and the rules for modifying or terminating a trust. The chapter allows for the creation of a trust for the care of an animal which is not generally allowed under the common law. The chapter also allows a court to apply “cy pres” to modify a charitable trust if the charitable purpose is no longer attainable.

Chapter 5 provides the rules that govern creditor claims against a beneficiary or a settlor of a trust. A creditor of the settlor may attach the assets of a revocable trust; if a trust is irrevocable, the creditor may only reach a settlor’s distribution interest. The chapter allows for trusts to include a “spendthrift” provision that prevents a creditor from reaching the interest of a beneficiary until a distribution has been made to the beneficiary. The chapter allows a “spendthrift” provision to be created by a general reference to a “spendthrift trust” in the trust instrument.

Chapter 6 deals with revocable trusts, which have become the most popular and modern trust form for estate planning, and provides the basic rules for creating, modifying, and terminating revocable trusts.

Chapter 7 governs the office of trustee. It lists the means by which a trustee may accept a trust, and provides the methods for removing a trustee. The chapter allows the settlor, a co-trustee, a beneficiary, or the court on its own initiative to request that a trustee be removed. The chapter incorporates existing law which allows for a “no-fault” removal of the trustee when the trustee and beneficiaries are not in agreement. The chapter adds new provisions to the law which allows the trustee to be removed for committing a breach of trust, or if there is a lack of cooperation between any co-trustees which substantially impairs the administration of the trust. It also provides for the removal of a trustee if it is in the best interests of the beneficiaries, or there has been a substantial change in circumstances. The trustee may also be removed upon the request of all the qualified beneficiaries of the trust, if removal is in the best interest of the beneficiaries, is not inconsistent with the purposes of the trust, and if a successor trustee is available. The chapter allows a trustee to receive reasonable compensation and allows the court to review and modify the amount of compensation.

Chapter 8 lists the duties and powers of the trustee. The basic duty of the trustee is that of loyalty, which requires the trustee to manage the trust solely for the beneficiaries of the trust, and to avoid conflicts of interest between the trustee’s interests and the beneficiary’s interests. The chapter lists the other duties of the trustee: the duty of impartiality; the obligation of prudent administration; the obligation to incur only reasonable costs; and the obligation to apply the trustee’s special skills if those special skills are relied upon when the trustee is named. The chapter allows the trustee to delegate certain duties and powers, but holds the trustee to a prudent standard of appointment in so doing. In general, a trustee has all the powers necessary to carry on the business of the trust. The chapter also contains a list of specific powers of the trustee derived from the Uniform Trustee’s Powers Act.

Chapter 9 restates the existing Uniform Prudent Investor Act. It also allows for the creation of unitrusts. The unitrust provisions of this chapter allow trusts to be written so that a current beneficiary can receive a percentage of the value of the trust assets each

year. This ensures that if the trust assets increase in value, both the current beneficiary and the remainder beneficiary (often a charity) will profit.

Chapter 10 sets out the remedies for a breach of trust committed by a trustee. It states who has the right to bring an action against a trustee for breach, and under what circumstances an action can be brought. The chapter also provides that a trustee is immune from personal liability when doing business on behalf of the trust.

Chapter 11 allows for the appointment of a trust advisor to act on behalf of the trust in specific instances. The chapter makes clear that a trust advisor owes a fiduciary duty to the beneficiaries of a trust.

Chapter 12 contains miscellaneous provisions regarding the effective date of the act and the application of the act to existing trusts.

Secs. 2 through 27 of the act contain sections of existing law that have been either repealed or modified to be consistent with the provisions of Sec. 1 of the act.

Date Signed by the Governor: May 14, 2009
Effective Date: July 1, 2009

Act No. 21
(S.94)

Conservation; department of forests, parks and recreation; licensing state forest land for maple sugar production

This act requires the department of forests, parks and recreation to issue licenses for the use of state forest land for the tapping of maple trees, the collection of maple sap, and the transportation of sap to a processing facility. The licenses shall be issued and tapping conducted pursuant to guidelines developed by the department of forests, parks and recreation and the Vermont sugar makers' association. A maple advisory board is also created to provide the commissioner of forests, parks and recreation with guidance on issuing licenses, including identification of potential state forest land suitable for license. There shall be an annual license fee imposed on the taps installed in a licensed area. On or before January 15, 2010, the commissioner of forests, parks and recreation shall report to the general assembly regarding implementation of the licensing program.

Date Signed by the Governor: May 14, 2009
Effective Date: July 1, 2009

Act No. 22
(H.83)

Conservation; underground storage tanks; petroleum cleanup fund; stage II vapor recovery

This act extends until 2014 the authority of the secretary of natural resources to make disbursements from the petroleum cleanup fund. The petroleum distributor licensing fee is extended until 2016, and the assessment against underground storage tanks is extended until 2014. The amount of annual disbursements from the petroleum cleanup fund is

raised from four percent of annual receipts to six percent of annual receipts. The maximum amount of grants from the petroleum cleanup fund is increased from \$1,000.00 to \$2,000.00. The secretary of natural resources is also authorized to establish tank registration requirements for underground storage tanks equal to or less than 1,100 gallons which are or have been used to contain fuel oil for on-premise heating purposes at a public building. The secretary may also, upon a showing of financial hardship, extend the maturity date of a loan from the petroleum cleanup fund.

The act also specifies that all dyed diesel fuel used for heating is subject to the fuel gross receipts tax that is deposited in the home weatherization trust fund. In addition, every seller of home heating oil, kerosene, or other dyed diesel fuel is required to pay the one-half cent distributor licensing fee.

In addition, the act shall repeal on January 1, 2013, the agency of natural resources' rules for stage II recovery control at gasoline dispensing facilities. Prior to January 1, 2013, the stage II recovery rules shall not apply to certain categories of new or retrofitted gasoline dispensing facilities.

Date Signed by the Governor: May 15, 2009
Effective Date: July 1, 2009

Act No. 23
(S.70)

DUI; total abstinence; reinstatement of operator license

This act clarifies the provisions of the process by which one may have an operator's license reinstated after being suspended for life for alcohol or drug consumption. The applicant is required to pay a \$500.00 application fee which the commissioner of motor vehicles may waive if it is determined that a hardship would result. The applicant is required to have completed three years of total abstinence from consumption of alcohol or drugs. If that stipulation is met, the license shall be reinstated immediately, subject to the condition that the person's suspension will be put back into effect in the event any further investigation reveals a return to the prohibited consumption. A person is eligible for reinstatement under these provisions only once following a suspension for life.

Date Signed by the Governor: May 15, 2009
Effective Date: July 1, 2009

Act No. 24
(H.431)

Executive; state employees; teachers; municipal employees; retirement benefits

This act:

(1) clarifies the current practice of freezing retirement benefits for state employees and municipal employees when a beneficiary returns to active employment that mandates they again become a contributing member of the respective system;

- (2) amends language created during the 2008 session to allow newly hired group F plan members to be eligible for a full cost of living adjustment (COLA) when they retire;
- (3) eliminates one option for reduced retirement allowances for state employees;
- (4) clarifies the definition of “teacher” for purposes of qualifying for membership in the teachers’ retirement system;
- (5) eliminates the ability for a municipal employee member to work under “reduced hours” for a three-year period;
- (6) clarifies that the decision of a municipality to join the municipal employees’ retirement system is irrevocable;
- (7) eliminates the required 90-day absence period after separation of service for municipal employees and provides for the retirement board to determine what the required period of separation should be;
- (8) authorizes the municipal employees’ retirement board to offer a dental plan to retirees;
- (9) authorizes the three retirement boards to adopt rules to ensure compliance with federal law; and
- (10) makes other miscellaneous adjustments to the three public retirement systems.

Date Signed by the Governor: May 18, 2009

Effective Date: July 1, 2009

Act No. 25
(H.435)

Palliative care; pain management

This act seeks to improve the quality of palliative care and pain management available to all Vermonters, to ensure that Vermonters are aware of their rights and of the care options available to them, and to expand access to palliative care services for children and adults in this state. It creates a patients’ bill of rights for palliative care and pain management and requires the department of health to notify all health care facilities and health care providers of its enactment. It also removes provisions directing health care providers to withhold information from a patient about the patient’s condition if the information would adversely affect the patient’s condition.

The act requires the secretary of human services to report by October 1, 2009 on the programmatic and cost implications of a Medicaid and a State Children’s Health Insurance Program (SCHIP) waiver amendment allowing Vermont to provide its Medicaid- and SCHIP-eligible children who have life-limiting illnesses with concurrent palliative services and curative care. It includes palliative care and management of chronic pain in the Blueprint for Health and adds treatment of pain to the scope of practice statutes for physicians, chiropractors, naturopaths, and nurses. The act adds a definition of palliative care to the health care statutes and a definition of clinician orders for life-sustaining treatment (COLST) to the advance directive statutes.

The act requires the department of health to produce a biennial report on the number of persons who died during the preceding two calendar years in a variety of settings and whether each decedent received hospice care within the last 30 days of life. It directs the department of disabilities, aging, and independent living to investigate the feasibility of allowing Vermonters receiving hospice services also to be eligible for the Choices for Care program and requires the department to report its findings and recommendations by January 15, 2010.

The act creates a palliative care and pain management task force to coordinate initiatives in Vermont, help people gain access to services, and propose solutions for addressing gaps in services and educating consumers about their rights under the patients' bill of rights for palliative care and pain management. And the act directs the board of medical practice and the board of nursing to report by January 15, 2010 regarding their recommendations for improving the knowledge and practice of health care professionals in Vermont with respect to palliative care and pain management, including their consideration of the role of continuing education requirements, strategies for changing health care professionals' behavior in treating patients with palliative care and pain management needs, methods of improving integration of palliative care and hospice referrals into physician and nurse practices, and ways to inform the public of the training that health care professionals have received in palliative care and pain management.

Date Signed by the Governor: May 18, 2009

Effective Date: July 1, 2009

Act No. 26

(S.2)

Corrections; mental illness; functional impairment

This act extends protections provided to offenders with a serious mental illness to those who have any disability which substantially impairs their ability to function in the correctional setting. It also clarifies the process by which the department of corrections screens inmates to determine if they have a mental illness or other functional impairment.

Date Signed by the Governor: May 19, 2009

Effective Date: July 1, 2009

Act No. 27

(H.80)

Conservation; public water supply; water treatment

This act requires the agency of natural resources (ANR), subject to available federal funding, to conduct an engineering evaluation of public water systems in the state that have made or will be required to make modifications to disinfection practices in order to comply with the U.S. Environmental Protection Agency's stage 2 disinfectant and disinfection byproducts rules. ANR shall report the results of the engineering evaluation to the general assembly on or before January 15, 2010.

Date Signed by the Governor: May 21, 2009

Effective Date: On passage (May 21, 2009, the date on which the governor signed the bill)

Act No. 28
(H.91)

Human services; juvenile judicial proceedings

This act makes minor technical corrections to the juvenile judicial proceedings act of 2008. The act authorizes the inclusion of juvenile protective orders in the statewide database of protective orders, restores a provision of existing law related to transportation of children that was inadvertently omitted, and clarifies that the court may issue a permanent guardianship order in a delinquency case.

Date Signed by the Governor: May 21, 2009

Effective Date: On passage (May 21, 2009, the date on which the governor signed the bill)

Act No. 29
(H.171)

Home mortgage protection for Vermonters

This act incorporates the requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (SAFE), including requirements for the licensing of mortgage loan originators; and requires notice to the department of banking, insurance, securities, and health care administration (BISHCA) when foreclosure proceedings are commenced in a Vermont court for the purpose of coordinating judicial proceedings with the department's mortgage assistance program.

Date Signed by Governor: May 21, 2009

Effective Date: July 1, 2009, except that Sec. 2 (required notice of foreclosure of BISHCA) shall take effect 30 days after passage. (Passage was on May 21, 2009, the date on which the governor signed the bill.)

Act No. 30
(S.91)

Motor vehicles; motorboats; water sports; operation of personal watercraft

This act prohibits a person from operating a personal watercraft between sunset and sunrise. It clarifies that law enforcement officers have the authority to make arrests, regulate vessel traffic, and make reasonable orders to enforce the law. It also grants law enforcement officers the power to stop and board a vessel in order to perform a safety inspection.

Date Signed by the Governor: May 21, 2009

Effective Date: July 1, 2009

Act No. 31
(H.447)

Conservation; development; water resources; wetlands

This act amends the statutory requirements for the regulation of wetlands in the state. The act defines several new terms regarding regulation of wetlands. “Significant wetlands” are defined as a Class I or Class II wetland. A Class I wetland is defined as a wetland mapped as a Class I wetland, previously identified in the rules of the natural resources board as a Class I wetland, or determined by a future rule of the natural resources board as exceptional because of the functions and values that the wetland provides. A Class II wetland is defined as a wetland already identified as a Class II wetland on the wetlands inventory map or a wetland that the agency of natural resources (ANR) determines to merit protection because it serves the functions and values of wetlands. A Class III wetland is defined as a wetland that is neither Class I nor Class II and thus not a significant wetland. The act also defines the term “buffer zone” as an area contiguous to a significant wetland. The buffer zone for a Class I wetland is 100 feet from the border of the wetland. The buffer zone for a Class II wetland is 50 feet from the wetland border.

The act authorizes ANR to issue permits for activities in significant wetlands. An activity that occurred before the effective date of the permit authority granted to ANR by the act is exempt from permitting unless the activity occurred in an area previously identified as a wetland on the significant wetlands inventory maps; was contiguous to a previously mapped wetland; or was in the buffer zone of a mapped wetland or a wetland contiguous to a mapped wetland. Construction in a previously mapped wetland is also exempt from permitting if the construction was completed prior to February 23, 1992 and no action for which a permit is required was taken on or after February 23, 1992.

The act also authorizes ANR upon petition of any person or on ANR’s own motion to issue a determination that a Class II or Class III wetland exists or does not exist on a property. Such a determination shall be based on the functions and values of wetlands. In making a wetland determination, ANR may set the width of a buffer zone for any Class II wetland. The act requires ANR to meet specific notice requirements when conducting a wetlands determination. The natural resources board retains authority to classify or reclassify Class I wetlands by rule. The act requires ANR to revise the Vermont significant wetlands inventory maps when the agency issues a wetlands determination or when a Class I wetland is classified or reclassified by rule. Any act or decision of ANR regarding wetlands determinations is appealable to the environmental court. The act also provides that failure to obtain a state wetlands permit does not create an encumbrance on record title to real estate or affect the marketability of title. On or before January 15, 2010, ANR is required to report to the general assembly regarding implementation of the wetlands permitting program.

In addition, the act authorizes the natural resources board to adopt rules regarding the issuance of ANR wetlands permits and wetlands determinations. The act eliminates the wetland function of providing hydrophytic vegetation habitat and replaces it with “contributes to an exemplary wetland natural community.”

Date Signed by the Governor: May 21, 2009

Effective Date: The majority of the act, including ANR wetland permitting and wetland determination authority, shall take effect 45 days after such time as the water resources panel has issued both a rule updating the Vermont significant wetlands inventory maps and a rule updating the Vermont wetland rules.

Act No. 32

(S.7)

Health; lighted tobacco products; workplace prohibition

This act prohibits the use of lighted tobacco products in all indoor workplaces in which employees perform services. The act makes an exception for the Vermont Veterans Home by permitting the residents to smoke in the designated indoor smoking area. Indoor areas not commonly open to the public of owner-operated businesses with no employees are also exempt from this law.

Date Signed by the Governor: May 27, 2009

Effective Date: July 1, 2009

Act No. 33

(S.25)

Executive branch; reports; repeal

This act repeals or revises certain reporting requirements for executive branch state agencies.

Date Signed by the Governor: May 27, 2009

Effective Date: July 1, 2009

Act No. 34

(H.24)

Health; health insurance; coverage; cancer; colorectal; colonoscopy

This act requires health insurers to provide coverage for colorectal cancer screening, including:

(1) Providing insured people 50 years of age or older with the choice of either (A) annual fecal occult blood testing with a flexible sigmoidoscopy every five years or (B) a colonoscopy every 10 years; and

(2) Providing insured people who are at high risk for colorectal cancer with screening examinations and laboratory tests as recommended by the treating physician.

The act requires the health benefits provided to cover the colorectal cancer screening subject to a co-payment no greater than the co-payment that applies to care or services provided by a primary care physician under the insured's policy, not to exceed \$100.00, and exempts colorectal cancer screening services from deductible and coinsurance requirements. It also prohibits, if determined to be allowed by the federal Centers for Medicare and Medicaid Services, the out-of-pocket expenditure for a colorectal cancer

screening for a patient on Medicare not to exceed \$100.00 and requires the hospital or other facility performing the screening to absorb the difference between the Medicare payment and the Medicare rate.

Date Signed by the Governor: May 23, 2009

Effective Date: On passage (May 23, 2009, the date on which the governor signed the bill), except that the coverage requirement takes effect on October 1, 2009 and applies to all health benefit plans offered, issued, or renewed on or after October 1, 2009, but in no event later than October 1, 2010.

Act No. 35
(H.86)

Professions and occupations

This act modifies statutory provisions relating to the office of professional regulation and the following professions and occupations: accountants, dentists and dental hygienists, embalmers, professional engineers, funeral directors, nurses, optometrists, pharmacists, veterinarians, land surveyors, psychologists, and electrologists.

Date Signed by the Governor: May 23, 2009

Effective Date: July 1, 2009

Act No. 36
(H.453)

Long-term care; receivership; judicial process

This act creates a new judicial process to appoint a receiver when:

- (1) a long-term care facility intends to close and has not secured suitable placements for its residents at least 30 days prior to closure;
- (2) a situation, physical condition, or a practice, method, or operation which presents imminent danger of death or serious physical or mental harm to residents exists in a facility, including imminent or actual abandonment of a facility;
- (3) a facility is in substantial or habitual violation of the standards of health, safety, or resident care established under state or federal regulations to the detriment of the welfare of the residents or clients;
- (4) the facility is insolvent; or
- (5) the licensing agency has suspended, revoked, or modified the existing license of the facility.

An action may be filed by the licensing agency or the attorney general. A resident may also file an action; however, the resident may do so only after seeking redress from the agency unsuccessfully. The act defines the powers and duties of a receiver, including several specific limitations on the receiver's powers.

The act also updates terms, reorganizes definitions, and clarifies the penalty for operating without a license.

Date Signed by the Governor: May 23, 2009

Effective Date: July 1, 2009

Act No. 37
(H.152)

Conservation; energy; biomass

This act establishes a biomass energy development working group to enhance biomass energy production in the state while maintaining forest health. The working group is required to analyze current issues in the biomass industry and make recommendations addressing incentives for the biomass industry, biomass harvesting guidelines, and biomass procurement standards. The working group is authorized to meet over three years and would consist of members from state government, the forestry and forest products industry, the electric industry, environmental groups, and universities. The working group shall issue two interim reports and one final report to the general assembly addressing its recommendations for biomass energy production in the state. Prior to reporting to the general assembly, the working group shall seek public input and shall allow the department of forests, parks and recreation, the public service board, the agency of agriculture, food, and markets, and others to review and comment on the recommendations of the working group. In addition, the act defines biomass to mean material from trees, woody plants, or grasses, including limbs, tops, needles, leaves, and other woody parts, grown in a forest, woodland, farm, rangeland, or wildland-urban environment that is the product of forest management, land clearing, ecosystem restoration, or hazardous fuel reduction treatment.

Date Signed by the Governor: May 26, 2009
Effective Date: July 1, 2009

Act No. 38
(H.405)

Education; Pre-K-12; higher education

This act requires the Vermont State Colleges, the University of Vermont, the Association of Independent Colleges, the Vermont Student Assistance Corporation, Inc., and the department of education to work together to develop strategies and partnerships to expand opportunities for Vermont students to succeed in elementary and secondary school and be well prepared for postsecondary education. The act also requires the commissioner of education to examine and evaluate existing longitudinal student data systems, to apply for federal stimulus monies, and to begin implementation of a statewide system to the extent funds are available.

Date Signed by the Governor: May 26, 2009
Effective Date: July 1, 2009

Act No. 39
(S.67)

Motor vehicles; motor carrier out-of-service orders; registration suspension; arrest reports; accident reports; accident data repository; failure to deliver certificate of title; salvage titles for vessels, snowmobiles, and all-terrain vehicles; anatomical gifts

This act:

(1) Provides for the suspension of registration or refusal by the department of motor vehicles to register a vehicle used to transport passengers or freight when operation of the vehicle has been prohibited by a federal agency.

(2) Separates the arrest report and accident report criteria for law enforcement officers.

(3) Modernizes the motorcycle helmet standards by the adoption of the U.S. Department of Transportation standards.

(4) Requires accident reports to be filed with the secretary of transportation and creates an accident data repository.

(5) Creates the traffic violation of failure to deliver a certificate of title after transfer.

(6) Provides for the issuance of salvage titles for vessels, snowmobiles, and all-terrain vehicles.

(7) Directs the commissioner of motor vehicles to provide a form which, upon the licensee's execution, serves as a document of an anatomical gift. An indicator shall be placed on the license of any person who has executed an anatomical gift form in accordance with this act.

Date Signed by the Governor: May 26, 2009

Effective Date: July 1, 2009

Act No. 40
(S.121)

Elections

This act makes technical amendments to Vermont's election laws and (1) allows assistant election officials to serve if they reside anywhere within the municipality; (2) allows for the public announcement of preliminary election results in towns that use vote tabulating machines; (3) requires two election officials rather than the state police to transport ballots to be recounted; (4) allows candidates who petition for a recount to request that the recount be conducted by optical scanner; and (5) repeals the sunset on the secretary of state's authority to use mobile polling stations.

Date Signed by the Governor: May 26, 2009

Effective Date: July 1, 2009

Act No. 41
(H.145)

Conservation; agriculture; solid waste; composting

This act requires the secretary of natural resources, in consultation with the secretary of agriculture, food and markets, to adopt by rule accepted composting practices for the management of composting in the state. The composting practices shall address standards for construction, facility operation, facility siting, the composting process, and management of runoff. The rules adopted by the secretary of natural resources shall also address whether specified areas of the state, such as downtown designated districts, are unsuitable for composting post-consumer food residuals or animal mortalities. A person operating a small-scale composting facility or a composting facility on a farm shall be presumed not to need another state permit if the accepted composting practices are being followed. The act also authorizes the agency of natural resources (ANR) to authorize a person engaged in small-scale composting to register with the agency instead of obtaining a solid waste certification. The accepted composting practices to be adopted by the secretary of natural resources shall include definitions of small scale composting facility, medium scale composting facility, and de minimis composting exempt from regulation. ANR is required to submit to the general assembly a copy of the draft accepted composting practices by February 15, 2010.

In addition, the act requires ANR to reconvene the composting study committee in order to make recommendations as to whether certain composting facilities or categories of composting should be exempt from Act 250 and whether composting that uses post-consumer food residuals or animal mortalities is inappropriate for certain areas of the state, regardless of the size or category of the compost facility. The act also increases the membership of the composting study committee to include one member of the senate committee on natural resources and energy, one member of the house committee on fish, wildlife and water resources, and one member of an environmental organization. The composting study committee is required to submit its recommendations to the general assembly by January 15, 2010.

Date Signed by the Governor: May 23, 2009
Effective Date: July 1, 2009

Act No. 42
(S.42)

Banking, insurance, securities, and health care administration; miscellaneous housekeeping amendments

This act makes miscellaneous amendments to the regulatory statutes administered by the department of banking, insurance, securities, and health care administration. For example, the act changes the notice, deadlines, and minimum amounts applicable to department assessments apportioned to state-regulated financial institutions and credit unions; increases the minimum capitalization of independent trust companies to better protect consumers in the event of the insolvency of a company; changes the date by which licensed check cashing and currency exchange firms must file their annual reports;

makes unappealed orders of the commissioner enforceable judgments; requires insurance companies to annually submit a statement of their market conduct performance; authorizes the commissioner to adopt by rule the annual financial reporting model regulation of the National Association of Insurance Commissioners; establishes administrative penalties for false statements relating to insurance claims and applications; permits a captive insurance company to use a comprehensive basis of accounting for its annual report other than statutory accounting principles; increases from 10 to 11 percent the amount of the premium tax revenues collected from captives to be used for the regulatory activities of the department; provides captives with a \$7,500.00 tax credit; clarifies the treatment of sponsored captives in the event financial claims are made against the sponsoring company or against a participating company's cell; and amends aspects of the health care insurance reimbursement survey.

Date Signed by the Governor: May 27, 2009

Effective Date: This act takes effect July 1, 2009, except that certain sections dealing with guaranty funds, captive insurance, tax credits, and captive insurance take effect on passage (Passage was May 27, 2009, the date on which the governor signed the bill).

Act No. 43
(H.445)

Capital appropriations; bonding; school construction funding

This act appropriates capital funds and authorizes their financing with state bonding.

Monetary Provisions

The act appropriates \$109,335,821. Of this amount, \$397,820 is from proceeds from unspent capital appropriations from previous years, \$69,995,000 requires the issuance of new long-term general obligation bonds, and \$38,933,000 is from federal stimulus funds for drinking water and sewer projects.

Of the total amount appropriated:

1. \$28,906,508 is for renovation and repairs to state buildings, including \$8,181,508 for statewide major maintenance, \$1,950,000 for architectural and engineering costs, \$8,000,000 to reconstruct and rehabilitate the Bennington State Office Building and Courthouse, and \$6,800,000 to complete construction of a new state archive facility in Middlesex.
2. \$1,720,000 is for a match for federal money for modernization of the Medicaid and healthcare data system.
3. \$1,500,000 is to finish the expansion of the visitors' center at the Calvin Coolidge state historic site.
4. \$10,343,555 is for K-12 and technical center school construction projects.
5. \$2,000,000 will go to each of the University of Vermont and the Vermont State Colleges.

6. \$20,698,000 is for municipal water pollution projects, and \$19,775,000 is for drinking water supply programs.

7. \$3,100,000 is for the clean and clear program to accelerate reduction of phosphorus discharges into Vermont waters.

8. \$2,057,821 is to complete construction of a new forensics lab in Waterbury.

9. \$8,600,000 is for a Vermont Investment Program designed to increase work opportunities for Vermont tradespeople and artisans and to improve Vermont's infrastructure. Of this amount, \$5,600,000 shall be used to employ people to increase and improve the state park infrastructure, \$1,000,000 shall be used to build transitional housing for disadvantaged populations, \$1,000,000 shall be for expanding broadband services to underserved areas of Vermont, and \$1,000,000 shall be to provide grants to communities to build and upgrade local infrastructure and buildings.

10. Each of the remaining appropriations is for a project of less than \$2,000,000.

Non-monetary Provisions

The act:

1. Directs all state agencies and public bodies that receive capital construction funds to apply for federal stimulus funds if they are available for capital construction and authorizes them to use funds appropriated in this bill to match the federal funds.

2. Authorizes the commissioner of buildings and general services to:

- negotiate a new agreement with the town of Pittsford regarding an unused sewer allocation;
- sell or lease state-owned land in Newport;
- purchase property in Westminster for location of a public safety facility;
- sell building 617 in Essex, the Redstone building in Montpelier, property known as the "Tree Farm Property" in Essex, the Dummerston library building, and a portion of the former Weeks school;
- convert or sell a building in Middlesex currently used for child care;
- sell, lease, subdivide, or convert to condominiums the Thayer Building in Burlington.

3. Authorizes the Windham County assistant judges to borrow up to \$200,000 for restoring the sheriff's office without a vote of the electorate.

4. Directs the department of mental health to develop a master plan to replace the functions now provided in the Vermont State Hospital and to close the Vermont State Hospital. It directs the department to enter into discussions with general and specialty hospitals to explore options for hospital-level care, analyze site options for locating a secure residential facility in Waterbury, and work with general and specialty hospitals to explore options for replacement of specialized acute mental health care and intensive acute mental health care. The act further provides that the department and others shall

obtain a financial analysis of a proposal to establish a new psychiatric wing in the Rutland Regional Medical Center.

5. Directs the commissioner of corrections to consult with the U.S. marshal to explore options for providing secure facilities to meet the space needs of federal, state, county and municipal law enforcement officials for detainees and inmates. It also directs the commissioner to consider how to meet the need for a medium security and detainee facility in the northwest area of Vermont, including the potential for reconfiguring a wing of the correctional facility in St. Albans.

6. Authorizes the secretary of natural resources to:

- forgive up to 100 percent of a loan made to a municipality for sewer and drinking water projects if the award is made from federal stimulus funds; and
- make a grant to a municipality for sewer and drinking water projects for up to 100 percent of the project.

7. Requires that if the board of armory commissioners sells its armory and associated land to the town of Ludlow, it will sell the property at fair market value reduced by the value of the land which the town of Ludlow donated to the board of armory commissioners. This provision is amended in Sec. 22a of No. 3 of the Acts of the 2009 Special Session.

8. Provides that no further funds for capital projects shall be appropriated to the judiciary until the Vermont commission on judicial operation has made its report on the allocation and management of fiscal resources for judicial operations.

9. Prohibits the administration from closing or reducing operations at a correctional facility without approval from the joint legislative corrections oversight and joint fiscal committees.

Studies and Reports

1. The commissioner of corrections shall consult with the U.S. marshal on options for providing secure facilities that meet the space needs of federal, state, county and municipal law enforcement officials for detainees and inmates. The commissioner shall also consider how to meet the need for a medium security and detainee facility in the northwest area of Vermont, including the potential for reconfiguring a wing of the correctional facility in St. Albans. The commissioner shall report to the joint legislative corrections oversight committee by October 15, 2009.

2. The commissioner of buildings and general services and the commissioner of corrections shall explore how to meet the need for a medium security and detainee facility in the northwest area of Vermont and report their findings to the joint legislative corrections oversight committee on or before November 1, 2009.

3. The commissioner of buildings and general services shall report on options for use and disposal of certain state properties to the senate committee on institutions and the house committee on corrections and institutions by January 15, 2010.

4. The agency of human services shall submit the response of the Centers for Medicare and Medicaid Services to the agency plan for developing a 15-bed residential program to the senate committees on institutions, on appropriations, and on health and welfare; the house committees on corrections and institutions, on appropriations, and on human services; the joint fiscal committee; and the mental health oversight committee.

5. The department of mental health shall provide quarterly updates to the senate committees on institutions, on appropriations, and on health and welfare; and the house committees on corrections and institutions, on appropriations, and on human services on progress toward completing a 15-bed residential facility and developing a residential recovery program.

6. The state treasurer's office and joint fiscal office shall provide a report to the mental health oversight committee and the joint fiscal committee describing the financing arrangement for a new psychiatric wing at the Rutland Regional Medical Center by October 1, 2009.

7. The department of mental health shall propose any necessary statutory changes necessary for implementation of its master plan for replacing the functions of the Vermont State Hospital by January 15, 2010.

8. Any state agency or public body receiving capital funds shall report any receipt of ARRA funds to the chairs of the senate committee on institutions and the house committee on corrections and institutions.

Date Signed by the Governor: May 27, 2009

Effective Date: On passage (May 27, 2009, the date on which the governor signed the bill)

Act No. 44
(H.427)

Education; technical corrections; divided vote; tuition; choice; designated schools; state-placed students; veterinarian educational loan repayment; teen parent education; school completion rate; high school completion program; truancy

This act makes miscellaneous amendments to education law. Among other things, this act:

- Simplifies the statutory divided vote ballot language and requires that the ballot include an explanation of the reasons the vote is divided. (Secs. 6–7)
- Permits the electorate of a school district to vote at a special meeting to provide notice of the availability of information (currently permitted only at annual meeting; municipalities may vote to do so at either). (Secs. 8–9)
- Restores the ability of joint contract schools to access consolidation funds until July 1, 2010. (Sec. 12)
- Permits a parent to request a final determination by the commissioner of education regarding payment of elementary school tuition when there is a geographical barrier to attending the district's school. (Sec. 13)

- Allows parents to notify (rather than request) the school board to pay tuition to an approved independent elementary school but limits the tuition paid by the district to the least of three amounts. (Sec. 13)
- Permits the electorate to authorize a district that does not maintain a public school to designate a public school as the high school for the district; continues to allow parents to request an alternative school but limits the tuition paid by the district to the least of three amounts. (Sec. 13)
- Amends the definition of state-placed student to provide greater educational continuity for the student. (Secs. 14–15)
- Excludes the following from the determination of whether a school budget must be presented by a divided vote:
 - Approved capital construction
 - Tuition
 - Planning for a small school merger
 - 21st Century Fund after-school programs
 - Programs for at-risk youth
 And excludes the following from the calculation of excess spending:
 - Approved capital construction
 - Planning for a small school merger (Sec. 20)
- Addresses the need for large animal veterinarians in the state by creating an educational loan repayment fund; charging a committee to develop a proposal for a loan repayment program; and providing interim authority to award private money that may be donated for this purpose through June 2010. (Secs. 21–23)
- Authorizes the commissioner of education to grant variances from school quality standards when the school district demonstrates the value of an alternative, innovative practice and the state board of education does not act on the district’s request in a timely manner. It also requires the commissioner to inform other districts of these innovations. (Sec. 25)
- Provides that 21st Century Fund after-school programs that are overseen by the department of education do not also need to be registered with the department for children and families. (Sec. 26)
- Codifies existing session law relating to regional high school choice in Title 16 so that it is easier to locate. (Sec. 27)
- Retains the 20-day ADM census period (11th–30th days of school) that has been in place since 2007 by repealing a sunset that would have restored the former 40-day census period. (Sec. 30)
- Codifies definitions and protocols regarding pregnant and parenting students who wish to remain enrolled in school and attend teen parent education programs and removes the sunset placed on the funding mechanism for attendance. (Secs. 32–38)

- Clarifies the duties of education support systems and education support teams in public schools and emphasizes the identification of and assistance for students who need additional supports to be successful in school or to complete secondary school. (Secs. 40–41)
- Permits students to remain enrolled in secondary school when participating in the high school completion program. (Secs. 42–43)
- Requires the commissioner of education to:
 - By September 30, 2009, develop and publish comprehensive model protocols that address truancy on a statewide, countywide, and supervisory union-wide basis and that include involvement of both the state’s attorneys and the court system. (Sec. 46)
 - By December 15, 2009, propose necessary legislative amendments related to truancy protocols. (Sec. 46)
 - By December 31, 2009, develop an accurate, uniform, reliable method to define and measure secondary school completion rates and set benchmarks for assessing school performance in reaching the goal of 100 percent completion by the year 2020. (Sec. 44)
 - By January 15, 2010, catalogue and evaluate flexible practices and programs used by Vermont schools to identify and assist students who need additional support to succeed in school. (Sec. 45)
 - By January 15, 2010, develop and publish guidelines to assist schools to provide flexible practices and programs. (Sec. 45)
 - By July 1, 2010, ensure that supervisory unions adopt policies consistent with the protocols. (Secs. 46–47)

Date Signed by the Governor: Governor did not sign the bill and allowed the bill to become law without his signature

Effective Date: On passage (May 21, 2009, the date on which the governor allowed the bill to become law without his signature)

Act No. 45
(H.446)

Renewable energy and energy efficiency

This act is designated as “the Vermont Energy Act of 2009.”

Secs. 2 through 4a contain amendments to the existing Sustainably Priced Energy Enterprise or “SPEED” program to require the public service board (PSB) to issue standard offers for renewable energy plants sited in Vermont.

Sec. 2 adds to existing law new definitions related to the standard offer. Among these definitions, the term “plant” is defined as renewable energy, with a group of common facilities such as a wind project being one “plant.” The term “commissioned” refers to when a plant is put into operation. The term “SPEED facilitator” refers to the entity already appointed by the public service board, under existing law, to implement the SPEED program.

Sec. 3 amends existing law to allow municipal utilities that are members of the Vermont Public Power Supply Authority to meet the standard offer requirements as a group rather than individually.

Sec. 4 contains the central provisions regarding the standard offer. It:

- a. Requires the PSB to implement the standard offer through the SPEED facilitator.
- b. Requires the PSB to put a standard offer program for renewable plants in effect by September 30, 2009.
- c. Sets the term of a standard offer contract at 10–20 years, except that contracts for solar power will be for 10–25 years.
- d. Caps each standard offer plant at 2.2 MW and the total capacity allowed for all standard offer plants at 50 MW.
- e. Establishes four criteria for determining a cost-based price to be paid under the standard offer: (1) set generic costs for each category of renewable energy, (2) subtract a generic assumption reflecting reasonably available tax credits and other incentives (e.g., grants), (3) add a rate of return for the plant owner on its capital investment equal to the highest rate of return paid to a Vermont utility, and (4) make an adjustment up or down if needed to provide a sufficient incentive for rapid development of renewable energy.
- f. Establishes an initial set of prices and requires that the PSB review them before they go into effect on September 30, 2009. The PSB is to conduct an informal review by September 15, 2009 of the initial prices to see if they represent a reasonable approximation of the price that would be paid using the act's pricing criteria and is to set an interim price if it concludes the prices do not constitute such a reasonable approximation.
- g. Requires the PSB to set prices based on a full analysis under the act's pricing criteria no later than January 15, 2010.
- h. Provides that the PSB shall reevaluate the cost-based prices at least every two years starting in 2012.
- i. States that once the PSB sets cost-based prices, those prices shall be in effect for new contracts after the prices are set. Previously signed contracts shall remain at the price set out in the contract.
- j. Requires all Vermont utilities to purchase the power generated by the plants that accept the standard offer, with the costs distributed pro rata according to a utility's share of retail electric sales. The purchase shall include all capacity rights associated with the standard offer projects, allocated according to the same formula. Utilities shall receive a credit against these costs for renewable plants that are 2.2 MW or less that they put into operation after July 15, 2009 and shall recover from ratepayers their reasonable costs associated with these contracts. The PSB shall determine how the costs of the standard offer are allocated among a utility's ratepayers.

- k. Provides that all renewable energy credits associated with the plants that accept the standard offer shall be transferred to the utilities, except that the owner of an agricultural methane plant shall keep those credits and be able to sell them on the market.
- l. Requires the PSB to determine: how the SPEED facilitator's expenses are allocated among the utilities and the plant owners, the manner and timing of payments to plant owners and by utilities, reporting requirements, and the interconnection and metering of the plants that accept the standard offer.
- m. Requires that any wood biomass plant that wants to participate in the standard offer shall achieve a fuel efficiency of 50 percent.
- n. States that a Vermont utility is not eligible for the standard offer, and that the standard offer does not preclude a voluntary contract between a utility and a plant owner.
- o. Protects the state from liability for the costs of the SPEED program, including the standard offer.
- p. Requires the PSB, starting in 2011 and every two years afterward, to report on the standard offer program.

Sec. 4a changes existing law to make utility renewable energy pricing programs voluntary instead of mandatory.

Sec. 5 amends the Clean Energy Development Fund (CEDF) statute to allow the fund to finance thermal energy and geothermal projects and to direct that the funds appropriated to Vermont by the federal stimulus legislation under the "state energy program" (approximately \$21 million) be deposited into the CEDF. Sec. 5 of this act was superseded and replaced by Sec. 93 of Act No. 54, which in turn was further amended by Sec. 4 of Act No. 2 and Sec. 13 of Act No. 3 of the June 2009 special session.

Sec. 6 adds the following concerning rate incentives for regulated electric utilities: they may recover prudently incurred permitting costs for renewable energy projects, whether or not the permit is granted; and the PSB may grant such utilities a reasonable incentive on their capital investment in renewable energy projects. The section requires that the projects be sited in Vermont.

Sec. 7 allows a wind developer, when applying for a permit from the PSB, to provide the maximum dimensions and decibel levels for its proposed wind turbines and rotors rather than specifying the exact make and model.

Sec. 8 concerns the agency of natural resources' current policy against siting large-scale wind projects on state lands. The section:

- a. States that it is reasonable to site wind turbines on state lands, including turbines of commercial scale.
- b. Recognizes that wind turbine siting on state lands should not conflict with legal restrictions on the use of those lands and should be environmentally responsible.

- c. Provides that the agency's policy does not bar the agency from considering commercial-scale wind development.
- d. Requires the agency to revisit its existing policy if it receives significant new information.
- e. Requires the agency to report to the general assembly on whether it revisits or revises its policy, whether it receives any proposals for wind turbine siting on its lands, and what its response was to any such proposals.

Secs. 9, 9a through 9e, and 10 concern solar energy tax credits. They clarify, for investments made on or after January 1, 2009, that the tax credit for individuals must be attributable to Vermont property and that a taxpayer may either use a grant from the CEDF or the tax credit, but not both. They also provide that, for investments on or after October 1, 2009, the tax credit will apply only to that portion of the investment not funded by a grant or similar funding. They further provide that unused investment tax credits and solar energy investment credits may be carried forward no more than five years. They repeal the state tax credit effective January 1, 2011, but allow taxpayers to carry forward for up to five years the unused portion of credits claimed prior to that date. They require the CEDF to make the general fund whole for the cost of the tax credits.

Secs. 11 through 13 amend the residential and commercial building energy standards statutes to require that, by January 1, 2011, the department of public service (DPS) revise the standards to conform to the federal American Recovery and Reinvestment Act (ARRA). These statutory revisions ensure compliance with that act so that Vermont can receive stimulus funds.

In accordance with ARRA, Sec. 11 of the bill requires that new residential construction comply with the 2009 edition of the International Energy Conservation Code. Similarly, Sec. 12 of the bill requires that new commercial construction comply with the so-called "ASHRAE" 90.1-2007 code or the 2009 edition of the International Energy Conservation Code, whichever provides the greatest level of energy savings. These will become effective on or before January 1, 2011, when the DPS is to complete rulemaking to change the existing standards.

ARRA requires that states create an energy code compliance plan that will ensure 90 percent compliance by 2017 and establish active training and enforcement programs for energy standards and a system for measuring the rate of compliance. Sec. 13 requires the DPS to produce that plan by September 1, 2011, after seeking comments and recommendations from potentially affected parties and persons with expertise. DPS also is required to set up the training and enforcement programs and the compliance measurement system by June 30, 2012.

Sec. 14 enacts a three-year pilot project for a self-managed energy efficiency program for very large transmission and industrial ratepayers. Among other things, the section:

- a. Requires DPS to propose the program to the PSB, which would adopt it by December 31, 2009 for effect January 1, 2010.
- b. Exempts approved participants from the statewide energy efficiency charge.

- c. Provides that eligible participants are those who had an energy efficiency charge bill of at least \$1.5 million in 2008.
- d. Requires an approved participant to commit to a three-year investment of an annual average of \$1 million in electric or other energy efficiency improvements.
- e. Requires verification of energy savings claims in a manner consistent with the procedures established for the energy efficiency utility.
- f. Includes requirements for annual accounting by the participant and reporting by the PSB to the general assembly.
- g. Requires the PSB to terminate the participant's eligibility if it found the participant was not living up to its commitment.
- h. Requires the participant to pay the difference between its investment and what it would have paid under the energy efficiency charge if either one of the following occurs: (1) the PSB determines, during the course of the three-year pilot, that the participant is not meeting its commitment; or (2) at the end of the third year, the participant has not met its commitment.

Sec. 14a amends an existing mandate for the PSB to establish criteria and procedures for an energy savings account for customers who pay an overall annual energy efficiency charge of \$5,000. Under existing law, a percentage of the customer's energy efficiency charge would be applied to the customer's own energy efficiency. The section requires that the PSB establish this program by December 31, 2009.

Secs. 15 and 15 create a Vermont Village Green Renewable Pilot Program to consist of two district heating projects using renewable fuels to serve end users in designated downtowns or growth centers in Montpelier and Randolph. Other municipalities may participate in the pilot if either or both of those towns decline. Projects may but do not have to include district power. If wood is used as fuel, the project shall meet minimum fuel efficiency requirements. On certification by the DPS, end users connecting to the project are eligible to receive funds from the CEDF to be applied to the cost of connecting to the project, and the CEDF is required to provide at least \$100,000 in incentives for this purpose. Also, if district power is included, special electric rates can be set by the PSB. Reporting requirements by the host community and DPS are included.

Secs. 15b through 15d forbid municipalities from adopting a bylaw, ordinance, resolution, or other enactment that prohibits or has the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources. They also adopt a similar prohibition applicable to deed restrictions, covenants, or similar binding agreements. However, installation of these energy devices may be prohibited on patio railings in condominiums, cooperatives, or apartments.

Secs. 15e through 15k authorize municipalities to create clean energy assessment districts to finance eligible renewable energy and energy efficiency projects undertaken by the owners of real property within the boundaries of the municipality. The creation of such a district would be subject to voter approval. Upon approval by the voters, a municipality would be able to incur indebtedness for or otherwise finance eligible

projects. Only property owners who have entered into written agreements with the municipality will be subject to a special assessment. The sections require the participating municipality to follow underwriting criteria and establish other qualifying criteria to assure that property owners will be able to meet assessment payment obligations. The property owners shall repay the assessment no later than the end of the expected lifetime of the project. In the event a property subject to the assessment is transferred, all past due balances shall be paid and the requirement for future payments shall constitute a lien on the property. Before a written agreement is entered into, an analysis of project costs, energy savings, and estimated carbon impacts must be performed or reviewed and approved by the energy efficiency utility. Participating owners are responsible for the costs of operating the districts. A municipality may establish a reserve fund, funded by participating property owners, for use in the event of foreclosure on an assessed property.

Sec. 16 states that the act takes effect from passage with exceptions concerning the solar energy tax credit provisions that are reflected in the discussion above of Secs. 9, 9a through 9e, and 10.

Date Signed by the Governor: Governor did not sign the bill and allowed the bill to become law without his signature

Effective Date: On passage (May 27, 2009, the date on which the governor allowed the bill to become law without his signature)

Act No. 46
(H.15)

Conservation; water resources management; aquatic nuisance species

This act recodifies the existing aquatic nuisance control program of the agency of natural resources (ANR) under one statutory chapter. The act also authorizes ANR to respond rapidly to outbreaks of new aquatic species through the use of a general permit that only the department of fish and wildlife or the department environmental conservation could seek coverage under. The act expands the prohibition on the transport of aquatic nuisance species to include aquatic plants or other aquatic nuisance species identified by the ANR in rule. The act also clarifies ANR's authority to enter land to prevent the introduction and spread of new aquatic nuisance species by requiring the agency to request landowner permission or seek a warrant. Information provided by the department of motor vehicles regarding aquatic nuisance species is required to include information on current aquatic nuisance threats and spread prevention methods. Similarly, the act requires the boating safety course offered by the department of public safety to include an educational component regarding the environmental harm caused by aquatic nuisance species and the spread of such species may be controlled. Educational materials prepared by ANR or the department of tourism and marketing regarding the use of state waters shall include information addressing the environmental harm caused by aquatic nuisance species and how the spread of such species may be controlled. ANR is also required to report to the general assembly in January 2010 with recommended funding mechanisms for aquatic nuisance control in the state. ANR is also required to report to the general assembly in January 2010 regarding the impact and regulation of all

invasive species in the state. In addition, the act extends until 2015 the sunset of the mercury advisory commission.

Date Signed by the Governor: May 28, 2009

Effective Date: ANR's reporting requirements, the requirement that ANR and department of tourism and marketing educational materials address aquatic nuisance species, and the extension of the mercury advisory commission sunset take effect July 1, 2009.

The recodification of the aquatic nuisance control program, the establishment of the aquatic nuisance rapid response permit, and all other provisions of the act take effect July 1, 2010.

Act No. 47
(H.136)

Executive branch fees

This act affects executive branch fees as follows:

1. Department of public safety: Increases the fee for an audiotape or videotape of a fire investigation report or a fire or motor vehicle accident investigation report from \$20.00 to \$45.00. The department shall develop a plan to upgrade to digital its video recording system and submit a report to the house committee on ways and means by October 15, 2009.

2. The department of housing and community affairs, historic preservation division:

a. Shall maintain an electronic archeological inventory database that is nonpublic with high security protection available only to authorized persons, who shall pay \$250.00 per year for access to the database.

b. Is authorized to charge a \$400.00 one-time fee for each standard banker box of archeological collection with a prorated fee for smaller boxes.

c. Shall deposit revenue from the rental of state-owned historic sites and from sale of historic preservation publications in the historic sites operations special fund. The archeology operations special fund is established to be used for recovery of costs incurred by the division to carry out its duties, including surveys, protection of archeological sites, and field investigations.

d. In cooperation with the natural resources board shall develop a fee schedule that works to support both organizations to carry out their duties in regard to Act 250 proceedings and must issue a report on the fee schedule on January 15, 2010.

4. A fee may be charged to cover costs of a third-party financial and technical analysis required for a tax increment financing district (TIF) application or for a tax stabilization agreement.

5. Professional regulation:

a. Barbers, nail technicians, cosmetologists, and estheticians: The license application fee for these professions increases from \$50.00 to \$100.00, and the fee for a

shop license application for these professions increases from \$150.00 to \$300.00. The biennial renewal fee for these professions increases from \$80.00 to \$120.00 and the fee for a shop license renewal increases from \$100.00 to \$200.00.

b. Professional engineers: The application fee and the biennial renewal fee are reduced from \$100.00 to \$80.00.

6. Workers' compensation administration fund: The employer/insurer contribution increases from 0.81 to 0.96 percent of annual workers' compensation premiums.

7. Department of fish and wildlife: Permits the department to allocate antlerless deer permits remaining after the lottery for a \$10.00 fee for Vermont residents and a \$25.00 fee for nonresidents.

8. Criminal and civil penalty assessments:

a. The assessment on civil and criminal convictions for FY 2010 increases by \$5.00 to benefit the victims' compensation special fund.

b. Adds a \$100.00 assessment on criminal convictions for offenses committed after July 1, 2009 to support the staffing for specialized investigative units.

9. Municipal clerks: Increases fees for the following:

a. Recording of a trust mortgage deed from \$10.00 to \$10.00 per page.

b. Recording a complaint for foreclosure from \$6.00 to \$10.00 per page.

c. Recording any document including a property transfer return from \$8.00 to \$10.00.

d. Filing a survey plat from \$6.00 to \$15.00 for a survey plat filing.

e. Receiving a property tax return and tax payment from \$7.00 to \$10.00.

10. Home health agencies: Decreases the home health agency assessment from 18.45 percent to 17.69 percent of operating revenues.

11. The governor is required to submit a fee report and fee request for all executive branch fees not reviewed in 2009 so that the fees may be considered in 2010.

Date Signed by the Governor: May 28, 2009

Effective Date: July 1, 2009, except that Secs. 1, relating to fees for copies of investigation reports from department of public safety, Sec. 2, relating to digital upgrade report by department of public safety, and Secs. 6 and 7, relating to fees for financial and technical analyses for tax stabilization agreements, tax increment financing district applications, and community development program applications take effect on passage (Passage was May 28, 2009, the date on which the governor signed the bill).

Act No. 48
(S.89)

Agriculture; commerce; milk pricing

This act directs the Vermont milk commission to resume the deliberations on an over-order premium for milk producers that was suspended in the winter of 2008; amends the commission's enabling language by requiring the commission to meet only annually, when directed by the general assembly, and when called together by the chair; provides authority for the commission to impose administrative assessments; and modifies the commission's rules so that if an assessment is adopted pursuant to the act, producers will vote directly on the proposed assessment rather than through milk cooperative block voting.

Sec. 5 of the act requires two studies. First, the attorney general is directed to investigate possible anti-competitive practices in the Northeast milk market. Second, the commission is directed to consider why milk cooperatives have not been able to utilize the authority granted under the Capper-Volstead Act of 1922 to stabilize and better control farm-gate dairy prices. The commission is further directed to study the continued effectiveness of the Capper-Volstead Act. Both the commission and the attorney general must report to the senate and house committees on agriculture by January 15, 2010.

Sec. 6 of this act amends language relating to sureties for dairy producers. The amendments require that all purchasers of fluid milk from producers or from producer's cooperatives furnish surety, in the form of a bond or letter of credit, for the amount of milk purchased. Bonds for the purchase of cow's milk must equal 100 percent of the highest 41-day total from the previous 12-month period. Bonds for other milk must be only 50 percent. Purchases between cooperatives are exempt from the surety requirements as are purchases by handlers purchasing fewer than 150,000 pounds per month from cooperatives and purchases by handlers paying in advance or at the time of the exchange.

Secs. 7, 8, and 9 prohibit certain municipal regulation of working farm dogs which are dogs bred or trained to herd or protect livestock or poultry or to protect crops and that are used for those purposes. Working farm dogs are exempt from municipal regulations relating to barking and running at large so long as the dog is registered as a working farm dog and is barking or running at large for the purpose of protecting livestock, poultry, or crops.

Sec. 10 creates a new grade of milk known as "manufacturing grade goat milk," which is milk sold for processing and not for fluid consumption. The maximum somatic cell count (SCC) for manufacturing grade goat milk is 1,500,000 per milliliter, which is lower than the standard for Grade A goat milk. This section will sunset if the U.S. Food and Drug Administration approves a Grade A maximum SCC of 1,500,000 per milliliter or lower.

Date Signed by the Governor: May 28, 2009

Effective Date: On passage (May 28, 2009, the date on which the governor signed the bill)

Act No. 49
(S.129)

Health; utilization; health insurers; administrative costs; patient education; health care quality; VPQHC; accountable care organization; certificate of need

This act directs the department of banking, insurance, securities, and health care administration (BISHCA) to contract with the Vermont program for quality health care (VPQHC) and other qualified professionals or entities to study health care utilization and to create a plan to address high or low utilization if it is inappropriate. The study and plan are due January 15, 2010. (Secs. 1 and 2)

BISHCA will also work with the agency of human services and the department of human resources to provide an administrative cost report across all payers to legislative committees no later than December 15, 2009. (Sec. 3)

The secretary of administration or designee shall present a plan to create a shared decision-making pilot program to legislative committees no later than January 15, 2010. Shared decision-making is a process between a health care professional and a patient to discuss the patient's condition, treatment options, benefits and harms, and other information available. (Sec. 4)

BISHCA, in collaboration with VPQHC, will evaluate quality initiatives in other states and countries to determine current "best practice" and report before January 15, 2010 to legislative committees. (Sec. 5)

The commission on health care reform will convene a broad work group to facilitate the development of an application to participate in a national learning collaborative sponsored by Dartmouth Institute and the Brookings Institute to create an accountable care organization (ACO). An accountable care organization is an entity that enables networks of community health care providers (primary care providers, specialists, hospitals, etc.) to be accountable for overall costs and quality. This section also allows the commission to approve the office of Vermont health access' plan to request a Medicaid waiver amendment in order to participate in the ACO pilot program. BISHCA is directed to supervise the activities to the extent necessary to avoid federal anti-trust problems. The commission shall report back to legislative committees by January 15, 2010. (Secs. 6 and 7)

The act also amends existing law regarding the certificate of need (CON) process to provide for some clarifications, including:

- Clarifying jurisdictional issues when a piece of equipment goes from being fixed to mobile (or vice versa).
- Removing the requirement of filing a letter of intent if the applicant agrees he, she, or it needs a CON for a project, but retains public notice requirement.
- Adding criteria for the expirations of CONs.
- Defining "material change" as a change which meets requirements for a "new health care project" or total cost increase by more than 10 percent and

“nonmaterial change” as a modification that is not as substantial as a “material change” but still modifies the kind, scope, or capacity of the project.

- Adding a process for reviewing nonmaterial change on a case-by-case basis (Secs. 8–14).

The act requires the secretary of administration to add a link to the BISHCA quality information on the Vermont.gov website. (Sec. 15)

Date Signed by the Governor: May 28, 2009

Effective Date: July 1, 2009, but Sec. 12 of this act, amending section 9443 of Title 18, shall apply to certificates of need issued on or after July 1, 2009.

Act No. 50
(H.438)

Transportation; transportation program

This act:

(1) Authorizes the secretary of transportation to obligate and expend funds received under the American Recovery and Reinvestment Act of 2009 (ARRA). The authorization extends to projects set forth in the document titled “VT Agency of Transportation – Proposed ARRA Project Plan” dated May 6, 2009, to eligible town highway paving projects, to eligible town highway structures projects, and other uses as approved by the joint transportation oversight committee (JTOC). The agency of transportation shall report on the obligation and expenditure of ARRA funds to the JTOC through 2009.

(2) Directs the agency of transportation to apply for a grant of rail infrastructure discretionary ARRA monies to fund the upgrading of the state’s western rail corridor to provide passenger rail service between Burlington, Rutland, and Bennington, Vermont and Albany, New York. The act also directs the agency to prepare a plan to establish this service.

(3) Provides that the state treasurer may issue tax-exempt transportation infrastructure bonds (TIBs) for the purpose of funding the rehabilitation, reconstruction, or replacement of state and municipal bridges and culverts, and state roads, railroads, airports, and associated infrastructure having a remaining useful life of 30 years or more. The act sets forth the uses of the bonds, how and in what form the bonds will be issued, and how the bonds will be secured.

(4) Requires the agency of transportation, by January 15, 2010, to submit to the JTOC a plan for using TIB proceeds in fiscal years 2011, 2012, and 2013, and limits bonding authority for that three-year period to \$100,000,000.00.

(5) Authorizes the state treasurer to issue TIBs for fiscal year 2010 in the amount of no more than \$10,000,000.00, to be issued upon agency of transportation request and JTOC approval.

(6) Establishes motor fuel transportation infrastructure assessments, comprising a \$0.03 assessment per gallon of diesel fuel sold or used, and a per-gallon assessment on

gasoline in the amount of two percent of the retail price exclusive of all federal and state taxes. The retail price shall be based on quarterly price averages, and shall be determined and published by the department of public service. Certain users are exempt from paying the assessment.

(7) Creates the TIB fund within the transportation fund to consist of monies raised from the motor fuel transportation infrastructure assessments. Monies from the TIB fund may be used to pay debt service on the TIBs authorized by this act, to pay for certain transportation infrastructure projects having an estimated useful life of at least 10 years, and to pay associated operating costs. The act gives the capital debt affordability advisory committee the authority to conduct ongoing reviews of the amount and condition of the TIB fund, and of the underlying TIBs.

(8) Requires municipalities to satisfy local match requirements for projects bearing such requirements under state law regardless of the state's use of ARRA monies to fund the projects. The act also authorizes a municipality to use a grant awarded under the town highway structures program or the class 2 town highway roadway program as matching funds for grants to towns under ARRA.

(9) Directs the agency of transportation, in consultation with the joint fiscal office, to conduct a study of alternatives for the replacement of passenger rail equipment for the Amtrak Vermonter and Ethan Allen lines, and to deliver a report of the study to the senate and house committees on transportation by January 15, 2010.

(10) Modifies prior authority to convey state-owned railroad property to a particular party to include an assignee of that party, and extends the deadline for making the conveyance from June 30, 2009 to December 31, 2009.

(11) Approves the cancellation of the following transportation projects: Albany BRO 1449(23); Chester BRO 1442(31); Richford TH3 0305; Woodstock BRO 1444(33); and Irasburg STP WALK(16). In all of the above instances, the applicable towns had requested termination.

(12) Provides that proceeds from the sale of surplus property attributable to the agency of transportation shall be transferred to the transportation fund.

(13) Provides that the state shall enter into an agreement with the Village of Essex Junction to relinquish to the village's jurisdiction a segment of Vermont Route 15 within the village.

(14) Requires the agency of transportation to provide each town with a map of all highways within that town, together with the mileage of each class 1, 2, 3, and 4 highway, and each trail.

(15) Requires a municipal body seeking to discontinue a town highway that is not clearly observable to notify the secretary of transportation at least 30 days prior to the public informational hearings held for that purpose.

(16) Permits the traffic committee to require the use of tire chains or winter tires by motor coaches, truck-tractor-semitrailer combinations, and truck-tractor-trailer

combinations on specified portions of state highways during the winter, upon advance notice, signage, and the development of designated areas for affixing chains.

(17) Requires the agency of transportation to amend its public transit plan at least every five years, upon consultation with public transit providers, the metropolitan planning organization, and the regional planning commissions (RPCs) and their transportation advisory committees. The act also requires the agency to consult annually with the RPCs and public transit providers to identify planning needs prior to the award of planning funds. The agency shall report annually to the general assembly regarding planning needs, expenditures, and cooperative planning efforts.

(18) Clarifies the application of registration fees to local transit service buses and motor buses owned by the state or by a municipality.

(19) Directs that, from the funds allocated to the public transit general capital program, the agency of transportation shall hold \$100,000.00 in reserve to cover shortfalls in the funding of the program for elders and persons with disabilities. The act also directs the agency to develop a written policy to govern the disbursement of the reserve funds.

(20) Defines the terms “public transportation service bus” and “local transit bus.”

(21) Exempts nonprofit public transit service providers from diesel tax.

(22) Directs the agency of transportation to follow up on its two most recent public-transit-related legislative reports and generate recommendations for improving the efficient and effective delivery of public transit services in the state. The agency shall present a report setting forth the recommendations and underlying analyses on or before February 15, 2010.

(23) Extends the ability of the Vermont ATV sportsman’s association (VASA) to develop and maintain its statewide ATV trail program to public land.

(24) Requires a registered ATV to display a valid VASA trail access decal when operating on a VASA trail or on private land on which VASA or a VASA-affiliated club has express consent to operate.

(25) Amends the definition of “ATV” to include nonhighway recreational vehicles having two low pressure tires and full-time power to both wheels.

(26) Requires the commissioner of motor vehicles to issue one validating sticker upon vehicle registration, to be affixed to the rear registration plate.

(27) Permits vehicles registered to state agencies to have conservation fund and building bright spaces for bright futures fund registration plates.

(28) Enables the agency of transportation to use design-build contracting to deliver projects, and establishes parameters for such contracting. The act limits the agency to four design-build projects in fiscal year 2010, and requires fiscal year 2010 design-build projects to include signage identifying the project and its total cost. After fiscal year 2010, the signage requirement is applied to all bonded bridge projects.

(29) Provides that the JTOC shall be chaired alternately by the chairs of the senate and house committees on transportation for two-year terms, with the chair of the senate committee on transportation holding the JTOC chair for the current legislative session.

(30) Amends the definition of “highways” to exclude state forest highways, management roads, easements, or rights-of-way owned by or under the control of the agency of natural resources, the department of forests, parks and recreation, the department of fish and wildlife, or the department of environmental conservation. The act also establishes the definitions of “management road” and “state forest highway,” and amends the definition of “town highways” to include class 1, 2, 3, and 4 highways that the towns have authority to maintain exclusively or cooperatively.

(31) Transfers surplus funds from the unorganized towns of Glastenbury and Somerset, in the total amount of \$362,832, and deposits these monies into the transportation fund.

(32) Provides that the state tax in unorganized towns and gores shall be based upon these entities’ grand lists. The act also provides that the supervisors of the unorganized towns of Glastenbury and Somerset shall present to the commissioner of taxes for approval their proposed budget and tax rate for the town for the ensuing year. The act also authorizes the supervisors of unorganized towns and gores to carry forward in their accounts any unexpended tax monies.

(33) Provides that landowners shall be immune from liability for personal injury or property damage occurring on sidewalks constructed on their property, absent negligent, reckless, or willful acts on the part of the landowner.

(34) Permits the display of “year of manufacture” registration plates on motor vehicles manufactured prior to 1939 so long as current registration plates are maintained within the vehicle.

(35) Requires the agency of transportation, by January 15, 2010, to submit to the senate and house committees on transportation a report regarding the agency’s inventory of aviation maintenance equipment.

(36) Modifies the transportation buildings program and authorizes the sale of a parcel of agency property as part of a facility renovation project.

(37) Directs the agency of transportation, the Chittenden County metropolitan planning organization, and other affected local jurisdictions and project partners to undertake a pilot project to explore the implementation of a program to improve access to the Burlington International Airport.

(38) Directs the traffic committee, when establishing a maximum speed limit on a state highway contiguous to a school, to consider data collected under the Vermont Safe Routes to School program.

(39) Provides that a special examination given by the commissioner of motor vehicles shall consist of a driving test and, only when extenuating circumstances exist as determined by the commissioner, a written or oral examination.

(40) Regarding motor vehicles with trailers or semitrailers, lessens the acceptable distance between the kingpin of a semitrailer to the center of the rearmost axle group to 41 feet. The act also provides that vehicles with trailers or semitrailers may operate without a permit if the overall vehicle length does not exceed 75 feet. For such vehicles over 75 feet in length on which the distance from the steering axle to the rearmost tractor axle is more than 25 feet, a permit may be requested from the commissioner.

(41) Directs the transportation enhancement grant committee to conduct a separate grant round before June 30, 2009 and in that grant round award grants for fiscal year 2010 in the amount of federal funds made available to the state under ARRA. Available grant monies that are not awarded pursuant to the separate grant round shall be carried over to the fiscal year 2010 enhancement grant program. The act also enumerates specific enhancement projects to be added to the program development – bike and pedestrian facilities – candidates list.

(42) Provides for a second enhancement grant round in fiscal year 2010, utilizing non-ARRA funds.

(43) Directs the secretary of transportation to request from the Federal Highway Administration a waiver from the statutory prohibition of commercial establishments operating at rest areas along the interstate highway system. The act also directs the secretary to seek the assistance of the state’s congressional delegation for the purpose of securing the waiver.

(44) Directs state agencies to provide justification for reducing services to the public. The act also provides for the closure of highway rest area facilities on Interstate 89 at Highgate, Sharon South, and Randolph North, and on Interstate 91 at Hartford North, effective July 1, 2009. The act also directs the agency of transportation to explore alternate uses for these facilities. The act also directs the commissioner of buildings and general services to adjust hours of operation for remaining rest areas, to conduct a pilot project for the operation of additional information centers, and to take steps to plan for and construct a welcome center in Bennington.

(45) Provides for the sale of the “salt shed property” at 575 Stonecutters Way in Montpelier.

(46) Sets forth the following fees:

	Current Fee (\$)	Adjusted Fee (\$)
Copy of three-year operating record	10.00	11.00
Initial application – non-driver ID	15.00	17.00
Registration – organization plates	10.00	15.00
Registration – organization plate deposit	1,000.00	2,000.00
Registration – conservation plates	20.00	23.00

Duplicate registration certificate	12.00	13.00
Registration – transfer	20.00	22.00
Registration – pleasure car (annual)	59.00	64.00
Registration – pleasure car (biennial)	108.00	120.00
Registration – motorcycle	36.00	40.00
Registration – gas/diesel trucks 6,099 lbs or less	59.00	64.00
Registration – gas/diesel trucks 6,099 to 90,099 lbs	Various	Increase 8.5%
Registration – trailers less than 1,500 lbs	20.00	23.00
Registration – semi-trailers less than 1,500 lbs	40.00	45.00
Registration – trailers 1,500 lbs or more, drawn by pleasure car or by a truck-tractor or motor truck registered under 23 V.S.A. § 367	40.00	46.00
Registration – semi-trailers 1,500 lbs or more, drawn by pleasure car or by a truck-tractor or motor truck registered under 23 V.S.A. § 367	80.00	90.00
Registration – trailers 1,500 to 3,000 lbs, drawn by truck or tractor	40.00	46.00
Registration – semi-trailers 1,500 to 3,000 lbs, drawn by truck or tractor	80.00	90.00
Registration – in-transit permit	3.00	5.00
Operator license – four-year	40.00	45.00
Operator license – two-year	25.00	28.00
Junior Operator license	27.00	28.00
Learner’s permit	15.00	17.00
Motorcycle learner’s permit	-	17.00
Driver examination – written test	25.00	28.00
Driver examination – road test	15.00	17.00
Reinstatement of suspended or revoked license	65.00	71.00
Inspection certificate	3.00	4.00
Excess weight permit – 99,000-lb limit for unprocessed forest, milk, or quarry products	350.00	500.00
Oversize permits – single trip	70.00	100.00
Oversize blanket permits	1 - 70.00 Addtl - 1.00	1 - 100.00 Addtl - 5.00
Overlength permits – single trip	10.00	25.00

Title certificates – motor vehicles	28.00	31.00
Lien fees – motor vehicles	7.00	9.00
Title certificates – motorboats, snowmobiles, all-terrain vehicles	15.00	19.00
Lien fees – motorboats, snowmobiles, all-terrain vehicles	7.00	9.00
Purchase and Use tax – the smaller of six percent of taxable cost or:	1,680.00	1,850.00
Short-term vehicle rental tax	7%	9%
Motor vehicle warranty fee	-	5.00
Registration – snowmobiles, residents	15.00	25.00
Registration – snowmobiles, nonresidents	22.00	32.00
Duplicate registration certificates – snowmobiles	2.00	5.00
Registration – class A motorboat	17.00	22.00
Registration – class 1 motorboat	28.00	33.00
Registration – class 2 motorboat	55.00	60.00
Registration – class 3 motorboat	121.00	126.00
Initial fees - business directional sign or information plaza plaque	75.00	175.00
Renewal fees – business directional sign or information plaza plaque	60.00	125.00

(47) Consistent with the 2006 State Rail & Policy Plan, authorizes the agency of transportation to estimate the total cost of (1) upgrading the western corridor rail line for passenger rail service to and from Burlington, Rutland, Bennington, and Albany, New York; (2) operating a passenger rail service from Burlington to Rutland connecting to Whitehall, New York; and (3) operating a passenger rail service from Burlington to Rutland to Bennington connecting to Albany, New York. The agency shall present its analysis to the senate and house committees on transportation by January 15, 2010.

Date Signed by the Governor: May 29, 2009

Effective Dates:

(a) The following sections of this act shall take effect from passage (May 29, 2009, the date on which the governor signed the bill):

- (1) Secs. 3, 21 (ARRA funds).
- (2) Sec. 111 (sale of salt shed in Montpelier).
- (3) Secs. 103, 104 (enhancement grants).
- (4) Secs. 66, 67 (sale of surplus rail property).

(5) Sec. 101 (commissioner of DMV administering special exam).

(b) Secs. 24-28, 30-32 (motor fuels transportation infrastructure assessments and bond fund) shall take effect on June 1, 2009.

(c) Secs. 22 and 23 (motor fuels infrastructure assessments) shall take effect on October 1, 2009.

(d) Sec. 77 (exemption of motor buses from diesel tax) shall take effect on July 1, 2010.

(e) All other sections of this act not specifically enumerated in this section shall take effect on July 1, 2009.

Fiscal Summary	
FY10 Transportation Program	FY10 H.438
Administration-finance-planning	
Central Admin & Finance	12,509,399
Policy & Planning	10,293,841
Transportation Board	86,891
Department of Motor Vehicles	25,080,315
Subtotal	47,970,446
Facilities	
Rest Areas	2,950,000
AOT Buildings	1,311,500
Subtotal	4,261,500
Alternate modes	
Public Transit	26,259,839
Aviation	21,642,075
Pedestrian & Bike Facilities	6,800,571
Park & Ride	4,270,783
Multi-Modal Facilities	0
Rail infrastructure	16,645,924
Amtrak	3,750,000
Subtotal	79,369,192

Highway Infrastructure	
Maintenance	66,318,309
Paving	118,424,718
Roadway	60,423,774
State bridges	26,342,300
Interstate bridges	7,448,500
Town bridges	26,069,416
Bridge Maintenance Program	34,051,340
Traffic Operations	23,835,344
PD Admin & Tech Services	14,757,355
Subtotal	377,671,056
Town programs	
TH Aid	24,982,744
TH Class 2	5,748,750
TH Structures	3,833,500
TH Class 1 supplemental grants	128,750
Enhancements	3,439,446
TH Emergency fund	750,000
FEMA grant program	200,000
TH VT Local Roads	375,000
Clean & Clear grant program	2,112,998
Subtotal	41,571,188
Bonding TBD	0
ARRA funds	0
General Prog. Dev cut	0
Vacancy savings	-1,400,000
Total All Programs	549,443,382

Act No. 51
(H.192)

Agriculture; farmers' markets; EBTs; appropriation

This act is intended to promote Vermont's local food system. The act first directs the department for children and families to use \$35,000.00 in federal funding to help Vermont farmers' markets in purchasing and operating electronic benefit transfer (food stamp and debit) machines. Next, the act directs the commissioner of education, the secretary of agriculture, food and markets, and the secretary of human services to work with the congressional delegation to develop a pilot program to test the feasibility of centralized statewide purchasing of milk and meat for school meals and to offer technical assistance to schools regarding the use of local foods. The act further directs the department of education to search for federal stimulus funds that can be used to provide resources and technical assistance for purchasing and using local fruits and vegetables under the federal fruit and vegetable grant program. Finally, the act permits, under

specified conditions, road signs for farmers' markets and increases from four to six square feet the size of signs for agricultural businesses, including farmers' markets.

Date Signed by the Governor: May 30, 2009

Effective Date: July 1, 2009

Act No. 52

(H.75)

Taxation and finance; appropriations; interim budget; reductions

This act amends the statutory rules for adjusting appropriations when the general assembly is not in session, in the event of reductions in official revenue forecasts.

The prior law referred to the ability to reduce appropriations. The new law allows adjustments to appropriations and their sources of funding, including transfers of funds.

The new law provides that reductions in appropriations under this act may not exceed the cumulative reductions in revenue for the fiscal year; and may not exceed four percent of the original revenue estimate used to create the budget; and also provides that adjustments may not include any adjustment to revenues or expenditures of the education fund.

Date Signed by the Governor: June 1, 2009

Effective Date: July 1, 2009

Act No. 53

(H.222)

Senior protection and financial services

This act:

(1) regulates life settlements, which are transactions in which a policyholder sells a life insurance policy for more than the cash value of the policy but less than the net death benefit and in which the purchaser becomes the new beneficiary and is responsible for all subsequent premium payments;

(2) establishes standards for the use of designations and certifications purporting to demonstrate special expertise with respect to the financial affairs of seniors; and

(3) establishes consumer protection standards for reverse mortgage programs.

Date Signed by the Governor: June 1, 2009

Effective Date: July 1, 2009, except that Secs. 1, 2, and 5 take effect January 1, 2010.

Act No. 54

(H.313)

Economic development; ARRA; programs; planning; oversight

This act established numerous programs and policies designed to foster economic development in Vermont, particularly with regard to the use of stimulus monies made available to the state through the federal American Recovery and Reinvestment Act of 2009 (ARRA), Pub.L. No. 111-5. Among other things, the act addresses oversight of

stimulus efforts; long-term economic planning; establishment and funding of programs designed to stimulate the economy; and changes to existing state programs to facilitate projects funded with federal dollars.

For example, with regard to oversight, the act directs the Vermont office of economic recovery and stimulus to coordinate ARRA stimulus efforts and oversight in Vermont. With respect to planning, the act directs the current chair of the Commission on the Future of Economic Development (CFED) to convene an interim work group to establish benchmarks for the four principal goals for economic development adopted by CFED, to study modes of economic development in other states, and to evaluate the unified economic development budget.

Programs created and funded by the act include the entrepreneurs' seed capital fund to promote early-stage investment in Vermont firms and the technology loan program established to meet the working capital and capital-asset finance needs of technology based companies. Provisions on permit programs include: expanding the public service board's existing authority regarding telecommunications permitting; extending to January 15, 2012 a previously-adopted sunset on interim permitting authority in stormwater-impaired waters; enlarging existing exemptions for increases in various public infrastructure projects under Act 250; expanding the general permitting authority of the agency of natural resources (ANR); creating environmental ticketing authority for ANR and the natural resources board; and establishing a permitting priority for stimulus-funded projects.

The act also amends the Clean Energy Development Fund (CEDF) statute to allow the fund to finance thermal energy and geothermal projects and emerging energy efficient technologies and to direct that various energy moneys appropriated to Vermont by ARRA be deposited into the CEDF. The act creates a new clean energy development board to oversee the fund.

Date Signed by the Governor: June 1, 2009

Effective Date: On passage (June 1, 2009, the date on which the governor signed the bill)

Note: Several sections of this act were superseded by No. 2 and No. 3 of the Acts of the 2009 Special Session.

Act No. 55

(S.26)

Crimes; crime victims; profits from crime

This act makes changes to the laws regarding the recovery of profits from crime, the disposition of property upon death, the transfer of an interest in a vehicle upon death, the homestead exemption, unclaimed property, credit card fee disputes, and patient's privilege.

Secs. 1 and 2 of the act comprise a "son of Sam" law which allows the victim of a crime to bring a lawsuit against the perpetrator of the crime to recover any profits that the perpetrator gained by committing the crime.

Sec. 3 codifies the general principle that no person may profit from intentionally killing another person. It gives a court the power to distribute, reform, or otherwise dispose of any profit gained in violation of the principle.

Secs. 4 and 5 restate and make changes to the intestacy laws. Sec. 5 provides for the entire intestate share of a decedent's estate to pass to his or her surviving spouse if there are no surviving descendants of the decedent, or if all of the decedent's surviving descendants are also descendants of the surviving spouse. If there are surviving descendants of the decedent who are not also descendants of the surviving spouse, then the surviving spouse receives one-half of the decedent's estate. It provides for the surviving spouse to receive the decedent's household goods, and allows for the probate court to order a support allowance for the spouse and minor children until the decedent's estate has been settled. In cases where the decedent's estate consists principally of a vehicle, Sec. 5 allows for the automatic transfer of the vehicle to the surviving spouse.

Sec. 5 further provides that if there is no surviving spouse, the decedent's estate passes to his or her descendants by right of representation. If there are no surviving descendants, the act outlines who is entitled to take the decedent's estate.

It also allows a surviving spouse to waive the provisions of the decedent's will and instead elect to take one-half of the decedent's estate.

Sec. 5 also restates the existing law in many areas. For example, the effect of an unlawful killing on a person's right to inherit; the shares to be taken by a child born after the death of the decedent; and the effect of divorce orders on testamentary gifts.

Sec. 6 of the act provides a mechanism for a person to transfer the interest in a vehicle upon his or her death. It allows a person to name a person as the transferee on death (TOD) by indicating the name of the transferee on the vehicle title.

Sec. 7 is a technical correction to reflect a new cross-reference in existing law consistent with Sec. 5 of the act.

Sec. 8 raises the amount of a person's homestead which is exempt from attachment and execution from \$75,000.00 to \$125,000.00.

Sec. 9 applies the principle that a person should not profit from the intentional killing of another to the law of trusts. It terminates a person's interest in a trust if the interest was gained as the result of a killing.

Sec. 10 of the act increases the amount of a deceased owner's unclaimed property that the State treasurer may distribute from \$2,500.00 to \$5,000.00.

Sec. 11 prohibits a credit card company, its creditor, or collection agency from contacting a card holder regarding a debt, late fee, or other charge once the company has been informed that the card holder is disputing the charge and has retained legal counsel in the dispute.

Sec. 12 requires a physician, dentist, chiropractor, mental health professional, or nurse to disclose any privileged information relating to the mental or physical condition of a deceased patient upon request of the chief medical examiner.

Sec. 13 charges the commission on judicial operation with studying the issue of allowing a single person to simultaneously hold the offices of assistant judge and probate judge.

Sec. 14 lists the effective dates of the various sections.

Sec. 15 repeals the sunset of 27 V.S.A. § 1270(b).

Date Signed by the Governor: June 1, 2009

Effective Date: Secs. 1, 2, 3, 4, 5, 7, 10, 14, and 15 take effect upon passage (June 1, 2009, the date on which the governor signed the bill).

Sec. 5 applies only to the estates of persons dying on or after the effective date of Sec. 5. Secs. 6, 8, 9, 11, 12, and 13 take effect on July 1, 2009.

Act No. 56

(S.47)

Conservation; transportation; salvage yards

This act transfers authority over junkyards in the state from the agency of transportation to the agency of natural resources (ANR). The term junkyard would be replaced by the term salvage yard. In place of the junkyard license that the agency of transportation issues, ANR will issue a certificate of registration to salvage yards. ANR is granted rulemaking authority to implement the salvage yard program and shall have the authority to adopt and enforce screening and fencing requirements for salvage yards. ANR is also required to submit to the general assembly in 2010 a proposed program for the regulation and permitting of salvage yards.

The act also amends municipal requirements for the certification of approved locations for salvage yards. The act authorizes municipalities to consider additional factors in the location of salvage yards. New salvage yards are prohibited from locating within 100 feet of the nearest edge of a state or town road or within 100 feet of navigable waters. The act also allows municipalities to include in a certificate of approved location conditions requiring fencing and conditions appropriate to ensure the protection of public health, the environment, or safety or to ensure protection from nuisance conditions. The municipal certificate of approved location also shall include a requirement that a salvage yard existing on July 1, 2009 be set back 100 feet from a state or town road or from a navigable water. However, municipalities may treat existing salvage yards that cannot meet the setback requirement as a nonconformity under municipal bylaw. The act also authorizes municipalities to inspect salvage yards and to recommend that ANR initiate enforcement actions.

Appeals of acts or decisions of ANR or a municipality regarding salvage yard would be to the environmental court. Junkyard licenses issued by the agency of transportation shall remain in effect until expiration of the license. Any rules adopted by the agency of transportation regarding the licensing and operation of junkyards shall remain in effect as if adopted by ANR. Any municipal ordinance addressing or using the term junkyard shall be deemed to refer to salvage yard for purposes of compliance with state law.

In addition, the act repeals a sunset on the requirement that scrap metal processors require identification from a person selling scrap metal. The act also authorizes manufacturers of mercury-added products to certify compliance with the state labeling requirements instead of submitting a plan. The act also deletes the requirement that ANR consult with the public service board prior to adopting water supply rules.

Date Signed by the Governor: June 1, 2009

Effective Date: July 1, 2009

Act No. 57

(S.51)

Vermont's motor vehicle franchise laws

This act:

(1) Inserts legislative findings into 9 V.S.A. chapter 108, acknowledging the inequality of bargaining power between new motor vehicle franchisors and new motor vehicle franchisees in the state, whereby franchisors (manufacturers and distributors) are able to compel franchisees (dealers) to abide by contract provisions that would not be agreeable but for the inequality.

(2) Inserts into statute the definitions of the words board, coerce, franchisee, franchisor, fraud, line-make, and motor home, and amends definitions of several other words.

(3) Compels new motor vehicle manufacturers to compensate their new motor vehicle dealers for labor and parts for warranty repair work in accordance with retail amounts customarily charged for labor and like parts for nonwarranty work. The act establishes a formula for determining the meaning of "retail amounts customarily charged," and provides the manufacturers with the ability to audit warranty claims and incentive and reimbursement programs to ensure fairness to both sides in the auditing process.

(4) Makes it unlawful for a franchisor to own, operate, or control a motor vehicle warranty or service facility in the state except on an emergency or interim basis or in the event that no qualified applicant has applied for appointment as a dealer in a market previously served by a new motor vehicle dealer of that franchisor's line-make.

(5) Transfers jurisdiction over claims arising from the act from the superior court to the transportation board and assesses a biennial fee on franchisors and franchisees to fund the transportation board's work related to this act.

(6) Provides that the transportation board must conduct a hearing regarding the presence of good faith in and good cause for the termination, cancellation, or nonrenewal of a franchise by a franchisor. The act also provides a 90-day protest period for this good cause hearing.

(7) Defines "good cause" for termination, cancellation, or nonrenewal of a franchise by a franchisor and specifically sets forth circumstances that do not constitute good cause.

(8) Provides for no less than 180 days' notice of the termination, cancellation, or nonrenewal of a franchise due to circumstances that are not the fault of or within the control of the franchisee.

(9) Provides that, upon termination, cancellation, or nonrenewal of a franchise, the franchisor shall pay the franchisee for vehicles, parts, special tools and signs, subject to certain limitations, and for the transporting of these items. Further, if the termination, cancellation, or nonrenewal is the result of circumstances not the fault of or within the control of the franchisee, the franchisor shall pay the franchisee the fair market value of the franchise itself, also subject to certain limitations.

(10) Provides that, in instances in which termination, cancellation, or nonrenewal occurs as a result of circumstances not the fault of or within the control of the franchisee, the franchisor is obligated to pay the lease for dealership facilities for the unexpired term of the lease or for three years, whichever is less.

(11) Defines "reasonable facilities requirements" that impact a franchisee's ability to sell more than one line-make of new motor vehicles in the same dealership facility.

(12) Sets forth a protocol for a franchisee to follow in order to sell an additional line-make of new motor vehicles in that franchisee's dealership facility and provides a process by which a franchisor may protest a franchisee's proposal to sell an additional line-make.

(13) Provides that it is a manufacturer violation to unreasonably withhold consent to a change in the executive management of a dealership or to the sale of the dealership or its principal assets to a qualified buyer. Upon being notified of a proposed change or sale, the franchisor may withhold approval by showing that its decision to withhold consent is not arbitrary and is based upon the new manager's or owner's being unfit or unqualified.

(14) Provides that it is a manufacturer violation to engage in any action or failure to act if the action or failure to act is arbitrary, in bad faith, or discriminatory compared to similarly situated new motor vehicle dealers.

(15) Provides that it is a manufacturer violation to require a franchisee to agree to a term or condition of a franchise agreement that, concerning disputes arising from this act, requires the franchisee to waive trial by jury, consent to specific jurisdiction or venue, consent to arbitration or other binding alternative dispute resolution, agree to automatic payment of the franchisor's costs, attorney's fees, and other litigation expenses, or grants the manufacturer the option to purchase the franchise or its appurtenances.

(16) Provides that it is a manufacturer violation to impose unreasonable standards of performance or other unreasonable requirements on a franchisee.

(17) Requires a franchisor to make all models manufactured for its line-make available to all of its franchisees, and prohibits a franchisor for that purpose from requiring any franchisee to pay an additional fee, execute a separate franchise agreement, or make unreasonable facility improvements.

(18) Permits a franchisee or any officer, partner, or stockholder thereof to transfer his or her interest to any other person. If the transfer would have the effect of transferring control over the franchise, the franchisor must be notified and provided an opportunity to object.

(19) Prohibits a franchisor from using a promotional program or device or an incentive, payment or other benefit for the purpose of conferring benefits on certain franchisees. Promotional or incentive programs are permitted, however, if they apply to all competing franchisees across the state who sell the same line-make.

(20) Prohibits a franchisor from varying the vehicle price charged to a franchisee as against other franchisees based on various factors enumerated in 9 V.S.A. § 4097(21).

(21) Provides that it is a manufacturer violation to modify a franchise during the term of the franchise or upon its renewal if the franchisee's rights, obligations, investment, or return on investment would be adversely affected without providing 60 days' written notice. The act permits franchisees to protest proposed modifications, and the burden of establishing good cause lies with the franchisor. The act sets forth the factors prospectively contributing to good cause.

(22) Provides that it is a manufacturer violation to change the relevant market area of a franchisee without good cause.

(23) Provides that a manufacturer seeking to establish a new motor vehicle dealership or relocate an existing franchisee must first notify the transportation board and each potentially affected new motor vehicle dealer of the same line-make. The act requires that good cause exist to establish a new motor vehicle dealership or relocate an existing franchisee, to be determined by the transportation board. The board, when determining good cause, shall consider the impact the action would have on other existing franchisees. The manufacturer shall have the burden of proof in establishing the existence of good cause.

(24) Provides that actions under this act filed in civil court shall be stayed upon the filing of a complaint with the transportation board, as the holder of primary jurisdiction.

(25) Provides that the act applies to all persons who sell new motor vehicles in the state and to all written agreements between new motor vehicle franchisors and franchisees.

(26) Provides that appeals from decisions of the transportation board shall be taken to the superior court, with the exception of board decisions regarding the ability of a franchisee to offer for sale more than one line-make in a single dealership facility, which decisions shall be final.

(27) Sets forth the process by which matters arising from this act are heard by the transportation board.

(28) Establishes a four-year statute of limitations regarding actions arising from this act, with a tolling clause.

(29) Provides for a right of first refusal in favor of a manufacturer in the event of a proposed sale or transfer of all or substantially all dealership assets, subject to limitations.

The act also establishes the protocol for effectuating a sale pursuant to a right of first refusal.

(30) Provides for severability within the terms of the act.

(31) Prohibits members of the transportation board from being employed by or having an ownership interest in a manufacturer, factory branch, distributor, or distributor branch or from being employed by or having an ownership interest in a new motor vehicle dealer or from being employed by an association of motor vehicle dealers, manufacturers, or distributors.

(32) Allocates \$50,000.00 from the transportation fund to the transportation board for the purpose of implementing the provisions of this act.

(33) Orders the transportation board, by January 15, 2011, to report to the senate and house committees on transportation regarding the cost of administering the provisions of this act and, based upon that cost, to make recommendations regarding the amount of funding necessary to administer the act in the future. The act also requires the board to report these items to the senate and house committees on transportation on an ongoing basis, under the customary periodic review of motor vehicle fees.

(34) Orders the transportation board annually to request a line item appropriation for its duties under this act, separate from its other functions. The board shall base its request upon its expenditures for those duties during the prior fiscal year.

Date Signed by the Governor: June 1, 2009

Effective Date: July 1, 2009

Act No. 58
(S.125)

Criminal procedure; sex offenders; sex offender registry

This act contains a significant number of measures intended to enhance the sex offender registry, improve the prosecution of sex offenders, and address a range of other criminal procedure issues.

The act adds to the sex offender registry persons convicted in federal court of certain federal sex offenses, and persons who commit one of the new offenses established in this act or in No. 1 of the Acts of 2009: aggravated sexual assault of a child, sex trafficking, or sexual exploitation of a minor. The act also adds to the registry adults who reside in Vermont who are currently or were required to register as sex offenders in another state before moving here, except that conduct which is criminal only because of the age of the victim does not require the offender to register if he or she was under the age of 18 and the victim was at least 12 years old at the time of the offense.

The act establishes a presumption that every sex offender knows and understands his or her obligations under the registry statute, and provides that a sex offender is deemed to have received the address verification form from the registry if the offender's name appears on the automated list generated by the registry. The act also provides that an affidavit by the registry administrator which describes an offender's failure to comply

with registry provisions is prima facie evidence of the violation.

The act adds to the Internet sex offender registry persons who commit the following offenses: aggravated sexual assault of a child (offense created in Act No. 1); sexual assault; slave trafficking of a minor; sex trafficking (offense created in this act); sexual exploitation of a minor; any offense regarding the sexual exploitation of children; lewd or lascivious conduct with a child or a second or subsequent conviction for voyeurism unless the sex offender review committee determines that the offender has successfully reintegrated into the community; and sexual abuse of a vulnerable adult.

The act adds to the Internet sex offender registry persons convicted in federal court of certain federal sex offenses. The act also adds to the Internet registry adults who reside in Vermont who are currently or were required to register as sex offenders in another state before moving here, except that conduct which is criminal only because of the age of the victim does not require the offender to register if he or she was under the age of 18 and the victim was at least 12 years old at the time of the offense, and except that information shall only be posted electronically if the offense for which the person was required to register in the other jurisdiction was a felony or a misdemeanor punishable by six months or more of imprisonment.

The act requires offenders to submit annually a new photograph for inclusion on the Internet sex offender registry and requires the registry to be searchable by the offender's city and town (currently it is searchable by county only). The act requires the department of corrections to evaluate all sex offenders under department supervision to determine if the offender is high-risk by September 1, 2009, and requires that the Internet registry state whether each offender who appears on it has been designated high-risk by the department. The registry must also indicate if a person has not been subject to a risk assessment, and state that such a person is presumed to be high-risk.

The Internet registry requirements established by the act apply to persons convicted on or after the act's effective date, and to persons convicted prior to the act's effective date who are under department of corrections' supervision. The requirements also apply to persons convicted prior to the act's effective date who are not under department of corrections' supervision if the person is still subject to sex offender registry requirements, unless the sex offender review committee determines that the person has successfully reintegrated into the community. The act establishes a procedure for offenders to petition the committee for such a determination.

Effective July 1, 2010, the act requires the Internet sex offender registry to include each offender's address (currently only the offender's town of residence appears) if: the offender has been designated high-risk by the department of corrections; the offender has not complied with sex offender treatment; there is an outstanding warrant for the offender's arrest; or the offender's name is on the Internet for an offense committed in another jurisdiction which required the person's address to be on the Internet in that jurisdiction. This provision regarding offender addresses does not take effect until the state auditor, in consultation with the department of public safety and the department of information and innovation technology, has provided a favorable performance audit regarding the Internet sex offender registry to the senate and house committees on

judiciary, the house committee on corrections and institutions, and the joint legislative corrections oversight committee.

The act requires the probate court to ask the department of public safety if a person seeking a name change is on the sex offender registry. If the person's name does appear on the registry, the person cannot change his or her name unless the court finds, after permitting the department of public safety to appear, that there is a compelling purpose for doing so.

The act creates two new offenses related to sex trafficking. The first criminalizes any trafficking of minors for purposes of engaging in a commercial sex act, and the second, which applies to minors and adults, criminalizes benefitting from using force, fraud, or coercion to cause a person to engage in a commercial sex act. A commercial sex act is defined as any sex act on account of which anything of value is promised to, given to, or received by any person. The act also provides sex trafficking victims with defenses to prostitution and other criminal charges.

The act creates a new crime to address the increasing frequency "sexting," which occurs when a minor takes a nude or semi-nude photograph of himself or herself and sends it via electronic transmission, usually a cell phone and typically unsolicited, to another minor. The new crime prohibits a minor from knowingly and voluntarily and without threat or coercion using a computer or electronic communication device to transmit an indecent visual depiction of himself or herself to another person, and prohibits any person from possessing such a visual depiction. A violation of the statute by a minor shall mean the minor must be charged as a juvenile proceeding in family court, and the charge does not subject the minor to sex offender registry requirements. Prosecutions may still be brought for other crimes if the facts warrant, including child pornography violations for second or subsequent offenses. The act also directs the sexual violence prevention task force to provide information to schools and other organizations on the risks of sexting.

The act removes the criminal statute of limitations for prosecutions of aggravated sexual assault of a child, and extends the limitations period for other sexual offenses from six to ten years after the date the offense is reported.

The act requires the commissioner of corrections to provide each offender with a copy of his or her sentence calculation, and adds the defender general to the list of recipients of the department's calculation of each defendant's potential shortest and longest lengths of incarceration. A study committee is created to examine sentence computation issues, including alternative methods to address computation that would reduce calculation and computation errors and provide clarity to the offender at the time of sentencing regarding the offender's earliest and latest possible release dates.

The act permits the Vermont Crime Information Center (VCIC) to forward fingerprints taken at the time of a person's arrest to the National Crime Information Center (NCIC) for inclusion in its database. Currently, VCIC may only send fingerprints taken at the time of arrest to NCIC for purposes of identifying the person, and may not send fingerprints for inclusion in the NCIC database until after a person has been arraigned.

The act permits, pursuant to a court order issued ex parte, a state or federal prosecutor to inspect an inmate's file, reports, and records as part of a criminal investigation if the court finds that the records may be relevant to the investigation. Information in the records may be used for any lawful purpose but may not otherwise be made public.

The act establishes an expedited hearing procedure to be used when the department of corrections orders an inmate to be served special management meals (nutrалоaf). In order to overrule the Vermont Supreme Court's decision in *Borden v. Hoffman*, the act provides that the service of special management meals is not to be construed as punishment and is therefore not subject to the procedural requirements that apply when an inmate is punished by the department.

The act requires the department of public safety to report to the senate and house committees on judiciary by December 15, 2009 on the management, staffing, funding, and operation of the sex offender registry, as well as on actions taken to communicate with other agencies regarding information placed on the registry, and on the implementation of the provision in this act regarding inclusion of offender addresses on the Internet sex offender registry.

In order to facilitate regional arraignments, which save transportation costs by permitting a defendant to be arraigned in the district where he or she is arrested rather than the district in which he or she resides, the act permits one county's deputy state's attorney to prosecute cases in other counties if the deputy's oath is filed in the other county clerk's office.

The act requires the joint legislative corrections oversight committee to consider: (1) how to employ strategies that facilitate community reintegration but do not unduly burden the services and budgets of communities with a large number of supervisees; and (2) issues related to the operation of the sex offender Internet registry, including the accuracy of the information it contains. The committee is required to include recommendations on these issues in its annual report to the general assembly.

The act permits a law enforcement agency to retain its own records when a court expunges the records related to a registrable sex offense for which a defendant has completed a deferred sentence. Under current law, such an expungement order generally requires expungement of all records related to the offense.

Date Signed by the Governor: June 1, 2009

Effective Date: July 1, 2009, except for: (1) Sec. 22 (technical correction to hearsay rule for child victim) and Sec. 26 (retention of records expunged upon completion of deferred sentence in registrable sex offense cases), which are effective July 2, 2009; and (2) Sec. 14 (placement of offender addresses on Internet registry), which is effective July 1, 2010, provided that this section does not take effect until the state auditor, in consultation with the department of public safety and the department of information and innovation technology, has provided a favorable performance audit regarding the Internet sex offender registry to the senate and house committees on judiciary, the house committee on corrections and institutions, and the joint legislative corrections oversight committee.

Act No. 59
(S.48)

**Health; prescription drugs; medical devices; biological products; manufacturers;
gifts; disclosure; corrections; generic drugs; substitution**

This act establishes a ban on gifts from manufacturers of prescription drugs, medical devices, and biological products (“prescribed products”) to a health care professional, hospital, nursing home, pharmacist, health benefit plan administrator, or anyone else authorized to dispense or purchase for distribution prescribed products in Vermont (“health care providers”), except for:

- samples of a prescribed product for free distribution to patients;
- the short-term loan of a medical device for evaluation and the provision of medical device demonstration and evaluation units;
- clinical articles, medical journals and other items that serve a genuine educational function for the benefit of patients;
- scholarships for medical students, residents, and fellows to attend major conferences;
- rebates and discounts provided in the normal course of business;
- labels approved by the Food and Drug Administration.

The act modifies Vermont’s existing disclosure law, which only applied to pharmaceutical manufacturers and previously provided for a trade secret exemption. It requires manufacturers to disclose all allowable expenditures and permitted gifts made to health care providers to the attorney general annually on October 1. The following are exempt from the disclosure requirement:

- Royalties and licensing fees.
- Rebates and discounts.
- Samples of prescription drugs.
- Payments for clinical trials, which must be disclosed only after the earlier of the date of the approval or clearance of the prescribed product by the Food and Drug Administration or two calendar years after the date the payment was made. For these clinical trials, the manufacturer must identify to the attorney general the clinical trial, the start date, and the web link to the clinical trial registration on the national clinical trials registry.

The act requires manufacturers to disclose allowable expenses and all gifts made to academic institutions and professional, educational, or patient organizations representing or serving health care providers or consumers to the attorney general annually by October 1. The same exemptions from disclosure noted above apply. There are no restrictions on gifts to these entities. See the chart below for the impact of the gift ban and disclosure requirements on providers, institutions, and organizations.

Description	HC Professionals, Hospitals, Nursing Homes, Pharmacists, and Health Benefit Plan Administrators	Professional/Patient Organizations and Academic Institutions
Allowable Expenditures – Not Banned		
Sponsorship of Conference or Seminars	Disclosed	
Honoraria & Expenses for Faculty at Conference or Seminar	Disclosed	
Gross Compensation for Clinical Trials	Disclosed after a blackout period, except the name, start date, and web link to national registry disclosed immediately	
Gross Compensation for Research Projects	Disclosed	
Royalties & Licensing Fees	Not Disclosed	
Other reasonable fees, payments, subsidies at fair market value	Disclosed	
Gifts		
Payment, entertainment, meals, travel, subscription, etc. for less than fair market value	Banned	Allowed Disclosed
Samples	Allowed Drug samples not disclosed	
Loans of medical devices for evaluation	Allowed Disclosed	
Medical device demonstration or evaluation units	Allowed Disclosed	
Peer-reviewed journals & other items that serve a genuine education function for the benefit of patients	Allowed Disclosed	
Scholarships for medical students, residents, and fellows to attend conferences if independently selected	Allowed Disclosed	
Rebates and discounts	Allowed Not Disclosed	
Labels approved by the FDA	Allowed Disclosed	

The act requires the office of the attorney general to report to the general assembly and the governor annually by April 1 on the disclosures it receives and to make the data used for the report publicly available and searchable through an Internet website. It also requires the office of Vermont health access to examine the data to determine whether

and to what extent prescribing patterns by health care providers of prescribed products reimbursed under state health programs may reflect manufacturer influence, and to report its analysis annually to the general assembly and the governor by October 1. And the act directs the office of the attorney general to institute a \$500.00 fee to be used for the collection and management of disclosed information and appropriates \$40,000.00 from the fund to the office in fiscal year 2010.

The act requires the office of the attorney general, in consultation with the commission on health care reform, to review the advisability of manufacturers of prescribed products disclosing information about free samples given to health care providers and to report to legislative committees by December 15, 2009. It creates a therapeutic equivalent drug work group to recommend a sample list and a process for substitution of generic drugs in the same therapeutic class as prescribed brand-name drugs. The group must provide a report to legislative committees by January 15, 2010. And the act directs the office of Vermont health access, in consultation with the commissioner of corrections, to convene a work group to (1) review a report by the Heinz Family Philanthropies analyzing health care costs in the corrections system; and (2) identify ways to provide health services and prescription drugs using 340B pricing. They must report by July 31, 2009 to the commission on health care reform and the joint legislative corrections oversight committee.

Date Signed by the Governor: June 8, 2009

Effective Date: July 1, 2009, except:

- Pharmaceutical manufacturers must file by November 1, 2009 disclosures based on the law in effect on June 30, 2009 for the time period July 1, 2008 to June 30, 2009.
- Manufacturers of biological products and medical devices must file disclosures by October 1, 2010 for the time period January 1, 2010 to June 30, 2010.
- The section establishing a work group to examine health care costs in corrections takes effect on passage (Passage was June 8, 2009, the date on which the governor signed the bill).

Act No. 60
(H.12)

Taxation; education property tax rate; base education payment amount

Sec. 1(a) of this act sets the base education property tax rate for fiscal year 2010 only at \$1.35 per \$100.00 valuation for nonresidential property and \$0.86 multiplied by the district spending adjustment for the municipality per \$100.00 of equalized homestead property value.

Sec. 1(b) reduces the income sensitivity applicable percentage in 32 V.S.A. § 6066 from 2.0 percent at 1.80 percent. This percentage multiplied by the district spending adjustment for the municipality is used to determine the maximum education property tax for income-sensitized households.

Sec. 2 freezes the base education payment amount for fiscal years 2010 and 2011 at \$8,544.00 per equalized pupil.

Sec. 3 increases the general fund transfer to the education fund by \$1.5 million.

Sec. 4 repeals parts of the 2010 budget bill that (1) set a cap for fiscal year 2010 of \$5,000.00 of fair market value for land enrolled in the current use program and (2) require stakeholders in the current use program to develop a plan to save \$1.5 million in the current use program in fiscal year 2011.

Date Signed by the Governor: June 2, 2009

Effective Date: Upon final enactment of and delivery to the secretary of state of a state budget act for fiscal year 2010. Delivery to the secretary of state of H.441 (Special Session Act No. 1) occurred on June 4, 2009.

Act No. 61
(H.444)

Health; health care reform; health insurance; health information technology; electronic health record; Blueprint for Health; Catamount Health; Vermont health access plan; employer-sponsored insurance assistance; workers' compensation; contract standard; rental network contract; chlamydia; stroke treatment; vaccine; immunization; Healthy Workers Program; agricultural workers; brominated flame retardant; orally administered chemotherapy

This act:

1. Reassigns the Vermont Information Technology Leaders' (VITL) administrative duties for the administration and operation of the statewide health information technology plan to the secretary of administration or designee;
2. Positions Vermont to apply for and receive federal stimulus money to further health information technology in this state, including directing the secretary of administration and others to apply for federal grant opportunities created by the American Recovery and Reinvestment Act of 2009 (ARRA);
3. Expands continuation of group health insurance under the state's VIPER program to align with changes made to COBRA under federal law, including adding dental coverage and creating a special enrollment period;
4. Modifies the calculation, assessment, and payment of the Health Information Technology Reinvestment Fee;
5. Makes several modest changes to Catamount Health, including:
 - a. Reducing from \$10,000.00 to \$7,500.00 for an individual and from \$20,000.00 to \$15,000.00 for a family the threshold for qualifying for the high-deductible exemption from the 12-month waiting period for eligibility;
 - b. Subject to approval of a waiver amendment from the Centers for Medicare and Medicaid Services (CMS), exempting self-employed individuals who lose their business from the 12-month waiting period for eligibility;

- c. Exempting certain individuals who dropped insurance in the nongroup market from the preexisting condition exclusion upon their timely entry into Catamount Health; and
 - d. Subject to CMS approval of a waiver amendment, designating depreciation as an allowable business expense for purposes of income calculation under Catamount Health, the Vermont health access plan, and the employer-sponsored insurance assistance programs;
6. Modifies the focus of the commission on health care reform's evaluation of the cost-effectiveness of Catamount Health and directs the commission also to study the cost-effectiveness of the employer-sponsored insurance assistance program;
 7. Creates a process for health care providers to submit, dispute, and collect payment on bills for medical treatment provided to an injured employee eligible for workers' compensation;
 8. Establishes standards for processing claims for health care services submitted to health plans by health care providers, establishes standards for disclosure of payment methodologies, and prohibits the use of "most favored nation" clauses in health care provider contracts;
 9. Regulates the circumstances and conditions under which a contracting entity can grant access to a provider's health care services and contractual discounts under a provider network contract;
 10. Enables health care providers to treat without examination the partner of a patient diagnosed with chlamydia;
 11. Requests a study recommending ways to implement timely, effective stroke treatment in Vermont;
 12. Establishes a vaccine purchasing pool pilot program through the department of health;
 13. Establishes a pilot Healthy Workers Program to provide health services to agricultural workers statewide, beginning with Addison and Franklin Counties;
 14. Bans the manufacture, sale, and distribution of certain products containing brominated flame retardants; and
 15. Requires health insurers that cover chemotherapy to provide coverage for oral chemotherapy that is at least as financially favorable as the coverage provided for IV or injected chemotherapy under the insured's plan, and directs the department of banking, insurance, securities, and health care administration (BISHCA) to study the impact of the requirement prior to the requirement taking effect.

Date Signed by the Governor: June 2, 2009

Effective Date: July 1, 2009, except:

1. The changes to the calculation, assessment, and payment of the Health Information Technology Reinvestment Fee take effect October 1, 2009;

2. The changes to Catamount Health take effect April 1, 2010;
3. The section directing the agency of human services to adopt rules making depreciation an allowable business expense takes effect July 1, 2009, but the rules do not take effect until the later of approval by CMS or February 1, 2010;
4. Health plans, contracting entities, and payers must comply with certain provisions on timely payment for health care services no later than July 1, 2010;
5. The provisions on edit standards take effect July 1, 2011;
6. The provision on disclosure of payment information takes effect according to a specific schedule detailed in the act;
7. The summary disclosure form required by the fair contract standards section must be included in all contracts entered into or renewed on or after July 1, 2009 and provided for all other existing contracts by July 1, 2014;
8. Contracting entities and covered entities must comply with the rental network contracts provisions by January 1, 2010;
9. The effective dates section, the section making a new subchapter on claims processing and contract standards, and the stroke treatment study take effect on passage (Passage was June 2, 2009, the date on which the governor signed the bill); and
10. The oral chemotherapy insurance coverage requirement takes effect April 1, 2010 and applies to health plans offered, issued, or renewed after that date. All plans must include the coverage by April 1, 2011.

Act No. 62

(H.125)

Agriculture; dairy operations; sale of unpasteurized (raw) milk

This act regulates the sale of unpasteurized (raw) cow, goat, sheep, or other milk for fluid consumption. This act does not apply to milk that will be pasteurized or to raw milk used in manufacturing dairy products other than fluid milk.

Under previous law, the daily sale of up to 50 quarts (12.5 gallons) of unpasteurized milk was permitted without regulation. This act allows daily sales of up to 40 gallons (160 quarts) of raw milk but imposes new regulations. All producers must sell raw milk only from the farm, must meet basic sanitary standards, must properly label milk, must permit customer inspection of the production facilities, and must maintain certain records.

The act divides raw milk production into two tiers. The first tier covers the sale of 12.5 gallons or fewer in a single day. Producers operating under this tier are only required to meet the standards listed in the paragraph above. Farmers intending to sell 12.6 to 40 gallons per day and farmers intending to deliver raw milk must meet the requirements of tier two, which include registration with the agency of agriculture, food and markets, inspection by the agency, bottling standards, and twice monthly milk testing.

Only tier-two producers may deliver milk directly to a customer at the customer's home or to a refrigerated unit at the customer's home. The farmer may only deliver milk that has been purchased in advance of the delivery.

Raw milk producers are not required to obtain a handler's license for the sale of their raw milk.

Date Signed by the Governor: June 8, 2009

Effective Date: July 1, 2009

MUNICIPAL ACTS

Act No. M-1

(H.95)

Municipal government; municipal charters; amendment; city of Burlington

This act approves an amendment to the charter of the city of Burlington that would allow the city council to annually assess a tax not to exceed one cent upon the dollar of the property grand list to assist in meeting the appropriation made for the use of the capital improvement needs of city parks and community gardens.

Date Signed by the Governor: April 20, 2009

Effective Date: On passage (April 20, 2009, the date on which the governor signed the bill)

Act No. M-2

(H.31)

Municipal government; municipal charters; amendment; town of Williston

This act approves amendments to the charter of the town of Williston that: (1) modify the way the zoning administrator position is appointed; and (2) require all certified solid waste facilities to enter into a host town agreement with the town prior to receiving certification or recertification.

Date Signed by the Governor: April 23, 2009

Effective Date: On passage (April 23, 2009, the date on which the governor signed the bill)

Act No. M-3

(H.131)

Municipal government; municipal charters; public safety; fire districts; charters; Cold Brook Fire District

This act codifies the charter of Cold Brook Fire District No. 1 and approves an amendment to the charter that allows the district to impose fees on real property within the district.

Date Signed by the Governor: April 24, 2009

Effective Date: On passage (April 24, 2009, the date on which the governor signed the bill)

Act No. M-4
(H.36)

Education; Enosburg Falls; school district; charter; repeal

This act repeals the charter of the Enosburg Falls Incorporated School District as codified in chapter 9 of Title 16 App. in accordance with the decision of the legal voters at the district's annual meeting on March 18, 2008.

Date Signed by the Governor: April 24, 2009

Effective Date: On passage (April 24, 2009, the date on which the governor signed the bill) and applies retroactively to July 1, 2008

Act No. M-5
(H.160)

**Municipal government; municipal charters;
town of Hartford**

This act approves and codifies the charter of the town of Hartford.

Date Signed by the Governor: April 29, 2009

Effective Date: On passage (April 29, 2009, the date on which the governor signed the bill)

Act No. M-6
(H.69)

**Municipal government; municipal charters; amendment;
city of Rutland**

This act approves amendments to the charter of the city of Rutland relating to the city budget and annual appropriations.

Date Signed by the Governor: May 8, 2009

Effective Date: On passage (May 8, 2009, the date on which the governor signed the bill)

Act No. M-7
(H.430)

**Municipal government; municipal charters; amendment;
town of St. Johnsbury**

This act approves an amendment to the charter of the town of St. Johnsbury.

Date Signed by the Governor: May 8, 2009

Effective Date: On passage (May 8, 2009, the date on which the governor signed the bill)

Act No. M-8
(H.433)

**Municipal government; municipal charters; amendment;
town of Berlin**

This act approves amendments to the charter of the town of Berlin.

Date Signed by the Governor: May 8, 2009

Effective Date: On passage (May 8, 2009, the date on which the governor signed the bill)

Act No. M-9
(H.297)

**Municipal government; water districts; municipal charters;
Morristown Corners Water Corporation**

This act approves the adoption of the charter of the Morristown Corners Water Corporation.

Date Signed by the Governor: May 18, 2009

Effective Date: On passage (May 18, 2009, the date on which the governor signed the bill)

Act No. M-10
(H.448)

**Municipal government; municipal charters; codification; amendment;
village of Swanton**

This act codifies and approves amendments to the charter of the village of Swanton.

Date Signed by the Governor: May 18, 2009

Effective Date: On passage (May 18, 2009, the date on which the governor signed the bill)

Act No. M-11
(H.451)

**Municipal government; municipal charters; amendment;
city of Burlington**

This act approves amendments to the charter of the city of Burlington that: (1) enable the board for registration of voters to add voters to the checklist at the last allowable opportunity as provided by state law; (2) increase from \$750,000.00 to \$2,000,000.00 the annual borrowing authority for school department working capital and capital improvements, additions, and replacements; (3) allow the chief administrative officer to designate an assistant to be the presiding officer for elections; (4) authorize the appointment of a registered nurse to the board of health; and (5) provide that the board of health has the powers provided by the general laws of the state for a local board of health, subject to the orders and ordinances of the city council.

Date Signed by the Governor: May 18, 2009

Effective Date: On passage (May 18, 2009, the date on which the governor signed the bill)

Act No. M-12
(H.443)

**Municipal government; municipal charters; amendment;
city of South Burlington**

This act approves amendments to the charter of the city of South Burlington.

Date Signed by the Governor: May 27, 2009

Effective Date: On passage (May 27, 2009, the date on which the governor signed the bill)

Act No. M-13
(H.452)

**Municipal government; municipal charters; amendment;
village of Essex Junction**

This act approves amendments to the charter of the village of Essex Junction.

Date Signed by the Governor: May 26, 2009

Effective Date: On passage (May 26, 2009, the date on which the governor signed the bill)

VETOED LEGISLATION NOT ENACTED

H.436

Decommissioning funds of nuclear energy generation plants

Sec. 1 of H.436 would amend existing law regarding acquisition of control of one utility company by another to add requirements that pertain to public service board (PSB) approval of the acquisition of a controlling interest in a company that owns and operates a nuclear plant. Specifically, Sec. 1 would require a determination prior to such approval that the plant's decommissioning fund and other funds and guarantees available solely for decommissioning are adequate to pay for complete decommissioning at the time of the acquisition and at all times during future operation of the plant. It would also require a determination that all such funds and guarantees are protected from claims or uses other than application to the complete decommissioning of the plant. For the purpose of the amendment in Sec. 1, "decommissioning" is defined to be the same as set forth in Sec. 2 of the bill.

Sec. 2 of H.436 would add a statute regarding decommissioning trusts for a nuclear plant for the purpose of promoting reclamation of lands on which such a plant is located as soon as technically possible following permanent cessation of use or expiration of authority to operate. Sec. 2 would require that, on and after March 22, 2012, any person or entity owning or controlling a nuclear energy generation plant, whether or not the plant is in operation, must have in place a decommissioning trust that is adequate at all times to fund the full cost of complete decommissioning.

For the purpose of determining the adequacy of a decommissioning trust, Sec. 2 would define "decommissioning" to include decommissioning in accordance with the requirements of the Nuclear Regulatory Commission (NRC), management and storage of spent fuel, and return of the site to a greenfield condition as soon as technically possible following permanent cessation of use or expiration of authority to operate. "As soon as technically possible" would exclude placing the plant in storage for later decommissioning. "Greenfield condition" would mean restoring the site by removing all structures, equipment, and foundations and regrading and reseeded the land.

Sec. 2 also would require a decommissioning trust to be funded by cash or any financial instrument approved by the NRC or the PSB, including a guarantee by a parent corporation, as long as the instrument does not rely on placing the plant in storage for later decommissioning.

In addition, Sec. 2 would require that a decommissioning trust be subject to the laws of Vermont and be usable only by the beneficiary for purposes of decommissioning and include provisions sufficient to protect against voluntary and involuntary transfers of the beneficiary's interest.

Sec. 3 of H.436 would amend an existing statute that requires approval of both the general assembly and the PSB prior to continued operation of a nuclear plant beyond the date currently authorized. Under existing law, prior to general assembly approval, the PSB may commence a proceeding regarding its own issuance of approval for continued operation but may not issue a final order in that proceeding until the general assembly issues its determination. H.436 would amend that provision to prohibit the PSB also from issue a proposed or preliminary order on the merits prior to that general assembly determination.

Sec. 4 of H.436 would have the bill take effect from passage and apply to petitions filed with the PSB on or after January 1, 2008.

Vetoed by the Governor: May 22, 2009

Effective Date: Not Applicable

SPECIAL SESSION ACTS

**Special Session Act No. 1
(H.441)**

Fiscal Year 2010 Omnibus Appropriations Act

This act is the fiscal year 2010 Omnibus Appropriations Act, which provides for the support of government for fiscal year 2010.

The following is a section-by-section summary of the tax provisions of this act:

*** * * Department of Taxes Compliance Personnel * * ***

Sec. H.1: The act appropriates money for the department of taxes to hire additional compliance personnel. For fiscal year 2010, \$535,000.00 is appropriated to hire nine additional employees, and for fiscal year 2011, \$935,000.00 is appropriated to continue the employment of the nine employees hired in fiscal year 2010 and to add six additional compliance personnel in fiscal year 2011. The act provides that the positions be limited-service positions transferred or converted from the vacant position pool, and that the positions be funded for no more than three years. Finally, it recommends that the 2011–2012 legislature appropriate money to the department of taxes to continue funding the 15 cumulative positions created in fiscal years 2010 and 2011 and to provide an additional amount to hire six more compliance personnel.

*** * * Department of Labor Compliance Personnel * * ***

Sec. H.2: The act appropriates money for the department of labor to hire four workers' compensation fraud investigators. For fiscal year 2010, \$308,212.00 is appropriated to hire individuals who will investigate the classification of workers as either employees or contractors and to ensure that businesses classify workers correctly. The act provides that the positions be limited-service positions transferred or converted from the vacant position pool and that the positions be funded for no more than three years.

*** * * Tax Amnesty Program * * ***

Sec. H.3: The act directs the commissioner of taxes to create a six-week tax amnesty program to end by October 2, 2009. During the amnesty period, the commissioner may waive penalties that are generally assessed against a delinquent taxpayer without the taxpayer having to show reasonable cause or the absence of willful neglect, as long as the delinquent taxpayer files proper returns for and pays overdue tax obligations. This section also requires that the commissioner report to the legislature in December 2009 with details of the amnesty program.

Sec. H.4: The act appropriates \$132,000.00 for the department of taxes for the purpose of marketing and implementing the tax amnesty program provided for in Sec. H.3.

*** * * Surplus State Property * * ***

Sec. H.5: The act directs all state departments and agencies to comply with 29 V.S.A.

§ 1556 by transferring surplus personal property to the commissioner of buildings and general services. It also authorizes the commissioner to sell unused personal property and directs that the net proceeds be deposited into the general fund.

* * * Transition to a Department of Revenue * * *

Sec. H.6: The act requires that the department of taxes be converted into a department of revenue by June 30, 2012. It creates a committee to review and approve the tax commissioner's plan of transition and requires that committee to report to the general assembly by February 15 of each of the next three years on the progress of the transition. The act provides criteria that the commissioner and the committee will use in evaluating the proper agency to be responsible for the state's various revenue sources.

Sec. H.7: The act directs the legislative council to undertake necessary and appropriate statutory revisions with respect to the transition from a department of taxes to a department of revenue, as provided for in Sec. H.6. For example, references to the "department of taxes" in Vermont statutes will, as appropriate, be revised to "department of revenue."

* * * Education Property Tax Base Rates * * *

Sec. H.8: The act sets the fiscal year 2010 base education property tax rates at \$1.35 per \$100.00 valuation for nonresidential property and \$0.86 multiplied by the district spending adjustment for the municipality per \$100.00 of equalized homestead property value. It also reduces the income sensitivity-applicable percentage in 32 V.S.A. § 6066 from 2.0 percent to 1.80 percent. This percentage multiplied by the district spending adjustment for the municipality is used to determine the maximum education property tax for income-sensitized households.

* * * Base Education Payment Amount * * *

Sec. H.9: The act sets the per-pupil base education payment amount from the statutorily mandated \$8,544.00 to \$8,485.00 for fiscal year 2010 only.

* * * Property Transfer Tax Electronic Filing System * * *

Sec. H.10: The act requires the department of taxes to develop an implementation plan for electronic filing of property transfer tax returns and electronic paying of property transfer taxes. It requires the department to report to the joint fiscal committee by August 1, 2009 on its implementation plan.

* * * VHFA Moral Obligation Bonding * * *

Secs. H.11–H.15: The act allows the Vermont Housing Finance Authority (VHFA) to use the moral obligation of the state in providing collateral for certain types of bonds. "Moral obligation" is a term of art in the finance world. The moral obligation of the state can only be created through specific legislation, and it is not a legally binding obligation. Instead, it is a statutory provision that permits a bond issuer to request an appropriation from the general assembly for certain limited purposes such as to replenish an account held by the issuer for the benefit of the bond owners and bond guarantors. The general assembly may choose to make the appropriation or may choose not to make the appropriation. By leveraging the state's favorable bond rating, providing moral

obligation backing can be expected to improve VHFA's ability to access the capital markets and allow VHFA to borrow money at more favorable rates than would otherwise be available. Other state instrumentalities that receive moral obligation support include the Vermont Municipal Bond Bank, the Vermont Student Assistance Corporation, the Vermont Economic Development Authority, the Vermont Telecommunications Authority, the University of Vermont, and the Vermont State Colleges.

* * * Tax Expenditure Reporting * * *

Secs. H.16–H.17: The act amends sections 306 and 307 of Title 32 to require that the governor's budget proposal include a separate tax expenditure budget that will go to the senate committee on finance and the house committee on ways and means for recommendation to the senate and house's respective committees on appropriations.

* * * State-Sponsored Affinity Card Program * * *

Sec. H.18: The act authorizes the state treasurer to partner with a financial institution to develop and implement a Vermont affinity credit card program. The treasurer will consult with other state agencies to designate public purpose projects to which cardholders will be able to designate the state's portion of proceeds from the affinity card. The projects will be limited to sustainable agricultural programs, renewable energy programs, and state parks and forest land programs.

* * * Government Licenses and Employment * * *

Sec. H.19: The act prohibits the state from hiring anyone who has not certified that he or she is in good standing with respect to all state taxes. It also requires that Social Security or tax identification numbers be provided on lists used to match payments due from the state to vendors against delinquent tax liabilities.

* * * Unclaimed Property * * *

Sec. H.20: The act provides for setoff of tax delinquencies against unclaimed property reported to the state treasurer.

* * * Mapping Program * * *

Sec. H.21: The act provides for the transition of the responsibility for creating and distributing orthophotographic maps from the department of taxes' property valuation and review ("PV&R") division to the nonprofit Vermont Center for Geographic Information ("VCGI") under a memorandum of understanding. Current law requires PV&R to prepare and provide orthophotographic maps to each municipality. Under this change, VCGI will undertake this responsibility.

* * * Property Tax Appeals in Unorganized Towns and Gores * * *

Sec. H.22: The act provides that the supervisor of an unorganized town or gore ("UTG") assemble a board of no fewer than three and no more than six members to act as a board of civil authority for purposes of property tax appeals. The members shall be the supervisor and one member from each of at least three and not more than five of the UTG's adjoining municipalities' boards of civil authority, appointed by the respective adjoining municipality's board.

* * * Education Property Tax Information Insert * * *

Sec. H.23: The act repeals the requirement that the commissioner provide in each homestead property tax bill the document “About Your 20XX Taxes ‘The more you spend the more you pay’.”

* * * Unsigned Declaration of Homestead * * *

Sec. H.24: The act allows the commissioner to deem an unsigned declaration of homestead that is filed with a state income tax return as signed.

* * * Unrelated Business Income of Nonprofits * * *

Sec. H.25: The act provides for the taxation of income from business of nonprofits that is unrelated to the mission of the nonprofit by amending the definition of corporation and imposing income tax on unrelated business income and income from debt-financed property, if such income is subject to federal income tax. This change will take effect for taxable years beginning on or after January 1, 2010 and will make Vermont’s tax law conform with federal tax law regarding the taxation of unrelated business income of nonprofits.

* * * Update Links to Federal Tax Law * * *

Sec. H.26: The act updates Vermont’s links to the Internal Revenue Code for purposes of computing taxable income. This is done annually.

* * * Collection of Delinquent Taxes – Trustee Process * * *

Sec. H.27: The act allows the attorney general to simultaneously file an action for delinquent taxes and move for trustee process. Under current law (in Title 12), trustee process motion must be brought at a later date.

* * * Repeal of Underutilized Tax Expenditures * * *

Sec. H.28: Based upon the Tax Expenditure Report, the following underutilized credits are repealed:

- eligible venture capital investment; and
- exemption of fallout shelters from the property tax.

* * * Property Tax Adjustments * * *

Sec. H.29: The act changes the date after which the department of taxes will handle refund claims from December 31 to September 15.

* * * Homestead Declaration Clarification * * *

Sec. H.30: The act requires the commissioner of taxes to clarify in tax forms that (1) a homestead declaration must be filed annually, (2) a homestead declaration must be filed regardless of whether the taxpayer is applying for an income sensitivity adjustment, and (3) a homestead declaration must be timely filed even though a taxpayer is granted an extension of time to file a tax return.

* * * Estate Taxes * * *

Secs. H.31–H.35: Effective January 1, 2009, the act fixes the Vermont estate tax

exclusion amount at \$2 million (federal exemption increased to \$3.5 million on January 1, 2009); requires estates to file a state return even if there is no federal estate tax return required; requires that an estate file a *pro forma* federal return to the state if the estate would not have to file a federal return because of the higher federal exemption; amends language prescribing when estate tax returns are due; and adopts federal estate tax law, which is done annually, excepting the estate tax tables and the deduction amounts.

* * * Cigarette and Tobacco Taxes * * *

Sec. H.36: The act amends the definition of “snuff” to exclude certain new smokeless tobacco products. It also amends the definition of “tobacco products” to include all tobacco products except cigarettes, little cigars, roll-your-own tobacco, snuff, and new smokeless tobacco. The act adds a definition of “new smokeless tobacco” to include newly developed or developing products that are derived from tobacco and are not meant to be smoked. It also provides for a distinction between new smokeless tobacco and traditional snuff.

Sec. H.37: The act increases the per-cigarette tax from 99 mills to 112 (\$0.25 per-pack increase). Note that a prior statutory increase that became effective July 1, 2008 (increase from 89.5 mills to 99 mills) was not reflected in 32 V.S.A. § 7771(c) (see subsection 40(b) of No. 191 of the 2005 Adj. Sess. (2006)).

Sec. H.38: The act increases the tobacco products tax from 41 percent of wholesale price to 92 percent and sets the tax rate for snuff and new smokeless tobacco at \$1.66 per ounce. The rate for new smokeless tobacco will be \$1.66 per ounce or, if sold in units weighing less than one ounce, at \$1.99 per unit.

Sec. H.39: The act imposes a floor stock tax on cigarettes held by a retailer prior to the effective date of the rate change in Sec. H.37.

* * * Sales and Use Tax on Digital Downloads * * *

Sec. H.40: The act adds new definitions to the sales and use tax chapter for the terms “transferred electronically,” “specified digital products,” “digital audio-visual works,” “digital audio works,” “digital books,” “ringtones,” and “end user.” These definitions are taken from the Streamlined Sales Tax Project and comport with the Streamlined Sales Tax Agreement, to which Vermont is a signatory.

Sec. H.41: The act amends the imposition of the sales tax to include the purchase of those items defined in Sec. H.40.

Sec. H.42: The act makes a technical correction to the “breakage/retainage” rules imposed prior to Vermont’s entering into the Streamlined Sales Tax Agreement.

Sec. H.43: The act amends the compensating use tax provision to include the use of those items defined in Sec. H.40 (when such items are purchased outside the state and therefore not subject to the sales tax).

* * * Sales Tax on Spirituous Liquor * * *

Sec. H.44: The act amends the sales tax exemptions section to allow sales tax on

spirituous liquor in state-controlled liquor retailers.

* * * Returns Upon Business Closing * * *

Sec. H.45: The act requires any collector of sales tax who files annually to file a final return within 60 days of canceling a sales tax account.

* * * Land Gains Tax * * *

Sec. H.46: The act makes a technical correction to chapter 236 of Title 32 (land gains tax) to provide for assessment of interest and penalties under chapter 103 of Title 32.

* * Capital Gains Exemption and Limitation of
Deduction for State Income Taxes Paid * * *

Sec. H.47: The act provides that only the first \$5,000.00 of deductions to federal gross income for state and local taxes paid in Vermont or another state may flow through when calculating Vermont taxable income. Thus, amounts over \$5,000.00 will be added back in. The act also changes the exemption from taxable income of capital gains from 40 percent of gains to a flat \$5,000.00. Both changes are effective for tax years beginning on or after January 1, 2009.

Note: Sec. H.47 was further amended by No. 2 of the Acts of the 2009 Special Session. Please see the summary of that act for additional information.

* * * Exclusion of Deduction for Sales and Use Tax on Purchase of New Vehicle * * *

Sec. H.47b: The act disallows the one-time deduction from federal gross income on sales and use tax paid on the purchase of a qualifying new vehicle. This provision prevents a taxpayer from including the deduction when calculating Vermont taxable income.

* * * Lower Income Tax Marginal Rates * * *

Sec. H.48: The act lowers state income tax rates as follows: 3.55%, 6.80%, 7.80%, 8.80%, and 8.95%.

Note: State income tax rates were further amended by No. 2 of the Acts of the 2009 Special Session. Please see the summary of that act for additional information.

Sec. H.48a: The act directs the legislative council to codify the rate reductions in Sec. H.48.

* * * Health Care Reform Property Tax Exemption * * *

Sec. H.49: The act provides for exemption from education property taxes of certain recreational health centers in Springfield and in Derby.

* * * Digital Business Entities * * *

Sec. H.50: The act describes the legislative intent to develop a niche market for digital business entities in Vermont.

Sec. H.51: The act defines a new type of entity to be called “digital business entities,” which may choose different tax treatment under Vermont’s business tax laws.

Sec. H.52: The act provides for digital business entities to elect to pay a franchise tax in lieu of the Vermont corporate tax.

Sec. H.53: The act sets forth the formulas by which a digital business entity will calculate its alternative tax as either a percentage of value of the entity's tangible and intangible assets or a sum based on the number of shares of authorized capital stock of the entity. In no case will the electing entity's annual tax be less than \$250.00 or more than \$500,000.00.

Sec. H.54: The act provides for a qualifying corporation to elect to be taxed as a digital business entity.

Sec. H.55: The act requires the commissioner of taxes to provide the general assembly with information on the digital business entity tax each January beginning in 2011.

* * * Blue Ribbon Tax Structure Study Commission * * *

Sec. H.56: The act provides for a tax study commission to review the state's revenue system. The commission will be composed of three to five members selected as follows: The governor, the speaker of the house, and the president pro tempore of the senate shall each appoint one member, and those three members may, in their discretion, appoint up to two other members.

* * * Education Financing Study * * *

Sec. H.57: The act provides for the creation of a committee to examine potential improvements to the structure and funding of the Vermont educational system. The committee will be composed of the following 15 members: the chairs or their designees of the house committees on education, on appropriations, and on ways and means, and one additional representative appointed by the speaker of the house; the chairs or their designees of the senate committees on education, on appropriations, and on finance, and one additional senator appointed by the senate committee on committees; the commissioner of education or designee; six members from constituencies such as the business community, superintendents, school boards, teachers, parents, and community members selected as follows: two by the governor, two by the speaker of the house, and two by the senate committee on committees.

* * * Effective Dates * * *

Sec. H.58: This section sets forth the various effective dates of the tax provisions of this act.

Vetoed by the Governor: June 1, 2009

Veto overridden by vote of the General Assembly: June 2, 2009

Effective Date: July 1, 2009, though some provisions have other effective dates.

Special Session Act No. 2
(H.442)

Miscellaneous provisions

This act made miscellaneous amendments including the following:

- Secs. 1–3 Unemployment insurance;
- Secs. 4–6 Clean Energy Development Fund;
- Secs. 7–8 Vermont Telecom special fund authority;
- Sec. 9 Tobacco Review Board funding;
- Secs. 10–11 Executive branch plan for reductions in force;
- Secs. 12–13 State employee retirement incentive;
- Sec. 14 Funding for infrastructure for broadband or cellular services;
- Sec. 15 [deleted];

* * * Capital Gains Provisions * * *

Secs. 16a–19: The act further amends the definition of taxable income in 32 V.S.A. § 5811(21) from the amendments made in No. 1 of the Acts of the 2009 Special Session (H.441). The further amendment provides that the effective date for the changes to the adjusted net capital gain income provision shall be July 1, 2009 instead of January 1, 2009. A transition rule is created so that capital gains will be treated differently between the first half of the year and the second half of the year: Adjusted net capital gains earned or received after December 31, 2008 but before July 1, 2009 will be subject to the 40 percent exclusion, and adjusted net capital gains earned or received on or after July 1, 2009 but before January 1, 2010 will be subject to the maximum exclusion amount of \$1,250.00. Note that this amount is amended to be \$2,500.00 in Sec. 22b of Act No. 3 of the 2009 Special Session.

The adjusted net capital gains rules are further amended to provide that adjusted net capital gains from the disposition of real and personal property owned by a farmer and used in the business of farming will continue to be subject to the 40 percent exclusion, as will adjusted net capital gains from the disposition of standing timber. Sec. 17 of the act defines these terms with reference to state and federal laws.

Additionally, the adjusted net capital gains provisions have a further transition rule to allow individuals who are 70 years of age or older at the end of the taxable period to elect either the 40 percent exclusion or the dollar amount exclusion for adjusted net capital gains earned or received on or after July 1, 2009 but before January 1, 2011.

During the period from July 1, 2009 to December 31, 2009, the maximum dollar amount exclusion is \$1,250.00 (amended to \$2,500.00 by Act No. 3 of the 2009 Special Session), and from January 1, 2010 to December 31, 2010, the maximum dollar amount exclusion is \$2,500.00.

Adjusted net capital gains earned or received on or after January 1, 2011 will be subject to a \$5,000.00 maximum dollar amount exclusion unless the gains are from the

disposition of real or personal farm property or the disposition of standing timber, in which case the gains will continue to be subject to the 40 percent exclusion.

* * * Income Tax Rate Reductions * * *

Sec. 20: The act reduces the marginal income tax rates as follows for taxable year 2009 only: 3.55%, 7.00%, 8.25%, 8.90% and 9.40%.

The act further reduces the marginal income tax rates for taxable year 2010 and after as follows: 3.55%, 6.80%, 7.80%, 8.80% and 8.95%.

Sec. 21: The act directs the legislative council to codify the marginal income tax rates enacted in Sec. 20.

* * * Research and Development Income Tax Credit * * *

Secs. 22–23: The act provides that taxpayers may take a credit against taxes equal to 30 percent of the amount of the federal credit allowed for eligible research and development expenditures made within the state and allows a taxpayer to carry forward any unused credit for up to 10 years. The act provides that the research and development credit shall be available for eligible expenditures made on or after January 1, 2011. Eligible research and development expenditures are defined by reference to the federal law, 26 U.S.C. § 41(a).

* * * Sales and Use Tax Holidays * * *

Sec. 24: The act provides for two sales tax holidays during which the sales to individuals for personal use of tangible personal property with a sales price of \$2,000.00 or less will be exempt from the sales and use and local option sales taxes usually imposed. The sales tax holidays will take place on August 22, 2009 and March 6, 2010. The act also provides for the state to reimburse municipalities a total of \$100,000.00 of foregone local option sales taxes as a result of the sales tax holidays and to reimburse a total of \$10,000.00 to businesses for the cost of reprogramming cash registers.

Sec. 25 Funding of next generation scholarships;

Sec. 26 Funding of buildings and general services department information centers;

Sec. 27 Allocation priorities for FY09 revenue “waterfall”;

Sec. 28 Effective date: On passage.

Date Signed by Governor: June 9, 2009

Effective Date: On passage (June 9, 2009, the date on which the governor signed the bill).

Special Session Act No. 3
(Special Session S.1)

Technical amendments

This act makes various technical amendments to statutes and to other legislation from the 2009 session, as follows:

Secs. 1–5. Eliminates the amendments to condemnation proceedings initiated by the

agency of transportation which were enacted by H.313 (No. 54 of the Acts of 2009) and thus reverts to existing (i.e., pre-H.313) law.

Sec. 6. Specifies the legislative committees that are to receive the microbusiness report requested pursuant to H.313 (No. 54 of the Acts of 2009).

Sec. 7. Repeals Sec. 96 of H.313 (No. 54 of the Acts of 2009), which created authority for the state treasurer to issue clean renewable energy bonds, a type of bond authorized under the federal American Recovery and Reinvestment Act of 2009 (ARRA).

Sec. 8. Requires that, in developing recommendations to the governor for FY 2011, the capital debt affordability advisory committee is to consult with certain entities and make recommendations regarding the applicability of ARRA bond provisions, including any necessary statutory revisions. Also requires that, prior to issuing general obligation bonds for FY 2010, the state treasurer is to consult with certain entities and consider using the various bond provisions of ARRA.

Sec. 9. Specifies that \$350,000.00 shall be “appropriated” rather than “transferred” from the general fund for Sterling College, provided no ARRA monies are available to the college.

Sec. 10. Specifies that the town of Milton shall have “ten years after the creation of the district to begin incurring debt.”

Sec. 11. Repeals various provisions of H.313 (No. 54 of the Acts of 2009), including sections that were duplicative with other enacted laws.

Sec. 11a. Repeals 19 V.S.A. § 1607, enacted under H.313 (No. 54 of the Acts of 2009), which provided for federal reimbursement for certain utility relocations.

Sec. 11b. Specifies how the department of labor is to spend appropriations from the next generation initiative fund.

Sec. 12. Specifies provisions of H.313 (No. 54 of the Acts of 2009) that supersede other, potentially conflicting provisions of law enacted during the 2009 legislative session.

Sec. 13. Provides that the directors of the clean energy development board must recuse themselves under certain circumstances. Makes other technical corrections and clarifications regarding the clean energy development fund.

Sec. 14. Regarding the clean energy development fund, repeals duplicate sections and clarifies which other sections control.

Sec. 15. Amends the effective date provision of H.313 (No. 54 of the Acts of 2009) to remove language that is duplicative of H.446 (No. 45 of the Acts of 2009).

Sec. 16. Directs the agency of human services to obtain approval from the joint fiscal committee, instead of the general assembly, before filing documents related to the renewal of Vermont’s Federal Global Commitment to Health Medicaid waiver. The health access oversight committee will make a recommendation to the joint fiscal committee. The process applies only to the waiver renewal process for the waiver expiring at the end of federal fiscal year 2010.

Sec. 17. Corrects technical error.

Sec. 18. Provides that heating oil, kerosene, and other dyed diesel fuel not used to propel a motor vehicle are subject to the fuel gross receipts tax under 33 V.S.A. § 2503.

Sec. 19. Corrects a drafting error in 10 V.S.A. § 1922(15) by striking irrelevant language.

Secs. 20, 21. Corrects several technical errors and repeals several duplicate provisions which were enacted in other bills.

Sec. 22. Corrects technical errors and makes clarifications to a provision on funding changes for the Catamount Health assistance program.

Sec. 22a. Provides a sale price for transfer to the town of Ludlow of an armory building on former state land.

Sec. 22b. Amends the 2009 transition-year rule for the capital gain exclusion amount allowed for the period July 1–December 31, 2009. The corrected amount is \$2,500.00.

Sec. 22c. Repeals contradictory language in a statute governing fees for filing documents in a town clerk's office.

Sec. 23. Effective dates.

Date Signed by the Governor: June 10, 2009

Effective Date: Most sections take effect on passage (Passage was June 10, 2009, the date on which the governor signed the bill).

JOINT RESOLUTIONS

Relating to weekend adjournment. No. R-5 (J.R.S.6), No. R-7 (J.R.S.8), No. R-12 (J.R.S.9), No. R-29 (J.R.S.10), No. R-38 (J.R.S.13), No. R-60 (J.R.S.16), No. R-77 (J.R.S.19), No. R-98 (J.R.S.23), No. R-115 (J.R.S.25), No. R-117 (J.R.S.27), No. R-134 (J.R.H.20), No. R-164 (J.R.S.29), No. R-165 (J.R.S.30), No. R-170 (J.R.S.33)

No. R-1
(J.R.S.1)

Relating to joint rules.

No. R-2
(J.R.S.2)

To provide for a joint assembly to receive the report of the committee appointed to canvass votes for state officers.

No. R-3
(J.R.S.3)

To provide for a joint assembly to hear the inaugural message of the governor.

No. R-4
(J.R.S.4)

Relating to town meeting adjournment.

No. R-6
(J.R.S.5)

To provide for a joint assembly to hear the budget message of the governor.

No. R-8
(J.R.S.7)

Providing for release of payments to towns for highway aid.

No. R-9
(S.C.R.1)

Congratulating the Aldrich Public Library on its centennial anniversary.

No. R-10
(S.C.R.2)

Congratulating *The Bridge* newspaper on its 15th anniversary.

No. R-11
(S.C.R.3)

Commemorating the centennial anniversary of the appointment of Vermont's first state forester and the establishment of the first state forest.

No. R-13
(S.C.R.4)

Congratulating the Vermont State Symphony Orchestra on its 75th anniversary.

No. R-14
(S.C.R.5)

Honoring the Vermont Detachment of the Sons of the American Legion and welcoming Thomas Cisna, its 41 National Commander, to Vermont.

No. R-15
(S.C.R.6)

Honoring Court Administrator and Vermont Supreme Court Clerk Lee Suskin.

No. R-16
(J.R.H.1)

Relating to the construction of a proposed U.S. Border Patrol Station near the Beecher Falls Port of Entry.

No. R-17
(H.C.R.1)

In memory of Representative James Hutchinson of Randolph.

No. R-18
(H.C.R.2)

Congratulating Sean Ross of Milton High School on winning the 2008 Division II individual cross-country championship.

No. R-19
(H.C.R.3)

Congratulating the 2008 Milton High School Yellowjackets Division II championship girls' soccer team.

No. R-20
(H.C.R.5)

Congratulating the 2008 U-32 Raiders Division II championship boys' soccer team.

No. R-21
(H.C.R.7)

Congratulating the Lost Nation Theater of Montpelier on its designation as one of the best regional theaters in America.

No. R-22
(H.C.R.9)

Congratulating the Weston Craft Show on its 25th anniversary.

No. R-23
(H.C.R.13)

Honoring the legislative council service of Samuel H. Burr.

No. R-24
(H.C.R.14)

Honoring the legislative council service of Charles Alan Boright.

No. R-25
(H.C.R.15)

Congratulating the Leland & Gray Union High School Rebels 2008 Division III championship baseball team.

No. R-26
(H.C.R.16)

In memory of former Representative Michael Flaherty of South Burlington.

No. R-27
(H.C.R.28)

Congratulating Brittany Kelemen of Jonesville on being crowned Miss Vermont Teen USA 2009.

No. R-28
(H.C.R.29)

Recognizing the importance of nurse anesthetists in Vermont's health care system.

No. R-30
(S.C.R.7)

Celebrating the 75th anniversary of the Vermont Farm Show.

No. R-31
(S.C.R.8)

Recognizing the greater weather fortitude of the Vermont General Assembly in comparison to the New Hampshire General Court.

No. R-32
(H.C.R.6)

Congratulating the Spaulding Union High School Crimson Tide 2008 Division II championship football team.

No. R-33
(H.C.R.17)

Congratulating Jocelyn Pond on her receipt of the William E. Mikell Spirit of Youth Award.

No. R-34
(H.C.R.18)

Congratulating the Bellows Falls All-Stars baseball team on winning the 2008 Cal Ripken Division state championship.

No. R-35
(H.C.R.19)

Congratulating the Rockingham Free Public Library on the 100th anniversary of its residency in its Carnegie Building home.

No. R-36
(J.R.S.11)

Providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College.

No. R-37
(J.R.S.12)

Establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the general assembly in 2009.

No. R-39
(H.C.R.8)

Congratulating the 2008 Springfield High School Cosmos Division III championship football team.

No. R-40
(H.C.R.10)

Honoring Terry and Linda Pecor of Huntington on the 30th anniversary of their proprietorship of Beaudry's Store.

No. R-41
(H.C.R.11)

Congratulating the Huntington Public Library on the dedication of its new home in the historic Huntington Union Meeting House.

No. R-42
(H.C.R.12)

Congratulating CarShare Vermont on launching its car-sharing service.

No. R-43
(H.C.R.20)

Congratulating Dr. Timothy Johnson on a quarter century of optometry practice in Bellows Falls.

No. R-44
(H.C.R.21)

Celebrating the 200-year history of the Muzzy-Allen-Monroe family in the town of Jamaica and its 160-year proprietorship of the J.A. Muzzy Company.

No. R-45
(H.C.R.22)

Recognizing the celebration in the town of Rochester of the Asian Lunar Year 4707.

No. R-46
(H.C.R.23)

Honoring Charles V. Fantoni of Barre Town for his state and community public service.

No. R-47
(H.C.R.24)

Congratulating the Proctorsville Volunteer Fire Department on its 175th anniversary.

No. R-48
(H.C.R.25)

Honoring the Brattleboro Union High School marching band on its participation in the 2009 presidential inaugural parade in Washington, D.C.

No. R-49
(H.C.R.26)

Congratulating the 2008 Harwood Union High School Highlanders Division II championship boys' cross-country team.

No. R-50
(H.C.R.27)

Congratulating the Harwood Union High School Highlanders 2008 Division II championship field hockey team.

No. R-51
(H.C.R.30)

Honoring the judicial career of Bennington Probate Judge Doris S. Buchanan.

No. R-52
(H.C.R.34)

Congratulating the 2008 Williston All Stars state championship Little League Baseball team.

No. R-53
(J.R.H.4)

Relating to the Canine Good Citizenship program.

No. R-54
(J.R.H.5)

Supporting the candidacy of Linda M. Perham to serve as national commander of the American Legion.

No. R-55
(H.C.R.31)

Recognizing the work of the National Alliance of Mental Illness.

No. R-56
(H.C.R.32)

Commending the leadership of Central Vermont Public Service and the support of other electric companies and state offices in restoring electric power in southern Vermont following the December 2008 ice storm.

No. R-57
(H.C.R.35)

Congratulating the Fraternal Order of Eagles' Bennington Aerie #1861 on its centennial anniversary.

No. R-58
(H.C.R.33)

In memory of Mary Jane Shriver of Barre Town.

No. R-59
(J.R.S.15)

Relating to March recess.

No. R-61
(J.R.H.8)

Designating October 17, 2009 as Vermont pumpkin carving day.

No. R-62
(H.C.R.36)

Honoring Maurice Stephens Winn as Vermont's oldest working land surveyor.

No. R-63
(H.C.R.39)

Congratulating Eliza Masure of Bellows Falls for organizing a Walk for Warmth Sunday.

No. R-64
(H.C.R.40)

Congratulating the Peace & Justice Center in Burlington on its 30th anniversary.

No. R-65
(H.C.R.42)

Celebrating the diamond anniversary of alpine skiing in Vermont and the 2009 Woodstock Winter Fest.

No. R-66
(H.C.R.43)

Congratulates Outright Vermont on its 20th anniversary.

No. R-67
(H.C.R.44)

In memory of Capitol Police Chief David Alan Janawicz.

No. R-68
(H.C.R.45)

Congratulating Robert Matteson of Bennington on his extraordinary accomplishments as a masters runner.

No. R-69
(H.C.R.46)

Honoring the exemplary public service of retired Department of Fish and Wildlife Director of Law Enforcement Robert J. Rooks.

No. R-70
(H.C.R.47)

In memory of the American military personnel who have died in the service of their nation in Iraq from March 26, 2008 to January 20, 2009.

No. R-71
(H.C.R.48)

Commending the work of the Vermont 2-1-1 telephone support system.

No. R-72
(H.C.R.49)

Congratulating the Republic of Kosovo on the first anniversary of its independence and the Vermont National Guard troops who have served in Kosovo since 1999.

No. R-73
(H.C.R.50)

Congratulating the Green Mountain Council Boy Scout Eagle Class of 2008.

No. R-74
(H.C.R.52)

Honoring Mark Tucci and Silent Heat.

No. R-75
(H.C.R.53)

Honoring Katherine (Kitty) Langlois for her work at the People's Health & Wellness Clinic in Barre City and in the civic affairs of the town of Berlin.

No. R-76
(J.R.S.14)

Concerning the protection of The Wilderness Civil War battlefield, an historic site important to the State of Vermont, the Commonwealth of Virginia, and all the United States of America. .

No. R-78
(J.R.S.20)

Providing for a State of the Judiciary message.

No. R-79
(S.C.R.9)

Congratulating Energizer in Bennington on the development of the world's first mercury-free hearing aid battery and on the company's receipt of a Governor's Commission on Healthy Aging award.

No. R-80
(S.C.R.10)

Congratulating 1st Lt. Kurt Hunt of Coventry on his designation as a member of the 2009 All Army soccer team.

No. R-81
(S.C.R.11)

Honoring retired Caledonia State's Attorney Robert Butterfield for his outstanding public service.

No. R-82
(H.C.R.4)

Congratulating Essex High School Coach William O'Neil on his 1,000th career victory.

No. R-83
(H.C.R.37)

In memory of Fletcher Brush of Salisbury.

No. R-84
(H.C.R.38)

Congratulating the Hartford High School Hurricanes 2008 Division I championship football team.

No. R-85
(H.C.R.54)

In memory of David M. Turner of Irasburg.

No. R-86
(H.C.R.55)

Honoring Charlotte Neer Annis.

No. R-87
(H.C.R.56)

In memory of retired Vermont Air National Guard Lt. Col. David L. Bombard of Burlington.

No. R-88
(H.C.R.57)

Honoring Springfield High School field hockey coach Joy Benson.

No. R-89
(H.C.R.58)

Congratulating Bob Obdrzalek of Springfield on his designation as USA Boxing New England's Vermont Coach of the Year.

No. R-90
(H.C.R.59)

Honoring Jane McLuckie Lendway for 33 years of outstanding service to the state of Vermont.

No. R-91
(H.C.R.60)

Congratulating Diana Leddy on being named the 2009 Vermont Teacher of the Year.

No. R-92
(H.C.R.61)

Welcoming home from military service in Iraq U.S. Army Reserve Specialist First Class Sally Cole of Johnson.

No. R-93
(H.C.R.62)

Honoring Deborah Lisi-Baker for her leadership role as an advocate for disabled and deaf Vermonters.

No. R-94
(S.C.R.12)

Commemorating the tenth anniversary of the sister-state relationship between the state of Vermont and the province of Taiwan.

No. R-95
(S.C.R.13)

Honoring the civic education role of the Bridport Grange's legislative breakfast.

No. R-96
(J.R.S.17)

Requesting the Department of Health to complete and update its study on the relationship of the closed Vermont Asbestos Group mine in the towns of Eden and Lowell to occurrences of asbestos-related illness.

No. R-97
(J.R.S.21)

In support of the United States dairy industry.

No. R-99
(S.C.R.14)

Congratulating the 2009 Vermont winners of the Prudential Spirit of Community Awards.

No. R-100
(S.C.R.15)

Honoring the outstanding public service of Thomas Anderson, United States Attorney for the District of Vermont.

No. R-101
(J.R.S.22)

Providing for a joint assembly to vote on the retention of three superior judges, and one district judge.

No. R-102
(J.R.H.9)

Designating December 10, 2009 as Human Rights Day.

No. R-103
(J.R.H.13)

Urging Congress to support the International Violence Against Women Act.

No. R-104
(H.C.R.63)

Congratulating the Pico Ski Club on its 60th anniversary.

No. R-105
(H.C.R.65)

Congratulating the Roxbury Free Library on its 75th anniversary.

No. R-106
(H.C.R.66)

Commemorating the 60th anniversary of U.S. Senator George Aiken's popularizing the geographic designation Northeast Kingdom.

No. R-107
(H.C.R.67)

Honoring retiring Putney town moderator John Caldwell.

No. R-108
(H.C.R.68)

Recognizing the 61 years of extraordinary school board service of Dr. Harry Rowe.

No. R-109
(H.C.R.70)

Honoring the federal TRIO programs in Vermont.

No. R-110
(H.C.R.71)

Honoring the outstanding work of child care providers in Vermont.

No. R-111
(H.C.R.73)

Honoring Jayne Barber on her outstanding 28-year coaching career at Bellows Falls Union High School.

No. R-112
(H.C.R.75)

Congratulating the Albert D. Lawton Middle School boys' A-basketball ADL tournament championship team.

No. R-113
(H.C.R.76)

Congratulating the 2009 Springfield Cosmos Division II championship boys' basketball team.

No. R-114
(H.C.R.81)

Congratulating the 2009 Vergennes Union High School Commodores Division II championship cheerleading team.

No. R-116
(H.C.R.69)

Congratulating the primary care providers' offices in the Northeastern Vermont Regional Hospital service area that the National Committee for Quality Assurance has designated as patient-centered medical homes.

No. R-118
(H.C.R.74)

Congratulating University of Vermont basketball player Marqus Blakely on his 1,000th career point and award-winning accomplishments.

No. R-119
(H.C.R.77)

Congratulating William "Bill" Collins on answering his 10,000th call for the Bennington Rescue Squad.

No. R-120
(H.C.R.78)

Congratulating the 2009 U-32 High School Raiders Division II championship Nordic ski team.

No. R-121
(H.C.R.82)

Recognizing the work of the Brattleboro community to combat racial and ethnic intolerance.

No. R-122
(J.R.H.17)

Accepting a Federal Emergency Grant designated as JFO #2371 to repair damage resulting from the December 2008 ice storm.

No. R-123
(H.C.R.90)

Congratulating transportation district 7 on earning VOSHA's Green Mountain Voluntary Protection Program's Star certification.

No. R-124
(H.C.R.92)

Honoring the Vermont Children's Aid Society on its 90th anniversary and its retiring executive director Steve Habif.

No. R-125
(H.C.R.96)

Congratulating Janet Medston Perrigo Brown-Wolff of South Burlington on being named the 2009 Vermont Mother of the Year.

No. R-126
(H.C.R.98)

Honoring Roderick Leach of Plainfield for his extraordinary public service at the agency of transportation.

No. R-127
(H.C.R.72)

Congratulating Spectrum Youth and Family Services on its winning the 2009 National Network for Youth Agency of the Year Award.

No. R-128
(H.C.R.79)

Congratulating the Panton General Store on its receipt of a 2009 Vermont Centennial Business Award.

No. R-129
(H.C.R.80)

Congratulating the J.W. & D.E. Ryan plumbing and heating contractors on the receipt of a 2009 Vermont Centennial Business Award.

No. R-130
(S.C.R.16)

Recognizing the political accomplishments of former Governor Howard Dean.

No. R-131
(J.R.S.28)

Designating April as sexual violence awareness month.

No. R-132
(J.R.H.16)

Designating April as Fair Housing Month in Vermont.

No. R-133
(J.R.H.19)

Authorizing the 2009 Boys' State program to use the state house.

No. R-135
(H.C.R.87)

Honoring Olympic runner and model sportsman Andrew Wheating of Norwich.

No. R-136
(H.C.R.89)

Commending the leadership of Green Mountain Power Corporation and other electric companies and state offices in restoring electric power in southern Vermont following the December 2008 ice storm.

No. R-137
(H.C.R.91)

Congratulating the Journey East Program of Leland & Gray Union Middle and High School on its tenth anniversary.

No. R-138
(H.C.R.94)

Congratulating the 2008 Hartford High School Hurricanes Division II championship boys' ice hockey team.

No. R-139
(H.C.R.88)

Celebrating the success of the education-based after-school programs in Vermont.

No. R-140
(H.C.R.99)

Congratulating Joseph Wassick on completing 50 years of outstanding volunteer service at the Bennington Fire Department.

No. R-141
(S.C.R.17)

In memory of former Representative and Senator George E. Little, Jr. of Burlington.

No. R-142
(S.C.R.18)

Congratulating the organizers of the 2009 St. Johnsbury Maple Sugar Festival.

No. R-143
(S.C.R.19)

Honoring Joanie Binns for her accomplishments as manager of the Quimby Country resort.

No. R-144
(S.C.R.20)

Expressing appreciation of the state house staff and Buildings and General Services security patrol for the professionalism they displayed during the legislative proceedings related to civil marriage legislation.

No. R-145
(S.C.R.21)

Honoring the Vermont court diversion program on its 30th anniversary.

No. R-146
(H.C.R.51)

In memory of Sherry Walter Belknap of Bloomfield.

No. R-147
(H.C.R.64)

In memory of John C. Donahue Jr. of Northfield.

No. R-148
(H.C.R.93)

Commemorating the 150th anniversary of the third Vermont State House.

No. R-149
(H.C.R.100)

Honoring Dr. David Henderson for his exemplary work as a primary care physician in Bristol and at the Porter Medical Center, Inc.

No. R-150
(H.C.R.103)

Congratulating the Chelsea High School Red Devils 2009 Division IV girls' basketball championship team.

No. R-151
(H.C.R.104)

Congratulating the 2009 Spaulding High School Division I Crimson Tide championship girls' basketball team.

No. R-152
(H.C.R.105)

Congratulating the Spaulding High School students honored as Times Argus athletes of the year.

No. R-153
(H.C.R.108)

Praising the bravery of Maersk Alabama Captain Richard Phillips of Underhill and congratulating the U.S. Navy SEALs and the FBI on his dramatic rescue.

No. R-154
(H.C.R.109)

Welcoming to the state house the Commission on Alzheimer's Disease and Related Disorders.

No. R-155
(H.C.R.111)

Congratulating the University of Vermont Lady Catamounts 2009 America East championship women's basketball team.

No. R-156
(H.C.R.112)

Honoring libraries, librarians and library workers during National Library Week.

No. R-157
(H.C.R.113)

Congratulating the winners in the second annual Jr. Iron Chef competition.

No. R-158
(H.C.R.115)

Honoring the Granges of Vermont.

No. R-159
(H.C.R.116)

Congratulating South Burlington on its designation as a Tree City U.S.A.

No. R-160
(H.C.R.117)

Honoring George Buzzell for his exemplary public service as Orleans County state forester.

No. R-161
(H.C.R.118)

Congratulating the 2009 University of Vermont Catamount skiers on their team and individual accomplishments.

No. R-162
(H.C.R.101)

Honoring Effie (Bartlett) Chamberlain in recognition of her outstanding nursing and administrative career at the Grace Cottage Hospital.

No. R-163
(H.C.R.102)

Congratulating Brooke Werner of Granville on winning the 2009 Miss Vermont USA competition.

No. R-166
(S.C.R.22)

Congratulating the Agency of Agriculture, Food and Markets' "Agriview" newspaper on its 70th anniversary.

No. R-167
(S.C.R.23)

In memory of Andrea Mead Lawrence.

No. R-168
(S.C.R.24)

In memory of University of Vermont Professor Emeritus Everett W. Harris of Charlotte.

No. R-169
(J.R.S.31)

Urging Congress to address the dramatic rise of electronic payment interchange rates that merchants and consumers are assessed.

No. R-171
(H.C.R.41)

Honoring the heroism of Robert Meehan of Middlesex.

No. R-172
(H.C.R.83)

Congratulating the 2009 Essex High School Hornets Division I championship girls' ice hockey team.

No. R-173
(H.C.R.84)

Congratulating the 2009 Essex High School Hornets state gymnastics championship team.

No. R-174
(H.C.R.85)

Congratulating Essex High School gymnast Mary Krug on winning four consecutive all-around state championship competitions.

No. R-175
(H.C.R.97)

Congratulating the 2009 Hazen Union High School Division III championship boys' basketball team.

No. R-176
(H.C.R.106)

Honoring the career accomplishments of former Spaulding High School wrestling coach William Young.

No. R-177
(H.C.R.110)

Congratulating the Champlain Valley Union High School Redhawks 2008 Division I championship field hockey team.

No. R-178
(H.C.R.119)

Congratulating the Champlain Valley Union High School Redhawks 2009 Division I championship boys' ice hockey team.

No. R-179
(H.C.R.120)

Congratulating Jay Hoffman and his students who produce the South Burlington Network News at Frederick H. Tuttle Middle School.

No. R-180
(H.C.R.122)

Congratulating Grace Cottage Hospital on its 60th anniversary.

No. R-181
(H.C.R.126)

In memory of Margaret Jean George of Montpelier.

No. R-182
(H.C.R.127)

Congratulating the Rick Marcotte Central School teams that participated in the 2009 Vermont Odyssey of the Mind competition.

No. R-183
(H.C.R.129)

Congratulating John D. Dilts on the completion of his outstanding career in public education.

No. R-184
(H.C.R.130)

Congratulating Mike Friel on being named the 2009 Vermont Elementary School Principal of the Year.

No. R-185
(H.C.R.133)

Congratulating Xin Hu of St. Johnsbury Academy on being named a 2009 Vermont student winner of the Siemens Award for Advanced Placement.

No. R-186
(H.C.R.134)

Congratulating Dr. Kimberly Silloway on her induction into the Vermont Principals' Association Hall of Fame.

No. R-187
(H.C.R.135)

Honoring the late James Burlingame on his posthumous induction into the Vermont Principals' Hall of Fame.

No. R-188
(H.C.R.136)

Congratulating the 2008–2009 two-year college All-Vermont Academic Team.

No. R-189
(H.C.R.142)

Honoring Vermont's elementary, middle, and secondary school principals and assistant principals and technical center directors on Vermont Principal Recognition Day at the state house.

No. R-190
(S.C.R.25)

Congratulating faculty and students at Burlington High School on the 2008–2009 11th grade's achievements in adequate yearly progress testing in mathematics and reading.

No. R-191
(S.C.R.26)

Congratulating the Vermont Studio Center on its 25th anniversary.

No. R-192
(H.C.R.95)

Congratulating Essex High School on receipt of a 2009 Siemens Award for Advanced Placement.

No. R-193
(H.C.R.107)

In memory of George Gibby of Topsham.

No. R-194
(H.C.R.114)

In memory of Mark Bennett of Brattleboro.

No. R-195
(H.C.R.121)

Congratulating the Hartford High School debaters participating in the national forensic championship.

No. R-196
(H.C.R.123)

Congratulating Pat and Alan Fowler as recipients of the 2009 Great Falls Regional Chamber of Commerce Persons of the Year award.

No. R-197
(H.C.R.124)

Honoring Rose Fowler for her innovative leadership at Greater Rockingham Area Services Inc.

No. R-198
(H.C.R.125)

Honoring Dover School principal Susan Mach for her career contributions to public education.

No. R-199
(H.C.R.128)

Congratulating Claussen Enterprises, Inc. of Colchester on being named the 2008 Vermont Retailer of the Year.

No. R-200
(H.C.R.131)

Congratulating Nick Cain of Vernon on being named the 2009 Vermont Boys & Girls Clubs Vermont State Youth of the Year.

No. R-201
(H.C.R.132)

Congratulating the 2009 Green Up poster winners from the Flood Brook Union School in Londonderry.

No. R-202
(H.C.R.137)

In memory of Dr. Elizabeth C. Faris.

No. R-203
(H.C.R.138)

Congratulating the Burr and Burton Academy Bulldogs 2009 Division II girls' championship basketball team.

No. R-204
(H.C.R.139)

Congratulating the Burr and Burton Academy Bulldogs 2009 Division II girls' championship ice hockey team.

No. R-205
(H.C.R.140)

Congratulating the Burr and Burton Academy Bulldogs 2009 championship boys' alpine ski team.

No. R-206
(H.C.R.141)

Congratulating the Burr and Burton Academy Bulldogs 2009 girls' championship snowboarding team.

No. R-207
(H.C.R.143)

Congratulating Benjamin Bond of Champlain Valley Union High School on his being named a 2009 Vermont student winner of the Siemens Award for Advanced Placement.

No. R-208
(H.C.R.144)

Congratulating Caroline Heydinger on winning second place at the American Legion national high school oratorical contest.

No. R-209
(H.C.R.145)

Congratulating the 2009 Essex High School *We the People: The Citizen and the Constitution* state championship class.

No. R-210
(H.C.R.146)

Congratulating the Vermont Student Assistance Corporation's Career and Education Outreach program on its 40th anniversary.

No. R-211
(H.C.R.147)

Designating June 1 as Vermont Employer Support of the Guard and Reserve Day.

No. R-212
(H.C.R.148)

Congratulating Erlon (Bucky) Broomhall on his induction into the Vermont Ski Museum Hall of Fame.

No. R-213
(H.C.R.149)

Congratulating Marion Voorheis of South Burlington High School on being named the 2009 Vermont high school teacher winner of the Siemens Award for Advanced Placement.

No. R-214
(H.C.R.150)

Congratulating the 2009 University of Vermont Catamounts nationally third-ranked men's ice hockey team.

No. R-215
(H.C.R.151)

Congratulating Milton Junior-Senior High School co-principal Anne Blake on her receipt of the 2009 Robert F. Pierce Award.

No. R-216
(H.C.R.153)

Honoring Gene E. Irons for three decades of extraordinary service as a Bennington Museum trustee.

No. R-217
(H.C.R.154)

In memory of David S. Jareckie of Bennington.

No. R-218
(J.R.S.26)

Relating to the legalization of industrial hemp.

No. R-219
(J.R.S.34)

Designating October 2009 as health care career awareness month.

No. R-220
(S.C.R.27)

Honoring Lawrence Handy of St. Albans for his civic and entrepreneurial leadership.

No. R-221
(S.C.R.28)

Congratulating the Thunder Road International Speedbowl on its 50th anniversary season.

No. R-222
(S.C.R.29)

Congratulating A. Richard Boera on being named Northeast Kingdom Chamber of Commerce's 2009 Citizen of the Year.

No. R-223
(S.C.R.30)

Congratulating the Caledonia Essex Ambulance Service on its 25th Anniversary.

No. R-224
(S.C.R.31)

Congratulating O.U.R. House of Central Vermont, Inc. on its 20th anniversary.

No. R-225
(J.R.H.10)

Recognizing the commitment to quality service of Vermont's locally owned banks.

No. R-226
(J.R.H.11)

Challenging all Vermonters to institute a 20-percent reduction in energy use.

No. R-227
(J.R.H.27)

Urging Congress to enact H.R. 676, the National Health Insurance Act (or the Expanded and Improved Medicare for All Act).

No. R-228
(J.R.H.29)

Urging Congress to enact a new Homeowner and Bank Protection Act.

No. R-229
(J.R.H.31)

Supporting the effort of women ski jumpers for athletic equity at the 2010 Winter Olympics in British Columbia.

No. R-230
(J.R.H.22)

Honoring municipal public works employees and designating May 17–23 as Public Works Week in Vermont.

No. R-231
(J.R.H.23)

Relating to the preservation of Vermont's streams and rivers.

No. R-232
(J.R.H.26)

Relating to classified state employees.

No. R-233
(J.R.H.30)

In support of the continued operation of the Shriners Hospital for Children in Springfield, Massachusetts.

No. R-234
(H.C.R.152)

Congratulating New England Kurn Hattin Homes Principal Tom Fahner on being named the Vermont Principals' Association John Winton National Middle Level Principal-of-the-Year.

No. R-235
(H.C.R.155)

In memory of former Representative Joseph T. Steventon of Rochester.

No. R-236
(H.C.R.156)

Welcoming to the state house the participants in the Vermont National Guard state partnership with Macedonia and Senegal.

No. R-237
(H.C.R.157)

In memory of Joseph J. Flory.

No. R-238
(H.C.R.158)

Congratulating Vincent's Drug & Variety Store on its receipt of the 2009 Jeffrey Butland Family-Owned Business of the Year Award.

No. R-239
(H.C.R.159)

Honoring the history of baseball and softball at the University of Vermont.

No. R-240
(H.C.R.160)

In memory of Allen S. Myers.

No. R-241
(H.C.R.161)

Honoring the Vermont Sledcats sled hockey team.

No. R-242
(H.C.R.162)

In memory of Gloria Miller of Corinth.

No. R-243
(H.C.R.163)

In memory of former Corinth moderator John A. Pierson Jr.

No. R-244
(H.C.R.164)

Commemorating the opening of the newly rebuilt Harris Hill Ski Jump in Brattleboro.

No. R-245
(H.C.R.165)

Congratulating the Wardsboro 4th of July parade and street fair on its 60th anniversary.

No. R-246
(H.C.R.166)

Congratulating the 2009 Essex High School Fed Challenge team on its outstanding performance.

No. R-247
(H.C.R.167)

In memory of former Vermont National Guard Assistant Adjutant General Alan Howard Noyes.

No. R-248
(H.C.R.168)

Congratulating Chroma Technology Corporation of Bellows Falls on being named one of the world's most democratic companies.

No. R-249
(H.C.R.169)

Congratulating the new International House of Pancakes Restaurant in South Burlington for serving pure Vermont maple syrup.

No. R-250
(H.C.R.170)

Congratulating The Grafton FAST Squad on being named the 2009 First Responder Service of the Year.

No. R-251
(H.C.R.171)

Congratulating Seldon Technologies, Inc. on its third place ranking in the Artemis Project's top 50 water companies survey.

No. R-252
(H.C.R.172)

Congratulating John Charles Dugan on being named the Vergennes Boys & Girls Club's 2009 Youth of the Year.

No. R-253
(H.C.R.173)

Honoring the golden anniversary of Ted's Pizza Shop in Rutland City.

No. R-254
(H.C.R.174)

Congratulating and extending best wishes to the Woodstock Union Middle School Science Bowl team.

No. R-255
(H.C.R.175)

Congratulating Castleton State College President David Wolk on his receipt of the New England Board of Higher Education's Eleanor M. McMahon Award for Lifetime Achievement.

No. R-256
(H.C.R.176)

Congratulating the Vermont Veterans' Home as it commemorates its 125th anniversary.

No. R-257
(H.C.R.177)

Congratulating Bennington Project Independence on its 30th anniversary and the opening of its new Dr. Richard A. Sleeman Center.

No. R-258
(H.C.R.178)

Congratulating Vermont State Representative Margaret Cheney and U.S. Representative Peter Welch on their recent marriage.

No. R-259
(H.C.R.179)

Honoring the American Cancer Society's 2009 Relay for Life events in Vermont.

No. R-260
(H.C.R.180)

Honoring Gary Anderson for his exemplary record of public and community service in Hyde Park.

No. R-261
(J.R.S.32)

Authorizing the Commissioner of Forests, Parks and Recreation to enter into land exchanges and to sell a portion of Camel's Hump State Park.

No. R-262
(J.R.S.35)

Relating to final adjournment of the General Assembly in 2009.

No. R-263
(H.C.R.86)

Congratulating the 2009 Proctor High School Phantoms' Division IV championship boys' basketball team.

Special Session No. R-1
(Special Session S.C.R.1)

Honoring Barre Town Middle and Elementary School Co-Principal Dr. Theodore Riggen.

Special Session No. R-2
(Special Session S.C.R.2)

Honoring Stephen Metcalf as an exemplary public education leader in Vermont.

Special Session No. R-3
(Special Session S.C.R.3)

In memory of Dr. Anna E. Worth.

Special Session No. R-4
(Special Session S.C.R.4)

Congratulating Jenny Hewitt on her selection to attend the 2009 National Mickelson ExxonMobil Teachers Academy.

Special Session No. R-5
(Special Session J.R.H.2)

Authorizing the 2009 Girls' State civic education program to use the state house.

Special Session No. R-6
(Special Session J.R.H.3)

Relating to final adjournment of the special session of the General Assembly in 2009.

Special Session No. R-7
(Special Session H.C.R.1)

Congratulating Tom and Sally's Handmade Chocolates Inc. of Brattleboro on its recognition in the *Yankee Magazine* Travel Guide as the home of the "Best Sweets in New England."

Special Session No. R-8
(Special Session H.C.R.2)

Honoring Commissioner of Motor Vehicles Bonnie Rutledge.

Special Session No. R-9
(Special Session H.C.R.3)

In memory of U.S. Army Cpl. Ryan Casey McGhee.

Special Session No. R-10
(Special Session H.C.R.4)

In memory of Rabbi Max Wall of Burlington.

Special Session No. R-11
(Special Session H.C.R.5)

Honoring Crossett Brook Middle School Principal Kenneth J. Page.

Special Session No. R-12
(Special Session H.C.R.6)

Welcoming the 56th annual Shrine Maple Sugar Bowl Game and Pageant to Windsor, the birthplace of Vermont.

Special Session No. R-13
(Special Session H.C.R.7)

Recognizing the journalistic contributions of retiring WCAX television news director Marselis Parsons.

Special Session No. R-14
(Special Session H.C.R.8)

Congratulating Daniel French on being named the 2009 recipient of the Frederick H. Tuttle Superintendent of the Year Award.

SENATE RESOLUTIONS

S.R.1

Relating to the Rules of the Senate.

S.R.2

Relating to appointment of a committee to inform the Governor of the organization of the Senate.

S.R.3

Relating to informing the House of the organization of the Senate.

S.R.4

Relating to meeting dates of the Senate.

S.R.6

To request the President to support a global treaty on mercury.

S.R.7

Urging Congress to adopt a system of universal health care.

S.R.8

Condemning the repression of the Tibetan people and urging Congress to take forceful action to end this denial of human rights and to extend diplomatic recognition to Tibet.

S.R.11

Commemorating Equal Pay Day.

S.R.12

Designating the third week in October of 2009 as disability history week.

S.R.13

Urging the Agency of Natural Resources to retain delegated authority to administer the federal Clean Water Act in Vermont.

S.R.14

Urging Congress to oppose federal regulation and/or chartering of insurance companies.

S.R.15

Relating to support of the continued operation of the Shriners Hospital for Children in Springfield, Massachusetts.

Special Session S.R. 1

Relating to adoption of rules to govern the Special Session of 2009.

Special Session S.R.2

Relating to appointment of a Committee to inform the Governor of the organization of the Senate.

Special Session S.R.3

Relating to informing the House of the organization of the Senate.

Special Session S.R.4

Relating to H.125, An act relating to the sale of unpasteurized (raw) milk.

HOUSE RESOLUTIONS

H.R.1

Relating to House rules.

H.R.2

Relating to the organization of the House and informing of Senate thereof.

H.R.3

Relating to the organization of the House and informing the Governor thereof.

H.R.5

Amending Rule 25 of the Rules and Orders of the House of Representatives.

H.R.6

To amend Rule 25 of the Rules of the House of Representatives pertaining to the jurisdiction of the committee on agriculture.

H.R.7

Designating February 4, 2009 as "Vermont Wear Red Day."

H.R.9

Urging Congress to adopt a system of universal health care.

H.R.10

Designating March as Professional Social Work Month.

H.R.11

Requesting state government regulatory officials to work cooperatively with Vermont small businesses in the enforcement of rules and regulations.

H.R.12

Relating to the treatment of individuals at the U.S. and Canadian ports of entry along the Vermont-Quebec international border.

H.R.13

Expressing concern for and demanding the immediate release of Captain Richard Phillips of Underhill.

H.R.14

Designating April 29, 2009 as Walk @ Lunch Day.

H.R.15

In opposition to the federal regulation or chartering of insurance companies.

H.R.16

Commemorating equal pay day.

H.R.17

Designating the third week in October of 2009 as disability history week.

H.R.18

Relating to high mortgage fees.

H.R.20

Encouraging a renewed commitment to the cleanup and restoration of the water quality of Lake Champlain as part of the 400th anniversary of its discovery by Samuel de Champlain.

H.R.21

Urging the federal government to approve Canadian provincial enhanced driver's licenses as meeting the land and sea border requirements of the Western Hemisphere Travel Initiative.

Special Session H.R.1

Relating to adoption of rules to govern the Special Session of 2009.

Special Session H.R.2

Designating August 6, 2009 as Nuclear Disarmament Day.

2009 TRANSFER TABLE
Converts Senate Bill Nos. to Public Act Nos.

Bill No.	Act No.	Bill No.	Act. No.	Bill No.	Act No.
S.2	No. 26	S.48	No. 59	S.96	No. 13
S.7	No. 32	S.51	No. 57	S.111	No. 18
S.13	No. 1	S.67	No. 39	S.115	No. 3
S.25	No. 33	S.69	No. 17	S.121	No. 40
S.26	No. 55	S.70	No. 23	S.125	No. 58
S.27	No. 10	S.86	No. 20	S.129	No. 49
S.38	No. 19	S.89	No. 48		
S.42	No. 42	S.91	No. 30		Special Session
S.47	No. 56	S.94	No. 21	S.1	No. 3

2009 TRANSFER TABLE

Converts Joint and Concurrent Resolution Senate Nos. to Resolution Nos.

JRS No.	Res. No.	JRS No.	Res. No.	JRS No.	Res. No.
J.R.S.1	No. R-1	J.R.S.26	No. R-218	S.C.R.14	No. R-99
J.R.S.2	No. R-2	J.R.S.27	No. R-117	S.C.R.15	No. R-100
J.R.S.3	No. R-3	J.R.S.28	No. R-131	S.C.R.16	No. R-130
J.R.S.4	No. R-4	J.R.S.29	No. R-164	S.C.R.17	No. R-141
J.R.S.5	No. R-6	J.R.S.30	No. R-165	S.C.R.18	No. R-142
J.R.S.6	No. R-5	J.R.S.31	No. R-169	S.C.R.19	No. R-143
J.R.S.7	No. R-8	J.R.S.32	No. R-261	S.C.R.20	No. R-144
J.R.S.8	No. R-7	J.R.S.33	No. R-170	S.C.R.21	No. R-145
J.R.S.9	No. R-12	J.R.S.34	No. R-219	S.C.R.22	No. R-166
J.R.S.10	No. R-29	J.R.S.35	No. R-262	S.C.R.23	No. R-167
J.R.S.11	No. R-36	S.C.R.1	No. R-9	S.C.R.24	No. R-168
J.R.S.12	No. R-37	S.C.R.2	No. R-10	S.C.R.25	No. R-190
J.R.S.13	No. R-38	S.C.R.3	No. R-11	S.C.R.26	No. R-191
J.R.S.14	No. R-76	S.C.R.4	No. R-13	S.C.R.27	No. R-220
J.R.S.15	No. R-59	S.C.R.5	No. R-14	S.C.R.28	No. R-221
J.R.S.16	No. R-60	S.C.R.6	No. R-15	S.C.R.29	No. R-222
J.R.S.17	No. R-96	S.C.R.7	No. R-30	S.C.R.30	No. R-223
J.R.S.19	No. R-77	S.C.R.8	No. R-31	S.C.R.31	No. R-224
J.R.S.20	No. R-78	S.C.R.9	No. R-79		
J.R.S.21	No. R-97	S.C.R.10	No. R-80	Special Session	
J.R.S.22	No. R-101	S.C.R.11	No. R-81	S.C.R.1	No. R-1
J.R.S.23	No. R-98	S.C.R.12	No. R-94	S.C.R.2	No. R-2
J.R.S.25	No. R-115	S.C.R.13	No. R-95	S.C.R.3	No. R-3
				S.C.R.4	No. R-4

2009 TRANSFER TABLE

Converts Joint and Concurrent Resolution House Nos. to Resolution Nos.

JRH No.	Res. No.	JRH No.	Res. No.	JRH No.	Res. No.
J.R.H.1	No. R-16	H.C.R.22	No. R-45	H.C.R.62	No. R-93
J.R.H.4	No. R-53	H.C.R.23	No. R-46	H.C.R.63	No. R-104
J.R.H.5	No. R-54	H.C.R.24	No. R-47	H.C.R.64	No. R-147
J.R.H.8	No. R-61	H.C.R.25	No. R-48	H.C.R.65	No. R-105
J.R.H.9	No. R-102	H.C.R.26	No. R-49	H.C.R.66	No. R-106
J.R.H.10	No. R-225	H.C.R.27	No. R-50	H.C.R.67	No. R-107
J.R.H.11	No. R-226	H.C.R.28	No. R-27	H.C.R.68	No. R-108
J.R.H.13	No. R-103	H.C.R.29	No. R-28	H.C.R.69	No. R-116
J.R.H.16	No. R-132	H.C.R.30	No. R-51	H.C.R.70	No. R-109
J.R.H.17	No. R-122	H.C.R.31	No. R-55	H.C.R.71	No. R-110
J.R.H.19	No. R-133	H.C.R.32	No. R-56	H.C.R.72	No. R-127
J.R.H.20	No. R-134	H.C.R.33	No. R-58	H.C.R.73	No. R-111
J.R.H.22	No. R-230	H.C.R.34	No. R-52	H.C.R.74	No. R-118
J.R.H.23	No. R-231	H.C.R.35	No. R-57	H.C.R.75	No. R-112
J.R.H.26	No. R-232	H.C.R.36	No. R-62	H.C.R.76	No. R-113
J.R.H.27	No. R-227	H.C.R.37	No. R-83	H.C.R.77	No. R-119
J.R.H.29	No. R-228	H.C.R.38	No. R-84	H.C.R.78	No. R-120
J.R.H.30	No. R-233	H.C.R.39	No. R-63	H.C.R.79	No. R-128
J.R.H.31	No. R-229	H.C.R.40	No. R-64	H.C.R.80	No. R-129
H.C.R.1	No. R-17	H.C.R.41	No. R-171	H.C.R.81	No. R-114
H.C.R.2	No. R-18	H.C.R.42	No. R-65	H.C.R.82	No. R-121
H.C.R.3	No. R-19	H.C.R.43	No. R-66	H.C.R.83	No. R-172
H.C.R.4	No. R-82	H.C.R.44	No. R-67	H.C.R.84	No. R-173
H.C.R.5	No. R-20	H.C.R.45	No. R-68	H.C.R.85	No. R-174
H.C.R.6	No. R-32	H.C.R.46	No. R-69	H.C.R.86	No. R-263
H.C.R.7	No. R-21	H.C.R.47	No. R-70	H.C.R.87	No. R-135
H.C.R.8	No. R-39	H.C.R.48	No. R-71	H.C.R.88	No. R-139
H.C.R.9	No. R-22	H.C.R.49	No. R-72	H.C.R.89	No. R-136
H.C.R.10	No. R-40	H.C.R.50	No. R-73	H.C.R.90	No. R-123
H.C.R.11	No. R-41	H.C.R.51	No. R-146	H.C.R.91	No. R-137
H.C.R.12	No. R-42	H.C.R.52	No. R-74	H.C.R.92	No. R-124
H.C.R.13	No. R-23	H.C.R.53	No. R-75	H.C.R.93	No. R-148
H.C.R.14	No. R-24	H.C.R.54	No. R-85	H.C.R.94	No. R-138
H.C.R.15	No. R-25	H.C.R.55	No. R-86	H.C.R.95	No. R-192
H.C.R.16	No. R-26	H.C.R.56	No. R-87	H.C.R.96	No. R-125
H.C.R.17	No. R-33	H.C.R.57	No. R-88	H.C.R.97	No. R-175
H.C.R.18	No. R-34	H.C.R.58	No. R-89	H.C.R.98	No. R-126
H.C.R.19	No. R-35	H.C.R.59	No. R-90	H.C.R.99	No. R-140
H.C.R.20	No. R-43	H.C.R.60	No. R-91	H.C.R.100	No. R-149
H.C.R.21	No. R-44	H.C.R.61	No. R-92	H.C.R.101	No. R-162

SUMMARY OF BIENNIAL AND SPECIAL SESSION ACTIVITIES 2009

January 7, 2009 through May 9, 2009
 Senate - 50 actual days - 123 calendar days
 House - 70 actual days - 123 calendar days

Special Session
 June 2, 2009 through June 3, 2009

	2009	2009 Spec. Sess.	2009 Total
HOUSE BILLS INTRODUCED	457	000	
SENATE BILLS INTRODUCED	<u>146</u>	<u>001</u>	604
HOUSE RESOLUTIONS INTRODUCED	232	013	
SENATE RESOLUTIONS INTRODUCED	<u>081</u>	<u>008</u>	334
HOUSE RESOLUTIONS ADOPTED	217	012	
SENATE RESOLUTIONS ADOPTED	<u>076</u>	<u>008</u>	313
HOUSE BILLS PASSED (Signed by Governor)	049	001	
SENATE BILLS PASSED (Signed by Governor)	<u>023</u>	<u>001</u>	074
HOUSE BILLS PASSED (Enacted without Governor's signature)	002	000	
SENATE BILLS PASSED (Enacted without Governor's signature)	<u>000</u>	<u>000</u>	002
HOUSE BILLS VETOED BY GOVERNOR	002	000	
SENATE BILLS VETOED BY GOVERNOR	<u>001</u>	<u>000</u>	003
HOUSE BILLS GOVERNOR'S VETO OVERRIDDEN	000	001	
SENATE BILLS GOVERNOR'S VETO OVERRIDDEN	<u>001</u>	<u>000</u>	002
HOUSE BILLS REJECTED	000	000	
SENATE BILLS REJECTED	<u>000</u>	<u>000</u>	000
HOUSE BILLS WITHDRAWN	000	000	
SENATE BILLS WITHDRAWN	<u>000</u>	<u>000</u>	000
2009 - Drafting Requests – 1,338			
2009 Special Session – Drafting Requests - 15			