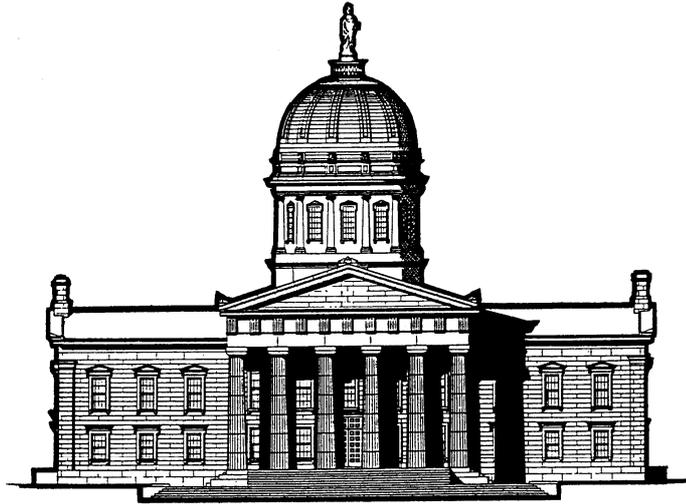


# STATE OF VERMONT



**SUMMARY OF THE  
ACTS AND RESOLVES  
OF THE  
2011 VERMONT GENERAL ASSEMBLY**

**PREPARED BY THE  
OFFICE OF THE LEGISLATIVE COUNCIL**



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**Prepared by the  
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The materials in this booklet summarize and highlight major features of legislation and resolutions enacted or adopted during the 2011 Session of the Vermont General Assembly. The purpose of this publication is to provide the public with general information about the various subject areas addressed by the general assembly. The summaries should not be relied upon as a substitute for reading the actual text of the 2011 Acts and Resolves, which is posted on the legislative website ([www.leg.state.vt.us](http://www.leg.state.vt.us)) or may be obtained from the Office of the Legislative Council (802-828-2231).



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## **Part I – Act Summaries by Subject**

### **Agriculture**

#### **Act No. 13 (H.52). Agriculture; preparation of livestock; poultry products**

This act deletes three game birds—quail, pheasant, and partridge—from the definition of poultry products that are subject to mandatory slaughter inspection in the state. The act also amends the agency of agriculture, food and markets’ voluntary inspection authority to allow the agency to voluntarily inspect the slaughter of game birds.

Effective Date: April 28, 2011

#### **Act No. 39 (S.105). Agriculture; dairy; technical corrections**

This act makes numerous technical changes to existing dairy statutes with regard to the inspection and licensing of dairy operations, unpasteurized milk, standards and purity, milk handlers’ licenses, bonds, the Vermont Dairy Promotion Council, and weights and measures. It also adds language requiring the agencies of agriculture, food and markets and of natural resources to create educational materials summarizing state regulations for on-farm compost facility operations.

##### *Inspection and Licensing of Dairy Operations*

The secretary of agriculture, food and markets is relieved from previous duties to inspect out-of-state dairy laboratories when such laboratories are deemed by the National Conference on Interstate Milk Shipments to be in compliance with the U.S. Food and Drug Administration’s publication “Evaluation of Milk Laboratories.” Refusal to allow the secretary or an agent to inspect milk handlers’ premises, records, or personnel will result in revocation of either handlers’ permits or their ability to ship milk.

With regard to applications for a milk handler’s license, the secretary is required to publish notice of all nondeficient applications at the applicant’s expense, both on the agency’s website and in a publication of general circulation within the state’s dairy community. Interested parties have 14 days from the date of publication to request a hearing on an application. The secretary must grant the request for a hearing when the interested party can demonstrate “a reasonable belief that the applicant will not promote the general good of the dairy industry and the consuming public pursuant to Vermont rule 20-021-001 adopted by the agency . . .” When a showing is made, the secretary must hold a hearing. If no showing is made or if no hearing is requested, the secretary may hold a hearing at his or her discretion.

Milk found to contain drug residues that exceed tolerances established by the U.S. Food and Drug Administration may not be received by a milk dealer or handler until a sample of one complete milking has been tested and found negative. In the event of a second violation in a 12-month period, milk produced by that producer may not be received by a milk dealer or handler for up to two days and until a sample of one complete milking has been tested and found negative. Similarly, sale of livestock for slaughter containing drug residue in excess of the U.S. Food and Drug Administration standard is punishable by not more than \$1,000.00 per violation.

*Unpasteurized (Raw) Milk*

The sale of unpasteurized milk must take place directly between a producer and consumer for personal consumption. Personal consumption refers to a consumer's use of raw milk for food or as an ingredient in a food product that will be eaten by the purchaser, members of the purchaser's household, or the purchaser's nonpaying guests.

*Standards and Purity*

All references to imitation dairy products have been omitted. Fat substitutes approved for insertion into a dairy product by the U.S. Food and Drug Administration and which are identified in the list of the product's ingredients are exempt from existing provisions prohibiting foreign fats in dairy products. Similarly, unpasteurized milk is exempt from existing provisions governing the marking of dairy product retail packages.

*Milk Handlers' Licenses*

Persons holding a valid milk handler's license are exempt from the licensing provisions governing frozen desserts (chapter 155) in Title 6.

*Bonds*

Milk handlers are required to furnish surety bonds prior to purchasing milk from Vermont producers, milk cooperatives, or a marketing service owned by one or more milk cooperatives.

Milk cooperatives selling milk from a Vermont producer either directly or through a marketing service owned by one or more cooperatives are required to file monthly reports listing where milk from each bulk tank unit is sold and the volume of milk sold by Vermont cooperative members and independent producers who market through a milk cooperative.

*Vermont Dairy Promotion Council*

The per diem for appointed members of the Vermont Dairy Promotion Council is increased from \$50.00 per day to \$75.00 per day, not to exceed \$750.00 annually.

*Weights and Measures*

The fine is increased to not more than \$500.00 for altering a bulk tank weight conversion chart, failing to use the latest conversion chart, using a condemned tank as a measure, using a tank with legs that are not cemented to the floor, or otherwise changing the tank's level position.

*On-Farm Composting Facilities*

The agency of agriculture, food and markets and the agency of natural resources, in consultation with regional planning commissions, are required to summarize the following state regulations for on-farm compost facility operations and to make these summaries available to farmers: accepted composting practices, solid waste management rules, and Act 250 land use planning laws.

Effective Date: May 19, 2011

*Also see: Conservation and Land Development; Act No. 18 (H.411). Conservation and development; Act 250; agricultural fairs*

*Also see: Conservation and Land Development; Act No. 37 (H.26). Conservation and development; water quality; fertilizer*

*Also see: Economic Development; Act No. 52 (H.287). Commerce and economic development; agriculture*

*Also see: Human Services; Act No. 57 (S.74). Human services; animal spaying and neutering program; Vermont board of veterinary medicine*

### **Alcoholic Beverages**

#### **Act No. 17 (H.6). Alcoholic beverages; enforcement; officers; investigators**

This act in Sec. 1 grants to the director of the enforcement division of the department of liquor control and to the investigators employed by the liquor control board or by the department of liquor control the same powers and immunities as those conferred upon the state police pursuant to 20 V.S.A. § 1914. Sec. 2 of the act includes “liquor investigators” within the definition of “enforcement officers” in Title 23, regarding motor vehicles.

This act contains sunset provisions in Secs. 3 and 4 that would take effect on July 1, 2013 whereby the two statutes affected by this act would revert back to the language in effect prior to the effective date of Secs. 1 and 2, May 11, 2011.

Multiple effective dates, beginning May 11, 2011

*Also see: Economic Development; Act No. 52 (H.287). Commerce and economic development; agriculture*

### **Appropriations and Finance**

#### **Act No. 3 (H.65). Appropriations and finance**

This act is the FY11 budget adjustment act. It adjusts the amounts appropriated for the support of government for FY11 by Act No. 156 of the 2010 legislative session and other acts. The provision in Sec. 99 authorizing per diem payments for commission membership is effective retroactivity to July 1, 2010.

Effective Date: February 17, 2011

#### **Act No. 40 (H.446). Capital appropriations; bonding; school construction funding**

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

##### *Monetary Provisions*

The act appropriates \$154,739,399.00 over two years. Of this amount, \$1,579,398.51 is from proceeds from unspent capital appropriations from previous years, and \$153,160,000.00 requires the issuance of new long-term general obligation bonds. Most appropriations are subject to capital budget adjustment in the second year of the biennium.

##### *Nonmonetary Provisions*

The act:

1. Specifies that the move to a biennial capital budget is temporary and will involve a budget adjustment process in the second year of the biennium.

2. Authorizes the commissioner of buildings and general services to:
  - Enter into agreements with the city of Montpelier regarding the capital district heat plant, sell thermal energy to the city of Montpelier, and accept grant funds for this project
  - Sell certain underutilized state properties and use the proceeds to stabilize underutilized state properties that are still in the state’s inventory
  - Work with other state officials to develop a future program for the delivery of travel information
  - Work with bicycle organizations to track existing bicycle parking at state buildings and determine where more bicycle parking is needed
3. Requires that the capital budget be submitted to the general assembly no later than the third Tuesday of every annual session.
4. Increases the state’s liability in tort claims against the state or its employees.
5. Requires the department of corrections to switch the male population at Chittenden Regional Correctional Facility with the female population of Northwest State Correctional Facility, including suitable modifications to the facilities, and modify the Southeast State Correctional Facility into a 50-bed work camp and a 50-bed general population facility.
6. Directs the agency of natural resources to take an inventory of its unused space and evaluate its need for space.
7. Extends the sunset on increased aid for school consolidation projects by two years.
8. Requires the department of education to evaluate lifting the moratorium on school construction.
9. Directs the agency of transportation to take an inventory of its unused space and evaluate its need for space.
10. Authorizes the board of libraries to rename the John H. Boylan airport.
11. Directs the agencies of transportation and of human services and the department of buildings and general services to evaluate telecommuting.
12. Directs the department of mental health to continue planning to replace the functions now provided in the Vermont State Hospital.
13. Requires state agencies to reduce their energy consumption by five percent each year.
14. Directs the Vermont Telecommunications Authority to target funds to projects in underserved areas which will result in a combined download and upload speed of at least five megabits per second.
15. Grants temporary borrowing power to assistant judges in Orleans County.

16. Allows the state treasurer to name a designee to certain committees and strengthens moral obligation bond language for the Vermont Housing Finance Agency, the Vermont Student Assistance Corporation, and the Municipal Bond Bank. Multiple effective dates, beginning May 20, 2011

**Act No. 63 (H.441). Appropriations and finance**

This act is the FY12 appropriations act, which provides appropriations for the support of state government during the upcoming fiscal year; it is referred to as the “Big Bill.” In addition to providing appropriations, this act also amends and adds substantive provisions affecting state laws and programs. For details and summaries of the amounts appropriated and other provisions, see the explanatory documents and letter of intent prepared by the joint fiscal office, available from the joint fiscal office or at [www.leg.state.vt.us/jfo](http://www.leg.state.vt.us/jfo)

Multiple effective dates, beginning June 2, 2011

*Also see: Economic Development; Act No. 52 (H.287). Commerce and economic development; agriculture*

*Also see: Health; Act No. 48 (H.202). Health; health insurance; health care reform; health benefit exchange; Green Mountain Care; Medicaid; payment reform; health information technology; health care workforce; rate review*

*Also see: Transportation; Act No. 62 (H.443). The state’s transportation program*

**Banking**

**Act No. 21 (H.438). Banking, insurance, securities, and health care administration**

This act is primarily a “housekeeping bill” that makes various technical amendments to the laws concerning banking, insurance, securities, and health care administration. It also makes some substantive amendments to Vermont law. For example, it imposes a transactional assessment on certain independent trust companies, and it extends the \$7,500.00 tax credit for captive insurance companies.

Multiple effective dates, beginning May 11, 2011

**Commerce and Trade**

*See: Economic Development; Act No. 52 (H.287). Commerce and economic development; agriculture*

*See: Motor Vehicles; Act No. 46 (S.94). Miscellaneous amendments to the motor vehicle laws*

*See: Public Service; Act No. 47 (H.56). Energy; renewable energy; tax; municipalities; real property; commerce and trade; consumer fraud; natural resources; air quality*

### **Conservation and Land Development**

#### **Act No. 18 (H.411). Conservation and development; Act 250; agricultural fairs**

This act amends the existing Act 250 permitting exemption for agricultural fairs to provide that an improvement at an agricultural fair that is a building is exempt from the Act 250 permit requirement if the building was constructed prior to January 1, 2011 and the building is used solely for the purposes of the agricultural fair. The act also provides that a building constructed prior to January 1, 2011 in accordance with the Act 250 agricultural fair exemption shall not be subject to an Act 250 enforcement action for: (1) construction or any event at the building that occurred prior to January 1, 2011; and (2) any event or activity at the building on or after January 1, 2011 if the building is used solely for the purpose of an agricultural fair. The act also defines the term “agricultural fair” as that term is used in Act 250.

Effective Date: May 11, 2011

#### **Act No. 36 (S.34). Conservation and development; solid waste; mercury management; mercury lamps**

This act requires a manufacturer of mercury-containing lamps to implement, on or before July 1, 2012, a plan to collect mercury-containing lamps for disposal. If a manufacturer fails to implement an agency of natural resources-(ANR) approved collection plan on or before July 1, 2012, the manufacturer and retailers shall be prohibited from selling mercury-containing lamps in the state, except that a retailer may sell inventory acquired before July 1, 2012 or before expiration or revocation of a collection plan. The act allows a stewardship organization with membership that represents at least 45 percent of the market share of mercury-containing lamps sold in the state to assume the responsibilities, obligations, and liabilities of multiple manufacturers of mercury-containing lamps if the organization does not create unreasonable barriers to participation and maintains a website listing all manufacturers and brands covered by the organization’s approved plan. The act requires a manufacturer or stewardship organization to report to ANR annually regarding implementation of an approved collection plan and to have the collection plan audited once every five years to determine the effectiveness of the plan. In addition, the act requires a manufacturer or stewardship organization to pay an annual fee of \$2,000.00 for operation under an approved collection.

In order to be approved by ANR, a collection plan submitted by a manufacturer or a stewardship organization must provide free collection of mercury-containing lamps from any person who presents to an approved collection facility: any number of compact fluorescent mercury-containing lamps or 10 or fewer mercury containing lamps that are not compact fluorescent lamps. All municipal collection locations and all retailers that sell mercury-containing lamps must be allowed to opt to be a collection facility under a plan. At a minimum, a collection plan shall provide not less than two collection facilities in each county. The collection plan shall include an education and outreach program regarding the availability and location of free collection and special handling considerations for mercury-containing lamps. An approved collection plan shall have a term not to exceed five years.

The act requires ANR to approve or deny a collection plan submitted by a manufacturer or stewardship organization. ANR may also require amendment of a collection plan. ANR shall establish a public input process for approval of a new or amended collection plan. The act requires ANR to approve or deny a registration of a stewardship organization. ANR may adopt special handling requirements for mercury-containing lamps and shall post all approved manufacturers and manufacturers' brands for the agency's website.

In addition, beginning January 1, 2013, a mercury-containing lamp sold in Vermont shall satisfy the mercury-content standards for lamps set by California. ANR may adopt rules to implement the mercury-containing lamp collection requirements, and such rules may include exemptions from the mercury-content standards. The act also authorizes ANR or a retailer to request from a manufacturer a certification that the manufacturer's lamps satisfy the mercury-content standards.

The act also reenacts statutory operational standards for automobile salvage yards until ANR adopts operational standards by rule.

Effective Date: May 19, 2011

**Act No. 37 (H.26). Conservation and development; water quality; fertilizer**

This act regulates the application and retail display of fertilizer intended for commercial or residential use. The act prohibits the application to turf of fertilizer with a phosphate content of greater than 0.67 percent by weight, except when turf is deficient in phosphorus as shown by a soil test or when fertilizer is labeled as starter fertilizer intended for application to turf in the first season when grass is being established. The act also prohibits the application to turf of nitrogen fertilizer that has a nitrogen content of less than 15 percent slow-release nitrogen.

The act also prohibits the application of any fertilizer to an impervious surface, except for activities regulated under the accepted agricultural practices. Similarly, the act prohibits application of fertilizer to turf before April 1 or after October 15 in any calendar year. The act also prohibits the application of fertilizer to turf within 25 feet of a water of the state.

As defined in the act, "turf" is land planted in closely mowed grasses that is used for a commercial or residential purpose or that is publicly owned. "Turf" does not include land managed for agricultural production or private and public golf courses. However, the act requires the owner or operator of a golf course to submit to the agency of agriculture, food and markets a nutrient management plan for the use and application of fertilizer to grasses or other lands owned or controlled by the golf course. The golf course nutrient management plan shall ensure that the golf course applies fertilizer according to site-specific agronomic rates, which is the current standard that agricultural activities must meet.

In addition, the act requires a retailer who sells or offers for sale phosphorus fertilizer to consumers to display the nonphosphorus fertilizer separately from phosphorus fertilizer and to post in the retail location, if any, where phosphorus fertilizer is accessible to the consumer a clearly visible sign regarding the threat that phosphorus fertilizer poses to water quality and the fact that phosphorus fertilizer shall not be applied to lawn unless applied to new lawn or lawn deficient for phosphorus.

A person who knowingly or intentionally violates the requirements of the act shall be subject to a civil penalty of not more than \$500.00 per violation. The act would be enforceable in the judicial bureau by the agency of natural resources and the agency of agriculture, food and markets.

Multiple effective dates, beginning May 19, 2011

*Also see: Fish and Wildlife; Act No. 54 (H.91). Fish and wildlife; management of wildlife; enforcement; hunting and fishing licenses; posting of land*

*Also see: Health; Act No. 27 (H.11). Health; conservation and development; disposal of prescription drugs*

*Also see: Public Service; Act No. 47 (H.56). Energy; renewable energy; tax; municipalities; real property; commerce and trade; consumer fraud; natural resources; air quality*

*Also see: Public Service; Act No. 53 (S.78). Public service; telecommunications, cellular, broadband, conservation and development; natural resources; municipalities; government operations*

### Consumer Protection

*See: Public Service; Act No. 47 (H.56). Energy; renewable energy; tax; municipalities; real property; commerce and trade; consumer fraud; natural resources; air quality*

### Corrections

#### **Act No. 41 (S.108). Crimes and criminal procedure; corrections; sentencing; furlough; arraignments**

This act is also known as “The War on Recidivism Act” and addresses a number of issues related to criminal justice and corrections policy.

- Clarifies that a sentence is not considered “fixed” and thereby prohibited by Vermont’s indeterminate sentencing structure, provided the minimum and maximum terms of the sentence are not identical
- Permits the department of corrections to place an offender who was convicted for an eligible misdemeanor on reintegration furlough, treatment furlough, or home confinement furlough without prior approval of the court, provided that the department has made a determination based upon a risk assessment that the offender poses a low risk to public safety or victim safety and that employing an alternative to incarceration to hold the offender accountable is likely to reduce the risk of recidivism. At the time of sentencing, the court may make written findings that such release is not appropriate, and thus block the department from taking such action. The court veto provision will expire March 31, 2013
- Establishes the nonviolent misdemeanor review committee for the purpose of proposing alternatives to incarceration for nonviolent, low-risk misdemeanors. The committee will report its findings to the general assembly no later than December 1, 2011

- Establishes a standard measure of recidivism and requires the joint committee on corrections oversight to establish a goal for reducing the number of recidivists over a one- to two-year period
- Directs the department of corrections to work with various law enforcement agencies to develop place-based strategies to enhance public safety
- Requires various government stakeholders to work cooperatively to develop a statewide plan for screening all persons who are charged with a violent misdemeanor or any felony as early as possible and report their efforts to the general assembly no later than October 15, 2011
- Suspends the use of video arraignments until the general assembly determines that there is evidence to support that it can be done in a manner that is cost-effective and efficient and ensures defendants' due process rights, and requires various government stakeholders to study and propose alternatives to video arraignments, including the use of conference calls and the existing telephone system used by attorneys to reach their clients in correctional facilities
- Requests the administrative judge, the commissioner of the department of corrections, the executive director of the department of state's attorneys and sheriffs, and the defender general to work individually and cooperatively to increase awareness among attorneys, judges, and probation officers of the option of home confinement as an alternative to incarceration in a correctional facility
- Requires the agency of administration in conjunction with the joint fiscal office to conduct a study which draws on resources across state agencies on how the state can best provide quality health care services to people incarcerated in Vermont at a cost savings to the state. The agency shall report its progress to the house committee on corrections and institutions and the house and senate committees on judiciary on or before January 15, 2012
- Appropriates money to the Vermont center for justice research for the purpose of conducting two studies. One will be to evaluate innovative programs and initiatives, including local programs and prison-based initiatives, best practices, and contemporary research regarding assessments of programmatic alternatives and pilot projects relating to reducing recidivism in the criminal justice system. The second will be to conduct an outcome assessment of Vermont's two work camps
- Directs the department of corrections to undertake a review of the administrative burden placed on field officers and reduce paperwork handled by these officers by 50 percent as of July 1, 2012

Multiple effective dates, beginning May 20, 2011

*Also see: Appropriations and Finance; Act No. 40 (H.446). Capital appropriations; bonding; school construction funding*

*Also see: Human Services; Act No. 19 (H.426). Human services; mental health; transportation of individuals and children; reporting*

### **Crimes and Criminal Procedures**

#### **Act No. 6 (H.236). Crimes and criminal procedures**

This act extends the statute of limitations for a prosecution for sexual abuse of a vulnerable adult from 3 to 6 years.

Effective Date: July 1, 2011

#### **Act No. 16 (S.58). Crimes and criminal procedure; judiciary; human services**

This act permits the state, under certain circumstances and for serious offenses, to institute criminal proceedings against a person 18 years of age or older for a crime that the person committed before turning 18.

Effective Date: May 9, 2011

#### **Act No. 26 (S.30). Crimes and criminal procedure; assault of a health care worker**

This act establishes a criminal penalty enhancement for assaulting a health care worker. A person convicted of a simple or aggravated assault may face from 1 to 10 years imprisonment in addition to the penalty for the underlying crime if the victim was a health care worker performing his or her lawful duty.

For purposes of this act, the terms “health care facility” and “health care worker” are defined. Finally, this act directs the law enforcement advisory board to adopt a model policy to address enforcement of the criminal code as it related to an assault of a health care worker while he or she is engaged in his or her official duties providing patient care.

Effective Date: May 12, 2011

#### **Act No. 31 (S.2). Crimes and criminal procedures; public safety**

This act makes several technical corrections to the statutory provisions pertaining to the Internet sex offender registry.

Effective Date: May 17, 2011

#### **Act No. 42 (S.73). Crimes and criminal procedures; motor vehicles**

This act enhances the penalties for the crime of attempting to elude a police officer.

Effective Date: July 1, 2011

#### **Act No. 55 (H.153). Crimes and criminal procedures**

This act establishes a comprehensive system of criminal penalties and prevention programs for human trafficking, and a program of services for human trafficking victims. It enacts four new substantive human trafficking-related crimes in Vermont law: human trafficking for commercial sex or forced labor; aggravated human trafficking with an enhanced penalty; facilitating or promoting human trafficking; and solicitation. The act’s comprehensive approach to human trafficking prosecutions requires assistance to human trafficking victims and a public education program about the crime. The act also amends a number of crime victim restitution procedures, including prohibiting the disclosure of a crime victim’s name in response to a public records request and establishing a pilot project to allow a crime victim to submit, and the restitution unit to verify, a request for restitution prior to sentencing.

Effective Date: July 1, 2011

**Act No. 56 (H.264). Crimes and criminal procedures; motor vehicles; judiciary; labor**

This act contains the following provisions related to operating a motor vehicle while under the influence of alcohol or drugs:

(1) The act prohibits a person from letting another person operate the person's car if the person knows that the operator is under the influence of alcohol or other drugs. The prosecution is required to show that the unlicensed person did not obtain permission from the defendant to operate the motor vehicle by placing the defendant under duress or subjecting the defendant to coercion.

(2) The act creates enhanced penalties for multiple DUI offenders. A person with a prior DUI conviction who is convicted of a second or subsequent DUI with a blood alcohol content of 0.16 or greater, which is twice the legal limit, is prohibited from driving with a BAC of 0.02 or greater for the next three years. The act establishes presumptive minimum prison terms for multiple DUI offenders which must be served unless the court makes written findings that such a sentence will not serve the interests of justice and public safety.

(3) The act transfers authority and supervision over blood and breath alcohol testing and alcohol screening devices from the department of health to the department of public safety.

The act also includes the following other provisions:

(1) The act grants immunity from liability to an employer who discloses information in good faith about an employee's job performance to a prospective employer if the prospective employer employs persons who work with minors or vulnerable adults. The act requires the legislative council to report by January 15, 2013 on the impact of this grant of immunity on employment and hiring practices in Vermont.

(2) The act creates a committee to study issues related to probate and family division jurisdiction over proceedings involving guardianship of minors.

(3) The act designates the information and affidavit as confidential once a case is accepted by the court diversion project unless the diversion board declines to accept the case or the offender declines to participate or fails to complete diversion successfully.

(4) The act enacts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Multiple effective dates, beginning May 31, 2011

*Also see: Corrections; Act No. 41 (S.108). Crimes and criminal procedure; corrections; sentencing; furlough; arraignments*

*Also see: Motor Vehicles; Act No. 46 (S.94). Miscellaneous amendments to the motor vehicle laws*

### Domestic Relations

#### **Act No. 32 (S.101). Domestic relations; child support**

This act amends the child support laws reducing the surcharge on past-due child support from a monthly rate of one percent or an annual rate of 12 percent to a monthly rate of one-half percent or an annual rate of six percent, and permitting a court to discharge all or part of a surcharge that accrued subsequent to the date of the last judgment upon a finding that since that date, the obligated parent became unable to comply with the underlying support obligation.

The act also establishes a working group composed of the director of the office of child support, the administrative judge, the commissioner of the department of corrections, the executive director of the department of state's attorneys and sheriffs, the defender general, and a representative of the family law division of the Vermont Bar Association for the purpose of developing recommendations and a legislative proposal regarding:

- (1) how the state can assist willing obligors to comply with child support orders;
- (2) the use of civil and criminal contempt and any other strategies for unwilling obligors;
- (3) an approach to address arrearages due to the custodial parent, both the large amounts that will likely never be paid and the small amounts that keep an obligor from being in compliance;
- (4) the value of license suspension as it relates to child support noncompliance;
- (5) the use of presumptive orders, alternatives, and strategies to develop an appropriate order when a noncustodial parent does not appear at a hearing;
- (6) whether child support should continue to terminate at age 18 or whether it should be extended if a child is still in college; and
- (7) the feasibility of a family problem-solving docket that could address issues of child support.

The working group shall present its findings and recommendations to the office of legislative council no later than November 1, 2011, and the legislative council shall draft a bill implementing the proposal for consideration by the senate and house committees on judiciary.

Finally, the act designates that all orders for child support subject to wage withholding, and all orders for child support not subject to wage withholding made or modified on or after July 1, 1990, shall require that payment be made through the registry as a IV-D case unless the parties have agreed that the obligor will pay the obligee directly.

Multiple effective dates, beginning July 1, 2011

*Also see: Judiciary; Act No. 29 (H.88). Judiciary; domestic relations*

## Economic Development

### **Act No. 52 (H.287). Commerce and economic development; agriculture**

- Sec. 1. Directs the secretary of commerce and community development (ACCD) to conduct a comprehensive study of the Vermont employment growth incentive (VEGI) program, to evaluate overall effectiveness, appropriate term and use of “wage threshold” and the “lookback provision,” background growth rates, administrative burdens, etc.
- Sec. 2. Extends VEGI program sunset from January 1, 2012 to July 1, 2012.
- Sec. 3. Allows credit for “new jobs” if Vermont economic progress council (VEPC) determines they are created in a significantly different, new line of business, even though new jobs would not exceed the applicant’s average annual employment in preceding two years.
- Sec. 5. Requires public VEGI data and information to be reported in a searchable format.
- Sec. 6. Creates science, technology, engineering and mathematics (STEM) incentive program.
- Sec. 7. Creates long-term unemployed hiring incentive program.
- Sec. 8. Directs governor to appoint chair of workforce development council (WDC) for a term of two years, and a member shall not serve consecutive terms. A member shall not serve more than three consecutive terms as chair.
- Sec. 8a. Repeals statutory position of executive director of workforce development council authorized in 10 V.S.A § 541(h).
- Secs. 9–10a. Findings, substantive revisions, and report on eligibility criteria for the Vermont Training Program.
- Secs. 11–13. Creation and implementation of the Vermont career internship program.
- Sec. 14. Codifies in 10 V.S.A. § 542 workforce development performance grants issued by the department of labor, in coordination with ACCD, in consultation with WDC, to one or more persons to perform workforce development activities in a region.
- Secs. 15–17. Creates the office of creative economy within ACCD, repeals Vermont film corporation, creates a Vermont film and new media advisory board.
- Secs. 18–19. Makes technical corrections for digital corporations.
- Secs. 21–22. Creates EB-5 enterprise fund, authorizes fee for services, and requires report regarding the fee and fund.
- Secs. 23–23a. Findings and new process for landholder application for Vermont neighborhoods designation.
- Secs. 24–26. Findings and creation/reinstatement of a small condo exemption under the uniform common interest ownership act.
- Sec. 29. Charges development cabinet with task of creating a long-term economic development plan.
- Secs. 30–33. Adds a requirement for an economic development element to regional and municipal plans; adds assessment report requirement for readoption of regional plans.

Sec. 34. Authorizes agency of agriculture, food and markets (AFM) to issue one or more competitive grants to increase slaughterhouse capacity

Secs. 35–38. Changes composition of Vermont sustainable jobs fund nonprofit, and repeals past legislation on this subject.

Sec. 39. Makes statutory changes designed to ensure stable and adequate supply of large animal veterinarians in regions of the state as determined by the secretary of AFM.

Sec. 40. Authorizes AFM to award matching grants for good agricultural practices program.

Sec. 41. Directs secretary of AFM to issue a request for proposals to develop a curriculum and provide classroom and on-the-job training for the occupation of skilled meat cutter.

Sec. 42. Creates one new local foods coordinator position in AFM; coordinator will facilitate matchmaking producers with commercial and institutional markets.

Sec. 43. AFM will coordinate with Vermont sustainable jobs fund (VSJF) to implement the farm-to-plate investment program; authorizes agency to contract with third-party to assist agency and track program activities and progress.

Sec. 45. Creates a violation of the consumer fraud act to misrepresentation of a floral business's location or status as a "local" business in advertising or directory listing.

Sec. 46. Creates a building codes study committee to review and report on the use of multiple building codes.

Sec. 50. Directs ACCD to create a website, or a new section of its website, to provide matchmaking opportunities for Vermont companies to affiliate with online retailers that collect and remit sales tax on purchases made online.

Sec. 60. Authorizes first class liquor license holder to contract with another person to prepare and dispense food on the premises without limitation on number of events.

Sec. 64. Directs secretary of administration, in collaboration with office of the treasurer to review and report findings concerning the state's current process for allocation of private activity bond capacity and a cost-benefit analysis of one or more projects that may be suitable for private activity bond funding.

Sec. 65. Authorizes funding for the completion of southeast Vermont economic development strategy (SeVEDS) planning process to address economic impacts anticipated in Windham County due to closure of Vermont Yankee.

Sec. 66–67. Makes certain amendments to H.441 (Act. No. 63), the appropriations act (Big Bill) (redundant to changes actually adopted in Big Bill; sections have no effect).

Secs. 70–71. Findings and study on net costs of government contracting and econometric modeling.

Secs. 72–73. Directs buildings and general services (BGS) to consider interests of state, costs, proximity, jobs, when purchasing food and agricultural products; all things equal, buy Vermont; repeal of redundant agricultural purchasing provision in Title 6.

Secs. 76–77. Authorizes permit to serve malt or vinous beverages at an art gallery or bookstore event, and creates a fee of \$15.00.

Sec. 85. General revision to consumer protection provision that governs what charges may appear on a consumer’s telephone bill for goods and services.

Sec. 100. Appropriations.

Sec. 101. Unified reporting for act.

Sec. 102. Effective dates.

Secs. 4, 20, 27–28, 44, 47–49, 51–59, 61–63, 68–69, 74–75, 78–84, and 86–99.

Reserved.

Multiple effective dates; beginning May 27, 2011

### Education

**Act No. 20 (H.430). Education; administrators; principals; technical center directors; teachers; mentors**

Sec. 1 of this act creates 16 V.S.A. § 245, which requires superintendents to ensure that newly hired principals and technical center directors who have not previously been employed in that capacity receive mentoring supports during at least the first two years of employment. Sec. 1 applies to new contracts for the 2012–2013 academic year and after. Sec. 2 creates a committee to study and evaluate mentoring programs for new teachers and present recommendations to the house and senate committees on education by January 1, 2012.

Effective Date: May 11, 2011

**Act No. 30 (H.428). Education; supervisory unions; education property tax**

Act 153 of 2010 required that all supervisory unions assume certain responsibilities on behalf of member school districts by July 1, 2012. This act extends the date by which supervisory unions must perform the duties by one year, to July 1, 2013. In addition, it corrects an oversight in the transitional language included in Act 153 for special education employees by including transportation employees in the transitional language as well. Finally, it permits the department of education to use corrected grand list information submitted by the town of Putney after March 15, 2011 when calculating Putney’s fiscal year 2011 education property tax liability. (Note: Secs. 1 and 2 are identical to Secs. 34 and 18 in Act No. 58 (S.100))

Effective Date: May 17, 2011

**Act No. 38 (S.53). Education; prekindergarten; average daily membership**

This act removes limits on the number of children enrolled in a prekindergarten education program operated by or through a school district that the district may include within its average daily membership.

Multiple effective dates, beginning May 19, 2011

**Act No. 43 (H.38). Education; Interstate Compact on Educational Opportunity for Military Children**

With this act, Vermont is the 37th state to join the Interstate Compact on Educational Opportunity for Military Children. Member states agree to make accommodations for children of military families, who move more frequently than children of civilian families. Schools in member states must facilitate enrollment; transfer records in a timely fashion; honor students' grade level, course placement, or special-education plan; permit additional absences; allow participation in extracurricular activities; and facilitate on-time graduation.

The act also allows Vermont to participate and vote in the Interstate Commission on Educational Opportunity for Children of Military Families, an organization that meets annually, resolves disputes, makes rules, and develops education policy to help children of military families.

Effective Date: July 1, 2011

**Act No. 58 (S.100). Education; technical corrections; bullying; harassment; energy improvements**

This act makes miscellaneous technical amendments to education laws, including

- resolving conflicting language (Secs. 1, 3, 29, and 30)
- updating language concerning the age at which children must begin to attend school (Sec. 2), the way in which education statutes refer to individuals with disabilities (Secs. 4–6), and the identity of various departments within the agency of human services (Secs. 8–17)
- deleting archaic language (Secs. 3 and 31)
- amending the membership of the advisory council on special education and formally listing all accredited postsecondary schools chartered in the state, both of which are necessary to conform to federal law (Secs. 4 and 19)
- amending existing law to reflect that data submitted by schools are used to establish tax rates and that the education funding system does not involve block grants (Sec. 7)
- correcting an oversight in the transitional language included in Act 153 of 2010 for special education employees by including transportation employees as well (Sec. 18)

The act makes minor substantive amendments to the department of education's oversight of in-state postsecondary schools, amends the process by which out-of-state postsecondary schools gain authority to operate within the state, and updates the fees required for processing applications from in-state and out-of-state postsecondary schools (Secs. 19–21).

The act allows the department of education to funnel grants for school food programs through supervisory unions to the school districts and makes certain approved education programs that provide services to teen parents or to other enrolled students and that

operate food programs for those students eligible to receive grants in connection with the provided food services (Sec. 22).

The act requires public and approved independent secondary schools to award credit for postsecondary classes successfully completed by a secondary student and states that it is the policy of the state to encourage increased access to dual enrollment and other expanded learning opportunities (Secs. 23–24).

The act permits the voters of a school district to give general authority to their school board to incur debt at any time in the subsequent five years to finance school building energy improvements, provided that the debt does not exceed \$350,000.00 per building in any three-year period and is payable over a term that does not exceed 10 years, and the avoided costs exceed the principal and interest due (Sec. 32).

The act extends the date by which supervisory unions must perform certain duties on behalf of member districts to July 1, 2013 (Sec. 34).

The act amends the definitions of “harassment” and “bullying” in the educational context to include actions committed electronically and permits school administrators to discipline students for actions conducted outside normal school hours and off school grounds where the conduct can be shown to pose a clear and substantial interference with another student’s right to access educational programs (Secs. 35–37).

The act requires the integration of the food processing sectors into programs offered by the state’s regional career and technical centers (Sec. 38).

The act directs the department of education and others to develop and publish guidelines, forms, and other materials designed to educate school athletic coaches, youth athletes, and the athletes’ parents regarding the risks of concussions and other head injuries; requires that athletes and their families receive informational materials annually before participation in school athletic activities; and prohibits school coaches from allowing an athlete who was removed or prohibited from participation due to symptoms of a concussion to resume participation until the athlete receives written permission from a licensed health care provider (Secs. 39–40).

Finally, the act requires several reports:

- The department of education, in consultation with the department of motor vehicles and other interested entities, shall explore options for restructuring the delivery of driver education to 15- to 20-year-old Vermonters and provide a detailed restructuring proposal by January 15, 2012 (Sec. 25)
- The department of education shall report by January 15, 2012 regarding the current and planned use of technology and Internet access in schools designed to increase educational opportunities for students (Sec. 26)
- The department of education and the department for children and families, in consultation other interested entities, shall explore ways to simplify the regulation of prekindergarten education programs offered by or through public schools and report proposals by January 1, 2012 (Sec. 28)

Multiple effective dates, beginning May 31, 2011

### Elections

#### **Act No. 10 (S.31). Elections, president; national popular vote; agreement among the states**

This act is an interstate compact regarding electing the president and vice president by a national popular vote. Pursuant to the compact, prior to the time the presidential electors meet and vote for president and vice president (the “presidential slate”), the total number of votes cast for a presidential slate in every state and the District of Columbia shall be determined and then added together to produce a “national popular vote total” for each presidential slate. The presidential slate with the largest national popular vote total shall be the “national popular vote winner.” This compact would require each state that is a member of the compact to appoint in that state the presidential electors nominated in that state in association with the national popular vote winner.

Although this act becomes effective in Vermont on July 1, 2011, the terms of the compact would not take effect until states (which, pursuant to the compact, includes the District of Columbia) possessing a majority of the electoral votes – that is, at least 270 of the total 538 electoral votes – have enacted this agreement in substantially the same form and the enactments have taken effect in each state. The result of this compact is that the presidential slate obtaining the most popular votes nationwide would win an election, instead of the current method of determining the presidential slate winners based on separate statewide vote counts.

Effective Date: July 1, 2011

*Also see: Professions and Occupations; Act No. 66 (H.420). Professions and occupations; licensing*

### Executive Branch

#### **Act No. 7 (S.12). Executive branch; human services; commission on Alzheimer’s disease and related disorders**

This act adds a member to the commission on Alzheimer’s disease and related disorders. This new member shall be appointed by the governor and shall represent the area agencies on aging.

Effective Date: April 18, 2011

#### **Act No. 22 (H.448). Executive branch; state employees labor relations act; labor relations board**

This act amends the roles of the state labor relations board and the general assembly within the provisions of the state employees labor relations act. Prior to the effective date of this act, the general assembly had the authority to enact laws to amend provisions of a collective bargaining agreement arrived at pursuant to 3 V.S.A. § 925 involving the state of Vermont. Pursuant to this act, when the labor relations board must choose among the last best offers of a collective bargaining unit or the state of Vermont or the recommendation of a fact finder pursuant to 3 V.S.A. § 925, the decision of the board shall be final, and the terms of the chosen agreement shall be binding on each party, subject to an appropriation by the general assembly. If, pursuant to this act’s amendment of 3 V.S.A. § 982(d), the general assembly appropriates funds sufficient to implement the board’s chosen agreement, the agreement shall become effective at the beginning of the next fiscal year. On the other hand, if the general assembly appropriates less than the

amount requested to implement the board's selected agreement, the terms of the agreement effected by the lesser appropriation shall be renegotiated based on the amount of funds actually appropriated, and the agreement with the negotiated changes shall become effective at the beginning of the next fiscal year.

Effective Date: July 1, 2011

**Act No. 24 (S.90). Executive branch; human services; respectful language study**

This act requires the agency of human services to convene a working group to recommend guidelines for using respectful language when referring to people with disabilities. In convening the working group, the agency shall designate at least one employee of the agency to serve on the working group, and it shall invite the participation of representatives of various named groups, as well as two people appointed by the governor. The working group is charged with identifying words that should not be used in Vermont statutes, regulations, and policies, and suggesting in their place words that reflect positive views of people with disabilities; avoiding using language that would change the meaning or intent of state statutes; identifying specific statutes that should be addressed by the general assembly; selecting wording that does not conflict with federal law; and recommending guidelines to support state government agencies and departments in using respectful language. The working group is to report its finding and recommendations – including any recommended language – to named house and senate committees by November 1, 2011.

Effective Date: May 11, 2011

**Act No. 33 (H.138). Executive branch fees**

This act adjusts executive branch fees as follows:

1. Office of professional regulation.
  - a. Decreases licensing fees for nursing home administrators from \$325.00 to \$100.00 for a license application and from \$400.00 to \$200.00 for a license renewal.
  - b. Increases fees for accountants from \$100.00 to \$120.00 for a license renewal and from \$35.00 to \$120.00 for the registration of an accounting firm.
  - c. Increases fees for funeral directors as follows:
    - i. From \$260.00 to \$300.00 for a funeral director license.
    - ii. From \$260.00 to \$300.00 for an embalmer's license.
    - iii. From \$475.00 to \$540.00 for a license to operate a funeral establishment.
    - iv. From \$475.00 to \$540.00 for a license to operate a crematory establishment.
    - v. From \$75.00 to \$85.00 for a removal personnel license.
  - d. Decreases the license renewal fee for psychologists from \$225.00 to \$150.00.
2. Department of labor. Increases the workers' compensation administration fund employer contribution from 1.37 to 1.75 percent of annual workers' compensation premiums.

3. Agency of agriculture, food and markets.

a. Decreases the milk handler license application fee from \$200.00 to \$50.00 and changes the license fee from a flat \$50.00 rate to a rate based on the amount of milk products bought, sold, packaged, or transported daily. The act also adds a \$50.00 late fee for milk handler renewal applications not received by July 1 of each year when due.

b. Increases the fee for a technician's license examination from \$15.00 to \$20.00 per examination and adds a \$25.00 late fee for technician license renewal applications not received by July 1 of each year when due.

c. Increases the fee for businesses that install or repair dairy processing equipment from \$25.00 to \$100.00.

d. Increases the license fee for persons manufacturing or selling frozen desserts from \$35.00 to \$70.00.

4. Department of fish and wildlife. Adds a new fee for a second bear tag license. The fee is \$5.00 for Vermont residents and \$15.00 for people residing out of state.

This act also repeals a sunset of a provision requiring that court diversion fees be paid as a condition of completing diversion.

Multiple effective dates, beginning May 18, 2011

*Also see: Public Records; Act No. 59 (H.73). Government operations; public records act*

*Also see: Public Service; Act No. 53 (S.78). Public service; telecommunications, cellular, broadband, conservation and development; natural resources; municipalities; government operations*

### **Fish and Wildlife**

**Act No. 14 (H.66). Fish and game; hunting; penalties**

This act increases the dollar amount of fines for big game violations, which include the illegal taking, possessing, transporting, buying, or selling of big game. The act raises the maximum fine for a first offense from \$500.00 to \$1,000.00 and the minimum fine for a first offense from \$200.00 to \$400.00. The act also raises the maximum fine for a second offense from \$1,000.00 to \$2,000.00 and the minimum fine from \$500.00 to \$1,000.00. The act also raises the restitution values that a person is required to pay for the illegal taking, destroying, or possessing of a wild animal. The restitution value for big game is raised from \$1,000.00 to \$2,000.00 for each animal. The restitution value for endangered or threatened species is raised from \$1,000.00 to \$2,000.00 for each animal. The restitution value for small game is raised from \$250.00 to \$500.00 for each animal. The restitution value for fish remains at the current \$25.00 for each fish.

Effective Date: July 1, 2012

**Act No. 54 (H.91). Fish and wildlife; management of wildlife; enforcement; hunting and fishing licenses; posting of land**

This act addresses state management of wildlife, how fish and game requirements are enforced, and eligibility for certain fish and game programs. The act declares that the fish and wildlife of Vermont are held in trust by the state for the benefit of Vermont

citizens and shall not be reduced to private ownership. The act authorizes the commissioner of fish and wildlife to manage and regulate fish and wildlife.

The act also repeals the transfer of regulatory oversight over one captive cervidae facility from the department of fish and wildlife (department) to the agency of agriculture, food and markets. Upon repeal, the department shall have regulatory jurisdiction over the facility and the white-tailed deer and moose entrapped within the facility. Upon transfer of regulatory jurisdiction to the department, the captive cervidae facility shall be regulated as a captive hunt facility under the fish and wildlife board's (board's) rules governing the importation and possession of animals for hunting, except for the following: the entrapped wild cervidae may remain at the facility but shall be subject to hunt during an open season set by the board; the board shall adopt by rule a process to reduce the number of white-tailed deer or moose at the facility to zero over a three-year period from September 1, 2011, provided that the moose known as Pete shall not be hunted or killed; and the board shall adopt a process and protocol for a disease surveillance program at the facility. The act prohibits the owner of the captive cervidae facility from charging for the right to take white-tailed deer or moose, and no person may knowingly or intentionally allow wild cervidae to escape or be released from the facility.

In addition, the act amends the enforcement authority of the department. Under the act, the department may accept an assurance of discontinuance as an alternative to judicial proceedings. The act also authorizes the department to, in addition to other penalties provided by law, assesses administrative penalties not to exceed \$1,000.00 for each violation of fish and game wildlife.

The act amends how a member of the armed forces obtains a license to hunt or fish in the state by allowing a person to certify that he or she is eligible for the license available to members of the armed forces. The act provides that in order for a landowner to be eligible for an antlerless deer permit, the landowner family exception, or the taking of bear or deer doing damage to crops, the land shall not be posted; posting means any signage that would lead a reasonable person to believe that hunting is prohibited on the land.

The act also requires the department to convene a working group on deer doing damage to land managed for the production of marketable forest products. Similarly, the act requires the department to conduct education and outreach regarding forestry practices to address deer damage to land managed for the production of marketable forest products.

Multiple effective dates, beginning May 31, 2011

### **General Provisions**

#### **Act No. 8 (H.85). Native American affairs**

This act recognizes the Nulhegan Band of the Coosuk Abenaki Nation as a Native American Indian Tribe.

Effective Date: April 22, 2011

#### **Act No. 9 (H.86). Native American affairs**

This act recognizes the Elnu Abenaki Tribe as a Native American Indian Tribe.

Effective Date: April 22, 2011

## Health

### **Act No. 27 (H.11). Health; conservation and development; disposal of prescription drugs**

This act authorizes a person who lawfully obtained a prescription drug to deliver the drug for disposal without being registered by the state as a pharmacy if federal law authorizes the person to dispose of the drug and the person receiving the drug is authorized by state or federal law to engage in such activity.

Effective Date: July 1, 2011

### **Act No. 35 (S.15). Health; health insurance; midwives; maternity; births; birth certificates**

This act requires all health insurers to provide coverage for services provided by licensed midwives and certified nurse midwives, including home births. It requires licensed midwives to verify on their license renewal forms that they have filed a timely birth certificate for each birth at which they were the attending midwife, as required by law.

Existing law requires licensed midwives to develop a written plan for consulting with doctors and other health care professionals for the emergency transfer or transport of a patient or newborn to a health care facility, and to submit the plan to the director of the office of professional regulation (OPR). The act requires the plan to be reviewed and approved by OPR's advisor appointees on matters related to midwives and to be provided to any health care facility or health care professional named in the plan. It also requires the director of OPR to develop a single form for use in all cases of transfer or transport.

Existing law requires licensed midwives to complete a peer review of any death, significant morbidity to client or child, transfer to hospital, or practice performed outside the standards set for midwives. The act allows other health care professionals involved in the care or treatment of the client to provide written input during the peer review process, to be filed with OPR, and requires the director of OPR to provide notice of the disposition of the peer review to any health care professional who provided written input.

The act requires licensed midwives and certified nurse midwives to submit to a national database information about each home birth in Vermont for which he or she was the attending midwife. Annually from 2012 through 2016, the act directs the commissioner of health to access the database and to provide testimony to the general assembly regarding the activities of licensed midwives and certified nurse midwives during the preceding year.

The act establishes a maternal mortality review panel to look at all deaths in Vermont that occurred while a woman was pregnant or within one year after the end of a pregnancy. The panel will make recommendations for system changes to improve health care services for women in Vermont. The act requires the commissioner of health to report annually to the general assembly about maternal deaths and recommend ways to address systemic problems identified.

The act provides a process through which an individual who has completed sexual reassignment may receive a new birth certificate that reflects the new sex without indicating that a change in name or sex, or both, has occurred. It also allows an individual to apply for a new birth certificate if he or she currently has a birth certificate marked as having been amended to change the individual's sex.

The act directs the commissioner of health to use information from the Vermont health care claims uniform reporting and evaluation system (VHCURES) to collect information for the birth information network, allows the commissioner to amend by rule the list of the 40 most significant health conditions of newborns in Vermont for which information is collected, and requires the collection of information on conditions relating to upper and lower limbs.

Multiple effective dates, beginning May 18, 2011

**Act No. 48 (H.202). Health; health insurance; health care reform; health benefit exchange; Green Mountain Care; Medicaid; payment reform; health information technology; health care workforce; rate review**

This act creates Green Mountain Care, a publicly financed health care program designed to contain costs and to provide comprehensive, affordable, high-quality health care coverage for all Vermont residents. The act sets out 14 principles as a framework for reforming health care in Vermont and expands the list of Vermont's ongoing health care reform efforts. It requires the creation of a strategic plan for health care reform, a proposal on medical malpractice reform, a work plan for the newly created Green Mountain Care board, and several other reports and proposals to be submitted to the general assembly.

The act creates an independent, five-member Green Mountain Care board to improve the health of Vermonters, reduce the rate of growth in health care expenditures, enhance the patient and health care professional experience of care, recruit and retain high-quality health care professionals, and achieve administrative simplification. Members of the board serve six-year terms and are subject to conflict-of-interest provisions. The act sets the salary of the chair of the Green Mountain Care board as equal to that of a superior judge; the salary for the remaining members of the board is two-thirds of the chair's salary.

The act details the board's duties, which include setting payment rates for health care professionals; overseeing and evaluating the development and implementation of health care payment and delivery system reforms, including evaluating payment reform pilot projects developed and implemented by the director of payment reform in the department of Vermont health access (DVHA); reviewing and approving recommendations from the commissioner of banking, insurance, securities, and health care administration (BISHCA) on health insurance rate increases, hospital budgets, and certificates of need; reviewing and approving the benefit packages for qualified health plans to be offered in the Vermont Health Benefit Exchange; defining the Green Mountain Care benefit package; and recommending annually a three-year Green Mountain Care budget.

The act creates a Green Mountain Care board nominating committee to nominate the chair and members of the Green Mountain Care board. The committee comprises nine members who serve two-year terms. The committee selects candidates from among the applicants for vacant positions on the Green Mountain Care board, assesses the candidates based on specified qualifications, and submits the names of qualified candidates to the governor. The governor will appoint an individual to the board from the list of qualified candidates, subject to the consent of the senate. Notwithstanding the statutory process established in the act, the act requires the governor, speaker of the house, and president pro tempore of the senate to appoint the members of the first Green

Mountain Care board nominating committee and to do so no later than June 1, 2011. The act directs the governor to appoint the members of the initial Green Mountain Care board to begin employment no earlier than October 1, 2011.

The act requires the state health care ombudsman to monitor the Green Mountain Care board's activities. It also transfers 10 positions from BISHCA to the Green Mountain Care board and creates new positions in state government for the Green Mountain Care board and its staff, for a deputy commissioner of DVHA for the Vermont Health Benefit Exchange, and for a director of health care reform in the agency of administration. The act codifies existing payment reform activities, including pilot projects and health insurer participation requirements. It also subjects the Green Mountain Care board to the same prescribed product manufacturer gift ban and disclosure requirements as apply to health care professionals.

The act creates the Vermont Health Benefit Exchange (the "Exchange") in DVHA to provide qualified individuals and qualified employers with qualified health benefit plans as required by the federal Patient Protection and Affordable Care Act ("Affordable Care Act"). It allows the Exchange to contract with public and private entities to carry out some of its functions and authorizes the Exchange to offer certain programs and services to employers and to insurers offering plans outside the Exchange. The act lists the duties of the Exchange, many of which are required by the Affordable Care Act. It specifies the benefits that a qualified health benefit plan must provide in order to be offered through the Exchange, including the essential benefits package required by the Affordable Care Act, certain insurance and consumer information requirements, and specific cost-sharing limitations. It also requires health insurers to charge the same premium for the same plan both inside and outside the Exchange. The act requires the Exchange to establish a navigator program to help individuals and employers enroll in public health benefit programs and in plans offered through the Exchange. It directs the Exchange to make available to the public information about costs associated with the Exchange and the results of satisfaction surveys about the plans offered in the Exchange. The act requires DVHA to contract with at least two health insurers to provide qualified health benefit plans in the Vermont Health Benefit Exchange, as long as at least two are interested in participating.

The act creates Green Mountain Care, a publicly financed universal health care program to be implemented after (1) Vermont receives a waiver from the federal Exchange requirement; (2) the general assembly enacts a law to finance the program; (3) the Green Mountain Care board approves the initial benefit package; (4) the general assembly passes the appropriations for the initial benefit package; and (5) the Green Mountain Care board makes specific determinations about the program's impacts. All Vermont residents are eligible for Green Mountain Care, which must include at least the same covered services as are available in Catamount Health. The act directs the Green Mountain Care board to define the Green Mountain Care benefit package, to be adopted by the agency of human services by rule. It also establishes penalties for providing false information in order to receive services under Green Mountain Care.

The act states the intent of the general assembly that all Green Mountain Care enrollees will have a primary health care professional involved with the Blueprint for Health within five years following Green Mountain Care's implementation. It requires

the agency of human services to solicit bids from and award contracts to public or private entities for administration of certain aspects of Green Mountain Care, such as claims administration and provider relations. The act specifies that it does not require an individual with other health coverage to terminate that coverage, and it allows an individual enrolled in Green Mountain Care to choose to maintain supplemental health insurance.

The act requires BISHCA to ask questions on its household health insurance survey about whether people have moved to Vermont to receive health services. It makes findings about the provision of health coverage for undocumented immigrants, requires the Green Mountain Care board to examine and report on the costs of covering and not covering undocumented immigrants through Green Mountain Care, and directs the secretary of administration to work with Vermont's congressional delegation to resolve issues regarding these immigrants.

The act replaces the existing Medicaid Advisory Committee with a new advisory committee to advise the DVHA commissioner on issues related to the Exchange, Medicaid, and Medicaid-funded programs, as required by federal law. The act also transfers the health care eligibility unit from the department for children and families to DVHA.

The act requires the secretary of administration or designee to make recommendations by January 15, 2012 on several issues related to implementation of the Vermont health benefit exchange and Green Mountain Care, including the advisability of establishing a basic health program for individuals between 133 and 200 percent of the federal poverty level; how to address health insurance policies for associations; whether to define a small employer for purposes of the Exchange in 2014 and 2015 as an employer with up to 50 employees or an employer with up to 100 employees; whether to allow qualified and nonqualified plans to be offered both inside and outside the Exchange; the design of a common benefit package for the Exchange; the impact of supplemental insurance plans on offerings in the small group and individual markets; the potential for bulk purchasing of prescription drugs in Green Mountain Care; whether and how to allow for supplemental coverage once Green Mountain Care has been implemented; and how to align existing programs fully in order to achieve administrative simplification. The act directs the commissioner of labor to lead an evaluation of the feasibility of integrating or aligning Vermont's workers' compensation system with Green Mountain Care and to report on the results and recommendations by January 15, 2012. In addition, the act requires the commissioner of DVHA, in consultation with the commissioners of BISHCA, of taxes, and of motor vehicles, to recommend by January 15, 2012 ways to ensure that Vermonters comply with the minimum essential coverage requirements in the Affordable Care Act.

The act requires the secretary of administration or designee to recommend two financing plans to the legislative committees of jurisdiction by January 15, 2013. One plan will recommend financing amounts and mechanisms that must be in place by January 1, 2014. The second financing plan will recommend the amounts and mechanisms necessary for Green Mountain Care and will address coverage issues related to individuals who live or work in neighboring states. Both plans will also address several financing-related issues, including potential financing sources, funding needs, and

financing mechanisms. The act requires the secretary or designee to consult with interested stakeholders to determine the potential impact of various financing sources on Vermont businesses and on the state's economy and economic climate, and to report these findings and any related recommendations by February 1, 2012. It requires the secretary or designee to solicit public input when designing the financing plan for Green Mountain Care and to provide opportunities for public engagement. It also directs the secretary or designee to consider strategies to address individuals who currently receive health coverage through federal governmental or foreign sources.

The act requires the secretary of administration or designee, in consultation with the Green Mountain Care board and the DVHA commissioner, to review Vermont's health information technology plan to ensure that it reflects the creation of the Exchange and Green Mountain Care and furthers efforts toward their implementation, and the act allows the secretary to contract out for some of this work. The act requires the secretary or designee to report to the committees of jurisdiction by January 15, 2012 on how to unify Vermont's current efforts around health system planning, regulation, and public health. The act also directs the Green Mountain Care board, in consultation with the BISHCA commissioner, to recommend to the legislative committees of jurisdiction by March 15, 2012 any changes needed to align regulatory processes with the payment reform strategic plan.

The act requires the director of health care reform in the agency of administration to oversee the development and maintenance of a health care workforce development strategic plan to ensure that Vermont has the health care workforce necessary to provide care to all Vermonters. It requires the director and others to collaborate on a plan to address the retraining needs of employees displaced by implementation of the Exchange and Green Mountain Care and to present the plan to the legislative committees of jurisdiction by January 15, 2012. It also directs the board of nursing, board of medical practice, and office of professional regulation to review licensure issues and make joint recommendations to the legislative committees of jurisdiction by January 15, 2012 on ways to improve the primary care workforce.

The act requires the Green Mountain Care board to consider (1) paying health care providers for completing requests for prior authorization; and (2) exempting health care professionals from prior authorization requirements for specific services in Green Mountain Care if their requests for prior authorization for those services are routinely granted. The act directs the legislative joint fiscal office and BISHCA to provide to the legislative committees of jurisdiction an initial draft estimate by April 21, 2011 of the costs of Vermont's current health care system compared to the costs of the system upon implementation of Green Mountain Care and other reforms. A final estimate is due by November 1, 2011. In addition, the act allows the standing committees of jurisdiction to meet when the legislature is not in session to receive updates on progress toward implementation of the act.

The act adds Green Mountain Care board approval, as well as public participation and disclosure requirements, to the health insurance rate review process. It repeals the public oversight commission. It requires employers to provide their employees with an annual statement of health benefit plan costs, including the employer and employee shares of the premium and of out-of-pocket expenses, but exempts from the state requirement

employers who comply with a similar federal requirement once the federal requirement is implemented. The act also requires DVHA to post on its website the per-member per-month cost for each of its health benefit programs and the state's and beneficiary's share of the cost.

The act requires the BISHCA commissioner to report to the legislative committees of jurisdiction by January 15, 2012 on the advantages and disadvantages of adopting the National Association of Insurance Commissioners' model act prohibiting discretionary clauses in health insurance contracts. It directs DVHA to make recommendations to the committees of jurisdiction by January 15, 2012 on the feasibility of using a single prescription drug formulary for the state.

The act extends through July 1, 2014 the period during which the commissioners of health and of DVHA are directed to seek grants and other beneficial opportunities for Vermont provided by the Affordable Care Act. It also extends the primary care workforce development committee established in Act 128 of 2010 through June 30, 2011. Multiple effective dates, beginning May 26, 2011

**Act No. 51 (S.104). Health; prescription drugs; prescribed products; marketing; gift ban; disclosure; cost-sharing; prior authorization**

This act makes several changes to the laws banning most gifts and requiring certain disclosures from manufacturers of prescribed products. The act specifically excludes from the scope of those laws manufacturers of certain types of over-the-counter products and prohibits manufacturers from paying health care providers to participate in research activities other than clinical trials and significant research projects.

The act exempts from the reporting requirement loans of medical devices for short periods if the loan results in the sale or lease of the device and the issuance of a certificate of need. It also exempts from the reporting requirement prescribed products distributed for free or at a discounted price through a manufacturer's patient assistance program. The act requires manufacturers to disclose their distribution to health care providers of samples of nonprescription drugs and devices if the manufacturers have other allowable expenditures and permitted gifts to report. It also moves the reporting period for required disclosures and the deadline for the accompanying fee from the state fiscal year to the calendar year, extends the prohibitions on receiving gifts to apply to members of the Green Mountain Care board, and makes several other clarifying changes.

The act requires the commissioner of Vermont health access and the Vermont information technology leaders to evaluate the use of electronic means for requesting and granting prior authorization for prescription drugs and to report their findings and recommendations to the committees of jurisdiction by January 15, 2012.

Until July 1, 2012, the act prohibits health insurers and pharmacy benefit managers from imposing, and prohibits the commissioner of banking, insurance, securities, and health care administration from approving a form for an insurance policy that imposes, a cost-sharing requirement on a consumer for a prescription drug that is greater than that which applies to a nonpreferred brand-name drug. Multiple effective dates, beginning May 26, 2011

**Act No. 65 (S.17). Health; use of marijuana for symptom relief; dispensaries**

This act makes a few changes to the underlying law that regulates the use of marijuana for symptom relief, and establishes a framework for registering up to four nonprofit marijuana dispensaries in the state.

The act restricts registered patients to Vermont residents, but expands the list of people who may certify the medical condition of a patient to include physician's assistants and advanced practice registered nurses.

A dispensary will be permitted to acquire, possess, cultivate, manufacture, transfer, transport, supply, sell, and dispense marijuana, marijuana-infused products, and marijuana-related supplies and educational materials for or to a registered patient who has designated it as his or her dispensary and to his or her registered caregiver for the registered patient's use for symptom relief. A dispensary will be permitted to cultivate and possess at any one time up to 28 mature marijuana plants, 98 immature marijuana plants, and 28 ounces of usable marijuana. However, if a dispensary is designated by more than 14 registered patients, the dispensary may cultivate and possess at any one time two mature marijuana plants, seven immature plants, and two ounces of usable marijuana for every registered patient for whom it serves as the designated dispensary.

A patient or his or her registered caregiver may obtain up to two ounces of usable marijuana a month from the patient's designated dispensary and may obtain marijuana from the dispensary by appointment only. Once a patient designates a dispensary, he or she is not permitted to cultivate marijuana. A patient may not consume marijuana at the dispensary.

The department of public safety will be responsible for regulating dispensaries, and adopting rules for the implementation of the act. By June 2, 2012, the department shall grant registration certificates to four dispensaries, provided at least four applicants apply and meet the requirements of the act. The application fee is \$2,500.00, and is not refundable. Annual registration fees are \$20,000.00 for the first year, and \$30,000.00 for subsequent years. No more than four dispensaries may hold valid registration certificates at one time, and the total statewide number of registered patients who have designated a dispensary shall not exceed 1,000 at any one time.

A dispensary shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and shall ensure that each location has an operational security alarm system. All cultivation of marijuana is required to take place in an enclosed, locked facility which is either indoors or otherwise not visible to the public and which can only be accessed by principal officers and employees of the dispensary who have valid registry identification cards. The department of public safety must perform an annual on-site assessment of each dispensary and may perform on-site assessments of a dispensary without limitation.

A principal officer, a board member, and an employee of a dispensary must receive an identification card from the department of public safety and must submit to a criminal background check prior to working with a dispensary. A person with a pending charge or a conviction for a drug-related offense or a violent felony may not serve as a principal officer or board member or work as an employee of a dispensary. The department of

public safety may use discretion in deciding to issue an identification card to applicants with other types of pending charges or convictions.

The governor is granted the authority to suspend the implementation and enforcement of the dispensary laws if the governor determines that it is in the interest of justice and public safety; however, this authority sunsets January 31, 2012.

The act establishes a marijuana for symptom relief oversight committee for the purpose of considering a number of issues related to the use of marijuana for symptom relief and the regulation of dispensaries. The committee is asked to report to the general assembly annually.

The act requires the department of public safety to report to the general assembly no later than January 1, 2012 on the actual and projected income and costs for administering the dispensary program; recommendations for how dispensaries could deliver marijuana to registered patients and their caregivers in a safe manner; and whether prohibiting growing marijuana for symptom relief by patients and their caregivers if the patient designates a dispensary interferes with patient access to marijuana for symptom relief and, if so, recommendations for regulating the ability of a patient and a caregiver to grow marijuana at the same time the patient has designated a dispensary.  
Multiple effective dates, beginning June 2, 2011

*Also see: Crimes and Criminal Procedure; Act No. 26 (S.30). Crimes and criminal procedure; assault of a health care worker*

*Also see: Human Services; Act No. 60 (H.201). Human services; palliative care; hospice; DNR order; COLST order*

*Also see: Professions and Occupations; Act No. 61 (H.369). Professions and occupations; health*

## **Housing**

No applicable act summaries.

## **Human Services**

### **Act No. 2 (H.1). Human services; challenges for change; outcomes**

This act amends the challenges for change human services outcomes so that an outcome that applies to elders and families also applies to persons with disabilities, mental health, or substance abuse issues. The outcome states that the aforementioned persons are engaged in and contribute to their community's decisions and activities.  
Effective Date: February 11, 2011

### **Act No. 12 (H.240). Human services**

This act continues to provide for the receivership of long-term care facilities by removing a provision that would have repealed the receivership laws for these facilities on June 30, 2011.  
Effective Date: April 28, 2011

**Act No. 19 (H.426). Human services; mental health; transportation of individuals and children; reporting**

This act extends to January 31, 2015, the state's reporting requirements to the house committee on human services and the senate committee on health and welfare concerning:

- the transportation of children in state custody
- the transportation of individuals in the custody of the commissioner of mental health

In addition, this act requires that, jointly, the departments for children and families; of mental health; of corrections; and of state's attorneys and sheriffs, with the offices of both the defender general and the court administrator, provide the house committee on human services and the senate committee on health and welfare with a letter detailing its findings and recommendations concerning protocols for the secure transport of children, persons being hospitalized for mental illness, and pregnant inmates who are in state custody. The letter must also include findings and recommendations on strategies for reducing the frequency and necessity of secure transports using mechanical restraints.  
Effective Date: May 11, 2011

**Act No. 57 (S.74). Human services; animal spaying and neutering program; Vermont board of veterinary medicine**

This act transfers the administrative jurisdiction of the animal spaying and neutering program from the agency of agriculture, food and markets to the agency of human services. The act also provides that prior to adopting any amendments to the administrative rules governing the program, the secretary of human services shall consult with the chair of the Vermont board of veterinary medicine.  
Effective Date: July 1, 2011

**Act No. 60 (H.201). Human services; palliative care; hospice; DNR order; COLST order**

This act encourages palliative care and hospice use by:

- Encouraging health insurers operating in Vermont to provide coverage for an enhanced hospice access benefit for their members, whereby the definition of terminal illness is expanded from six months' life expectancy to 12 months, and members may access hospice without being required to first discontinue curative therapy
- Requiring, by no later than July 1, 2012, the agency of human services to include as a part of its application request for a demonstration project from the Centers for Medicare and Medicaid Services (CMS) to integrate care for dual eligible individuals, the additional proposal of allowing the state to provide for an enhanced hospice access benefit. Also, by no later than July 1, 2013, the agency of human services shall submit a Global Commitment Medicaid waiver amendment to provide funding for the same enhanced hospice access benefit
- Requiring the department of disabilities, aging, and independent living (DAIL) to revise its policy to allow individuals who have been first admitted

to hospice to apply for Choices for Care and ensure that these individuals are treated no differently than those individuals who first become enrolled in Choices for Care and then later are admitted to hospice. The revised DAIL policy will be for a one-year trial period beginning July, 1, 2011, and ending June 30, 2012

- Incorporating palliative care, hospice, and end-of-life pain management into the Blueprint for Health definitions at 18 V.S.A. § 701 and 18 V.S.A. § 703(d)
- Requiring a minimum of 10 hours of continuing medical education for physicians which must meet minimum criteria as established by rule and be in effect for the renewal of licenses to practice medicine expiring after August 31, 2014
- Revising the authority and obligations of health care providers, health care facilities, and residential care facilities regarding do-not-resuscitate orders (DNR) and clinician orders for life sustaining treatment (COLST)

Multiple effective dates, beginning June 1, 2011

*Also see: Crimes and Criminal Procedures; Act No. 16 (S.58). Crimes and criminal procedure; judiciary; human services*

*Also see: Executive Branch; Act No. 7 (S.12). Executive branch; human services; commission on Alzheimer's disease and related disorders*

*Also see: Executive Branch; Act No. 24 (S.90). Executive branch; human services; respectful language study*

*Also see: Health; Act No. 48 (H.202). Health; health insurance; health care reform; health benefit exchange; Green Mountain Care; Medicaid; payment reform; health information technology; health care workforce; rate review*

## **Insurance**

### **Act No. 49 (S.36). Insurance; surplus lines; multi-state compact**

This act adopts the surplus lines insurance multi-state compliance compact. The compact allows participating states to collect and allocate surplus lines insurance premiums among member states according to uniform standards and formulas. If, however, the compact does not take effect for lack of state membership, the Vermont commissioner of banking, insurance, securities, and health care administration is authorized to enter into some other multi-state agreement, provided it is in Vermont's financial best interest; does not create an undue administrative burden on the state; is consistent with the requirements of the Non-Admitted and Reinsurance Reform Act of 2010; and is approved by the joint fiscal committee, in consultation with the chairs of the relevant legislative committees of jurisdiction.

Effective Date: May 26, 2011

*Also see: Banking; Act No. 21 (H.438). Banking, insurance, securities, and health care administration*

*Also see: Health; Act No. 35 (S.15). Health; health insurance; midwives; maternity; births; birth certificates*

*Also see: Health; Act No. 48 (H.202). Health; health insurance; health care reform; health benefit exchange; Green Mountain Care; Medicaid; payment reform; health information technology; health care workforce; rate review*

*Also see: Health; Act No. 51 (S.104). Health; prescription drugs; prescribed products; marketing; gift ban; disclosure; cost-sharing; prior authorization*

*Also see: Human Services; Act No. 60 (H.201). Human services; palliative care; hospice; DNR order; COLST order*

## **Judiciary**

### **Act No. 1 (S.1). Judiciary**

This act makes a number of technical corrections to the judicial restructuring act of 2010, including clarifying that the civil division of the superior court retains appellate jurisdiction over matters appealed to it from the probate division. The act also requires, with respect to counties where the assistant judges have elected to offer passport processing services, the court administrator and the assistant judges to enter into a memorandum of understanding providing for the acceptance and processing of United States passport applications.

Effective Date: February 2, 2011

### **Act No. 5 (H.431). Judiciary; labor**

This act extends the effective date to July 1, 2011 of Sec. 18 of Act No. 157 of 2010, which required, when a prospective employee applies for a job, that the prospective employer request, and the previous employer disclose, “all factual information that would lead a reasonable person to conclude that the prospective employee engaged in conduct jeopardizing the safety of a minor or vulnerable adult” while working for the previous employer. This requirement was subsequently repealed by Sec. 27 of Act No. 56 of 2011.

Effective Date: March 31, 2011

### **Act No. 29 (H.88). Judiciary; domestic relations**

This act enacts the Uniform Child Custody Jurisdiction and Enforcement Act in Vermont.

Effective Date: July 1, 2011

*Also see: Crimes and Criminal Procedures; Act No. 16 (S.58). Crimes and criminal procedure; judiciary; human services*

*Also see: Crimes and Criminal Procedures; Act No. 56 (H.264). Crimes and criminal procedures; motor vehicles; judiciary; labor*

*Also see: Motor Vehicles; Act No. 46 (S.94). Miscellaneous amendments to the motor vehicle laws*

## Labor

### **Act No. 50 (S.96). Labor; workers' compensation; unemployment compensation**

This act makes changes to the workers' compensation and unemployment compensation statutes. It requires a vocational rehabilitation counselor to provide an employer with a written invitation to participate in the development of a rehabilitation plan. It requires an insurer to either authorize or deny a proposed medical treatment for an injured worker within 14 days of receiving a request for treatment. It also sets out guidelines for the release of medical records relating to a workers' compensation claim. The act increases the monetary penalties for employers who fail to have workers' compensation coverage, and requires that state agencies ensure that contractors and subcontractors working on state construction projects have appropriate workers' compensation coverage.

The act allows the department of labor to share information with other state agencies investigating worker misclassification or miscoding. It increases from 15 to 30 days the time in which the department of labor must approve or reject an employer's short-time compensation plan. It also relieves an employer's experience-record of charges if the employer pays wages of \$1,000.00 or less to an employee.

The act requires the department of labor to study the following issues:

1. Whether the medical records sent to the department in support of a workers' compensation claim include nonredacted and irrelevant medical information.
2. Whether nonadministrative staff at education institutions should be allowed to receive unemployment benefits between academic terms.
3. Whether wages paid by elderly individuals for in-home assistance should be subject to the unemployment compensation statutes.
4. Whether employees of a school district should have the option of being paid over the course of a calendar year.
5. Whether employers should provide required work apparel free of charge to their employees.

Multiple effective dates, beginning May 26, 2011

*Also see: Crimes and Criminal Procedures; Act No. 56 (H.264). Crimes and criminal procedures; motor vehicles; judiciary; labor*

*Also see: Executive Branch; Act No. 22 (H.448). Executive branch; state employees labor relations act; labor relations board*

*Also see: Judiciary; Act No. 5 (H.431). Judiciary; labor*

## Legislature

*See: Executive Branch; Act No. 22 (H.448). Executive branch; state employees labor relations act; labor relations board*

### **Motor Vehicles**

#### **Act No. 23 (S.49). Commercial motor vehicle operation on the interstate system**

This act authorizes commercial motor vehicles to operate on the national system of interstate and defense highways with the same weight and axle limits and tolerances, and subject to the same requirements, that apply on other state highways and on town highways, if authorized by federal law. It also repeals a provision related to the transport of indivisible loads of quarried rock under blanket permits; such loads will be subject to the same permit requirements that govern other commodities.

Effective Date: May 11, 2011

#### **Act No. 25 (S.91). Motor vehicle operation and entertainment pictures**

This act amends existing law to provide that a person shall not operate a moving motor vehicle on a highway in Vermont with a device transmitting a moving entertainment picture that is visible to the operator.

Effective Date: May 11, 2011

#### **Act No. 46 (S.94). Miscellaneous amendments to the motor vehicle laws**

This act:

(1) Requires that motor vehicle dealers designate a custodian for the administration of documents required to be maintained under the motor vehicle laws.

(2) Eliminates the requirement that suspended or revoked driver's licenses, registration cards, or nondriver identification cards be surrendered to the commissioner of motor vehicles on demand.

(3) Reorganizes and updates a provision governing the issuance of vanity plates and special plates for service and safety organizations.

(4) Amends the seven-item list of words and messages prohibited on vanity plates.

(5) Authorizes military plates for members of the Armed Forces and authorizes veterans' and military plates for motorcycle operators.

(6) Requires the commissioner of motor vehicles to waive fees for replacement number plates when the commissioner determines that a plate has become illegible due to faulty manufacturing or materials.

(7) Eliminates the requirement that operator licenses issued to citizens of foreign countries be issued for a period of not less than 180 days.

(8) Increases the penalty for failing to maintain financial responsibility for a motor vehicle from a fine of not more than \$100.00 to a fine of not less than \$250.00 and not more than \$500.00.

(9) Raises the property damage threshold from \$1,000.00 to \$3,000.00 for the requirement that proof of financial responsibility be provided to the commissioner of motor vehicles by the operator of a motor vehicle involved in an accident.

(10) Amends the civil DUI suspension law to specify that a person with a blood alcohol concentration (BAC) of 0.02 or above operating a school bus or a person with a

BAC of 0.04 or above operating a commercial motor vehicle is subject to a civil suspension.

(11) Eliminates the requirement that a person served a civil DUI notice of intention to suspend surrender his or her operator's license or permit and eliminates a provision prohibiting such persons from applying for a duplicate license while the suspension proceeding is pending.

(12) Provides that civil suspensions imposed on persons under the age of 21 for operating with a BAC of 0.02 or greater shall run concurrently with suspensions imposed for civil and criminal DUI and vehicular negligence offenses arising from the same incident, and that such persons shall receive credit for prior suspensions imposed in connection with the same.

(13) Provides that an inspection sticker may not be reaffixed to a motor vehicle if removed prior to its expiration, and specifies that a replacement inspection sticker issued by the department of motor vehicles must be used instead.

(14) Exempts from titling requirements electricity-powered motorcycles with an engine power of 20 kilowatts or less as well as snowmobiles or ATVs that are more than 15 years old.

(15) Requires that motor vehicle dealers satisfy preexisting security interests on trade-in motor vehicles by tendering payment to satisfy a security interest within five days of a sale or trade, and requires that lienholders send titles to motor vehicle owners within 12 business days of full satisfaction of a security interest.

(16) Clarifies the mental state a person must have in order to be subject to criminal penalties for violating various provisions related to certificates of title.

(17) Provides that the three-month period when the sale price of a motor vehicle may be subtracted from the price of a replacement vehicle for the purpose of calculating the purchase and use tax owed shall be extended day-for-day during periods of military activation or deployment outside Vermont, and adds another 60 days to this period following the person's return.

(18) Repeals a provision of law related to zone registration of nonresidents.

(19) Requires the commissioner of motor vehicles to send renewal notices to holders of nondriver identification cards 30 days before their identification cards are due to expire.

(20) Deletes language concerning the formats of records of the department of motor vehicles.

(21) Requires application and renewal fees of \$125.00 for ignition interlock restricted driver's licenses.

Multiple effective dates; beginning May 24, 2011

*Also see: Alcoholic Beverages; Act No. 17 (H.6). Alcoholic beverages; enforcement; officers; investigators*

*Also see: Crimes and Criminal Procedures; Act No. 42 (S.73). Crimes and criminal procedures; motor vehicles*

*Also see: Crimes and Criminal Procedures; Act No. 56 (H.264). Crimes and criminal procedures; motor vehicles; judiciary; labor*

*Also see: Transportation; Act No. 62 (H.443). The state's transportation program*

### Municipal Charters

**Act No. M-1 (H.81). Municipal charters; adoption and codification; Danville**

This act approves the adoption of the charters of the town of Danville and the Danville school district. This act also codifies the charter of the town of Danville in Title 24 Appendix and the charter of the Danville school district in Title 16 Appendix.

Effective Date: February 2, 2011

**Act No. M-2 (H.8). Municipal charters; adoption and codification; Jamaica**

This act approves the adoption of the charter of the town of Jamaica. This act also codifies the charter of the town of Jamaica in Title 24 Appendix.

Effective Date: February 16, 2011

**Act No. M-3 (H.335). Municipal charters; amendments; Barre Town**

This act approves amendments to the charter of Barre Town.

Effective Date: April 4, 2011

**Act No. M-4 (H.444). Municipal charters; amendments; Burlington**

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

Effective Date: April 4, 2011

**Act No. M-5 (H.442). Municipal charters; amendments; Rutland City**

This act approves amendments to the charter of the city of Rutland.

Effective Date: April 28, 2011

**Act No. M-6 (H.294). Municipal charters; amendments; Montpelier**

This act approves amendments to the charter of the city of Montpelier.

Effective Date: May 6, 2011

**Act No. M-7 (H.451). Municipal charters; amendments; Shelburne**

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

Effective Date: May 17, 2011

**Act No. M-8 (H.460). Municipal charters; amendments; Barre City**

This act approves amendments to the charter of the city of Barre.

Effective Date: June 1, 2001

### Municipal Government

**Act No. 4 (H.30). Taxation and fees; municipal government; unified towns and gores of Essex County; tax appeals**

This act removes the requirement that unified towns and gores have an ad hoc board created to act as a board of civil authority to hear appeals of persons aggrieved by the final decision of a lister as to the grand list. As a result of the removal of this requirement, the board of governors for the unified towns and gores shall hear these tax appeals.

Effective Date: February 23, 2011

**Act No. 15 (H.452). Municipal government; town lines; town of Shelburne; town of St. George**

This act establishes the municipal line between the towns of Shelburne and St. George. The general assembly approved this municipal line after the two towns were unable to agree on the location of the line and therefore, pursuant to 24 V.S.A. § 1461(b), submitted to arbitration; agreed to and commissioned a survey to establish the line; and thereafter petitioned the general assembly to adopt the alteration of the line pursuant to that survey.

Effective Date: May 6, 2011

*Also see: Public Records; Act No. 59 (H.73). Government operations; public records act*

*Also see: Public Service; Act No. 47 (H.56). Energy; renewable energy; tax; municipalities; real property; commerce and trade; consumer fraud; natural resources; air quality*

*Also see: Public Service; Act No. 53 (S.78). Public service; telecommunications, cellular, broadband, conservation and development; natural resources; municipalities; government operations*

*Also see: Transportation; Act No. 28 (H.24). Capital construction; conveyance; Maidstone Lake Road*

### **Professions and Occupations**

**Act No. 61 (H.369). Professions and occupations; health**

This act modifies statutory provisions relating to the board of medical practice and the following professions and occupations: podiatrists, physicians, anesthesiologist assistants, physician assistants, and radiologist assistants. The act also grants authority to the Vermont Criminal Information Center, the department for children and families, and the department of disabilities, aging, and independent living to release criminal history records, child protection registry information, and vulnerable adult abuse, neglect, and exploitation registry information, respectively, to the board of medical practice for the board's purpose of evaluating an applicant, licensee, or holder of certification.

Multiple effective dates, beginning June 2, 2011

**Act No. 66 (H.420). Professions and occupations; licensing**

This act modifies statutory provisions relating to the office of professional regulation and the following professions and occupations: barbers and cosmetologists, nurses, pharmacists, land surveyors, landscape architects, radiologic technologists, clinical mental health counselors, hearing aid dispensers, real estate appraisers, and psychotherapists who are not licensed or certified. It also requires the Vermont Board of Nursing to convene a workgroup regarding medication nursing assistants.

The act also amends the statute regarding the eligibility of voters to allow a person who will be 18 years of age by the time of a general election and who otherwise meets voting requirements to register and vote in the primary election immediately preceding that general election. Moreover, the act amends the deadline for filing a presidential nominating petition.

Effective Date: June 1, 2011

*Also see: Education; Act No. 20 (H.430). Education; administrators; principals; technical center directors; teachers; mentors*

*Also see: Health; Act No. 35 (S.15). Health; health insurance; midwives; maternity; births; birth certificates*

*Also see: Human Services; Act No. 60 (H.201). Human services; palliative care; hospice; DNR order; COLST order*

### **Property**

#### **Act No. 11 (H.172). State lands; John F. Boylan Airport; repeal**

This act repeals No. 138 of the Acts of the 2009 Adj. Sess. (2010) (sale or lease of the John H. Boylan state airport) to release the state from its obligation to sell or lease the airport to certain parties and also to maintain the state's general authority to lease the property.

Effective Date: April 26, 2011

*Also see: Appropriations and Finance; Act No. 40 (H.446). Capital appropriations; bonding; school construction funding*

*Also see: Public Service; Act No. 47 (H.56). Energy; renewable energy; tax; municipalities; real property; commerce and trade; consumer fraud; natural resources; air quality*

### **Public Records**

#### **Act No. 59 (H.73). Government operations; public records act**

This act makes various amendments to the public records act regarding the inspection and copying of records produced or acquired by a public agency in the course of agency business. The act provides that a public record shall be produced for inspection or shall be certified as exempt within three business days of receipt of a request. If a record is certified as exempt, the public agency shall include the asserted statutory basis for the denial. The act clarifies that an agency in unusual circumstances has 10 business days from receipt of a request for a record to respond. The act also authorizes a public agency to consult with a requesting party regarding the scope of a records request, and, in unusual circumstances, to request that a person seeking a voluminous amount of records narrow the scope of the request. The act clarifies that when a public agency asserts an exemption for part of a document, the agency should redact the exempt information and not withhold the record in its entirety. In addition, the act clarifies that a public agency shall accommodate a request for a public record from a person with a disability by providing alternative access to the record unless such an accommodation would result in a fundamental alteration of agency service, programs, or activities or would result in an undue financial and administrative burden.

The act amends the public records act regarding the assessment of attorney's fees and litigation costs. Under the act, a court shall assess reasonable attorney's fees and other litigation costs against a public agency when the complainant substantially prevails, except if the public agency, within the 20-day period for response to a complaint, concedes the contested record is public and provides it to the complainant. When a public agency concedes a contested record within 20 days of service of a complaint, the

court may award reasonable attorney's fees and other litigation costs when the complainant substantially prevails. The act also authorizes a court to assess against a complainant reasonable attorney's fees and other litigation costs when the court finds that the complaint violated court rules.

The act also establishes a legislative study committee to meet over three years to review the requirements of the public records act and the numerous exemptions to the act. Prior to each legislative session, the study committee shall submit to the general assembly recommended amendments to the public records act. In addition, the act requires legislative council to compile all of the exemptions to the public records act as a statutory note to the act.

The act requires the secretary of administration to include additional information in the state records request. The secretary of administration shall report to the general assembly regarding the records request system and whether to implement a document management system for state agencies. The act also requires the secretary of state to survey municipalities regarding whether there is an increased number of requests to inspect records at no cost. In addition, the act requires the court administrator's office to report annually to the general assembly regarding the number and disposition of public records act cases filed in the civil division of the superior court.

Effective Date: July 1, 2011

*Also see: Motor Vehicles; Act No. 46 (S.94). Miscellaneous amendments to the motor vehicle laws*

### **Public Safety**

*See: Crimes and Criminal Procedures; Act No. 31 (S.2). Crimes and criminal procedures; public safety*

### **Public Service**

**Act No. 47 (H.56). Energy; public service; renewable energy; tax; municipalities; real property; commerce and trade; consumer fraud; natural resources; air quality**

This act contains various statutes and session law related to energy. Among other things, the act:

- Changes the net metering statute, including increasing the maximum capacity of individual systems and the cumulative capacity of all such systems on the electric grid, mandating a registration process for solar net metering systems of five kilowatts or less, and requiring each utility to provide an additional credit for solar net metering systems (Secs. 1 and 2.)
- Makes permanent a pilot project related to a self-managed energy efficiency program (Secs. 3 and 4.)
- Revises the circumstances under which a regulated utility's purchase of electricity from outside the state automatically requires review by the public service board (Sec. 5.)

- Exempts in-state transmission projects by electric cooperatives from the requirement for member approval if the projects are solely for reliability purposes (Sec. 5.)
- Makes changes to the Sustainably Priced Energy Enterprise Development (SPEED) program, including making unused capacity from the standard offer component of that program available to existing small hydroelectric projects (Secs. 6–10.)
- Establishes a baseload renewable power portfolio requirement to be met by using an existing woody biomass plant (Sec. 11.)
- Amends existing law under which municipalities may create special assessment districts to fund energy efficiency and renewable energy improvements, including changing the name of these districts to property-assessed clean energy (PACE), limiting PACE to residential properties, making PACE liens subordinate to first mortgages, requiring that on foreclosure PACE payments are made current and that the PACE lien survives foreclosure, and establishing two tiers of reserve funding to provide security for PACE assessments (Secs. 18a–18j.)
- Requires the content of heating oil, over time, to have less sulfur and more biodiesel, with the biodiesel requirements coming into effect when surrounding states have adopted substantially similar or more stringent requirements (Sec. 19.)
- Establishes protections for propane consumers (Sec. 19a.)
- Requires the department of public service (DPS) to report to the general assembly by January 15, 2012 on whether it is in the public interest for regulated utilities to allocate credit and debit card service fees across all ratepayers rather than charging an additional fee to each ratepayer seeking to pay by credit or debit card (Sec. 20.)
- Directs that thermal energy efficiency programs support use of woody biomass heating systems (Secs. 20a–20c.)
- Creates a working group on building energy disclosure to study whether and how to require disclosure of the energy efficiency of commercial and residential buildings to make such information available in the marketplace for real property, and to submit to the general assembly by December 15, 2011 a report with recommended legislation (Sec. 20d.)
- Specifies particular issues to be considered by the DPS in its next update of the comprehensive energy and 20-year electric energy plans (Sec. 20e.)
- Requires each regulated electric utility to have a rate schedule that provides an option under which efficient streetlights (including light emitting diodes or LED lights) are installed on company-owned fixtures, and to have a separate option under which customers may own street lights and install efficient lights (Secs. 20f–20g.)

- Makes changes related to the clean energy development fund (CEDF) and the solar energy tax credits, including allowing a taxpayer an option to receive a grant for one-half the value of those credits in lieu of taking their full value over five years, excluding such a grant from income for state tax purposes, enabling the CEDF to issue such a grant, and returning the CEDF to the supervision of the DPS (Secs. 20h–20m.)
- Amends existing statutes and session law regarding the ability of the DPS, the public service board, and the joint fiscal committee to allocate costs (Secs. 20n–20s.)
- Modifies statutory provisions that govern when revisions to building energy standards will become effective (Secs. 20t–20u.)

Multiple effective dates, beginning May 25, 2011

**Act No. 53 (S.78). Public service; telecommunications, cellular, broadband, conservation and development; natural resources; municipalities; government operations**

This act establishes policies and programs to achieve statewide cellular and broadband deployment in Vermont by the end of 2013.

The act makes various changes to the process for issuing environmental, siting, and land use approvals for telecommunications facilities. These changes include amendments to the public service board's (PSB) process for issuing certificates of public good (CPG) for these facilities; consolidation, with the CPG process, of appeals related to natural resources permit applications for these facilities; exemptions from 10 V.S.A. chapter 151 (Act 250) and local land use bylaws for certain improvements associated with communications lines; establishing time lines for processing applications to discharge stormwater from telecommunications facilities; and a requirement to apply the rule provisions for high elevation renewable energy projects to telecommunications facilities at the same elevation.

The act also contains provisions related to public service regulation, such as requiring the PSB to institute a process for the filing of applications for and the rapid resolution of disputes related to pole attachments and prohibiting electric transmission and distribution companies from entering into contracts that allow communications service providers exclusive access to the companies' fiber-optic facilities. In addition, the act amends the statutes related to use of state facilities and lands for telecommunications facilities and would require increased public notice when lands of the agency of natural resources are to be leased or licensed for such facilities.

The act makes the secretary of administration or designee responsible for the coordination of telecommunications initiatives within the executive branch. These responsibilities include what were prior responsibilities of the Vermont Telecommunications Authority (VTA), including conducting an inventory of telecommunications service in the state, identifying needed infrastructure, and coordinating public resources. The act also requires the secretary to develop an action plan to accomplish the goals of universal availability of broadband and cellular services, and to track the deployment of telecommunications projects.

The act reorganizes the VTA. For example, it reduces the board's membership from 11 to nine and allows for two legislative members. In addition, it requires the VTA to submit quarterly reports to the secretary of administration.

Effective Date: May 27, 2011

**Act No. 64 (H.455). Public service; 911 emergency response system**

This act makes various updates to Title 30, chapter 87, regarding the 911 emergency response system. Many updates are a result of either the system becoming fully implemented or advancements in technologies that enable access to the system since this chapter was last amended. This act also requires the Vermont enhanced 911 board, in consultation with named state and national entities, to study alternatives to the present system of funding emergency 911 services. The board is required to report its findings – including an outline of steps required to implement proposed changes – to the general assembly not later than January 15, 2012.

Effective Date: June 2, 2011

### **Retirement**

No applicable act summaries.

### **Taxation and Fees**

**Act No. 44 (H.275). Taxation; income tax; credit; veterans**

This act provides a tax credit for employers who hire recently deployed veterans or for recently deployed veterans who incur certain expenses starting a new business.

Sec. 1(a) creates a \$2,000.00 nonrefundable tax credit for employers who hire a recently deployed veteran after the passage of the act but before December 31, 2012. The majority of the position's duties must be in Vermont. The credit must be used in the tax year following the date of hire, or it may be carried forward one additional year.

Sec. 1(b) creates a tax credit of up to \$2,000.00 for a recently deployed veteran who incurred certain specified expenses in starting up a business after the passage of the act but before December 31, 2012. The credit must be used in the tax year following the date of hire, or it may be carried forward one additional year.

Under the act, a recently deployed veteran is someone who was a Vermont resident at the time of entry in the military service, or who was mobilized to federal military service while a member of a Guard unit in Vermont, and who received an honorable or general discharge within two years of the date of hire. In order to be eligible for either credit, the recently deployed veteran must be collecting or eligible to collect unemployment insurance, or must have exhausted his or her unemployment insurance benefits.

The department of labor, in coordination with the department of taxes, the agency of commerce and community development, and the Vermont office of veterans affairs, shall publicize the credits, develop systems for administering the credits, develop goals for success, and report on the effectiveness of the credit.

Effective Date: May 24, 2011

**Act No. 45 (H.436). Taxation; income tax; property tax; economic development; health care; miscellaneous**

This act makes numerous changes to Vermont tax code, including changes to income taxes, property taxes, economic development credits, health care-related tax provisions, and miscellaneous tax provisions.

**Sec. 1. Lottery winning setoff (Adds 32 V.S.A. § 3113b)**

Allows the tax department and the lottery commissioner to offset lottery winnings against outstanding tax liabilities.

**Sec. 2. Adoption of federal income tax laws (Amends 32 V.S.A. § 5824)**

Updates the link to the Internal Revenue Code.

**Sec. 3. Withholding reconciliations (Adds 32 V.S.A. § 5884(d))**

Provides that withholding reconciliation returns can only be amended after the due date for administrative error, which is an error that does not change the amount of tax withheld. Removes withholding reconciliation reports from the three-year refund statute.

**Sec. 3a. Emergency medical personnel survivor payments (Adds 32 V.S.A. § 5823(a)(8))**

Adds section exempting from state taxation payments made by the state to the survivors of emergency medical personnel who die in the line of duty or die from a work-related illness.

**Sec. 4. FY 2012 base education tax rate and income percentage**

Sets the homestead rate at \$0.87 and nonresidential rate at \$1.36 for fiscal year 2012. Sets the applicable percentage for determining income sensitivity adjustments at 1.80.

**Sec. 5. FY 2012 education base payment amount**

Establishes the base education payment amount at \$8,544.00 for fiscal year 2012.

**Sec. 6. State collection of education property tax**

Adds language to Sec. 45 of No. 160 of the Acts of the 2009 Adj. Sess. (2010), requiring the tax department to report on the feasibility of applying the common level of appraisal separately from the tax rate.

**Sec. 7. Repeals related to the education financing system evaluation**

Repeals session law provisions providing a mandate for Vermont's Blue Ribbon Tax Structure Commission to evaluate Vermont's education financing system. Repeals requirement that the department of education file a report every five years on Vermont's education financing system.

**Sec. 8. Evaluation of Vermont's education financing system**

Authorizes the joint fiscal office to formulate a proposal for an outside entity to conduct an evaluation of the outcomes of Act 60 and Act 68. Requires that the proposal is approved by the speaker of the house, the president pro tempore of the senate, and the special committee composed of the joint fiscal committee (JFC) and the chairs of the house and senate committees on education. Requires that the evaluation consider previous studies, data collected by the department of taxes and department of education, and data from other states. Requires that the evaluation compare communities within the state, and Vermont with other states based on a number of factors – equity, education quality, comparative costs, funding reliance, demographic issues, economic impacts, spending patterns, and spending correlated to community wealth. The evaluation

provider must submit an initial report by March 30, 2012. The department of taxes, department of education, joint fiscal office, and legislative council are to assist the evaluation provider.

**Sec. 9. Authorization to spend**

Authorizes the joint fiscal office to spend up to \$210,000.00 for the education financing system evaluation from its existing budget, or from other legislative budgets as approved by the joint fiscal committee.

**Sec. 10. Glastenbury and Somerset budget approval (Amends 32 V.S.A. § 4961(c))**

Current law provides that if the tax commissioner does not approve the budget of either Glastenbury or Somerset by September 10, then the budget and tax rate shall remain the same as the prior year. This proposes to delete “tax rate” because even with the same budget, the tax rate should change to reflect the current grand list (which may have changed from the prior year).

**Sec. 11. Penalty or failure to pay correction (Amends 32 V.S.A. § 5410(g))**

Makes corrections to the penalty for failure to declare a homestead or declaring a nonresidential property as a homestead and eliminates the penalty for failure to inform the commissioner of taxes within 30 days of transfer of or changes in use of property. Gives municipalities discretion regarding whether to impose the penalty.

**Sec. 12. Examination of renewable energy property tax issues**

Directs the director of property valuation and review (PVR) and commissioner of public service to examine property tax issues related to renewable energy plants. Report due January 15, 2012.

**Sec. 13. Household income (Amends 32 V.S.A. § 6061)**

Excludes amounts paid by self-employed people for health insurance premiums from the definition of household income for purposes of income sensitivity adjustments.

**Sec. 13a. Use value appraisal**

Amends 32 V.S.A. § 3757(a) to remove from current use program land that has been permitted for development, or that has received a wastewater permit, but not actually developed, two years after all the permits are issued.

**Sec. 13b. Veteran’s property tax exemption**

Adds a provision to 32 V.S.A. § 6066 requiring that income sensitivity adjustments be calculated without regard to any veteran’s property tax exemption under 32 V.S.A. § 3802(11). The net result is that income-sensitized disabled veterans will see a benefit from the disabled veterans property tax exemption in 32 V.S.A. § 3802(11).

**Sec. 13c. Definition of excess spending**

Together with Sec. 18, moves definitions of excess spending from Title 32 to Title 16.

**Sec. 13d. Changes to definition of education spending**

Allows towns that tuition all students to both public and approved independent schools to exclude the cost of a deficit from the definition of excess spending.

**Sec. 13e. Health recreation and fitness organizations property tax exemption**

Extends sunset on property tax exemption for certain health care facilities for one year, but limits exemption to 50 percent of the applicable property taxes.

Sec. 13f. Education property tax exemption for skating rinks used for public schools  
Extends sunset on property tax exemption for certain skating rinks for one year, but limits exemption to 50 percent of the applicable property taxes.

Sec. 13g. Veterans property tax exemption  
Requires the office of veterans affairs to collect applications and data for the disabled veterans property tax credit as modified by Sec. 16.

Sec. 13h. Wastewater permits  
Requires PVR to track wastewater permits issued for land in current use in conjunction with changes made in Sec. 15.

Sec. 14. Vermont Economic Growth Incentive (VEGI) claims filing date extension and clarification (Amends 32 V.S.A. § 5930b(c)(9))  
Changes the date that VEGI claims must be filed from the last day of February to the last day of April. Provides that the commissioner of taxes may allow additional time for completion of timely, but incomplete claims. Clarifies that failure to file a claim in each year of the utilization period will result in recapture of previously paid installments.

Sec. 15. Tax increment financing (TIF) district reapproval  
Changes make it easier for municipalities to obtain reapproval for an extension of time to incur indebtedness.

Sec. 15a. Tax increment financing district audits  
Requires that the cost of audits of tax increment financing districts conducted by the state auditor of accounts be billed back to the municipalities. Extends the time between audits from three years to four years. Allows the municipalities to count the cost of the audits as a “related cost.”

Sec. 15b. Milton tax increment financing district  
Allows the town of Milton to treat its two tax increment financing districts as one entity for the purpose of accounting and reporting.

Sec. 16. Adding preexisting Burlington TIF language to session law  
This section puts language establishing the terms of the Burlington tax increment financing district, approved by the JFC in 2009, in session law to increase its visibility.

Sec. 17. Wood products manufacture tax credit sunset extension  
Extends the wood products manufacture tax credit at 32 V.S.A. § 5930y for two years.

Sec. 17a. Finished wood products  
Adds language to 32 V.S.A. § 5930y limiting woods product tax credit to producers of finished wood products.

Sec. 18. Downtown and village center tax credit allocation  
Allows the state board to allocate the credit awarded under the downtown and village center tax credit program as soon as a distinct phase of a qualified project is complete.

Sec. 19. Downtown and village center tax credit recapture  
Allows the state board to reward credits that have been recaptured or rescinded.

Secs. 20 and 21. Composite filing and payments by S corps, partnerships and LLCs (Amends 32 V.S.A. § 5914(b) and 5920(b))

Requires composite filing and payment of tax by S corporations, partnerships, and limited liability companies that have more than 50 nonresident shareholders, partners, or members. This would eliminate hundreds of nonresident returns that remit small amounts of tax and replace it with one return filed by the entity on behalf of its nonresident owners.

Sec. 22. Cigar tax (Amends 32 V.S.A. § 7811)

Increases the low price threshold on cigars that are taxed at the \$2.00 rate.

Sec. 23. Home health assessment

Raises assessment on home health agencies from 17.69 percent to 19.30 percent on October 1, 2011.

Secs. 24 and 24a. Hospital assessment

Raises hospital assessment from 5.5 percent to 5.9 percent on October 1, 2011. Changes base year from actual FY 2010 to estimated actual FY 2011. Adds language providing a system for calculating estimated actual numbers on an annual basis.

Sec. 25. Nursing homes

Raises assessment on nursing homes from \$4,509.57 per bed to \$4,919.53 on October 1, 2011.

Sec. 26. ICF/MR assessment

Raises assessment for ICR/MRs from 5.5 percent to 5.9 percent on October 1, 2011.

Sec. 27. Cigarette tax

Raises tax on a pack of cigarettes \$0.38.

Sec. 27a. Floor tax

Imposes a corresponding floor tax on the date the new cigarette tax is effective.

Sec. 28. Health care claims assessment

Imposes an assessment of 0.8 percent on insurance claims. Modeled after the health information technology fee, using same definitions and timing. Extended to claims for dental insurance.

Sec. 29. Health information technology fee

Changes dates for health information technology fee to match health care claims assessment due dates.

Sec. 30. Data collection

Requires the secretary of administration to collect data on permitted provider taxes that Vermont does not levy.

Sec. 31. Power of attorney change

Adds a new 32 V.S.A. § 3102(b)(7) providing a definition of “authorized representative,” and making it clear that a notary signature is not required for the release of returns and return information to the authorized representative.

Sec. 32. Fuel gross receipts tax sunset extension (Amends 33 V.S.A. § 2503(h))

Extends the fuel gross receipts tax through June 30, 2016.

Sec. 32a. Weatherization program

Amendment to fuel gross receipts tax section making it consistent with earlier changes as to how the weatherization program is administered.

Sec. 33. Repeal preferential transfer tax treatment of land in use value program (Repeals 32 V.S.A. § 9602(2))

The repeal has the effect of raising the property transfer tax on land in the use value program from 0.5 percent to 1.25 percent.

Sec. 34. Applies funds to administration of land use value program (Amends 32 V.S.A. § 9610(c))

Raises the amount of property transfer tax revenue allocated for funding the division of property valuation and review from 1 percent to 2 percent. Requires that the increased revenues be used to fund the transition of the administration of PVR to an electronic system.

Sec. 35. Sunsets increased funding for division of property valuation and review

Five-year sunset for Sec. 34 which increased funding for division of property valuation and review.

Sec. 36. Raises limit for nonprofit ticket exemption

Raises \$50,000.00 exemption for nonprofit ticket sales to \$100,000.00. Removes referral to certain organizations covered under the four-event rule from the scope of the nonprofit ticket tax exemption.

Sec. 36a. Internet sales tax

Requires out-of-state sellers with in-state affiliates to collect sales tax. Made effective by Sec. 37 when 15 other states adopt the same or substantially similar language.

Sec. 36b. Internet sales tax notification

Requires out-of-state sellers to notify purchasers of their sales and use tax obligations. Made effective by Sec. 37 until 15 other states adopt the same or substantially similar language.

Sec. 36c. Revenue department

Repeals tax department transition to revenue department.

Sec. 36d. Spirituous liquor

Adds a graduated tax on retail sale of spirits based on amount of sales. Retail sales under \$100,000.00 are taxed at 5 percent, retail sales from \$100,000.00 to \$200,000.00 are taxed at 15 percent, and retail sales over \$200,000.00 are taxed at 25 percent.

Sec. 36e. Taxpayer advocate

Establishes an office of the taxpayer advocate within the department of taxes with statutory duties aimed at identifying problems faced by taxpayers and solutions. Requires joint fiscal office and legislative council to evaluate creating an office of the taxpayer advocate that is independent of the department of taxes.

Sec. 36f. Offers in compromise

Authorizes the commissioner of taxes to compromise a tax liability if there is doubt as to collectability or as to liability or both.

**Sec. 36g. Auctioneers**

Exempts sales by licensed auctioneers from sales tax as long as the sale takes place on the premises of the property owner and no other property is offered for sale.

**Sec. 36h. Taxpayer outreach and information systems**

Requires the department of taxes to make recommendations to senate committee on finance and house committee on ways and means on how to improve taxpayer education and outreach, on the role of the tax hearing officer, and on how to track taxpayer complaints and responses.

**Secs. 36i–36l. Tax expenditures**

Alters the format of the tax expenditure budget prepared by the governor and repeals one underutilized tax expenditure.

**Sec. 36m. Link-based use returns**

Requires department of taxes to evaluate the feasibility of providing voluntary use tax returns and payment on the Internet.

**Secs. 36n and 36o. Cigarette tax revenue**

Sections slightly alter the amount of cigarette tax revenue going to the Catamount fund and the state health care resources fund in order to compensate for the increase in cigarette taxes in Sec. 27.

**Sec. 37. Effective dates**

Multiple effective dates, beginning May 24, 2011

*Also see: Education; Act No. 30 (H.428). Education; supervisory unions; education property tax*

*Also see: Education; Act No. 38 (S.53). Education; prekindergarten; average daily membership*

*Also see: Executive Branch; Act No. 33 (H.138). Executive branch fees*

*Also see: Motor Vehicles; Act No. 46 (S.94). Miscellaneous amendments to the motor vehicle laws*

*Also see: Municipal Government; Act No. 4 (H.30). Taxation and fees; municipal government; unified towns and gores of Essex County; tax appeals*

*Also see: Public Service; Act No. 47 (H.56). Energy; renewable energy; tax; municipalities; real property; commerce and trade; consumer fraud; natural resources; air quality*

## **Tobacco Products**

No applicable act summaries.

## **Transportation**

**Act No. 28 (H.24). Capital construction; conveyance; Maidstone Lake Road**

This act authorizes the town of Maidstone to accept Maidstone Lake Road as a class 3 town highway and reallocates funds appropriated to the agency of natural resources for maintenance of the road to the town of Maidstone.

Effective Date: May 17, 2011

**Act No. 34 (H.198). A transportation policy that considers all users**

This act requires that the needs of all transportation users—regardless of their age, ability, or preferred mode of transportation—be considered in state and municipally managed transportation projects, except in the case of projects involving unpaved highways. After this consideration, if a state or municipally managed project does not provide for the safety and accommodation of all transportation system users, the agency’s project manager or the municipality, respectively, must make a written determination citing circumstances that explain why the project does not do so. This written determination is available for public inspection, but is not subject to any right of appeal or review.

Upon request, the agency of transportation must furnish lists of transportation projects that have and have not accommodated all users.

Effective Date: July 1, 2011

**Act No. 62 (H.443). The state’s transportation program**

This act:

- (1) Adopts the agency of transportation’s (“agency”) proposed FY12 budget to the extent federal, state, and local funds are available and makes certain budgetary amendments to the following programs: town highway bridge; program development – park and ride; rail; town highway – Vermont local roads; and program development – bike and pedestrian facilities.
- (2) Deletes a requirement that funds programmed for expenditure on the 3-way rail partnership program be limited to the costs of specific projects.
- (3) Authorizes the agency to transfer up to \$2,000,000 in FY11 or FY12 transportation fund appropriations—other than appropriations for the town highway state aid, structures, and class 2 roadway programs—for supplemental paving on state highways that have incurred the worst damage caused by the severe winter of 2010–2011.
- (4) Transfers \$1,120,000 from the transportation fund to the central garage fund.
- (5) Provides for the cancellation of specified projects within the following programs: program development – interstate bridges; program development – state highway bridges; town highway bridges; and program development – roadway.
- (6) Encourages the agency to apply for a federal rail grant to cover the cost of upgrading the state’s western rail corridor for intercity passenger rail service, authorizes the issuance of up to \$15 million in transportation infrastructure bonds to provide state funds required to match any federal grant received, and authorizes the spending of federal grant funds and transportation infrastructure bond (TIB) proceeds in the event a federal grant is awarded.
- (7) Provides that after the transportation fund stabilization reserve is funded, up to \$1 million of any remaining surplus in the transportation fund at the close of FY11 may be transferred to the TIB debt service fund by order of the secretary of transportation (“secretary”) to satisfy debt reserve requirements or to pay debt issuance costs or debt service obligations due in FY12 and FY13 arising from the issuance of TIB bonds to provide a state match for a western rail corridor grant.

(8) Provides that up to \$1 million of any surplus in the transportation infrastructure bond (TIB) fund at the end of FY11 may be transferred by order of the secretary to the TIB debt service fund to satisfy debt reserve requirements or to pay debt issuance costs or debt service obligations due in FY12 and FY13 arising from the issuance of TIB bonds to provide a state match for a western rail corridor grant.

(9) Provides that in the event the July 2011 consensus revenue forecast for the transportation fund or TIB fund is increased above the January 2011 forecast, up to \$2 million of the increase may be transferred by order of the secretary to the TIB debt service fund to satisfy debt reserve requirements or to pay debt issuance costs or debt service obligations due in FY12 and FY13 arising from the issuance of TIB bonds to provide a state match for a western rail corridor grant.

(10) Authorizes the secretary to reduce and transfer FY11 and FY12 appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, to the TIB debt service fund as necessary to satisfy debt reserve requirements or to pay debt issuance costs or debt service obligations due in FY12 and FY13 arising from the issuance of TIB bonds to provide a state match for a western rail corridor grant. However, the authority to reduce appropriations is limited to reductions that will not have the effect of significantly delaying the planned work schedule of the project which formed the basis of the project's funding in either FY11 (in the case of reductions of FY11 appropriations) or FY12 and FY13 (in the case of reductions of FY12 appropriations).

(11) Directs the agency to expedite the procedures required to determine eligibility and certification of federal toll credits potentially available for use in FY13, and specifies that the FY13 transportation program shall reserve up to \$3 million in potentially available federal toll credits to support bonding.

(12) Authorizes the agency to acquire the railroad station in White River Junction that currently serves customers of Amtrak's Vermonter line, along with 0.53 acres of land, for a price of up to \$875,000.00.

(13) Requires the secretary to develop an aviation program business plan by January 15, 2012, to achieve the goal of reducing or eliminating the operating deficits of state-owned airports by June 30, 2015. Airports certified by the Federal Aviation Administration under 14 C.F.R. Part 139 or that provide daily commercial passenger airline service are excluded from the business plan.

(14) Amends existing law to allow municipalities to apply directly to the federal government for assistance with airport projects and to receive and manage directly federal money for such projects.

(15) Updates the minimum levels of grant funds that must be awarded annually by the state under the town highway structures and class 2 town highway programs in order to reflect current funding levels.

(16) Authorizes federal earmark funds to be used to pay for the cost of adjusting utility facilities located in a state highway right-of-way during FY11, FY12, and FY13, provided that no commitment of state funds or additional federal funds is involved.

(17) Amends provisions governing the scenery preservation council and the scenic byways and scenic roads programs in order to rename the scenery preservation council to be the byways advisory council; update the council's membership, mission, and meeting activities; and revise several provisions to reflect that the agency's Vermont Design Standards govern reconstruction and rehabilitation of byways and scenic roads.

(18) Directs the joint fiscal office, in consultation with the commissioner of buildings and general services and the secretary of transportation, to study how rest area construction, maintenance, and operating costs could be apportioned between the general fund and the transportation fund, and to report its findings to the joint transportation oversight committee by November 1, 2011.

(19) Creates a study committee to investigate possible changes to the state's highway condemnation law, and directs the committee to report back to the house and senate committees on transportation and on judiciary by January 15, 2012.

(20) Amends the state sign law to authorize signs displaying a message of congratulations, condolences, birthday wishes, or commemorating a personal milestone or event, for a period of up to two weeks.

(21) Directs the travel information council to adopt rules as to what constitutes a sign with flashing intermittent or moving lights or moving parts within the meaning of existing law, and to study whether the existing list of "exempt signs" set forth at 10 V.S.A. § 494 should be amended.

(22) Clarifies that the two-percent assessment on the retail price of each gallon of motor fuel sold by a distributor is assessed net of the petroleum distributor licensing fee and of the assessment itself.

(23) Eliminates the executive director of the Vermont public transportation association from the list of members of the public transit advisory council; eliminates a public transportation planning report; and eliminates a reference to short-range public transportation plans, which were eliminated in the 2009 transportation program.

(24) Adds the agency of transportation to the list of entities entitled to receive a copy of an application for a certificate of public good for the temporary installation of meteorological stations.

(25) Requires the agency to include in its proposed transportation program the year when a project was first approved for inclusion in the state transportation program, provided the project was initially approved after January 1, 2006.

(26) Clarifies an existing provision which allows a person cited for operating a motor vehicle without carrying his or her license to later provide proof of a valid license in court, and which provides a grace period for persons cited for carrying a license that had expired within 14 days prior to the traffic stop.

(27) Provides that a person operating a motor vehicle with an expired inspection sticker shall be subject to a \$5.00 fine if the sticker expired within 14 days of the traffic citation.

(28) Adds language to create a 24-hour time period during which disabled persons (or individuals transporting blind persons) may park without charge in state or

municipally owned garages; clarifies and amends existing language which authorizes disabled persons (or individuals transporting blind persons) to park without fee in certain parking spaces or areas for 10 continuous days; and clarifies language in existing law which requires that free parking be provided on the premises of public buildings.  
Multiple effective dates, beginning June 1, 2011

<b>H. 443 Conference - FY12 Transportation Program</b>				
Line #	All funding sources	FY11 As Passed	FY12 Conference	FY12 vs FY11
1	Administration-finance-planning			
2	Central Admin & Finance	12,842,977	12,006,786	-836,191
3	Policy & Planning	9,400,266	10,039,294	639,028
4	Transportation Board	86,544	87,000	456
5	Department of Motor Vehicles	24,226,470	25,412,693	1,186,223
6	Sub-total	46,556,257	47,545,773	989,516
7	Facilities			
8	Rest Areas	4,820,000	7,445,000	2,625,000
9	AOT Buildings	2,467,500	2,111,000	-356,500
10	Sub-total	7,287,500	9,556,000	2,268,500
11	Alternate modes			
12	Public Transit	24,739,704	25,407,252	667,548
13	Aviation	22,976,642	7,743,984	-15,232,658
14	Pedestrian & Bike Facilities	8,853,405	9,010,351	156,946
15	Park & Ride	3,142,926	3,005,792	-137,134
16	Multi-Modal Facilities	0	275,000	275,000
17	Rail infrastructure	46,679,883	50,089,361	3,409,478
18	Amtrak	5,050,000	4,550,000	-500,000
19	Sub-total	111,442,560	100,081,740	-11,360,820
20	Highway Infrastructure			
21	Maintenance	67,381,887	67,266,792	-115,095
22	Paving	93,422,949	77,133,647	-16,289,302
23	Roadway	67,233,489	58,818,015	-8,415,474
24	State bridges	60,748,053	52,148,169	-8,599,884
25	Interstate bridges	33,395,951	35,731,673	2,335,722
26	Town bridges	19,089,340	17,711,776	-1,377,564
27	Traffic Operations	12,197,275	11,563,022	-634,253
28	PD Admin & Tech Services	14,483,921	15,047,578	563,657
29	Sub-total	367,952,865	335,420,672	-32,532,193
30	Town programs			
31	TH Aid	24,982,744	24,982,744	0
32	TH Class 2	7,248,750	7,248,750	0
33	TH Structures	5,833,500	5,833,500	0
34	TH Class 1 supplemental grants	128,750	128,750	0
35	Enhancements	3,431,980	3,067,218	-364,762
36	TH Emergency fund	750,000	750,000	0
37	FEMA grant program	200,000	200,000	0
38	TH VT Local Roads	390,000	390,000	0
39	Municipal mitigation grants	2,112,998	1,143,228	-969,770
40	Sub-total	45,078,722	43,744,190	-1,334,532
41	Agency wide measures	-686,400	0	686,400
42	Total All Programs*	577,631,504	536,348,375	-41,283,129
43	Central Garage**	17,477,863	17,286,915	-190,948
44	Total including Central Garage	595,109,367	553,635,290	-41,474,077
	*Actual cash spending			
	**Internal service funds			

Also see: Property; Act No. 11 (H.172). State lands; John F. Boylan Airport; repeal

**2011 Conversion Tables**

## Converts Senate Bill Nos. to Public Act Nos.

Bill No.	Act No.	Bill No.	Act No.	Bill No.	Act No.
S.1.....	No. 1	S.36.....	No. 49	S.91.....	No. 25
S.2.....	No. 31	S.49.....	No. 23	S.94.....	No. 46
S.12.....	No. 7	S.53.....	No. 38	S.96.....	No. 50
S.15.....	No. 35	S.58.....	No. 16	S.100.....	No. 58
S.17.....	No. 65	S.73.....	No. 42	S.101.....	No. 32
S.30.....	No. 26	S.74.....	No. 57	S.104.....	No. 51
S.31.....	No. 10	S.78.....	No. 53	S.105.....	No. 39
S.34.....	No. 36	S.90.....	No. 24	S.108.....	No. 41

## Converts House Bill Nos. to Public Act Nos.

Bill No.	Act No.	Bill No.	Act No.	Bill No.	Act No.
H.1.....	No. 2	H.91.....	No. 54	H.426.....	No. 19
H.6.....	No. 17	H.138.....	No. 33	H.428.....	No. 30
H.8.....	No. M-2	H.153.....	No. 55	H.430.....	No. 20
H.11.....	No. 27	H.172.....	No. 11	H.431.....	No. 5
H.24.....	No. 28	H.198.....	No. 34	H.436.....	No. 45
H.26.....	No. 37	H.201.....	No. 60	H.438.....	No. 21
H.30.....	No. 4	H.202.....	No. 48	H.441.....	No. 63
H.38.....	No. 43	H.236.....	No. 6	H.442.....	No. M-5
H.52.....	No. 13	H.240.....	No. 12	H.443.....	No. 62
H.56.....	No. 47	H.264.....	No. 56	H.444.....	No. M-4
H.65.....	No. 3	H.275.....	No. 44	H.446.....	No. 40
H.66.....	No. 14	H.287.....	No. 52	H.448.....	No. 22
H.73.....	No. 59	H.294.....	No. M-6	H.451.....	No. M-7
H.81.....	No. M-1	H.335.....	No. M-3	H.452.....	No. 15
H.85.....	No. 8	H.369.....	No. 61	H.455.....	No. 64
H.86.....	No. 9	H.411.....	No. 18	H.460.....	No. M-8
H.88.....	No. 29	H.420.....	No. 66		

## **Part II – Bill Vetoed**

### **Bill Summary**

#### **(S.77) (Vetoed). Conservation and development; potable water supply testing**

This bill would have required a new, private potable water supply to be tested prior to use for specified drinking water quality parameters when such a test is not otherwise required by law. The bill would have authorized the agency of natural resources to adopt rules regarding how testing would be conducted; who would be authorized to conduct the test; how a water sample would be collected; and any other necessary requirements. The bill also would have required laboratories accredited by the department of health to conduct potable water supply testing to submit the results of groundwater analyses to the department of health and the agency of natural resources for the development of a database to monitor groundwater contamination in the state. In addition, when a real estate purchase and sale agreement involved real property with a potable water supply that is not served by a public water system, the bill would have required the seller of the property to provide the buyer with educational materials regarding the negative health effects of the consumption of untreated groundwater and the buyer's opportunity to test the potable water supply. The bill also would have required the department of health to revise and update its educational materials regarding the potential negative health effects of contaminants in groundwater sources of drinking water.

Vetoed by the Governor: May 26, 2011

Effective Date: Not applicable

## **Part III – Resolutions**

### **Joint Resolutions**

#### **Use of the State House**

Authorizing Green Mountain Boys' State educational program to use the state house.  
No. R-173 (J.R.H.16)

#### **Sessions and Adjournment**

Relating to weekend adjournment. No. R-6 (J.R.S.6); No. R-7 (J.R.S.8); No. R-28 (J.R.S.10);  
No. R-35 (J.R.S.12); No. R-55 (J.R.S.15); No. R-59 (J.R.S.18); No. R-66 (J.R.S.19);  
No. R-96 (J.R.S.21); No. R-109 (J.R.S.22); No. R-117 (J.R.S.23); No. R-128  
(J.R.S.24); R-129 (J.R.S.25); R-130 (J.R.S.27); R-141 (J.R.S.29); R-193 (J.R.S.31)

Relating to joint rules. No. R-1 (J.R.S.1)

Providing for a Joint Assembly to hear the farewell message of the Governor. No. R-2  
(J.R.S.2)

Providing 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)

Providing 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-5 (J.R.S.5)

Providing for a Joint Assembly to hear the budget message of the Governor. No. R-8  
(J.R.S.9)

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-54 (J.R.S.14)

Establishing a procedure for the conduct of the election of UVM trustees by plurality vote by  
the General Assembly in 2011. No. R-58 (J.R.S.17)

Providing for a Joint Assembly to vote on the retention of a Chief Justice and four Justices of  
the Supreme Court and ten Judges of the Superior Court. No. R-116 (J.R.S.20)

Relating to final adjournment of the General Assembly in 2011. No. R-251 (J.R.S.32)

**Petitions and Policy Directives**

Urging the United States Department of Homeland Security not to close the international port of entry at Morses Line in the town of Franklin. No. R-36 (J.R.S.13)

Honoring women veterans and requesting that state and federal officials work cooperatively to assure that women veterans receive their due recognition and essential support services. No. R-46 (J.R.H.8)

Explaining the importance and value of maple syrup and the University of Vermont's Proctor Maple Research Center. No. R-47 (J.R.H.9)

Requesting that penalties under the No Child Left Behind Act be suspended until the Elementary and Secondary Education Act is reauthorized in a revised form. No. R-93 (J.R.S.16)

Urging Congress to approve a streamlined sales tax agreement that will authorize the national collection of sales tax from online sales. No. R-94 (J.R.H.11)

Urging Congress to retain federal community services block grant funding for the balance of fiscal year 2011 at its current operating level. No. R-95 (J.R.H.12)

Urging Congress and the United States Departments of Labor and of Homeland Security to authorize H-2A visas for 12-month agricultural workers. No. R-118 (J.R.H.14)

Urging the Federal Communications Commission to protect the financial viability of telephone service in rural communities. No. R-119 (J.R.H.15)

Urging the Federal Railroad Administration to award a passenger rail improvement grant to the state of Vermont for upgrading the western rail corridor. No. R-174 (J.R.H.18)

Offering congratulations on the centennial anniversary of the Republic of China and supporting Taiwan's being granted observer or participation status in certain travel and tourism organizations. No. R-192 (J.R.S.30)

Strongly reaffirming the general assembly's enthusiastic support for the Vermont Association of Snow Travelers' conversion of the Lamoille Valley Railroad rail bed into a four-season recreational trail and alternative transportation path. No. R-250 (J.R.S.26)

Supporting the administration's efforts to examine and provide recommendations for improving and increasing the effectiveness of Vermont's state and municipal environmental protection process. No. R-264 (J.R.H.19)

## Concurrent Resolutions

### Memorials

- Senate concurrent resolution in memory of Secretary of the Senate David A. Gibson. No. R-9 (S.C.R.1)
- House concurrent resolution in memory of Representative Albert Audette of South Burlington. No. R-10 (H.C.R.1)
- House concurrent resolution in memory of Vermont National Guard Sergeant Steven J. DeLuzio of South Glastonbury, Connecticut. No. R-11 (H.C.R.2)
- House concurrent resolution in memory of United States Marine Lance Corporal Anthony James Rosa of Swanton. No. R-12 (H.C.R.3)
- House concurrent resolution in memory of Vermont National Guard Sergeant Tristan H. Southworth of Walden. No. R-13 (H.C.R.4)
- House concurrent resolution in memory of Specialist Ryan Grady of West Burke. No. R-14 (H.C.R.5)
- House concurrent resolution in memory of the American military personnel who have died in the service of their nation in Iraq or Afghanistan from April 11, 2010 to December 27, 2010. No. R-18 (H.C.R.13)
- House concurrent resolution in memory of Mary Pat O’Hagan of Sheffield. No. R-79 (H.C.R.52)
- House concurrent resolution in memory of Jack Gabriel Hannan, champion freeskier. No. R-167 (H.C.R.126)
- House concurrent resolution in memory of Henry Blanchette. No. R-175 (H.C.R.90)
- House concurrent resolution in memory of Karen Ann Quill of Burlington. No. R-178 (H.C.R.148)
- House concurrent resolution in memory of Blair Hamilton. No. R-211 (H.C.R.160)
- House concurrent resolution in memory of former Representative Willis Lansing Curtis. No. R-213 (H.C.R.162)
- House concurrent resolution in memory of Alfred G. Hare of Middlebury. No. R-249 (H.C.R.203)
- House concurrent resolution in memory of Dr. Arthur Faris. No. R-258 (H.C.R.168)
- House concurrent resolution in memory of Mr. Vermont, Elbert (Al) Moulton. No. R-260 (H.C.R.197)

**Commemorations and Sentiments**

- House concurrent resolution honoring the Dean of the House of Representatives, Michael Obuchowski of Rockingham. No. R-15 (H.C.R.6)
- House concurrent resolution welcoming the exhibition *The Hale Street Gang: Portraits in Writing* to the State House. No. R-16 (H.C.R.11)
- House concurrent resolution honoring the bravery and dedication of the members of the Vermont National Guard. No. R-17 (H.C.R.12)
- House concurrent resolution wishing United States Representative Gabrielle Giffords and the other surviving victims of the tragic Tucson shooting incident a successful recovery, and expressing sincere condolences to the families of those who died. No. R-19 (H.C.R.19)
- House concurrent resolution congratulating the Leland & Gray Union High School baseball Rebels on winning their third consecutive Division III championship. No. R-20 (H.C.R.8)
- House concurrent resolution congratulating the 2010–2011 NewBrook Elementary School Vermont State Spelling Bee championship team. No. R-21 (H.C.R.9)
- House concurrent resolution congratulating retired Orleans County physician Dr. Frank Fiermonte on his 90th birthday. No. R-22 (H.C.R.10)
- House concurrent resolution honoring John Nelson as a respected advocate for public education in Vermont. R-23 (H.C.R.14)
- House concurrent resolution congratulating the 2010 Essex Hornets Division I championship boys' soccer team. No. R-24 (H.C.R.15)
- House concurrent resolution honoring John T. Stoodley on his amazing journey to umpiring the 2010 College Softball World Series. No. R-25 (H.C.R.16)
- House concurrent resolution congratulating the 2010 Bellows Falls Union High School Terriers Division III championship football team. No. R-26 (H.C.R.17)
- House concurrent resolution congratulating Chroma Technology Corporation of Rockingham on being honored for its democratic managerial practices. No. R-27 (H.C.R.18)
- House concurrent resolution congratulating Frederick Martin Wilkens on his 90th birthday. No. R-29 (H.C.R.20)
- House concurrent resolution honoring Roland Dion for his dedicated public and community service in the city of Winooski. No. R-30 (H.C.R.22)
- House concurrent resolution congratulating the town of Brandon on its 250th anniversary. No. R-31 (H.C.R.23)
- House concurrent resolution commemorating the restoration and sesquicentennial anniversary of the historic Brandon Town Hall. No. R-32 (H.C.R.25)

- House concurrent resolution extending best wishes to Pete’s Greens organic farm on the reconstruction of its burned barn in Craftsbury. No. R-34 (H.C.R.30)
- Senate concurrent resolution honoring Hildred Tatro for her exemplary role as co-librarian at the Enosburgh Public Library. No. R-37 (S.C.R.2)
- House concurrent resolution congratulating the Vermont Jazz Ensemble on its 35th anniversary. No. R-38 (H.C.R.31)
- House concurrent resolution congratulating the Vermont Refugee Resettlement Program and the U.S. Committee for Refugees and Immigrants on their respective 30th and 100th anniversaries. No. R-39 (H.C.R.33)
- House concurrent resolution congratulating the 2010 Missisquoi Valley Union High School Thunderbirds Division II championship boys’ soccer team. No. R-41 (H.C.R.37)
- House concurrent resolution congratulating Congregation Beth El of Bennington as it commences its second century. No. R-42 (H.C.R.38)
- House concurrent resolution congratulating the 2010 Rice Memorial High School Division III championship field hockey team. No. R-43 (H.C.R.32)
- House concurrent resolution honoring Michael Law on his outstanding career as a secondary school athletic coach. No. R-44 (H.C.R.34)
- House concurrent resolution congratulating Keith Gerritt on his designation as the Vermont Principals’ Association’s 2010 High School Principal of the Year. No. R-45 (H.C.R.36)
- House concurrent resolution congratulating the 2010 Hartford High School Hurricanes Division I championship football team. No. R-48 (H.C.R.7)
- House concurrent resolution honoring Grafton volunteer firefighter Richard Thompson and sending best wishes for recovery to Beatrice Fisher who he gallantly rescued from her burning home. No. R-49 (H.C.R.21)
- House concurrent resolution honoring Brattleboro American Legion Band manager Don Strange. No. R-50 (H.C.R.24)
- House concurrent resolution congratulating the 2010 Champlain Valley Union High School Redhawks Division I and New England championship girls’ cross-country team. No. R-51 (H.C.R.27)
- House concurrent resolution congratulating Jennifer Lawson of Waltham on being named the 2011 Vermont Teacher of the Year. No. R-52 (H.C.R.28)
- House concurrent resolution congratulating Dr. Joe Klopfenstein on being named the American Association of Bovine Practitioners’ 2010 Bovine Practitioner of the Year. No. R-53 (H.C.R.29)
- Senate concurrent resolution honoring former Secretary of Transportation David Dill for his insightful leadership at the Agency of Transportation. No. R-57 (S.C.R.4)

- House concurrent resolution honoring Shaftsbury town clerk Judith Stratton and resident Florence Beebe for their comprehensive cataloguing and historical annotating of veterans' grave sites in Shaftsbury. No. R-61 (H.C.R.46)
- House concurrent resolution honoring the town of Essex Police Chief Leo Nadeau on the conclusion of his superb four-decade-long law enforcement career. No. R-62 (H.C.R.47)
- House concurrent resolution congratulating Caroline Bright on being named Miss Vermont for 2010. No. R-63 (H.C.R.50)
- House concurrent resolution congratulating the Green Mountain Council Boy Scout Eagle Class of 2010. No. R-65 (H.C.R.53)
- Senate concurrent resolution congratulating the Waitsfield-Fayston Volunteer Fire Department on its centennial anniversary. No. R-69 (S.C.R.7)
- Senate concurrent resolution commemorating the 20th anniversary of the enactment of the federal Americans with Disabilities Act and the Vermont Center for Independent Living's celebration of this landmark legislation. No. R-70 (S.C.R.8)
- Senate concurrent resolution congratulating Onion River Community Access Media on its silver anniversary. No. R-71 (S.C.R.9)
- Senate concurrent resolution congratulating Capitol Stationers of Montpelier on its 60th anniversary. No. R-72 (S.C.R.10)
- Senate concurrent resolution honoring the visionary leadership of Tracy Gallo during her state government service. No. R-73 (S.C.R.11)
- Senate concurrent resolution congratulating the Central Vermont Tennis Association on its 40th anniversary. No. R-74 (S.C.R.12)
- Senate concurrent resolution congratulating the Riverside Grange on its centennial anniversary. No. R-75 (S.C.R.13)
- House concurrent resolution congratulating the Manchester Journal on 150 years of journalism excellence. No. R-76 (H.C.R.39)
- House concurrent resolution honoring retiring Bennington District Probate Court Judge Sally I. Cook for her outstanding career accomplishments. No. R-77 (H.C.R.41)
- House concurrent resolution honoring Charles Gingo for his exemplary leadership of state social services in Bennington County. No. R-78 (H.C.R.48)
- House concurrent resolution commemorating the birth of Maxten Smith at the Whiting Elementary School. No. R-81 (H.C.R.55)
- House concurrent resolution honoring the 2010 Harwood Union High School Division II girls' cross-country championship team. No. R-82 (H.C.R.56)
- House concurrent resolution congratulating the Harwood Union High School Highlanders 2010 Division II championship girls' golf team. No. R-83 (H.C.R.57)

- House concurrent resolution congratulating the 2010 Harwood Union High School Division II championship girls' soccer team. No. R-84 (H.C.R.58)
- House concurrent resolution congratulating the 2010 Harwood Union High School Highlanders Division II championship field hockey team. No. R-85 (H.C.R.59)
- House concurrent resolution congratulating the Harwood Union High School Highlanders 2010 Division II championship boys' track and field team. No. R-86 (H.C.R.60)
- House concurrent resolution congratulating the Harwood Union High School Highlanders 2010 Division II championship boys' lacrosse team. No. R-87 (H.C.R.61)
- House concurrent resolution congratulating Southwestern Vermont Medical Center on earning its third consecutive designation as a Magnet Hospital for Nursing Excellence. No. R-88 (H.C.R.62)
- House concurrent resolution congratulating Currier's Market in Glover and its owner, James Currier, on being named the 2010 Vermont Grocers' Association Retailer of the Year. No. R-89 (H.C.R.66)
- House concurrent resolution congratulating Elizabeth Josephine Surdam Hoag Bushee on her 100th birthday. No. R-90 (H.C.R.67)
- House concurrent resolution commemorating the semiquincentennial anniversary of the incorporation of the town of Shoreham. No. R-91 (H.C.R.68)
- House concurrent resolution congratulating the town of Poultney on its 250th anniversary. No. R-92 (H.C.R.69)
- House concurrent resolution in celebration of the 100th anniversary of Lyndon State College. No. R-97 (H.C.R.70)
- House concurrent resolution honoring the life of Rutland native John Deere on his 207th birthday. No. R-98 (H.C.R.71)
- House concurrent resolution congratulating Miles Yucht of Shaftsbury on his scholastic achievement as a 2010 Siemens Award winner. No. R-99 (H.C.R.72)
- House concurrent resolution congratulating the Weston Playhouse Theater Company in celebration of its 75th (diamond) anniversary. No. R-101 (H.C.R.74)
- House concurrent resolution honoring Clyde Prouty for his exemplary public service on behalf of the town of Londonderry. No. R-102 (H.C.R.75)
- House concurrent resolution honoring the national and community service of Carlisle Coates of Williston. No. R-103 (H.C.R.76)
- House concurrent resolution honoring Ted's Barber Shop in Manchester. No. R-104 (H.C.R.77)
- House concurrent resolution congratulating the Lawrence Memorial Library in Bristol on its centennial anniversary. No. R-105 (H.C.R.78)

- House concurrent resolution congratulating Northeast Slopes of East Corinth on its silver anniversary. No. R-106 (H.C.R.79)
- House concurrent resolution congratulating Elizabeth Cushman Titus Putnam of Shaftsbury on being the first conservationist awarded the Presidential Citizens Medal. No. R-107 (H.C.R.80)
- House concurrent resolution congratulating the 2011 Vermont winners of Prudential Spirit of Community Awards. No. R-108 (H.C.R.81)
- House concurrent resolution congratulating the 2010 Mount Mansfield Union High School Cougars Division I championship boys' cross-country team. No. R-110 (H.C.R.42)
- House concurrent resolution congratulating the 2010 Leland & Gray Union High School Rebels Division III championship boys' soccer team. No. R-111 (H.C.R.45)
- House concurrent resolution congratulating Pamela Arnold on being named the 2010 Vermont Principals' Association's Middle School Principal of the Year. No. R-112 (H.C.R.49)
- House concurrent resolution honoring Ken Barrett as a most distinguished citizen of the town of Chester. No. R-113 (H.C.R.63)
- House concurrent resolution congratulating Milton town clerk John Cushing on his receipt of a 2010 National Association of Secretaries of State Medallion Award. No. R-114 (H.C.R.64)
- House concurrent resolution honoring Frederick Henry Webster of Coventry as a truly venerable Vermonter. No. R-115 (H.C.R.65)
- House concurrent resolution honoring Vermont National Guard Command Sergeant Major Michael Dattilio for his 42 years of exemplary military service. No. R-120 (H.C.R.82)
- House concurrent resolution honoring Calais Town Clerk and former representative Eva M. Morse for her extraordinary civic service on behalf of the citizens of Calais. No. R-121 (H.C.R.83)
- House concurrent resolution congratulating Krystal Smith on winning the 25th Annual U.S. Best Bagger National Championship. No. R-122 (H.C.R.84)
- House concurrent resolution honoring the civic service of Bennington Selectboard Chair Lodie Colvin. No. R-123 (H.C.R.86)
- House concurrent resolution honoring Monkton town clerk Carmelita Burritt for her exemplary civic service. No. R-124 (H.C.R.87)
- House concurrent resolution congratulating Cochran's Ski Area on its golden anniversary. No. R-125 (H.C.R.88)
- House concurrent resolution congratulating the town of Guilford as it celebrates its 250th anniversary. No. R-126 (H.C.R.89)
- House concurrent resolution congratulating the Vermont State Board of Nursing on its centennial anniversary. No. R-127 (H.C.R.98)

- House concurrent resolution congratulating the DREAM Program, Inc. on its 10th anniversary. No. R-132 (H.C.R.99)
- House concurrent resolution congratulating the 2011 Vermont LifeSmarts championship team from Champlain Valley Union High School. No. R-133 (H.C.R.106)
- House concurrent resolution congratulating the 2011 Barre Blades Pee Wee B hockey team on winning the Vermont State Amateur Hockey Association championship. No. R-134 (H.C.R.109)
- House concurrent resolution congratulating the 2011 Lamoille Union High School Lancers Division II girls' basketball championship team. No. R-135 (H.C.R.118)
- House concurrent resolution congratulating the Winooski High School Spartans Division III championship boys' basketball team. No. R-136 (H.C.R.119)
- House concurrent resolution congratulating the students of Monument Elementary School in Bennington for their special effort to assist the victims of the recent natural and nuclear disasters in Japan. No. R-137 (H.C.R.120)
- House concurrent resolution commemorating the sesquicentennial of the Civil War. No. R-138. (H.C.R.123)
- House concurrent resolution congratulating the 2011 Missisquoi Valley Union High School Thunderbirds Division II championship boys' basketball team. No. R-139 (H.C.R.124)
- House concurrent resolution congratulating the *Addison County Independent* and its staff on winning nine New England Newspaper and Press Association awards. No. R-143 (H.C.R.91)
- House concurrent resolution congratulating the 2010 Rice Memorial High School Division II championship football team. No. R-144 (H.C.R.92)
- House concurrent resolution honoring employees of municipal public works departments and designating May 15–21, 2011 as Public Works Week in Vermont. No. R-145 (H.C.R.93)
- House concurrent resolution congratulating the 2010 South Burlington High School Rebels 2010 Division I championship field hockey team. No. R-146 (H.C.R.94)
- House concurrent resolution congratulating the 2010 South Burlington High School Rebels Division I championship girls' soccer team. No. R-147 (H.C.R.95)
- House concurrent resolution honoring the outstanding efforts of those who provide child development services in Vermont and work on behalf of our youngest citizens. No. R-148 (H.C.R.97)
- House concurrent resolution congratulating the 2011 Bellows Free Academy-St. Albans Comets Division I girls' ice hockey team. No. R-149 (H.C.R.100)

- House concurrent resolution congratulating Jeremy Haskins on being named a 2011 winner of the North American Retail Hardware Association's Young Retailer of the Year Award. No. R-150 (H.C.R.101)
- House concurrent resolution congratulating the 2011 U-32 Raiders Division II championship girls' hockey team. No. R-151 (H.C.R.102)
- House concurrent resolution welcoming the decision of the International Earth Science Olympiad to come to Vermont in 2014. No. R-152 (H.C.R.103)
- House concurrent resolution congratulating the 2011 Essex High School Hornets Division I championship cheerleading team. No. R-153 (H.C.R.104)
- House concurrent resolution congratulating the 2011 Rice Memorial High School Green Knights Division I championship girls' basketball team. No. R-154 (H.C.R.105)
- House concurrent resolution congratulating the 2011 Champlain Valley Union High School Redhawks Division I championship boys' Nordic ski team. No. R-155 (H.C.R.107)
- House concurrent resolution congratulating the winning teams at the 4th annual Jr. Iron Chef VT competition. No. R-156 (H.C.R.108)
- House concurrent resolution congratulating Amanda Eldridge on winning the 2010 Positive Youth Sports Alliance of Essex's coach of the year award. No. R-157 (H.C.R.110)
- House concurrent resolution congratulating Meigan Clark on winning the 2011 Vermont state spelling bee. No. R-158 (H.C.R.111)
- House concurrent resolution honoring the women and girls associated with the Wells River Congregational Church. No. R-159 (H.C.R.112)
- House concurrent resolution congratulating the 2011 Norwich University Cadets NCAA Division III championship women's ice hockey team. No. R-160 (H.C.R.113)
- House concurrent resolution congratulating the 2011 Poultney High School Blue Devils Division IV championship basketball team. No. R-161 (H.C.R.114)
- House concurrent resolution congratulating the 2011 Windsor High School Yellow Jackets Division III championship girls' basketball team. No. R-162 (H.C.R. 115)
- House concurrent resolution congratulating the 2011 Middlebury Union High School Tigers Division II championship boys' ice hockey team. No. R-163 (H.C.R.116)
- House concurrent resolution commemorating the 30th anniversary of the Medicare hospice program. No. R-164 (H.C.R.117)
- House concurrent resolution commemorating the 250th anniversary of the town of Hartford. No. R-165 (H.C.R.121)
- House concurrent resolution congratulating the Stafford Technical Center SADD chapter on winning the 2010 National SADD Chapter of the Year Award. No. R-166 (H.C.R.122)

- House concurrent resolution congratulating James Kochalka on his designation as the first Vermont cartoonist laureate. No. R-169 (H.C.R.129)
- House concurrent resolution congratulating the 2011 Woodstock Union High School Wasps on winning their second consecutive Division II boys' Nordic skiing championship. No. R-170 (H.C.R.131)
- House concurrent resolution congratulating Michael Smith on his winning the 2011 CVPS-Zetterstrom Environmental Award. No. R-172 (H.C.R.142)
- House concurrent resolution congratulating the Peace Corps on half a century of exemplary public service. No. R-176 (H.C.R.128)
- House concurrent resolution congratulating the St. Francis Xavier of Winooski boys' basketball team on winning the 2011 New England Catholic Youth Organization seventh- and eighth-grade parish division championship. No. R-177 (H.C.R.143)
- House concurrent resolution honoring Attorney Timothy J. O'Connor, Jr., of Brattleboro for his 50 years of dedication to the law and to those whom it serves and protects. No. R-180 (H.C.R.133)
- House concurrent resolution congratulating the town of Springfield on its 250th anniversary. No. R-181 (H.C.R.135)
- House concurrent resolution congratulating Middlebury Union High School on being named a 2011 Fit & Healthy Kids School Wellness Award gold-level winner. No. R-184 (H.C.R.144)
- House concurrent resolution honoring the town of Ludlow on its 250th anniversary. No. R-185 (H.C.R.145)
- House concurrent resolution honoring the town of Plymouth on its 250th anniversary. No. R-186 (H.C.R.146)
- House concurrent resolution commemorating the incorporation of Vermont towns observing their 250th anniversary in 2011. No. R-187 (H.C.R.147)
- House concurrent resolution commemorating the 250th anniversary of the town of Pittsford. No. R-188 (H.C.R.154)
- House concurrent resolution honoring Joan Goodrich for her exemplary higher education leadership in Vermont. No. R-191 (H.C.R.159)
- Senate concurrent resolution honoring John O'Kane for his career accomplishments at IBM and for his outstanding community service. No. R-194 (S.C.R.14)
- Senate concurrent resolution commemorating the 25th anniversary of the Chernobyl nuclear disaster with thoughts of the current nuclear crisis in Japan. No. R-195 (S.C.R.15)
- Senate concurrent resolution honoring Dr. Cyrus Jordan and Helen Riehle for their exemplary contributions to the improvement of high-quality health care in Vermont. No. R-196 (S.C.R.16)

- Senate concurrent resolution congratulating David Keenan on being named the Northeast Kingdom Chamber of Commerce 2011 Citizen of the Year. No. R-197 (S.C.R.17)
- Senate concurrent resolution congratulating the Oldcastle Theatre Company of Bennington on its 40th anniversary. No. R-198 (S.C.R.19)
- Senate concurrent resolution congratulating the South Burlington Land Trust on winning the Green Mountain Environmental Leadership Awards' 2011 Courage in Leadership Award. No. R-199 (S.C.R.20)
- Senate concurrent resolution congratulating the Lake Champlain Committee on winning the Green Mountain Environmental Leadership Awards' 2011 Citizen Science Award. No. R-200 (S.C.R.21)
- Senate concurrent resolution congratulating Freeaire Refrigeration of Waitsfield and its president, Richard Travers, on winning the Green Mountain Environmental Leadership Awards' 2011 What a Great Idea! Award. No. R-201 (S.C.R.22)
- Senate concurrent resolution congratulating Judge Franklin Swift Billings, Jr., and Mrs. Pauline Richardson Gillingham Billings on their 60th wedding anniversary. No. R-202 (S.C.R.23)
- Senate concurrent resolution honoring Paolo Rovetto for his amazing disc jockeying achievements. No. R-203 (S.C.R.24)
- House concurrent resolution congratulating the 2010 Randolph Union High School Ghosts championship Division III girls' cross-country team. No. R-204 (H.C.R.136)
- House concurrent resolution honoring Virginia Coursen for her volunteer leadership at Bellows Falls Union High School and in community youth programs. No. R-205 (H.C.R.138)
- House concurrent resolution congratulating the Essex High School Hornets' sixth consecutive championship girls' gymnastics team. No. R-206 (H.C.R.140)
- House concurrent resolution congratulating the 2010 Randolph Union High School Ghosts Division III championship softball team. No. R-207 (H.C.R.141)
- House concurrent resolution congratulating the Rutland Area Visiting Nurse Association & Hospice on being named one of the top 500 home health agencies in the United States. No. R-208 (H.C.R.149)
- House concurrent resolution honoring Frank Thornton of Charlotte. No. R-209 (H.C.R.152)
- House concurrent resolution congratulating Revitalizing Waterbury on its 20th anniversary. No. R-210 (H.C.R.155)
- House concurrent resolution congratulating Andre Messier of Lake Region Union High School on being named the 2012 Vermont MetLife/NASSP High School Principal of the Year. No. R-212 (H.C.R.161)

- House concurrent resolution congratulating the Global Campuses Foundation on its tenth anniversary. No. R-214 (H.C.R.163)
- House concurrent resolution commemorating the 250th anniversary of the establishment of the town of Pawlet. No. R-215 (H.C.R.165)
- House concurrent resolution congratulating McNeil & Reedy of Rutland City on the haberdashery's 55th anniversary. No. R-216 (H.C.R.166)
- House concurrent resolution congratulating the South Royalton High School Global Impact Apprentice Water Quality Team. No. R-217 (H.C.R.167)
- House concurrent resolution congratulating the town of Dorset on its 250th anniversary. No. R 218 (H.C.R.169)
- House concurrent resolution congratulating the Reverend Donald J. Ravey on the 50th anniversary of his ordination as a Roman Catholic priest. No. R-219 (H.C.R.170)
- House concurrent resolution honoring Robert Howe for his 41 years of dedicated public service on behalf of the state of Vermont. No. R-220 (H.C.R.171)
- House concurrent resolution congratulating Claude Mumbere on winning the 2011 Vermont Poetry Out Loud: National Recitation Contest. No. R-221 (H.C.R.172)
- House concurrent resolution honoring former Representative Neal Hoag for his dedicated public service on behalf of the citizens of Woodford. No. R-222 (H.C.R.173)
- House concurrent resolution congratulating Vergennes Union Elementary School on being named a 2011 Fit & Healthy Kids School Wellness Award recognition-level winner. No. R-223 (H.C.R.174)
- House concurrent resolution honoring Taylor Coppenrath on his continuing success in European professional basketball. No. R-224 (H.C.R.175)
- House concurrent resolution congratulating the town of Bridport on the 250th anniversary of its municipal incorporation. No. R-225 (H.C.R.176)
- House concurrent resolution congratulating the town of Weybridge on its 250th birthday. No. R-226 (H.C.R.177)
- House concurrent resolution commemorating the 250th anniversary of the incorporation of the town of New Haven. No. R-227 (H.C.R.178)
- House concurrent resolution congratulating IBM on its centennial anniversary. No. R-228 (H.C.R.179)
- House concurrent resolution congratulating the town of Woodstock on its 250th anniversary. No. R-230 (H.C.R.181)
- House concurrent resolution congratulating the Long Trail School on its 35th anniversary. No. R-231 (H.C.R.182)

- House concurrent resolution congratulating Kaitlin Leroux-Eastman on being named the 2011 Vermont Boys & Girls Clubs Youth of the Year. No. R-232 (H.C.R.183)
- House concurrent resolution honoring the inspiring family of Felipe and Elena Ixcot and the Benedictine Brothers of the Weston Priory who offered them refuge and love for a quarter of a century. No. R-233 (H.C.R.184)
- House concurrent resolution congratulating the Northfield Elementary School Destination ImagiNation Vermont state championship team. No. R-234 (H.C.R.185)
- House concurrent resolution commemorating World Veterinary Year and the 250th anniversary of the veterinary medical profession. No. R-235 (H.C.R.186)
- House concurrent resolution celebrating the historic Park-McCullough House as a cultural treasure in the town of Bennington. No. R-236 (H.C.R.187)
- House concurrent resolution honoring Elise A. Guyette on the publication of *Discovering Black Vermont: African American Farmers in Hinesburgh, Vermont, 1790–1890*. No. R-237 (H.C.R.188)
- House concurrent resolution commemorating the 250th anniversary of the town of Tunbridge. No. R-238 (H.C.R.189)
- House concurrent resolution congratulating Matt Martin on his being named Boys & Girls Clubs of Brattleboro Youth of the Year. No. R-240 (H.C.R.191)
- House concurrent resolution congratulating the 2011 Rice Memorial High School Green Knights Division I championship boys' basketball team. No. R-241 (H.C.R.192)
- House concurrent resolution commemorating National Train Day 2011 and the 40th anniversary of Amtrak. No. R-242 (H.C.R.193)
- House concurrent resolution honoring Big Truck Day @ Hinesburg Nursery School. No. R-243 (H.C.R.194)
- House concurrent resolution extending best wishes for success to the New England Living Show House in Windsor. No. R-244 (H.C.R.195)
- House concurrent resolution congratulating the town of Reading on its 250th anniversary. No. R-245 (H.C.R.198)
- House concurrent resolution honoring Commander Frank L. Gabaree of the Vermont Detachment of the Sons of the American Legion for his outstanding leadership. No. R-246 (H.C.R.199)
- House concurrent resolution congratulating Vermont Interactive Television on winning two international awards. No. R-247 (H.C.R.201)
- House concurrent resolution honoring the Langdon Street Café for its artistic contribution to life in Vermont's capital city. No. R-248 (H.C.R.202)
- House concurrent resolution congratulating Vermont State Archivist Gregory Sanford on winning the Matthew Lyon Award. No. R-252 (H.C.R.85)

- House concurrent resolution congratulating the 2011 Essex High School *We the People . . . The Citizen and the Constitution* Vermont championship team. No. R-253 (H.C.R.96)
- House concurrent resolution commemorating the 125th anniversary of the New England Association of Schools and Colleges. No. R-254 (H.C.R.139)
- House concurrent resolution congratulating former Jamaica town clerk and treasurer Warren Patrick on his centennial birthday. No. R-255 (H.C.R.150)
- House concurrent resolution congratulating the 2011 Twinfield Union High School Trojans Division IV championship boys' basketball team. No. R-256 (H.C.R.157)
- House concurrent resolution congratulating L. Raymond Massucco on being named the Great Falls Regional Chamber of Commerce 2011 Person of the Year. No. R-257 (H.C.R.158)
- House concurrent resolution congratulating the Cambridge municipal emergency and highway officials on their superb response during the 2011 spring floods. No. R-259 (H.C.R.196)
- House concurrent resolution congratulating the award-winning *The Commons* newspaper on the publication of its 100th issue. No. R-261 (H.C.R.200)
- House concurrent resolution honoring Major Lynn Currier and Sergeant First Class Lisa Currier on their quarter-century of meritorious National Guard service. No. R-263 (H.C.R.134)
- House concurrent resolution congratulating the 2011 Champlain Valley Union High School Redhawks Division I championship boys' hockey team. No. R-265 (H.C.R.151)

### **Designations and Recognitions**

- House concurrent resolution recognizing January 2011 as National Human Trafficking Awareness Month in Vermont. No. R-33 (H.C.R.26)
- House concurrent resolution recognizing the week of January 23, 2011 as Nurse Anesthetist Week in Vermont. No. R-40 (H.C.R.35)
- Senate concurrent resolution designating May as Lupus Awareness Month in Vermont. No. R-56 (S.C.R.3)
- House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar New Year 4709. No. R-60 (H.C.R.44)
- House concurrent resolution recognizing the important role of nonprofit organizations in Vermont. No. R-64 (H.C.R.51)
- Senate concurrent resolution designating March 31, 2011 as Congenital Diaphragmatic Hernia Awareness Day. No. R-67 (S.C.R.5)

- Senate concurrent resolution recognizing Gerald Myers for his outstanding accomplishments in the United States military and in local and state government. No. R-68 (S.C.R.6)
- House concurrent resolution recognizing the dedicated civic service of former Representative Lawrence Molloy of Arlington. No. R-80 (H.C.R.54)
- House concurrent resolution recognizing the importance of after-school programs for the youth of Vermont. No. R-100 (H.C.R.73)
- House concurrent resolution recognizing the outstanding public sector and community service career of Gretchen Morse of Burlington. No. R-131 (H.C.R.43)
- House concurrent resolution designating April 27, 2011, as National Walk@Lunch Day in Vermont. No. R-140 (H.C.R.130)
- House concurrent resolution recognizing May 12, 2011 as “Diabetic Peripheral Neuropathy Day” in Vermont. No. R-142 (H.C.R.40)
- House concurrent resolution congratulating the Vermont Children’s Trust Foundation on its 20th anniversary and designating April 13, 2011 as Vermont Children’s Trust Foundation Day at the State House. No. R-168 (H.C.R.127)
- House concurrent resolution recognizing the South End Arts and Business Association on its 25th anniversary. No. R-171 (H.C.R.132)
- House concurrent resolution acknowledging the many Vermonters living with Alzheimer’s disease and designating April 1 as Alzheimer’s Awareness Day. No. R-179 (H.C.R.125)
- House concurrent resolution recognizing the underlying importance of Vermont Crime Victims Rights Week and of assisting the victims and survivors of crimes. No. R-182 (H.C.R.137)
- Senate concurrent resolution designating December 1–7, 2011 as Civil Air Patrol Week and commemorating the organization’s 70th anniversary. No. R-183 (S.C.R.18)
- House concurrent resolution recognizing the role of registered nurses in the delivery of health care in Vermont. No. R-189 (H.C.R.153)
- House concurrent resolution designating April as Fair Housing Month in Vermont. No. R-190 (H.C.R.156)
- House concurrent resolution recognizing the Vermont Mountain Bike Association’s important role in outdoor nonmotorized recreation. No. R-229 (H.C.R.180)
- House concurrent resolution designating June 18, 2011 as Founders Day in Bennington. No. R-239 (H.C.R.190)
- House concurrent resolution designating October 15, 2011, as the sixth annual Vermont Pumpkin Carving Day. No. R-262 (H.C.R.164)

### **Senate Resolutions**

- Relating to the rules of the Senate. S.R. 1.
- Relating to appointment of a committee to inform the Governor of the organization of the Senate. S.R. 2.
- Relating to informing the House of the organization of the Senate. S.R. 3.
- Relating to meeting dates of the Senate. S.R. 4.
- Relating to meeting dates of the Senate. S.R. 5.
- Commemorating the 38th anniversary of Roe v. Wade and reaffirming support for its fundamental holding and principles. S.R. 6.
- Thanking the Vermont agency of transportation maintenance district crews for their exemplary response to the extraordinary road-clearing challenges of the 2010–2011 winter season. S.R. 7.
- Expressing support for the collective bargaining rights of public employees. S.R. 8.
- Urging Congress to adopt comprehensive immigration reform legislation at the earliest possible date. S.R. 9.

### **House Resolutions**

- Relating to House rules. H.R. 1
- Relating to the organization of the House and informing the Senate thereof. H.R. 2
- Relating to the organization of the House and informing the Governor thereof. H.R. 3
- Commemorating the 38th anniversary of Roe v Wade and reaffirming support for its fundamental holding and principles. H.R. 4
- Urging action on climate change-related policies. H.R. 6
- Expressing support for the collective bargaining rights of Wisconsin state, public school, municipal, and University of Wisconsin employees. H.R. 7
- Opposing the federal expenditure reductions in H.R.1 as passed by the United States House of Representatives and strongly urging Congress to adopt a fairer and more equitable legislative alternative. H.R. 8
- Designating April 25, 2011 as Genetic Equity Awareness Day. H.R. 9
- Emphasizing the importance of Jamaican H2-A workers to Vermont’s agricultural economy. H.R.10
- Urging the adoption of state and federal measures to create an effective price support system for Vermont Northeast Marketing Area dairy farmers. H.R. 12
- Declaring May 6, 2011 as Mark Mitchell Day in the Vermont House of Representatives. H.R. 14

**2011 Conversion Tables****Converts Joint and Concurrent Resolution Senate Nos. to Resolution Nos.**

JRS/SCR No.	Res. No.	JRS/SCR No.	Res. No.	JRS/SCR No.	Res. No.
J.R.S.1	No. R-1	J.R.S.21	No. R-96	S.C.R.8	No. R-70
J.R.S.2	No. R-2	J.R.S.22	No. R-109	S.C.R.9	No. R-71
J.R.S.3	No. R-3	J.R.S.23	No. R-117	S.C.R.10	No. R-72
J.R.S.4	No. R-4	J.R.S.24	No. R-128	S.C.R.11	No. R-73
J.R.S.5	No. R-5	J.R.S.25	No. R-129	S.C.R.12	No. R-74
J.R.S.6	No. R-6	J.R.S.26	No. R-250	S.C.R.13	No. R-75
J.R.S.8	No. R-7	J.R.S.27	No. R-130	S.C.R.14	No. R-194
J.R.S.9	No. R-8	J.R.S.29	No. R-141	S.C.R.15	No. R-195
J.R.S.10	No. R-28	J.R.S.30	No. R-192	S.C.R.16	No. R-196
J.R.S.12	No. R-35	J.R.S.31	No. R-193	S.C.R.17	No. R-197
J.R.S.13	No. R-36	J.R.S.32	No. R-251	S.C.R.18	No. R-183
J.R.S.14	No. R-54	S.C.R.1	No. R-9	S.C.R.19	No. R-198
J.R.S.15	No. R-55	S.C.R.2	No. R-37	S.C.R.20	No. R-199
J.R.S.16	No. R-93	S.C.R.3	No. R-56	S.C.R.21	No. R-200
J.R.S.17	No. R-58	S.C.R.4	No. R-57	S.C.R.22	No. R-201
J.R.S.18	No. R-59	S.C.R.5	No. R-67	S.C.R.23	No. R-202
J.R.S.19	No. R-66	S.C.R.6	No. R-68	S.C.R.24	No. R-203
J.R.S.20	No. R-116	S.C.R.7	No. R-69		

**Converts Joint and Concurrent Resolution House Nos. to Resolution Nos.**

JRH/HCR No.	Res. No.	JRH/HCR No.	Res. No.	JRH/HCR No.	Res. No.
J.R.H.8	No. R-46	H.C.R.14	No. R-23	H.C.R.36	No. R-45
J.R.H.9	No. R-47	H.C.R.15	No. R-24	H.C.R.37	No. R-41
J.R.H.11	No. R-94	H.C.R.16	No. R-25	H.C.R.38	No. R-42
J.R.H.12	No. R-95	H.C.R.17	No. R-26	H.C.R.39	No. R-76
J.R.H.14	No. R-118	H.C.R.18	No. R-27	H.C.R.40	No. R-142
J.R.H.15	No. R-119	H.C.R.19	No. R-19	H.C.R.41	No. R-77
J.R.H.16	No. R-173	H.C.R.20	No. R-29	H.C.R.42	No. R-110
J.R.H.18	No. R-174	H.C.R.21	No. R-49	H.C.R.43	No. R-131
J.R.H.19	No. R-264	H.C.R.22	No. R-30	H.C.R.44	No. R-60
H.C.R.1	No. R-10	H.C.R.23	No. R-31	H.C.R.45	No. R-111
H.C.R.2	No. R-11	H.C.R.24	No. R-50	H.C.R.46	No. R-61
H.C.R.3	No. R-12	H.C.R.25	No. R-32	H.C.R.47	No. R-62
H.C.R.4	No. R-13	H.C.R.26	No. R-33	H.C.R.48	No. R-78
H.C.R.5	No. R-14	H.C.R.27	No. R-51	H.C.R.49	No. R-112
H.C.R.6	No. R-15	H.C.R.28	No. R-52	H.C.R.50	No. R-63
H.C.R.7	No. R-48	H.C.R.29	No. R-53	H.C.R.51	No. R-64
H.C.R.8	No. R-20	H.C.R.30	No. R-34	H.C.R.52	No. R-79
H.C.R.9	No. R-21	H.C.R.31	No. R-38	H.C.R.53	No. R-65
H.C.R.10	No. R-22	H.C.R.32	No. R-43	H.C.R.54	No. R-80
H.C.R.11	No. R-16	H.C.R.33	No. R-39	H.C.R.55	No. R-81
H.C.R.12	No. R-17	H.C.R.34	No. R-44	H.C.R.56	No. R-82
H.C.R.13	No. R-18	H.C.R.35	No. R-40	H.C.R.57	No. R-83

## Converts Joint and Concurrent Resolution House Nos. to Resolution Nos.

JRH/HCR No.	Res. No.	JRH/HCR No.	Res. No.	JRH/HCR No.	Res. No.
H.C.R.58	No. R-84	H.C.R.107	No. R-155	H.C.R.156	No. R-190
H.C.R.59	No. R-85	H.C.R.108	No. R-156	H.C.R.157	No. R-256
H.C.R.60	No. R-86	H.C.R.109	No. R-134	H.C.R.158	No. R-257
H.C.R.61	No. R-87	H.C.R.110	No. R-157	H.C.R.159	No. R-191
H.C.R.62	No. R-88	H.C.R.111	No. R-158	H.C.R.160	No. R-211
H.C.R.63	No. R-113	H.C.R.112	No. R-159	H.C.R.161	No. R-212
H.C.R.64	No. R-114	H.C.R.113	No. R-160	H.C.R.162	No. R-213
H.C.R.65	No. R-115	H.C.R.114	No. R-161	H.C.R.163	No. R-214
H.C.R.66	No. R-89	H.C.R.115	No. R-162	H.C.R.164	No. R-262
H.C.R.67	No. R-90	H.C.R.116	No. R-163	H.C.R.165	No. R-215
H.C.R.68	No. R-91	H.C.R.117	No. R-164	H.C.R.166	No. R-216
H.C.R.69	No. R-92	H.C.R.118	No. R-135	H.C.R.167	No. R-217
H.C.R.70	No. R-97	H.C.R.119	No. R-136	H.C.R.168	No. R-258
H.C.R.71	No. R-98	H.C.R.120	No. R-137	H.C.R.169	No. R-218
H.C.R.72	No. R-99	H.C.R.121	No. R-165	H.C.R.170	No. R-219
H.C.R.73	No. R-100	H.C.R.122	No. R-166	H.C.R.171	No. R-220
H.C.R.74	No. R-101	H.C.R.123	No. R-138	H.C.R.172	No. R-221
H.C.R.75	No. R-102	H.C.R.124	No. R-139	H.C.R.173	No. R-222
H.C.R.76	No. R-103	H.C.R.125	No. R-179	H.C.R.174	No. R-223
H.C.R.77	No. R-104	H.C.R.126	No. R-167	H.C.R.175	No. R-224
H.C.R.78	No. R-105	H.C.R.127	No. R-168	H.C.R.176	No. R-225
H.C.R.79	No. R-106	H.C.R.128	No. R-176	H.C.R.177	No. R-226
H.C.R.80	No. R-107	H.C.R.129	No. R-169	H.C.R.178	No. R-227
H.C.R.81	No. R-108	H.C.R.130	No. R-140	H.C.R.179	No. R-228
H.C.R.82	No. R-120	H.C.R.131	No. R-170	H.C.R.180	No. R-229
H.C.R.83	No. R-121	H.C.R.132	No. R-171	H.C.R.181	No. R-230
H.C.R.84	No. R-122	H.C.R.133	No. R-180	H.C.R.182	No. R-231
H.C.R.85	No. R-252	H.C.R.134	No. R-263	H.C.R.183	No. R-232
H.C.R.86	No. R-123	H.C.R.135	No. R-181	H.C.R.184	No. R-233
H.C.R.87	No. R-124	H.C.R.136	No. R-204	H.C.R.185	No. R-234
H.C.R.88	No. R-125	H.C.R.137	No. R-182	H.C.R.186	No. R-235
H.C.R.89	No. R-126	H.C.R.138	No. R-205	H.C.R.187	No. R-236
H.C.R.90	No. R-175	H.C.R.139	No. R-254	H.C.R.188	No. R-237
H.C.R.91	No. R-143	H.C.R.140	No. R-206	H.C.R.189	No. R-238
H.C.R.92	No. R-144	H.C.R.141	No. R-207	H.C.R.190	No. R-239
H.C.R.93	No. R-145	H.C.R.142	No. R-172	H.C.R.191	No. R-240
H.C.R.94	No. R-146	H.C.R.143	No. R-177	H.C.R.192	No. R-241
H.C.R.95	No. R-147	H.C.R.144	No. R-184	H.C.R.193	No. R-242
H.C.R.96	No. R-253	H.C.R.145	No. R-185	H.C.R.194	No. R-243
H.C.R.97	No. R-148	H.C.R.146	No. R-186	H.C.R.195	No. R-244
H.C.R.98	No. R-127	H.C.R.147	No. R-187	H.C.R.196	No. R-259
H.C.R.99	No. R-132	H.C.R.148	No. R-178	H.C.R.197	No. R-260
H.C.R.100	No. R-149	H.C.R.149	No. R-208	H.C.R.198	No. R-245
H.C.R.101	No. R-150	H.C.R.150	No. R-255	H.C.R.199	No. R-246
H.C.R.102	No. R-151	H.C.R.151	No. R-265	H.C.R.200	No. R-261
H.C.R.103	No. R-152	H.C.R.152	No. R-209	H.C.R.201	No. R-247
H.C.R.104	No. R-153	H.C.R.153	No. R-189	H.C.R.202	No. R-248
H.C.R.105	No. R-154	H.C.R.154	No. R-188	H.C.R.203	No. R-249
H.C.R.106	No. R-133	H.C.R.155	No. R-210		

**IV – Addenda****Summary of Biennial Session Activities 2011/2012**

January 5, 2011 through May 6, 2011  
 Senate - 69 actual days - 122 calendar days  
 House - 69 actual days - 122 calendar days

Veto Session  
 June 7, 2011 (token)

	2011	2011 Total
HOUSE BILLS INTRODUCED	460	
SENATE BILLS INTRODUCED	<u>111</u>	571
HOUSE RESOLUTIONS INTRODUCED	236	
SENATE RESOLUTIONS INTRODUCED	<u>065</u>	301
HOUSE RESOLUTIONS ADOPTED	223	
SENATE RESOLUTIONS ADOPTED	<u>062</u>	285
HOUSE BILLS PASSED (Signed by Governor)	050	
SENATE BILLS PASSED (Signed by Governor)	<u>024</u>	074
HOUSE BILLS PASSED (Enacted without Governor's signature)	000	
SENATE BILLS PASSED (Enacted without Governor's signature)	<u>000</u>	000
HOUSE BILLS VETOED BY GOVERNOR	000	
SENATE BILLS VETOED BY GOVERNOR	<u>001</u>	001
HOUSE BILLS GOVERNOR'S VETO OVERRIDDEN	000	
SENATE BILLS GOVERNOR'S VETO OVERRIDDEN	<u>000</u>	000
HOUSE BILLS REJECTED	000	
SENATE BILLS REJECTED	<u>000</u>	000
HOUSE BILLS WITHDRAWN	000	
SENATE BILLS WITHDRAWN	<u>000</u>	000
2011 – Drafting Requests – 1,182		

