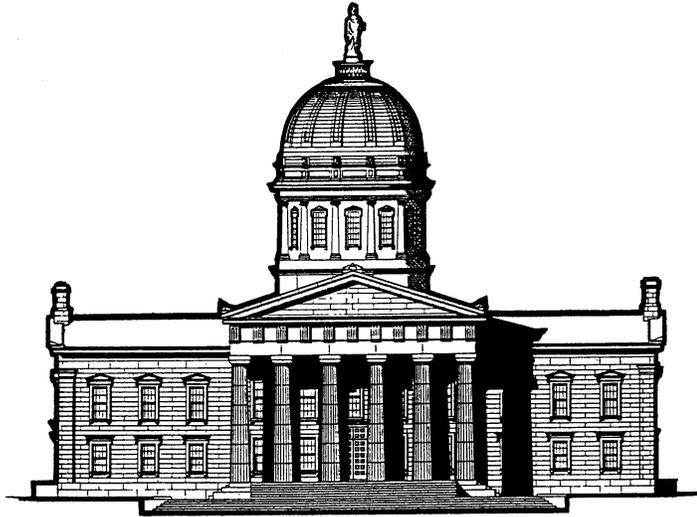


STATE OF VERMONT



**SUMMARY OF THE
ACTS AND RESOLVES
OF THE
2013 VERMONT GENERAL ASSEMBLY**

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

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**Prepared by the
Office of the Legislative Council**

The materials in this booklet summarize and highlight major features of legislation and resolutions enacted or adopted during the 2013 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 2013 Acts and Resolves, which is posted on the legislative website <http://www.leg.state.vt.us/docs/acts.cfm?Session=2014> 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. 83 (H.515). Agriculture; conservation and development; taxation

An act relating to miscellaneous agricultural subjects

This act addresses multiple agricultural issues. The act defines “itinerant livestock slaughter,” “itinerant poultry slaughter,” and “itinerant slaughterer.” The act authorizes custom slaughterhouses to sell inspected meat as food. The act repeals the prohibition on itinerant slaughterers working at a slaughtering plant. The act authorizes the Agency of Agriculture, Food and Markets (AAFM) to use the proceeds from the sale of the mobile slaughtering unit for grants to increase poultry slaughter processing in the State.

The act specifies those slaughter activities that do not require a slaughter license or inspection by a meat inspector. A license and inspection shall not be required for slaughter of livestock that an individual raised for the individual’s use or for the use of members of his or her household or nonpaying guest. Similarly, inspection and a license are not required for slaughter of livestock that an individual purchases from a farmer that raised the livestock, provided that: the individual who purchased the livestock slaughters the livestock; the slaughter occurs on the farm where the livestock was purchased; the slaughter is conducted under sanitary conditions; the farmer who sold the livestock does not assist in the slaughter; no more than a specified number of livestock per year are slaughtered on the farm; and the farmer who sold the livestock keeps a record of each slaughter and reports to AAFM.

The act also provides that a slaughter license and inspection are not required for itinerant livestock slaughter or itinerant poultry slaughter. An itinerant slaughterer may slaughter livestock owned by a person on the farm where the livestock was raised if: the meat from the slaughter of the livestock is distributed only as whole or half carcasses to the person who owned the animal for personal use or for use by members of the person’s households or nonpaying guests; and the slaughter is conducted under sanitary conditions.

The act forgives the liability, interest, or penalties for persons who failed to pay income taxes or failed to withhold income taxes for any person working under an H-2A temporary agricultural visa for any return period prior to December 31, 2011. The act clarifies that a warehouse license is needed by a warehouse that stores any type of “meat,” not just “dressed meat.” The act also codifies the existing AAFM policy prohibiting use of temperature compensation in delivery of liquefied fuels, except liquefied petroleum gas. The act authorizes AAFM to issue grants to mosquito control districts for costs of required larval survey activities.

The act amends the definition of milk to require that milk from animals other than cattle be labeled as from the animal that produced the milk. The act also adopts the

federal definition of “fluid dairy products.” In addition, the act reauthorizes the AAFM to administer a fluid dairy distributor’s license program.

The act clarifies AAFM authority to provide grants to municipalities, governmental agencies, nonprofit organizations, and citizen groups in order to provide assistance to farms in implementing conservation practices. The act also increases the funds a farmer can receive from AAFM for annual maintenance of a nutrient management plan, when the plan is no longer funded under a State or federal contract.

Effective Date: June 10, 2013

Act No. 84 (S.157). Agriculture

An act relating to modifying the requirements for hemp production in the State of Vermont

This act modifies Vermont’s laws regulating hemp.

Sec. 1 repeals the current licensing framework for growing hemp in 6 V.S.A. chapter 34 and replaces that framework with the requirement that a person who intends to grow hemp must register with the Secretary of Agriculture, Food and Markets. The Secretary has discretionary authority to adopt rules regarding the inspection and testing of hemp and to assess a registration fee of \$25.00.

Sec. 2 removes “hemp” and “hemp products,” as defined in chapter 34, from the definition of “marijuana” in 18 V.S.A. § 4201(15).

Sec. 3 removes the State law cause of action for forfeiture of property in 18 V.S.A. § 4241(b) against property used in connection with hemp or hemp products.

Sec. 4 eliminates the contingency in the effective date section of 2008 Acts and Resolves No. 212, under which the Secretary of Agriculture, Food and Markets may not issue a license to grow hemp until federal law is changed to legalize hemp.

Effective Date: June 10, 2013

Also see: Public safety; Act No. 30 (H.50); An act relating to the sale, transfer, or importation of pets

Alcoholic Beverages

Act No. 64 (S.61). Alcoholic beverages

An act relating to alcoholic beverages

This act makes numerous changes to the laws regarding alcoholic beverages. It allows the holder of a second class license to export malt beverages. It allows an alcoholic beverage manufacturer to sell malt beverages, vinous beverages, or spirits produced by up to five other manufacturers. The act clarifies the definition of “art gallery” and “bookstore” in relation to the art gallery or bookstore permit. The act

allows an in-state or out-of-state brewer to ship malt beverages directly to Vermont consumers. The act allows the employee of a wholesale dealer to be employed by the holder of a first class license. The act clarifies which licensees must receive training in the sale and service of alcoholic beverages, expands acceptable identification for the purchase of alcoholic beverages to include a passport card, and repeals a sunset on the law enforcement powers of liquor control investigators.

Multiple effective dates, beginning June 3, 2013

Also see: Crimes and criminal procedures; Act No. 76 (H.200); An act relating to civil penalties for possession of marijuana

Also see: Taxation and fees; Act No. 73 (H.295); An act relating to technical tax changes

Appropriations and Finance

Act No. 1 (H.47). Appropriations and finance

An act relating to fiscal year 2013 budget adjustment

This act is the fiscal year 2013 budget adjustment act.

Multiple effective dates, beginning March 7, 2013

Act No. 50 (H.530). Appropriations and finance

An act relating to making appropriations for the support of government

This is the budget bill. The act also includes sections concerning health care and the implementation of the Federal Affordable Care Act (Secs. E.307.1 – E.307.3, E.312), Choices for Care (Secs. E.308 – E.308.1), housing and heating fuel assistance (Secs. E.321 – E.321.2, E.324 – E.324.9), and the Reach Up program (Secs. E.323 – E.323.7). For more information, see the website of the Joint Fiscal Office at www.leg.state.vt.us/jfo.

Multiple effective dates, beginning May 28, 2013

Act No. 51 (H.533). Appropriations and finance; capital appropriations; bonding

An act relating to capital construction and state bonding

This act sets out the State's fiscal year 2014 and fiscal year 2015 capital budget and authorizes the State to issue general obligation bonds in the amount of \$159,900,000.00, and to issue \$7,603,320.00 of additional general obligation bonds that were authorized in fiscal year 2013, but were not issued in fiscal year 2013. It also provides that there will be a budget adjustment process in the second year of the biennium and that fiscal year 2014 appropriations are subject to budget adjustment unless otherwise specified. This act also:

Appropriations

- Appropriates capital funds in the amount of \$173,231,370.00 over two years for capital construction projects. Of this amount, \$167,503,320.00 is funded through general obligation bonds, and \$5,728,050.00 is from the proceeds of the sale of property and the reallocation of unexpended capital appropriations in previous years
- Appropriates \$2,500,000.00 to the capitol district heat plant
- Appropriates \$34,000,000.00 to Tropical Storm Irene renovation projects in fiscal year 2014
- Appropriates \$33,000,000.00 to the Waterbury State Office Complex in fiscal year 2015
- Appropriates \$1,216,000.00 to the Veterans' Home for emergency mold remediation and a comprehensive plan to address continued mold growth in fiscal year 2014
- Appropriates the proceeds from the sale of Building 617 in Essex to the Department of Buildings and General Services to defray fiscal year 2014 expenditures

Waterbury State Office Complex

- Allows any unissued bonds in fiscal year 2014 to be issued in fiscal year 2015 and used for additional funding for the Waterbury State Office Complex
- Establishes a special committee to review any material changes to planning or funding of the Waterbury State Office Complex

Capital Budget

- Amends the form of the annual capital budget plan by requiring a ten-year program plan and adds additional subject areas for categorizing capital projects
- Sets out when unexpended funds appropriated to capital projects must be reported to the General Assembly
- Provides that capital appropriations are available on passage of the capital bill and not at the start of a fiscal year
- Requires the Commissioner of Buildings and General Services to develop a proposal for the form and content of the ten-year capital program plan

Engineering Costs

- Directs the Commissioner of Finance and Management to establish a working group to develop criteria and guidelines for allocating engineering costs between the capital bill and the General Fund, and to present a proposal to the

Joint Fiscal Committee and the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions

- Directs the General Assembly to evaluate fiscal year 2015 appropriations to the Department of Buildings and General Services and the Agency of Natural Resources for engineering costs

State Correctional Facilities

- Directs the Department of Corrections and the Department of Buildings and General Services to evaluate and report on five-year capital needs at State correctional facilities

Duties of the Commissioner of Buildings and General Services

- Directs the Commissioner of Buildings and General Services to:
 - Pre-approve any additional fees and reimbursements of charges above a proposed lease rate
 - Use \$40,000.00 of the amount authorized in 2011 Acts and Resolves No. 40, Sec. 5 to bring county courthouses into ADA compliance, at the Windsor County Courthouse in Woodstock to perform repairs and upgrades to bring the facility into ADA compliance
 - Place an historic roadside marker at the Cedar Creek Battlefield in Virginia and relocate the Battle of Winchester Memorial to its original location on the Third Winchester Battlefield in Virginia
 - Conduct feasibility studies and identify and purchase land for future public safety field station sites
 - Incorporate the use of renewable energy sources, energy efficiency, and thermal energy conservation in new building constructions or major renovation projects in excess of \$250,000.00 unless a life cycle cost analysis demonstrates that an investment cannot be recouped or there are limitations on siting
 - Recommend, in consultation with others, a future location for an employee service memorial by January 15, 2014
 - Sell, lease, gift, or otherwise convey all or a portion of the State's property that adjoins the Hebard State Office Building in Newport City for the purpose of transferring ownership and operation of the bike path, walking path, and boardwalk and to accept federal or State grants to improve, maintain, and pay for operating costs associated with this property

Vermont Veterans' Home

- Directs the Commissioner of Buildings and General Services to work with the Chief Administrative Officer of the Veterans' Home to apply for federal funds,

appoint a third party to update the 2006 facilities assessment report, and appoint a third party to prepare a comprehensive plan to address ongoing mold issues

Enhanced 911 Program

- Directs the Enhanced 911 Board to provide assistance to school districts to come into compliance with the Enhanced 911 program requirements and appropriates \$10,000.00 in fiscal year 2014 and fiscal year 2015 to provide this assistance as a supplement to any funds received from the Universal Service Fund

Regional Economic Development Grant Program

- Directs the Commissioner of Buildings and General Services to evaluate, in consultation with others, whether the Regional Economic Development Grants are being awarded for the purpose of funding capital expenses and whether catastrophic situations qualify for grants

Secure Residential Facility

- Directs the Commissioner of Buildings and General Services to develop a proposal to establish a permanent secure residential facility by January 15, 2015

Laboratory Feasibility Study

- Directs the Commissioner of Buildings and General Services, the Secretary of Natural Resources, and the Secretary of Agriculture, Food and Markets to study the feasibility of sharing a laboratory, exploring relationships with public and private entities, and determining what specialized services may be offered

Agency of Natural Resources

- Amends the financing requirement for an individual to obtain a loan from the Agency of Natural Resources' Wastewater and Potable Revolving Loan Fund
- Authorizes the Secretary of Natural Resources in fiscal year 2014 to allocate unexpended funds (up to a capped amount) that were appropriated to the Agency of Natural Resources in previous capital bills for projects that need additional funding and for planning purposes

Agency of Agriculture, Food and Markets

- Authorizes the Secretary of Agriculture, Food and Markets to use funds appropriated in prior capital bills for the Best Management Practice Program and the Conservation Reserve Enhancement Program in fiscal year 2014

State Armories

- Amends 20 V.S.A. § 542 to clarify that the proceeds from the sale of State armories are to be directed back to the capital bill for use in funding future capital projects

Education

- Affirms the suspension on State aid for school construction
- Authorizes the Morgan School District to sell the school building to the Town of Morgan without requiring the district to repay any State aid for school construction; provided, however, that if the town sells the building, the town shall repay any amount owed to the State for school construction

State Building Names

- Names the new State health laboratory in Colchester the “Vermont State Health Laboratory” and the new State hospital in Berlin the “Vermont Psychiatric Care Hospital”

Robert Gibson Park

- Repeals the Town of Brattleboro’s obligation to repay the State for capital appropriations if it sells the land associated with the Robert Gibson Park

Effective Date: May 29, 2013

Also see: Legislature; Act No. 28 (H.474); An act relating to amending the membership and charge of the Government Accountability Committee

Also see: Property; Act No. 45 (S.11); An act relating to the Austine School

Banking

See: Insurance; Act No. 29 (H.513); An act relating to the Department of Financial Regulation

Commerce and Trade

Act No. 47 (S.7). Commerce and trade; labor

An act relating to social networking privacy protection

Sec. 1 of this act creates a committee to study the issue of prohibiting employers from requiring employees or applicants for employment to disclose to the employer a means of accessing the employee’s or applicant’s social network account. The Committee consists of 11 members with the Commissioner of Labor acting as chair. The Committee is required to report its findings and recommendations to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs on or before January 15, 2014.

Sec. 2 adds chapter 120 to Title 9 concerning bad faith assertions of patent infringement. A new section 4195 sets forth the Legislature’s findings and statement of purpose, and section 4196 defines terms. The heart of the statute is contained in section 4197, which prohibits a person from making a bad faith assertion of patent infringement, and lays out a list of factors a court may consider as evidence of bad

faith. Section 4198 authorizes a court, upon a showing of a reasonable likelihood that a person has made a bad faith assertion of patent infringement, to require that a bond be posted. Section 4199 states that the Attorney General has the same enforcement powers as under the Consumer Protection Act, and that a private party can seek equitable relief, costs and fees, and actual and punitive damages. Note: Sec. 2 is identical to Sec. 6 of Act No. 44 (H.299).

Effective Date: May 24, 2013

Also see: Conservation and land development; Act No. 55 (H.226); An act relating to the regulation of underground storage tanks

Also see: Health; Act No. 75 (H.522); An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse

Conservation and Land Development

Act No. 11 (S.159). Conservation and land development

An act relating to various amendments to Vermont's land use control law and related statutes

This act makes various amendments regarding 10 V.S.A. chapter 151 (Act 250), including the reorganization of jurisdictional provisions; requiring persons seeking review of jurisdictional opinions to seek consideration by the Natural Resources Board before appealing to the Environmental Division; adopting ethics requirements for Natural Resources Board members and district commissioners; and amendments regarding environmental enforcement. The act also repeals a sunset that was placed on various exemptions to Act 250 related to composting.

Effective Date: July 1, 2013

Act No. 16 (H.401). Conservation and land development; municipal government

An act relating to municipal and regional planning and flood resilience

This act adds flood resilience to the goals of municipal and regional land use planning. It requires that municipal and regional land use plans include flood resilience elements and that the Agency of Natural Resources assist municipalities in developing flood resilience plans. It also allows a municipality to prohibit accessory dwelling units in flood hazard and fluvial erosion areas. The sections allowing the prohibition of accessory dwelling units go into effect on passage and the planning requirements go into effect on July 1, 2014.

Multiple effective dates, beginning May 6, 2013

Act No. 24 (H.131). Conservation and land development; public service

An act relating to harvesting guidelines and procurement standards

This act amends existing law on the development by the Commissioner of Forests, Parks and Recreation (the Commissioner) of voluntary harvesting guidelines to address forest health and sustainability and of wood procurement standards that will apply to State agencies that purchase wood products. The act provides more time for the development of these guidelines and standards. It requires a public process for the development of the harvesting guidelines and repeals a requirement that those guidelines be incorporated into management plans for forestlands in the Use Value Appraisal Program.

The act also amends a criterion under 30 V.S.A. § 248 applicable to siting review by the Public Service Board of proposed electric generation facilities using woody biomass. It amends that criterion to require that such a facility have the highest design system efficiency that is commercially available, feasible, and cost-effective for the type and design of the proposed facility. It also requires the facility to comply with harvesting procedures and procurement standards that ensure long-term forest health and sustainability and that, at a minimum, are consistent with the guidelines and standards to be developed by the Commissioner.

Effective Date: May 13, 2013

Act No. 55 (H.226). Conservation and land development; commerce and trade; economic development; motor vehicles

An act relating to the regulation of underground storage tanks

This act concerns two overall topics: (a) underground storage tanks; and (b) the redevelopment of contaminated properties or “brownfields.”

Underground storage tanks. The act extends the life of the Petroleum Cleanup Fund through July 1, 2019 and amends the statutes pertaining to annual fees and assessments paid into the Fund. It also revises and restructures disbursements from the Fund, caps the liability of owners and operators of single-wall and combination tank systems for releases discovered during the closure and removal of these systems, and makes other changes to the Fund. The act further sets dates for the closure of existing single-walled and combination tank systems and a date after which no further lining of tanks may occur.

Brownfields. The act amends the statutes on defenses to liability for hazardous waste contamination and cleanup of property. The act clarifies the existing municipal defense to liability when acquiring a contaminated property, and creates a similar defense for regional planning commissions and regional development corporations. The act simplifies the defense available to secured lenders and fiduciaries on the foreclosure of a property. Lastly, the act clarifies the standard for site or facility

investigation with which landowners and purchasers must comply in order to be exempted from liability for a contaminated property.

Multiple effective dates, beginning May 30, 2013

Act No. 58 (H.262). Conservation and land development; solid waste; collection and recycling of paint

An act relating to establishing a program for the collection and recycling of paint

This act requires a producer of architectural paint or a stewardship organization representing multiple producers to establish a paint stewardship program to collect postconsumer paint for reuse, recycling, energy recovery, or disposal. On or before December 1, 2013, a producer or stewardship organization shall submit to the Agency of Natural Resources (ANR) a plan for a paint stewardship program. Under the plan, at least 90 percent of Vermont residents shall have access to a paint collection site within a 15-mile radius of their residence, and an additional paint collection site shall be provided for every 10,000 residents of a municipality.

The act also requires a producer or stewardship organization to propose a budget for a paint stewardship program. The budget shall include a paint stewardship assessment, which each producer shall pay to a stewardship organization for each paint container of five gallons or fewer that it sells in the State. The stewardship assessment shall be added in a uniform amount to the cost of all paint sold in Vermont in containers of five gallon or fewer. The assessment shall be calculated to recover, but not exceed, the costs of the stewardship program. A third party auditor shall review the assessment and make a recommendation to ANR regarding approval.

The act requires ANR to approve a plan budget and assessment if the applicant demonstrates that program costs and the assessment are reasonable and do not exceed the costs of implementing a plan. A stewardship program shall collect postconsumer paint at no cost to the person from whom it is collected. An approved plan shall have a term not to exceed five years.

A producer or stewardship organization shall implement an approved plan on or before July 1, 2014, or three months after ANR approval, whichever occurs later. A producer or retailer shall not sell paint in the State unless the producer or its stewardship program is implementing an approved plan. The act requires consumers to be provided with educational materials describing collection opportunities for postconsumer paint.

Effective Date: June 3, 2013

Act No. 59 (H.377). Conservation and land development; economic development; municipal government

An act relating to neighborhood planning and development for municipalities with designated centers

This act amends existing law on the designation of various centers in order to encourage particular patterns of land use. Primarily, the act replaces the “Vermont Neighborhood” designation with a “Neighborhood Development Area” designation. A municipality with a designated downtown, village center, or new town center would have an automatically delineated study area that includes and encircles the center, to be known as a “Neighborhood Planning Area.” For a designated growth center, the study area would be within the growth center. The municipality would then identify those locations within the study area that are suitable for new and infill residential development and then apply to the Vermont Downtown Development Board for designation as a “Neighborhood Development Area” and associated benefits. The act sets out the criteria, requirements, and process for this designation.

The act makes other changes to the so-called “downtown” chapter under which these designations are made, including revisions to the section on legislative policy and purpose, to definitions in the chapter, and to provisions pertaining to downtown and village center designations. The act requires an agency examination of the programs for designating growth centers and new town centers and a report to the General Assembly on these programs.

Multiple effective dates, beginning June 3, 2013

Also see: Agriculture; Act No. 83 (H.515); An act relating to miscellaneous agricultural subjects

Also see: Municipal government; Act No. 36 (H.450); An act relating to expanding the powers of regional planning commissions

Also see: Public service; Act No. 38 (S.30); An act relating to siting of electric generation plants

Also see: Public service; Act No. 88 (H.405); An act relating to manure management and anaerobic digesters

Also see: Public service; Act No. 89 (H.520); An act relating to reducing energy costs and greenhouse emissions

Consumer Protection

Act No. 44 (H.299). Consumer protection; propane; patents

An act relating to amending consumer protection provisions for propane refunds, unsolicited demands for payment, bad faith assertions of patent infringement and failure to comply with civil investigations

This act amends multiple provisions of Vermont's consumer protection laws.

Sec. 1 amends provisions of 9 V.S.A. § 2461b governing propane. Subdivision 2461b(e)(4) creates a cap on the amount of the per diem penalty that accrues if a propane seller does not timely provide a refund owed to a consumer. The cap is equal to 10 times the amount of the refund. Subsection 2461b(h) creates a time line, protocol, and penalty structure for a propane seller to remove a tank from a former customer's property.

Sec. 2 provides that the penalties created for a seller's failure to remove in a timely way a tank do not begin to accrue until July 20, 2013.

Sec. 3, amending 9 V.S.A. § 2461e, specifies that a "cost-plus contract" qualifies as one of several possible types of guaranteed price plans for the retail sale of home heating oil, and that a "cost-plus contract" must be in writing, in plain language, and provide full disclosure of the terms and conditions of the price plan.

Sec. 4, amending 9 V.S.A. chapter 135, creates a new 9 V.S.A. § 4402, Solicitation in the Guise of a Bill, Invoice, or Statement of Account. This new section creates state-law consumer protection and enforcement provisions, paralleling current federal requirements of the U.S. Postal Service, for solicitations that are designed to look like invoices or bills to consumers demanding payment for goods or services that a consumer has not actually ordered. Subsection (a) defines the type of "solicitation" governed by the section. Subsection (b) makes it a violation of the Consumer Protection Act to send a solicitation without following the requirements set out in subsections (c)–(d).

Sec. 5, amending 9 V.S.A. § 2460, enhances penalties for the failure to comply with an Attorney General's or State's attorney's civil investigation or a court order under the Consumer Protection Act. Under subdivision (b)(2) as amended, a person who fails to comply with a civil investigation or an order of a court shall be subject to a civil penalty of not more than \$25,000.00 and to recovery by the Attorney General or State's attorney's office the reasonable value of its services and expenses in enforcing compliance with this section.

Sec. 6, adds chapter 120 to Title 9, concerning bad faith assertions of patent infringement. A new section 4195 sets forth the Legislature's findings and statement of purpose, and section 4196 defines terms. The heart of the statute is contained in section 4197, which prohibits a person from making a bad faith assertion of patent infringement, and lays out a list of factors a court may consider as evidence of bad

faith. Section 4198 authorizes a court, upon a showing of a reasonable likelihood that a person has made a bad faith assertion of patent infringement, to require that a bond be posted. Section 4199 states that the Attorney General has the same enforcement powers as under the Consumer Protection Act, and that a private party can seek equitable relief, costs and fees, and actual and punitive damages. Note: Sec. 6 is identical to Sec. 2 in Act No. 47 (S.7).

Effective Date: July 1, 2013

Also see: Crimes and criminal procedures; Act No. 9 (S.3); An act relating to allowing participation in out-of-state contests requiring a fee to enter

Also see: Health; Act No. 85 (S.81); An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and the flame retardant known as Tris in consumer products

Also see: Judiciary; Act No. 8 (H.431); An act relating to mediation in foreclosure actions

Corrections

Act No. 41 (S.99). Corrections; human services; public inebriates

An act relating to the standard measure of recidivism

This act codifies the calculation of the standard measure of recidivism as based upon offenders who are sentenced to more than one year of incarceration who, after release from incarceration, return to prison within three years for a conviction for a new offense or a violation of supervision resulting, and the new incarceration sentence or time served on the violation is at least 90 days.

The act also extends the deadline for prohibiting public inebriates from placement in correctional facilities until July 1, 2014.

Effective Date: May 20, 2013

Also see: Crimes and criminal procedures; Act No. 4 (S.2); An act relating to sentence calculations

Also see: Judiciary; Act No. 67 (H.523); An act relating to court administration and procedure

Crimes and Criminal Procedures

Act No. 4 (S.2). Crimes and criminal procedures; sentencing

An act relating to sentence calculations

This act establishes statutory rules for calculating criminal sentences for the purpose of creating uniformity in practice across the various State agencies involved in the State's criminal justice system. The act includes provisions that:

- Clarify how credit for time spent in prison prior to sentencing is applied to a sentence (starts from the time you are detained)
- Clarify that if a person is sentenced to consecutive sentences, the new minimum for time to serve is the sum of the minimum terms. If someone spends additional time on detention awaiting disposition of another charge, it is credited to the new minimum
- Require a person who receives a zero minimum sentence to report immediately to probation and parole to begin serving the sentence in the community (rather than going to prison for several days for processing)

Effective Date: April 3, 2013

Act No. 9 (S.3). Crimes and criminal procedures; consumer protection

An act relating to allowing participation in out-of-state contests requiring a fee to enter

This act clarifies current law on contests and games of chance to provide that a person may participate in, organize, or execute a contest that requires payment of a fee to enter so long as the contest is not based on chance.

Effective Date: April 26, 2013

Act No. 13 (H.511). Crimes and criminal procedures; taxation and fees

An act relating to automated sales suppression devices, also known as “zappers”

This act makes it a crime to sell, purchase, install, transfer, or possess an automated sales suppression device, which is also known as a “zapper.” A “zapper” is a software program that falsifies transaction data on a cash register in order to misrepresent the amount of sales tax owed by the seller.

Effective Date: April 25, 2013

Act No. 61 (S.1). Crimes and criminal procedures

An act relating to studies on classification of criminal offenses, development of a cost-benefit model for assessing criminal and juvenile justice programs, and the role of administrative hearing officers

This act establishes three study committees.

(1) The Criminal Offense Classification Working Group is established for the purpose of developing a criminal offense system that is well-organized and reflective of appropriate grading of liability and punishment and increasing uniformity in application of the law throughout the State. The Working Group is required to report to the Senate and House Committees on Judiciary on its proposal for classifying offenses and penalties on or before November 1, 2014.

(2) A Criminal Justice Consensus Cost-Benefit Working Group is established to develop a criminal and juvenile justice cost-benefit model for Vermont for the purpose of providing policymakers with the information necessary to weigh the pros and cons of various strategies and programs, and enable them to identify options that are not only cost-effective, but also have the greatest net social benefit. On or before November 15, 2013, the Working Group will report its preliminary findings to the Senate Committee on Judiciary, the House Committee on Judiciary, and the House Committee on Corrections and Institutions. The Working Group shall issue a final report to the General Assembly on or before January 1, 2014.

(3) Finally, the act creates the Administrative Hearing Officers Study Committee to report on the duties, powers, current practices, sources of authority, and qualifications of administrative hearing officers used in Vermont government. The Committee is required to report its recommendations and any proposals for legislative action to the House and Senate Committees on Judiciary and on Government Operations on or before December 15, 2013.

The act also divides the current embezzlement statute into misdemeanor and felony levels depending upon the amount of money or property embezzled.

Effective Date: June 3, 2013

Act No. 62 (S.20). Crimes and criminal procedures

An act relating to increasing the statute of limitations for certain sex offenses against children

This act increase the statute of limitations for certain sex offenses committed against children. The act requires prosecutions for sexual assault, lewd and lascivious conduct, sexual exploitation of a minor, and lewd or lascivious conduct with a child to be commenced within 40 years after the offense was committed if the offense is alleged to have been committed against a child under 18 years of age. Under prior law, prosecutions for these offenses had to be commenced either before the victim attained the age of 24 or 10 years after the offense was reported, whichever occurred first.

Effective Date: June 3, 2013

Act No. 71 (H.65). Crimes and criminal procedures; possession and control of regulated drugs; immunity from liability for reporting an overdose

An act relating to limited immunity from liability for reporting a drug or alcohol overdose

In this act, the General Assembly states its intent to encourage a witness or victim of a drug overdose to seek medical assistance in order to save the life of an overdose victim by establishing a State policy of protecting the witness or victim from prosecution and conviction for certain crimes. The act provides limited immunity from citation or arrest of prosecution for a person who, in good faith and in a timely

manner, seeks medical assistance for someone who is experiencing a drug or alcohol overdose or for themselves if they are experiencing a drug or alcohol overdose. The Executive Director of the Department of State's Attorneys and Sheriffs and the Defender General are each required to report to the Senate and House Committees on Judiciary on the implementation and effect of the act no later than November 2015.

Effective Date: June 5, 2013

Act No. 76 (H.200). Crimes and criminal procedures; possession of marijuana; civil offense

An act relating to civil penalties for possession of marijuana

This act exchanges criminal penalties for civil penalties for possession of an ounce or less of marijuana or five grams or less of hashish by a person 21 years of age or older. A person suspected of being in violation will be ticketed in the same manner as is currently done with traffic violations. The Judicial Bureau will have jurisdiction over such cases, and a person found in violation would be subject to a civil monetary penalty.

Possession of more than one ounce of marijuana, but fewer than two ounces of marijuana, or more than five grams of hashish, or cultivation of any marijuana will continue to be a crime. For a first offense, the person will be offered the opportunity to participate in Court Diversion unless the prosecutor states on the record why the referral would not serve the ends of justice. If the person does not complete Diversion, the person would be subject to a term of imprisonment of not more than six months or a fine of not more than \$500.00, or both. For a second or subsequent offense, the person may be imprisoned not more than two years or fined not more than \$2,000.00, or both. A court will be permitted to defer sentencing for a first or second offense and the court must advise the defendant of potential collateral consequences of pleading guilty to a charge of marijuana possession.

Possession of an ounce or less of marijuana or five grams or fewer of hashish or possession or procurement of alcohol by a person under 21 years of age will be a civil offense for the first or second offense. The person will be referred to Court Diversion. Failure to complete Diversion for a first offense results in a civil penalty of \$300.00 and 90-day license suspension. Failure to complete Diversion for a second offense results in a civil penalty of not more than \$600.00 and 180-day license suspension.

Possession of an ounce or less of marijuana or five grams or fewer of hashish or possession or procurement of alcohol by a person under 16 years of age will be a delinquent act. The juvenile will be offered the opportunity to participate in Court Diversion unless the prosecutor states on the record why the referral would not serve the ends of justice.

The act creates a task force to develop recommendations to the General Assembly to address drugged driving in Vermont and to address appropriate penalties for possession of alcohol and possession of an ounce or less of marijuana by a person

under 21 years of age. A civil offense for consuming marijuana while driving, punishable by a civil penalty of not more than \$500.00, is created for a period of one year. The act sunsets the provision after the report of the task force has been received by the General Assembly.

The act enhances both civil and criminal penalties for tax violations that are based on income derived from illegal activity and removes misdemeanor marijuana possession from the list of predicate crimes that are not eligible for a petition to expunge.

An offense in which the prohibited conduct occurred prior to July 1, 2013 will not be deemed a prior offense for the purpose of determining increased penalties for second and subsequent offenses as provided in the act.

Multiple effective dates, beginning June 6, 2013

Also see: Executive Branch; Act No. 69 (S.18); An act relating to automated license plate recognition systems

Also see: Health; Act No. 75 (H.522); An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse

Also see: Judiciary; Act No. 17 (S.47); An act relating to protection orders and second degree domestic assault

Also see: Judiciary; Act No. 18 (S.161); An act relating to mitigation of traffic fines and approval of a DLS Diversion Program contract

Also see: Judiciary; Act No. 67 (H.523); An act relating to court administration and procedure

Also see: Public records; Act No. 70 (S.148); An act relating to criminal investigation records and the Vermont Public Records Act

Domestic Relations

Act No. 63 (S.31). Domestic relations; annulment and divorce; property settlements

An act relating to consideration of interests in revocable estate planning instruments when making a property settlement in a divorce proceeding

This act amends Vermont's statute on property settlements in divorces by limiting the court's ability to consider the parties' future opportunity to acquire capital assets and income. A court may consider the parties' lifestyle, decisions made during the marriage, and other competent evidence related to the parties' expectations of gifts and inheritances. However, the court may not speculate on the value of an inheritance or make findings on the value of an inheritance unless there is competent evidence of the

value, and a person who is not a party to the divorce may not be compelled to testify or to be subject to discovery on his or her estate planning. Assets or estate planning instruments created by the parties will continue to be eligible for consideration by the court in its deliberations as to equitable distribution of the property.

Effective Date: July 1, 2013

Also see: Judiciary; Act No. 17 (S.47); An act relating to protection orders and second degree domestic assault

Economic Development

Act No. 87 (H.395). Economic development; energy

An act relating to the establishment of the Vermont Clean Energy Loan Fund

This act creates 10 V.S.A. chapter 12, subchapter 13 and several additional provisions relating to financing and investments in clean energy improvements through the Vermont Economic Development Authority (VEDA), the Office of the Vermont Treasurer, and others.

Sec. 1. Establishes the Vermont Sustainable Energy Loan Fund (the Fund), the purpose of which is to authorize VEDA to make loans and other forms of financing that stimulate and encourage development and deployment of sustainable energy projects in Vermont. “Sustainable energy” includes energy efficiency, renewable energy, and technologies that enhance or support the development and implementation of renewable energy or energy efficiency, or both. Subsection (d) requires VEDA to maintain records on the projected reductions in greenhouse gas emissions and projected energy savings achieved through program investments.

Sec. 2. Authorizes VEDA to provide loan guarantees under the Energy Efficiency Loan Guarantee Program through an initial capital contribution of \$500,000.00 and provides that other funding sources may contribute to the Program as funds are made available.

Sec. 3. Removes the cap on the amount of money that VEDA is authorized to contribute to the capital of two existing nonprofits created under VEDA by statute—the Small Business Development Corporation and the Vermont 504 Corporation.

Sec. 4. 10 V.S.A. § 234 authorizes VEDA to loan money to the Sustainable Energy Fund at interest rates and terms set by VEDA.

Sec. 5. Adds the Fund to the other VEDA programs described in the Sustainable Jobs Strategy.

Sec. 6. Increases the number of VEDA board members from 12 to 15, adding the Commissioner of Public Service, the Commissioner of Forests, Parks and Recreation, and one additional Vermont resident appointed by the Governor.

Sec. 7. Increases the amount of the State’s “moral obligation authority” VEDA is allowed to pledge for its debt service to \$130,000,000.00 (previously \$115,000,000.00).

Sec. 8. Authorizes the State Treasurer to establish a short-term credit facility for the benefit of VEDA of up to \$10,000,000.00 to finance commercial sustainable energy projects through the Fund.

Sec. 8a. Authorizes the State Treasurer, working with participating entities, to establish a credit facility of up to \$6,500,000.00 to finance residential energy efficiency improvements that comply with the requirements of this section.

Sec. 8b. Designates several existing programs to be known collectively as the “Vermont Clean Energy Jobs Initiative.”

Effective Date: June 17, 2013

Also see: Conservation and land development; Act No. 55 (H.226); An act relating to the regulation of underground storage tanks

Also see: Conservation and land development; Act No. 59 (H.377); An act relating to neighborhood planning and development for municipalities with designated centers

Also see: Taxation and fees; Act No. 80 (S.37); An act relating to tax increment financing districts

Education

Act No. 56 (H.521). Education; union school districts; background checks; special education; career technical centers

An act relating to making miscellaneous amendments to education laws

This act requires the review of the Child Protection and Vulnerable Abuse Registries each time an educator renews his or her professional license. It also permits the Secretary of Education or a superintendent to share criminal background reports with other eligible entities if authorized by the subject of the report. The act requires annual joint training for a superintendent and the board chairs within the supervisory union, increases the amount of annual dues paid to the Interstate Commission on Educational Opportunity for Military Children, and permits students in the Windham Southwest Supervisory Union to attend a career technical center located in Massachusetts. It provides guidance for the transition of special education employees to employment by supervisory unions and directs the Secretary of Education to report in 2017 regarding employment of special education paraeducators. It creates a committee to study the implications of public schools closing to become independent

schools and a working group to develop best practice guidelines for teacher advisory systems. The act updates, clarifies, and repeals other education laws.

Multiple effective dates; beginning May 30, 2013

Act No. 60 (H.538). Education; school budgets; excess spending; tuition

An act relating to making miscellaneous amendments to education funding laws

This act lowers the excess spending threshold from 125 percent of the prior year's statewide average per-pupil spending to 123 percent in fiscal years 2015 and 2016 and then to 121 percent in fiscal year 2017 and after. It also limits the amount of money a sending school district pays for a tuition undercharge or receives for a tuition overcharge. Finally, it requires the Joint Fiscal Office to review the current renter rebate program and the Secretary of Education to collect data related to student-to-staff ratios.

Multiple effective dates, beginning June 3, 2013

Act No. 68 (S.4). Education; health; judiciary

An act relating to health and schools

This act requires that school athletic coaches and referees receive training on effective methods to reduce the risk of concussions from occurring during athletic activities, prohibits a coach or a health care provider from allowing an athlete to continue participating in a school athletic event if the trainer knows or should know that the athlete has sustained a concussion or other head injury, requires every school to develop a concussion action plan that describes the procedures the school will take when a student athlete suffers a concussion, and, beginning in 2015, requires the home team to ensure that a health care provider is present at any athletic event involving a collision sport.

The act allows a health care professional to prescribe an epinephrine auto-injector in a school's name for storage and use at the school, authorizes schools to maintain a stock supply of epinephrine auto-injectors, and enables a school administrator to designate school nurses and other trained school personnel who may, in an emergency, administer epinephrine at school to any student or other person, regardless of whether the student or person has a prescription for epinephrine. The act requires the State Board of Education, in consultation with the Department of Health, to adopt policies for managing students and other persons present at schools who have life-threatening allergies. The policies must establish protocols to prevent exposure to allergens in schools and establish procedures for responding to life-threatening allergic reactions in schools.

The act asks the Vermont Traumatic Brain Injury Advisory Board to study the incidences of concussions in schools, creates a Concussion Task Force to study the presence of health care providers at school sports activities, and requires the

Secretaries of Education and of Human Services to study school-based mental health and substance abuse services.

Multiple effective dates, beginning July 1, 2013

Act No. 77 (S.130). Education; secondary school; dual enrollment; early college; flexible pathways

An act relating to encouraging flexible pathways to secondary school completion

This act creates a Flexible Pathways Initiative within the Agency of Education to expand opportunities for secondary students to complete high school and achieve postsecondary readiness. Among other things, the act provides the opportunity for each high school student to enroll in two dual enrollment courses at no expense to the student, authorizes the development of additional early college programs through which students complete 12th grade entirely on a college campus, and removes the upper age limit for participation in the High School Completion Program.

Multiple effective dates, beginning July 1, 2013

Also see: Labor; Act No. 37 (S.14); An act relating to payment of agency fees and collective bargaining service fees

Also see: Property; Act No. 45 (S.11); An act relating to the Austine School

Elections

Act No. 21 (H.406). Elections; local elections; listers and assessors; auditors

An act relating to town listers, assessors, and auditors

This act allows certain towns to vote by ballot at an annual meeting to eliminate the office of lister. If the town so votes, the selectboard would be required to contract with or employ a professionally qualified assessor who would have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers or boards of listers under the provisions of Title 32. This authority to vote to eliminate the office of lister extends to all towns, except those towns that have a charter that specifically provides for the election or appointment of the office of lister.

Related to this, the act amends provisions of law that already allow for the elimination of the office of town auditor. Session law enacted in 1998 provided that the authority to vote to eliminate the office of town auditor extended to all towns, notwithstanding any charter provision to the contrary. This act repeals that session law and in lieu thereof amends statutory law to provide that the authority to vote to eliminate the office of town auditor extends to all towns, except those towns that have a charter that specifically provides for the election or appointment of the office of town auditor.

Effective Date: July 1, 2013

Executive Branch

Act No. 19 (H.2). Executive Branch; motor vehicles

An act relating to the Governor’s Snowmobile Council

This act adds a new member to the Governor’s Snowmobile Council: the Commissioner of Forests, Parks and Recreation.

Effective Date: May 7, 2013

Act No. 69 (S.18). Executive Branch; public records; judiciary; crimes and criminal procedures; motor vehicles

An act relating to automated license plate recognition systems

This act regulates the use of Automated License Plate Recognition Systems (ALPR systems) for legitimate law enforcement purposes as well as the release, retention, and disposition of ALPR data. This act specifies that:

- a law enforcement officer must be certified in ALPR operation by the Vermont Criminal Justice Training Council in order to operate an ALPR system, and use of ALPRs are restricted to legitimate law enforcement purposes
- active ALPR data may only be accessed and used by a law enforcement officer for a legitimate law enforcement purpose, and historical ALPR data may only be transmitted to and used by a law enforcement officer who has a legitimate law enforcement purpose
- requests for active or historical ALPR data must include certain information and be retained by the Vermont Information and Analysis Center for no fewer than three years
- ALPR data must be destroyed after an 18-month period except if this period is extended under a preservation order or a warrant issued under the Rules of Criminal Procedure
- a law enforcement agency or the Department of Motor Vehicles may apply to the Criminal Division of Superior Court for an extension of the 18-month retention period if the agency or Department offers specific and articulable facts showing that the captured data are relevant to an ongoing investigation or pending court or Judicial Bureau proceeding

These provisions sunset on July 1, 2015, two years after the effective date of the act.

Effective Date: July 1, 2013

Act No. 72 (H.240). Executive Branch

An act relating to Executive Branch fees

This act amends executive branch fees as follows:

Sec. 1. Professional Regulation Fees

Adjusts fees for the regulation of barbers, cosmetologists, nail technicians, and estheticians. Fees adjusted include those for initial applications and biennial renewals for licenses of these professions, as well as the same for the schools and shops for cosmetologists.

Secs. 2–11. Corporation Regulation

Creates fees for the registration and agent change for telemarketers. Increases fees for the regulation of businesses and corporations. Fees adjusted include fees for registration, agent change, business name filing, and annual reports for companies of various forms.

Sec. 12. Victims' Compensation Fund

Increases the surcharge which applies to criminal and traffic fines for the Victims' Compensation Special Fund. The fee increase raises \$458,000.00 in additional fee revenues.

Sec. 13. Victims' Restitution Fund

Repeals the sunset on a 15-percent surcharge for the Crime Victims' Restitution Special Fund.

Sec. 14. Subordination of Liens

Creates a fee for the subordination of liens on current use properties.

Sec. 15. Vermont Branding Program

Adjusts a program for the marketing of Vermont products, with no fee revenue.

Secs. 16–21. Agriculture and Scale Fees

Increases fees for the registration of feed, fertilizer, and pesticide as well as the licenses for livestock dealers, packers, and transporters. Creates a new fee for the harvesting of ginseng grown in the wild. Increases fees on vehicle tank and kerosene meters, and medium capacity scales.

Secs. 22–25. Alcoholic Beverages Definitions

Various technical corrections and definitions.

Sec. 26. Alcohol Fees

Increases licenses and fees for the importation, distribution, and selling of various alcohol products. Creates a nonpotable alcohol distributor's license and an outside consumption permit.

Sec. 27. Technical Corrections

Additional technical corrections.

Sec. 28. Tobacco Licenses

Increases the fee for a license to sell tobacco from \$10.00 to \$100.00.

Sec. 29. Workers' Compensation Fund

Decreases the fee for employer's workers' compensation direct year calendar premium. Keeps the one-percent fee for self-insured employer's workers' compensation losses.

Sec. 30. Workers' Compensation Fund Surcharge

Adds a surcharge to the fee on employer's workers' compensation premiums of 0.16 percent in order to raise money for a new computer system for the Department of Labor.

Adds a surcharge of 0.25 percent to the fee on self-insured employer's workers' compensation losses for the same reason. These fees will raise approximately \$300,000.00. Effective for fiscal years 2014 and 2015.

Sec. 31. Fee Report

Repeals the annual report of surcharges and assessments in fee report.

Sec. 32. Paid Fundraiser Fees

Creates two new fees to regulate the activities of paid fundraisers.

Sec. 33. Uniform Dispatch Fees

Allows the Department of Public Safety to adopt rules establishing statewide fees for dispatch services. Requires a report from the Department of Public Safety regarding these fees.

Sec. 34. Break-Open Ticket Regulation

Charges the Department of Liquor Control with rulemaking and regulation of break-open ticket sales.

Sec. 35. Coolidge State Forest

Moves proceeds from the sale of a parcel of land in the Coolidge State Forest from the Capital Fund to the Department of Forests, Parks and Recreation's Land Acquisition Account.

Secs. 35a–35c. Short-Time Compensation Rules

Alters the existing short-time compensation rules.

Secs. 35d–35f. Unemployment Benefits for Domestic Violence Victims

Adds a provision where victims of sexual or domestic violence may receive unemployment insurance if they are physically or emotionally unable to work.

Sec. 36. Repeal

Repeals annual report of surcharges and assessments in fee report.

Sec. 37. Effective Date

Effective Date: July 1, 2013

Also see: Crimes and criminal procedures; Act No. 61 (S.1); An act relating to studies on classification of criminal offenses, development of a cost-benefit model for assessing criminal and juvenile justice programs, and the role of administrative hearing officers

Also see: Human services; Act No. 46 (H.105); An act relating to adult protective services reporting requirements

Also see: Transportation; Act No. 12 (H.510); An act relating to the State’s transportation program and miscellaneous changes to the State’s transportation laws

Fish and Wildlife

Act No. 78 (H.101). Fish and wildlife

An act relating to hunting, fishing, and trapping

This act amends various statutes relating to hunting, fishing, and trapping. The act authorizes the Fish and Wildlife Board (Board) to set by procedure the annual harvest numbers of moose and antlerless deer. The Board may alter the outer boundaries of a wildlife management unit without approval by the General Assembly, provided that alteration occurs no more frequently than every 10 years. The Board also may establish by rule a crossbow season to take game.

The act authorizes an additional free fishing day each year. A therapeutic group fishing license is established allowing a health care professional or a representative of a long-term facility or a psychiatric facility with a long-term unit to take up to four persons fishing. The act amends the requirements for a falconry license by expanding the types of eligible birds and by deleting the requirement for a federal license.

The act prohibits the shooting of a firearm, bow, or crossbow across a highway or within 25 feet of a highway. The act also creates a working group to address the issue of illegal road hunting. The act authorizes a person training hunting dogs or a person with an archery license or a super sport license to possess a handgun while training hunting dogs or while archery hunting.

The act authorizes landowners to post their land for hunting or fishing “by permission only.” In order to be eligible for an antlerless deer permit, the act provides that “posting” is any signage that would lead a reasonable person to believe that

hunting is restricted on the land. The act prohibits a person from hunting or fishing on the person's own land when the person's hunting, fishing, or trapping license is suspended.

The act allows the Commissioner of Fish and Wildlife (Commissioner) to establish a minimum winning bid of not less than \$1,500.00 for an auctioned moose permit. The Commissioner is authorized to issue up to three moose licenses annually to any person with a life-threatening disease. The act authorizes the Commissioner to conduct raffles to dispose of property or encourage activity.

The act bans the import or possession of wild boar. The act also amends the authority to take black bear doing damage to a property by requiring reasonable nonlethal measures before the taking. The act prohibits the knowing feeding of black bear. The act also provides that only farmers are eligible to seek compensation from the Commissioner for bear damage.

Multiple effective dates, beginning June 7, 2013

General Provisions

Act No. 53 (H.536). General provisions

An act relating to the National Guard

This act requires the Adjutant and Inspector General to report annually on January 15 to the General Assembly regarding complaints of sexual assault and harassment involving members of the Vermont National Guard. The act also allows all veterans to receive a Green Mountain Passport.

Effective Date: May 29, 2013

Also see: Public records; Act No. 70 (S.148); An act relating to criminal investigation records and the Vermont Public Records Act

Health

Act No. 25 (H.136). Health; health insurance; mammography; colorectal cancer screening

An act relating to cost-sharing for preventive services

This act clarifies that health insurers must provide coverage for screenings by mammography regardless of the dose of radiation used and must cover additional views and interpretation as needed. It also specifies that cost-sharing restrictions applicable to colorectal cancer screenings apply to the removal of tissue, laboratory and physician services, facility use, and anesthesia. The act eliminates all co-payments for mammography and colorectal cancer screenings beginning on October 1, 2013 as health insurance plans are offered, issued, or renewed.

Multiple effective dates, beginning May 13, 2013

Act No. 32 (H.178). Health; anatomical gifts; organ and tissue donation

An act relating to anatomical gifts

This act repeals 33 V.S.A. § 2302, which enables a physician to request a body for use for the advancement of anatomical science.

The act further allows the Office of the Chief Medical Examiner to contract with a funeral director or crematory operator to cremate a body in its custody when there is no written directive of the decedent and when no other party contemplated by law provides for final disposition of the decedent's remains. The Office of the Chief Medical Examiner is directed to retain the cremated remains for three years and if no party claims the remains during that time, the Office is required to arrange for final disposition in accordance with standard funeral practices. Similarly, the act requires a funeral director or crematory operator determining the disposition of a decedent's remains to retain cremated remains for three years and to arrange for their final disposition in accordance with standard funeral practices if no party claims the remains during that time.

This act requires the Commissioner of Health to take action to increase organ and tissue donations in the State and to report to the committees of jurisdiction on such actions. It creates an Organ and Tissue Donation Working Group for the purpose of coordinating efforts related to the donation and transplantation of organs and tissues, increasing donations statewide, creating a statewide program for organ and tissue donation and transplantation, and examining issues related to health insurance and employment as they pertain to organ and tissue donation. The Commissioner of Health is required to report to the committees of jurisdiction on the Working Group's progress by January 15, 2014 and the Working Group must submit a final report by the following year.

Finally, the act creates an Organ Donation Special Fund, consisting of federal funds, grants, and private donations solicited by the Commissioner of Health, to be used for activities related to increasing organ donations in the State.

Effective Date: July 1, 2013

Act No. 35 (H.315). Health; health insurance; same-sex spouses

An act relating to group health coverage for same-sex spouses

This act prohibits, to the extent permitted under federal law, health insurance coverage provided to Vermont residents who work for out-of-state employers from distinguishing between parties to a civil union, married same-sex couples, and married opposite-sex couples. The act also repeals a provision of Vermont's unlawful employment practices law specifying that the law's ban on discrimination on the basis of sexual orientation or gender identity should not be construed to change the definition of family or dependent in an employee benefit plan.

Effective Date: July 1, 2013

Act No. 39 (S.77). Health; end-of-life; patients; physicians**An act relating to patient choice and control at end of life**

This act creates a process in statute by which a physician may receive immunity from civil and criminal liability and professional disciplinary action for prescribing to a patient with a terminal condition medication for the patient to self-administer to hasten his or her death. It requires the physician to document the occurrence of 15 separate actions, some of which include multiple steps. After three years, the act repeals the statutory process and replaces it with immunity for physicians who take certain steps with respect to a patient with a terminal condition, including prescribing a dose of medication that may be lethal to the patient, if the patient later makes an independent decision to self-administer a lethal dose of the medication.

The act states that a patient's right to ask questions and receive information from his or her physicians exists regardless of the purpose of the patient's inquiry or the nature of the information provided. It specifies that a patient with a terminal condition who self-administers a lethal dose of medication is not a person exposed to grave physical harm under Vermont's duty to aid law, and that no one will be subject to civil or criminal liability solely for being present when a patient with a terminal condition self-administers a lethal dose of medication or for not acting to prevent the patient from self-administering a lethal dose.

The act prohibits a health care facility or health care provider from imposing any penalty on a physician, nurse, pharmacist, or anyone else for actions taken in good faith reliance on the provisions of the chapter created by the act or refusals to act under the chapter. It also specifies that no physician, nurse, pharmacist, or anyone else is under any duty to participate in providing a lethal dose of medication to a patient. The act protects individuals and their beneficiaries from being denied life insurance benefits for actions taken in accordance with the chapter and prohibits issuers of medical malpractice insurance from conditioning the sale, procurement, or issue of, or the rate charged for, a medical malpractice insurance policy based on whether a physician is willing or unwilling to participate in the provisions of the chapter.

The act specifies that it does not limit or otherwise affect the use of palliative sedation; that it does not authorize anyone to end a patient's life by lethal injection, mercy killing, or active euthanasia; and that actions taken in accordance with the chapter are not suicide, assisted suicide, mercy killing, or homicide. The act also directs the Department of Health to adopt rules for the safe disposal of unused medications prescribed under the chapter.

Multiple effective dates, beginning May 20, 2013

Act No. 40 (S.88). Health; health insurance; telemedicine

An act relating to telemedicine services delivered outside a health care facility

This act directs the Department of Vermont Health Access and the Green Mountain Care Board to consider implementation of telemedicine pilot projects. In designing pilot projects, the act requires the Department and the Board to consider the appropriate scope of telemedicine services to be provided outside a health care facility and the possibility of providing telemedicine equipment to home health agency nurses.

Effective Date: July 1, 2013

Act No. 42 (S.104). Health; public health; sexually transmitted disease

An act relating to expedited partner therapy

This act repeals existing law in Title 26 allowing for the use of expedited partner therapy to treat chlamydia and adopts a new provision in Title 18 allowing for the use of expedited partner therapy to treat both chlamydia and gonorrhea until March 1, 2014. At that time, the Commissioner of Health is required to have adopted rules that establish treatment standards for expedited partner therapy and that list those sexually transmitted diseases that may be treated using expedited partner therapy in accordance with the Centers for Disease Control and Prevention’s best practice recommendations.

Multiple effective dates, beginning July 1, 2013

Act No. 54 (S.152). Health; health care financing; Health Benefit Exchange; employer assessment

An act relating to health care financing

This act requires employers to pay a Health Care Fund contribution assessment for each employee to whom the employer offers health insurance but who does not accept the coverage and who has health insurance coverage purchased as an individual through the Vermont Health Benefit Exchange. It also indexes changes in the assessment amount to the change in the premium for the second lowest cost silver-level plan offered through the Exchange.

Effective Date: January 1, 2014

Act No. 65 (S.73). Health; health care facilities; home health agencies; certificates of need

An act relating to the moratorium on home health agency certificates of need

This act extends the moratorium on granting certificates of need for new home health agencies or for the offering of home health services through January 1, 2017 or until the General Assembly lifts it after considering a progress report from the Green Mountain Care Board. The act exempts licensed homes for the terminally ill from the moratorium and requires, for as long as the moratorium continues, the Board to

provide the committees of jurisdiction with any progress reports it generates on its implementation of its health planning function and how that function relates to home health agencies.

Effective Date: July 1, 2013

Act No. 75 (H.522). Health; substance abuse; public safety; controlled substances; Vermont Prescription Monitoring System

An act relating to strengthening Vermont’s response to opioid addiction and methamphetamine abuse

This act provides a comprehensive approach to combating opioid addiction and methamphetamine abuse in Vermont.

Preventing Abuse of Prescription Drugs

The act requires prescriptions for regulated drugs to include the patient’s date of birth and to show the quantity of the drug in both numeric and word forms. It prohibits anyone other than a patient or the patient’s representative from picking up a prescription for a controlled substance and requires the pharmacist to ask for a signature and photo identification. The act requires the Department of Public Safety (DPS) to adopt standard operating guidelines for law enforcement’s access to pharmacy records and directs the Agency of Education and Department of Health to survey middle and high schools to determine the quality and effectiveness of substance abuse prevention education in Vermont schools.

The act provides certain individuals with access to query the Vermont Prescription Monitoring System (VPMS) directly and allows others to receive reports of data available to the Department of Health through the VPMS. The following individuals may query the VPMS directly:

- health care providers, dispensers, and delegates who are registered with the VPMS
- personnel or contractors as needed to maintain the VPMS
- the medical director in the Department of Vermont Health Access
- a medical examiner or delegate from the Chief Medical Examiner’s office when investigating a death
- a health care provider or medical examiner from another state, as needed

The Department of Health may provide reports of data available to the Department through the VPMS to the following individuals:

- a patient or the patient’s health care provider if the VPMS shows the patient may be getting too much of a regulated drug

- a designated representative of a licensing board for health care providers or dispensers as part of an investigation
- the patient for whom a prescription is written
- a licensing board if the Commissioner of Health reasonably suspects fraudulent or illegal activity by a health care provider
- the Commissioner of DPS, personally, or the Deputy Commissioner of DPS, personally, in certain circumstances and if disclosure is necessary to avert a serious and imminent threat
- the Commissioner of DPS, personally, or the Deputy Commissioner of DPS, personally, if he or she requests data from the Commissioner of Health in certain circumstances and if disclosure is necessary to avert a serious and imminent threat
- a prescription monitoring system or similar entity in another state pursuant to a reciprocal agreement

The act directs the Department of Health to use VPMS data for specified purposes and allows the Department to enter into reciprocal agreements with prescription monitoring programs in other states. It requires health care providers and dispensers who prescribe or dispense controlled substances to register with the VPMS and requires health care providers to query the VPMS in the following circumstances:

- at least annually for patients receiving ongoing treatment with an opioid controlled substance
- when starting a patient on a controlled substance for nonpalliative long-term pain therapy of 90 days or more
- the first time the provider prescribes a controlled substance to treat chronic pain
- prior to writing a replacement prescription for a controlled substance

The act allows the Commissioner of Health to adopt rules to specify additional circumstances in which providers must query the VPMS and directs licensing boards for dispensers to adopt standards for when their licensees must query and report to the VPMS. It reestablishes the VPMS Advisory Committee to evaluate and make recommendations about the VPMS and its data and creates a Unified Pain Management System Advisory Council to advise the Commissioner of Health about the appropriate use of controlled substances in treating chronic pain and addiction and in preventing prescription drug abuse. It also directs the Commissioners of Health and of Public Safety to make recommendations on, and subsequently to implement and publicize, a voluntary statewide drug disposal program for unused over-the-counter and prescription drugs.

Improving Access to Treatment and Recovery

The act requires the Commissioner of Health to report on opioid addiction treatment programs in Vermont, including their capacity, numbers of people on waiting lists, integration with recovery and counseling programs, and the Department's additional resource needs. It requires the Department of Health to study how Vermont can increase access to opioid treatment, including methadone and suboxone, by establishing a program whereby state-licensed physicians who are affiliated with a licensed opioid maintenance treatment program may provide methadone or suboxone to people who are opioid-dependent and directs the Department to adopt rules establishing such a program. The act also directs the Department of Health to collaborate with various groups to develop guidelines and trainings for hospitals regarding screening for addiction, addiction interventions, referrals to addiction treatment and recovery services for individuals treated at an emergency department, and the identity of addiction treatment and recovery services in hospitals' service areas.

Preventing Deaths from Opioid Overdose

The act requires the Department of Health to report annually regarding the number of people who died during the preceding calendar year from an overdose of a controlled substance. It directs the Department of Health to develop a prevention, intervention, and response strategy to:

- provide free educational materials on opioid overdose prevention
- increase community-based prevention programs that reduce overdose risk factors
- increase timely access to treatment services
- educate providers on ways to prevent opioid overdose
- educate and train individuals living with addiction and participating in treatment programs, syringe exchange programs, residential drug treatment programs, or corrections services on overdose prevention, intervention, and response
- implement and expand hospital referral services
- develop a statewide opioid antagonist pilot program

It allows health care professionals acting in good faith to prescribe, dispense, and distribute an opioid antagonist to a person at risk of experiencing an opioid overdose or a family member, friend, or other person in a position to help such a person, so long as the recipient of the opioid antagonist has completed a prevention and treatment training program approved by the Department of Health. Unless acting recklessly, with gross negligence or intentional misconduct, a health professional who prescribes, dispenses, or distributes an opioid antagonist under this section shall be immune from

civil or criminal liability regardless of whether the opioid antagonist was administered by or to the person for whom it was provided.

The act dictates that, unless acting recklessly, with gross negligence or intentional misconduct, a person who has received an opioid antagonist is free from civil or criminal liability for administering it to a person who he or she believes is experiencing an opioid-related overdose. If medical assistance has not yet been sought, a person shall call emergency services after administering an opioid antagonist.

The act provides civil and criminal liability to a person acting on behalf of a community-based overdose prevention program who:

- provides education on opioid-overdose prevention; or
- possesses, acquires, distributes, or possesses an opioid antagonist

The act requires the Department of Health to establish a three-year statewide opioid antagonist pilot program for the purpose of distributing opioid antagonists to persons at risk of overdose, and to family, friends, and others in a position to help such persons. The Department shall purchase, provide for the distribution of, and monitor opioid antagonists distributed through the pilot program. It shall also report to the General Assembly regarding the cost and effectiveness of the program.

Community Safety

The act prohibits a retail establishment from completing a sale of a drug product or products containing ephedrine, pseudoephedrine, or phenylpropanolamine base that would surpass the maximum limit of 3.6 grams in a 24-hour period or nine grams in a 30-day period. It establishes an electronic registry system for the purpose of recording purchases of products containing ephedrine, pseudoephedrine, or phenylpropanolamine base and blocking sales that exceed the lawful daily and monthly limits. The system has the capacity to block unlawful sales, but the agent of a retail establishment may override the system if the agent has reasonable fear of imminent bodily harm to the agent or others if the transaction is not completed. The act requires that the National Precursor Log Exchange (NPLEx) online portal or its equivalent shall host the State's system. Retail establishments must display signs provided by NPLEx or its equivalent notifying purchasers of products containing ephedrine, pseudoephedrine, or phenylpropanolamine base that:

- the purchase will result in the purchaser's identity being listed on a national database
- the purchaser has the right to request the transaction number for any purchase denied by the system

The act requires that the agent of a retail establishment selling a product containing ephedrine, pseudoephedrine, or phenylpropanolamine base obtain the purchaser's valid government-issued identification, and record the following:

- name and address of the purchaser
- name and quantity of drug product
- date and time of purchase
- form of identification presented, issuing government entity, and corresponding identification number
- name of agent selling drug product

The act establishes a process for bringing a criminal trespass charge against a person who trespasses on abandoned property. The act defines abandoned property to mean real property which has been continuously unoccupied for 60 days, on which there is a vacant structure, and with respect to which property taxes have been delinquent for six months or more or one or more utility services have been disconnected. A municipality is required to provide the owner with notice and an opportunity to be heard before the property may be declared abandoned.

The act requires the Commissioner of Health to study the effect of methamphetamine production on housing, including approaches for identifying housing that has been contaminated by the production of methamphetamine, approaches for making the housing habitable, and the public health effects of long-term exposure to housing that is contaminated due to the production of methamphetamine, and to report his or her findings to the committees of jurisdiction.

Sales of Secondhand Items and Precious Metals

The act increases the threshold, from \$500.00 to \$2,500.00, at which a secondhand dealer must keep certain records for his or her sales, eliminates “antiques and furniture” from the list of items that trigger the definition of a “secondhand dealer,” and increases the penalties for violating the requirements to keep certain records and to hold a secondhand items for 10 days prior to resale. It directs the Department of Public Safety to conduct an outreach and information campaign to inform the public of the current requirements for buying and selling secondhand items, including used precious metals. It also creates an Interim Study Committee on the Regulation of Precious Metal Dealers. The Committee, comprising members of the General Assembly, and in consultation with law enforcement and businesses in the field, is directed to evaluate a list of articulated matters, including increasing law enforcement and private sector coordination, assessing a possible stolen item database, evaluating appropriate record-keeping requirements, and whether to create a licensing system.

Multiple effective dates, beginning June 5, 2013

Act No. 79 (H.107). Health; health insurance; Medicaid; Vermont Health Benefit Exchange; Green Mountain Care Board**An act relating to health insurance, Medicaid, the Vermont Health Benefit Exchange, and the Green Mountain Care Board**

This act makes a number of changes to laws affecting health insurance, Medicaid, the Vermont Health Benefit Exchange, the Green Mountain Care Board, and health care consumers, providers, and facilities. It moves authority over health insurance rate review for all major medical insurance policies to the Green Mountain Care Board (GMCB), replacing a two-step process involving a recommendation from the Commissioner of Financial Regulation (DFR) to the GMCB. The act transfers authority over Vermont's Health Resource Allocation Plan and the VHCURES system from DFR to the GMCB. It provides the GMCB and DFR with flexibility to modify the scope of expenses to be allocated using their bill-back authority based on what the GMCB or the Commissioner believes to be in the best interests of the regulated entities and of the State. It also directs the GMCB to create pilot programs designed to measure the effects of eliminating prior authorization requirements for prescription drugs and certain services.

The act directs the GMCB and others to develop standardized edits and payment rules for use by health insurers beginning in 2015 and by Vermont's Medicaid program beginning in 2017. It allows out-of-state employers with more than 25 Vermont resident employees to purchase health insurance for those employees in Vermont's large group market. It prohibits health insurers from requiring a patient to fail on a particular prescription drug more than once before providing coverage for another drug and bans insurers from requiring subscribers to use a prescription drug for off-label purposes. The act requires health insurers to respond to nonurgent requests for prior authorization within two business days instead of 120 hours and conforms Vermont's definition of a "small employer" to federal law for purposes of the Vermont Health Benefit Exchange.

The act creates an Office of the Health Care Advocate with duties similar to those of the existing Health Care Ombudsman, which the act repeals. The act allows the GMCB and DFR to bill-back to the regulated entities expenses associated with the duties of the Office of the Health Care Advocate for three years and caps at \$300,000.00 the amount that can be billed back for this purpose during fiscal year 2014. The act changes the way income is calculated for the VPharm and Healthy Vermonters prescription drug programs from the Vermont Health Access Program rules to modified adjusted gross income. It requires each Vermont hospital to present an energy action plan to the GMCB on or before July 1, 2014, transfers authority over hospital community reports from DFR to the Department of Health, and delays publication of the 2013 hospital community reports until October 1, 2013. The act also makes several minor and conforming changes and technical corrections.

Multiple effective dates, beginning June 7, 2013

Act No. 85 (S.81). Public health; consumer affairs; flame retardants; prohibition of use in certain consumer products

An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and the flame retardant known as Tris in consumer products

This act restructures and expands Vermont's existing prohibition on toxic flame retardants in consumer products. The act prohibits the manufacture, distribution, or sale of plastic shipping pallets that contain the brominated flame retardant decaBDE. The act also prohibits the manufacture, distribution, or knowing sale of children's products and residential upholstered furniture that contain the chlorinated flame retardants TCEP or TDCPP. The act prohibits the replacement of the flame retardants covered under the act with other harmful chemicals, and requires the notification of retailers that sell the products covered under the act. Lastly, the act permits the Commissioner of Health to adopt a rule regulating a third form of chlorinated flame retardant, known as TCPP, upon a determination that it poses a significant public health risk.

Effective Date: July 1, 2013

Also see: Crimes and criminal procedures; Act No. 71 (H.65); An act relating to limited immunity from liability for reporting a drug or alcohol overdose

Also see: Crimes and criminal procedures; Act No. 76 (H.200); An act relating to civil penalties for possession of marijuana

Also see: Education; Act No. 68 (S.4); An act relating to health and schools

Also see: Judiciary; Act No. 67 (H.523); An act relating to court administration and procedure

Also see: Taxation and fees; Act No. 73 (H.295); An act relating to technical tax changes

Also see: Tobacco products; Act No. 14 (H.71); An act relating to tobacco products

Housing

See: Public service; Act No. 89 (H.520); An act relating to reducing energy costs and greenhouse emissions

Human Services

Act No. 33 (H.403). Human services; corrections; mental health; developmental disorders

An act relating to community supports for persons with serious functional impairments

This act establishes a legislative study committee to examine the needs of persons, regardless of whether they are in the custody of the Commissioner of Corrections, with mental and functional impairments or developmental disorders so severe that they

cannot live in the community without substantial supports and who have been charged with, or have been identified as being at risk of committing a criminal offense that renders them a threat to public safety, their own physical safety, or both. This act directs the study committee to consider appropriate treatments and services for this population, practices for lowering this population’s recidivism rate, manners of protecting this population’s legal rights, approaches for managing the public safety risks posed by this population, and cost-effective treatment approaches used by other states to serve comparable populations.

The study committee is composed of eight legislative members and is directed to collaborate with a number of organizations and individuals. It is required to submit a report containing its findings and recommendations to the committees of jurisdiction. The report must develop guidelines specifying how a person is declassified from this population, address the extent to which secure residential recovery facilities offer appropriate treatment for this population, and evaluate the cost of any treatment opportunities endorsed by the study committee.

Effective Date: May 14, 2013

Act No. 46 (H.105). Human services; adult protective services

An act relating to adult protective services reporting requirements

This act requires the Commissioner of Disabilities, Aging, and Independent Living (DAIL) to provide quarterly reports for two years regarding DAIL’s adult protective services (APS) activities, including the number of reports of abuse, neglect, and exploitation that DAIL received and assigned for investigation and the reasons that some cases were not investigated. It also modifies the Agency of Human Services’s existing APS annual reporting requirement to include data on several additional possible outcomes for reports of abuse, neglect, and exploitation.

Effective Date: May 24, 2013

Act No. 66 (S.156). Human services; home visiting

An act relating to home visiting standards

This act requires the Secretary of Human Services to develop rules, in collaboration with interested providers and other stakeholders, pertaining to the delivery of home visiting services. The home visiting standards adopted in the rules must be guided by family-centered and -directed practices and evidence-based models. The rules must address service provider training, coordinated outreach efforts, and performance evaluation, among other topics.

Effective Date: June 3, 2013

Also see: Corrections; Act No. 41 (S.99); An act relating to the standard measure of recidivism

Also see: Health; Act No. 65 (S.73); An act relating to the moratorium on home health agency certificates of need

Also see: Health; Act No. 75 (H.522); An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse

Also see: Health; Act No. 85 (S.81); An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and the flame retardant known as Tris in consumer products

Also see: Judiciary; Act No. 67 (H.523); An act relating to court administration and procedure

Also see: Public service; Act No. 89 (H.520); An act relating to reducing energy costs and greenhouse emissions

Insurance

Act No. 29 (H.513). Insurance; banking; securities; captives

An act relating to the Department of Financial Regulation

This act reflects proposals submitted to the General Assembly by the Department of Financial Regulation. It includes technical corrections to Vermont law as well as substantive changes to matters within the jurisdiction of the Department. The banking provisions include assessments on financial institutions, licensed lender exemptions, testing of mortgage loan originators, and notices of security breaches. The securities provisions include a requirement that the Commissioner notify the Attorney General if he or she seeks a court order compelling the production of testimony or records from a person engaged in the business of effecting securities transactions. The insurance provisions primarily relate to compliance with the National Association of Insurance Commissioners (NAIC) accreditation standards and address insurance holding company systems and risk-based capital requirements. There are a number of provisions related to the captive insurance market, and they pertain to subjects such as license fees for special purpose financial captives, incorporated protected cells, and changing the name of “special purpose financial captive insurance company” to “special purpose financial insurance company.”

Multiple effective dates, beginning May 13, 2013

Act No. 43 (H.95). Life insurance; Death Master File; unclaimed property

An act relating to unclaimed life insurance benefits

This act requires insurance companies to perform a comparison of their insureds' in force life insurance policies, annuity contracts, and retained asset accounts against a Death Master File, on at least a semiannual basis, to identify potential matches. If a company identifies a potential match, it is required to take affirmative steps to locate the beneficiary or beneficiaries under the policy, contract, or account. If the

beneficiary or beneficiaries cannot be located, the proceeds escheat to the State of Vermont as unclaimed property.

Effective Date: July 1, 2013

Also see: Health; Act No. 25 (H.136); An act relating to cost-sharing for preventive services

Also see: Health; Act No. 35 (H.315); An act relating to group health coverage for same-sex spouses

Also see: Health; Act No. 79 (H.107); An act relating to health insurance, Medicaid, the Vermont Health Benefit Exchange, and the Green Mountain Care Board

Judiciary

Act No. 8 (H.431). Judiciary; property; consumer protection

An act relating to mediation in foreclosure actions

This act makes a number of changes to the mandatory mediation program applicable to mortgage foreclosure actions. The act expands the program to require mediation in virtually all mortgage foreclosure actions in Vermont, and makes the program permanent by repealing a provision that would have ended it on the date that the federal Home Affordable Modification Program (HAMP) was repealed. The act authorizes the Vermont Bar Association to establish a mediator-selection process and requires the mediator to hold a premediation telephone conference to help the mortgagee and mortgagor complete any necessary document exchange and address other premediation issues. The act also requires each party to the foreclosure or the party's attorney to be physically present at the foreclosure proceeding.

Effective Date: December 1, 2013

Act No. 17 (S.47). Judiciary; domestic relations; protection orders; crimes

An act relating to protection orders and second degree domestic assault

This act amends the statutes regarding three types of civil protections orders: domestic relations relief from abuse orders; orders against stalking or sexual assault; and orders against abuse of a vulnerable adult. The act addresses issues of notice, stays pending appeal, and contents of orders. The act also clarifies that a violation of a protection order from another jurisdiction qualifies as a predicate offense for purposes of the second degree aggravated domestic assault statute in the same manner as a violation of such an order issued in this State.

Multiple effective dates, beginning July 1, 2013

Act No. 18 (S.161). Judiciary; Judicial Bureau; motor vehicles; DLS Diversion Program

An act relating to mitigation of traffic fines and approval of a DLS Diversion Program contract

This act permits a hearing officer to employ mitigation remedies without a hearing if the person is enrolled in the DLS Diversion Program that includes a payment plan.

Effective Date: May 6, 2013

Act No. 67 (H.523). Judiciary; recordkeeping; humane treatment of animals; medication-assisted treatment for inmates; driving without insurance

An act relating to court administration and procedure

This act updates the statutes regarding how courts preserve and collect records; allows the Court Administrator to promulgate rules for the inspection and availability of jury questionnaires; and amends several court fees.

The act also addresses the following issues:

- humane treatment of animals - clarifies that a criminal charge of animal neglect may be filed whether or not a civil citation has been filed previously and requires the Department of Public Safety to conduct a study on incidents of animal cruelty and how to improve animal cruelty forfeiture proceedings
- medication-assisted treatment for inmates in Vermont prisons – requires the Department of Corrections, in collaboration with the Department of Health’s Division of Alcohol and Drug Abuse Programs, to establish a work group for the purpose of examining medication-assisted treatment for inmates, including for persons who were receiving treatment in the community immediately prior to incarceration
- driving without insurance - eliminates the mandatory minimum civil penalty

Multiple effective dates, beginning June 4, 2013

Also see: Crimes and criminal procedures; Act No. 61 (S.1); An act relating to studies on classification of criminal offenses, development of a cost-benefit model for assessing criminal and juvenile justice programs, and the role of administrative hearing officers

Also see: Education; Act No. 68 (S.4); An act relating to health and schools

Also see: Executive Branch; Act No. 69 (S.18); An act relating to automated license plate recognition systems

Also see: Motor vehicles; Act No. 57 (S.150); An act relating to miscellaneous amendments to laws related to motor vehicles

Labor

Act No. 6 (H.51). Labor

An act relating to payment of workers' compensation benefits by electronic payroll card

This act allows an injured worker to receive temporary workers' compensation benefits by means of direct deposit or an electronic prepaid benefit card.

Effective Date: July 1, 2013

Act No. 15 (H.280). Labor

An act relating to payment of wages

This act amends the statutes relating to payment of wages. The act sets out a process for the Department of Labor to investigate complaints of nonpayment of wages and clarifies the mechanisms by which the Department may enforce the statutes. It raises the penalty on employers for nonpayment of wages from \$500.00 to \$5,000.00. The act also prohibits an employer from retaliating against an employee who has filed a complaint with the Department of Labor.

Effective Date: July 1, 2013

Act No. 31 (H.99). Labor

An act relating to equal pay

This act prohibits employers from retaliating against employees who oppose unlawful employment practices and against employees who disclose their wages or inquire about or discuss the wages of other employees. The act further prohibits retaliation against employees who exercise their rights under the statutes regarding nursing mothers, town meeting leave, parental and family leave, short-term family leave, workers' compensation, and public accommodation and housing discrimination.

The act requires that entities contracting with the State certify that they are in compliance with the equal pay law and requires that the entities make their records available for review to ensure compliance.

The act allows an employee to request a flexible working arrangement from his or her employer and requires the employer to consider a request at least twice per calendar year.

Finally, the act creates a committee to study the issue of paid family leave and to make a report to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs on or before January 15, 2014.

Multiple effective dates, beginning July 1, 2013

Act No. 37 (S.14). Labor**An act relating to payment of agency fees and collective bargaining service fees**

This act amends Vermont's five labor relations acts to require that employees of a bargaining unit who do not choose to join the union representing the bargaining unit pay an agency or collective bargaining service fee to the union. The act also requires union members to vote annually whether to allow nonunion members to vote on the ratification of any collective bargaining agreement. Finally, the act requires the Secretary of Education to file a report on whether there would be any benefit in allowing school employee contracts to contain merit pay provisions.

Effective Date: June 30, 2013

Act No. 48 (S.59). Labor**An act relating to independent direct support providers**

This act creates a process by which independent direct support providers may choose to unionize and bargain collectively with the State. The act allows for bargaining between the providers and the State over issues of compensation rates, professional development, the collection of fees and dues, and grievance procedures. The act includes provisions for the election of a bargaining representative, procedures for mediation and fact-finding, unfair labor practices, appeals from the decisions of the Labor Relations Board, and antitrust exemptions.

The act also creates a Self-Determination Alliance to advise the State on issues relating to the independent direct support provider workforce. The Alliance is repealed on June 30, 2018.

Effective Date: May 24, 2013

Act No. 81 (S.155). Labor; workforce education and training; economic development**An act relating to creating a strategic workforce development needs assessment and strategic plan**

This act creates a Workforce Development Work Group to inventory workforce education and training programs in the State and to identify for each program the population served, the financial support, the method of evaluating the program, and other information articulated in Sec. 1. Additionally, Sec. 2 of the act empowers and directs the Commissioner of Labor to prepare a strategic plan for workforce development.

Effective Date: June 7, 2013

Act No. 82 (H.169). Labor**An act relating to relieving employers' experience-rating records**

This act amends the unemployment compensation to provide up to four weeks of relief to employers' experience-rating records for layoffs caused by federally declared natural disasters. The act also sets up a process for employers to apply to the Department of Labor for unemployment compensation tax relief if they are paying a higher rate of unemployment contributions due to layoffs caused by federally declared natural disasters occurring in Vermont in 2011. The act appropriates \$60,000.00 to the Department of Labor to implement the tax relief program. The act also directs the Department of Labor not to implement its proposed rule regarding unemployment insurance coverage for newspaper carriers. Finally, the act requires the Office of Legislative Council to study the issue of unemployment compensation for newspaper carriers.

Effective Date: June 10, 2013

Act No. 86 (S.85). Labor**An act relating to workers' compensation for firefighters and rescue or ambulance workers**

This act creates a presumption for firefighters and rescue or ambulance workers that disability or death resulting from lung disease or infectious disease either of which is caused by aerosolized airborne infectious agents or blood-borne pathogens is compensable under the workers' compensation statutes.

Effective Date: July 1, 2013

Also see: Commerce and trade; Act No. 47(S.7); An act relating to social networking privacy protection

Also see: Health; Act No. 35 (H.315); An act relating to group health coverage for same-sex spouses

Also see: Health; Act No. 54 (S.152); An act relating to health care financing

Also see: Retirement; Act No. 2 (H.41); An act relating to civil forfeiture of retirement payments to public officials convicted of certain crimes

Legislature**Act No. 5 (H.13). Legislature; statutory revision****An act relating to statutory revision**

This act extends the statutory revision authority of the Office of Legislative Council to apply to session laws and allows the Office to correct the names of agencies and departments and to make grammatical corrections to conform to statutory

style. It also adds definitions of the words “include,” “includes,” and “including” to the Vermont Statutes Annotated.

Effective Date: April 23, 2013

Act No. 28 (H.474). Legislature; Government Accountability Committee

An act relating to amending the membership and charge of the Government Accountability Committee

This act amends the membership and charge of the Government Accountability Committee (GAC). Prior to the effective date of this act, the GAC was composed of six members from each body, with the requirement that each member be from a different specified committee of jurisdiction. Under this act, the GAC membership was pared down to four members from each body, with the only membership requirement being that there be at least one member each from the House and Senate Committees on Government Operations. Moreover, the act requires there to be co-chairs made up of a House and a Senate member, instead of the former law’s requirement that there be a chair that alternates biennially between a House and Senate member. The act also eliminated an annual November 1 report to the General Assembly, but retained the requirement that the GAC report annually to the General Assembly on January 15.

Finally, the act requires the GAC to consider whether and under what conditions or situations the State should provide funding, grants, or other financial awards to a nonprofit organization subject to the requirement that the nonprofit organization use results-based accountability. If the GAC determines results-based accountability should be required of these nonprofits, the act additionally requires the GAC to determine whether a special fund should be created to provide nonprofits with funding to develop capacities and other resources to support results-based accountability at an organizational level. The act requires the GAC to report its findings or recommendations regarding these issues on or before January 15, 2014.

Effective Date: May 13, 2013

Act No. 34 (H.26). Legislature; Vermont Statutes Annotated; technical corrections

An act relating to technical corrections

This act makes technical corrections to several sections of the Vermont Statutes Annotated.

Effective Date: July 1, 2013

Motor Vehicles

Act No. 20 (S.151). Motor vehicles

An act relating to miscellaneous changes to the laws governing commercial motor vehicle licensing and operation

This act amends Vermont law governing commercial motor vehicle licensing and operation to conform it to several regulations adopted by the Federal Motor Carrier Safety Administration, and makes numerous related technical and conforming changes. The amendments relate to knowledge and skill testing standards and new minimum federal standards for states to issue commercial learner's permits (CLP); the circumstances when a person with military commercial motor vehicle experience may be exempt from taking a skills test in order to obtain a commercial driver license (CDL); a requirement that a CDL or CLP applicant establish U.S. citizenship or lawful permanent residency in the United States; a prohibition on use of an interpreter during a CDL or CLP knowledge or skills test; a requirement that as of May 21, 2014, all medical examiners who conduct physical examinations of interstate commercial motor vehicle drivers must have completed training and been certified by the Federal Motor Carrier Safety Administration; and a requirement that a CDL or CLP holder retake a knowledge or skills test, or both, if the Commissioner of Motor Vehicles receives credible information of suspected fraud related to the issuance of the holder's CDL or CLP. In addition, this act codifies in Vermont law the federal prohibitions on texting and on using a handheld mobile telephone while operating a commercial motor vehicle.

Effective Date: July 1, 2013

Act No. 57 (S.150). Motor vehicles; judiciary; taxation and fees

An act relating to miscellaneous amendments to laws related to motor vehicles

This act:

Definitions

- amends and clarifies the definition of "enforcement officers"
- amends the definition of "transporter"

Placards for Persons with Disabilities

- updates the statute regarding the placement of removable placards for persons with disabilities to be consistent with federal law

Temporary Registrations, Trailer Registrations, and Motorboat Registrations

- clarifies that receipts from electronic registrations may serve as temporary registrations for snowmobile, motorboat, and ATV registration transactions

- extends the lowest trailer registration fee category to include trailers weighing exactly 1,500 pounds
- authorizes motorboats to be registered for a two-year period

Off-site Display of Vehicles by Dealers

- extends from 10 to 14 days the time period that a dealer may display vehicles at an off-site location

Penalties Applicable to Holders of Junior Operator Licenses and Learner Permits

- clarifies and reorganizes penalty provisions applicable to a junior operator for failing to comply with passenger restrictions, and to a learner's permit holder for driving while unaccompanied

License Certificates and Nondriver Identification Cards

- eliminates a reference to magnetic strips on nondriver identification cards and license certificates, and adds a reference to bar code requirements under the REAL ID Act
- specifies that a license certificate must list an applicant's residential address unless the applicant requests the listing of his or her mailing address or unless the listing of another address is authorized by law

Veteran Indicator on Licenses and Identification Cards

- authorizes and requires the Commissioner of Motor Vehicles, upon request and after verification that an applicant is an honorably discharged veteran or a veteran discharged under honorable circumstances, to indicate the applicant's veteran status on his or her nondriver identification card, enhanced license, commercial driver license, or regular license

Driver Training Instructor Licensing

- amends the list of crimes that disqualify a person from obtaining a driver training instructor license

Operating on Closed Highways

- authorizes State or local entities that deploy emergency services in order to aid a stranded operator of a vehicle, or to move a disabled vehicle, unlawfully operated on a closed highway, to recover the costs of furnishing the emergency

services if the closed road is posted with a sign warning that the driver may be subject to civil damages and penalties

Credit for DUI Suspensions

- eliminates the requirement that a suspension must remain on a person’s motor vehicle record in order for that person to receive credit for time served under the suspension for a subsequent suspension arising from the same incident

Permitted Use of Sirens and Lights

- authorizes the issuance of a permit for blue or blue and white signal lamps to vehicles of the Vermont Criminal Justice Training Council, and the issuance of a permit for signal lamps and sirens for restored emergency vehicles used for exhibition purposes

Motor Vehicle Arbitration Board; Administrative Support

- specifies that the Motor Vehicle Arbitration Board shall receive administrative support as determined by the Secretary of Transportation

Judicial Bureau Procedure

- authorizes the Judicial Bureau, consistent with rules adopted by the Vermont Supreme Court, to accept electronic signatures, and codifies in Vermont law certain requirements of the Servicemembers Civil Relief Act

Penalties for Texting While Driving

- raises the potential fines for texting while driving and increases from two to five the number of points that will be assessed against a person’s driving record for a first texting conviction

Prohibition on Use of a Handheld Portable Electronic Device in a Work Zone

- amends the definition of “construction area” and prohibits, subject to certain exceptions, the operator of a moving motor vehicle from using a handheld portable electronic device in a work zone

Prohibition on Idling

- prohibits motor vehicles from idling for more than five minutes in any 60-minute period, subject to certain exceptions. This act also requires that driver education courses include instructions on the adverse effects of unnecessary idling and on the law prohibiting such idling

Waiver of Points

- authorizes superior judges and Judicial Bureau hearing officers to waive the assessment of points on a person's driving record for a conviction for a moving violation if certain conditions are met

Calculation of Transportation Infrastructure Bond Assessment

- makes technical amendments to the method used to calculate the tax-adjusted retail price of gasoline for purposes of calculating the transportation infrastructure bond assessment

Multiple effective dates, beginning May 30, 2013

Act No. 74 (S.38). Motor vehicles**An act relating to expanding eligibility for driving and identification privileges in Vermont**

This act authorizes the Department of Motor Vehicles (DMV) to issue operator's privilege cards, junior operator's privilege cards, and learner's privilege cards to applicants who cannot establish lawful presence in the United States or who otherwise fail to satisfy the requirements of the federal REAL ID Act, if the privilege card applicant furnishes reliable proof of identity and of Vermont residence and meets other applicable requirements of the motor vehicle laws.

This act also authorizes DMV to issue nondriver identification cards to aliens lawfully present in the United States, as well as non-REAL ID compliant identification cards to persons who cannot establish lawful presence in the United States or who otherwise fail to satisfy the requirements of the REAL ID Act.

Effective Date: January 1, 2014

Also see: Conservation and land development; Act No. 55 (H.226); An act relating to the regulation of underground storage tanks

Also see: Crimes and criminal procedures; Act No. 76 (H.200); An act relating to civil penalties for possession of marijuana

Also see: Executive Branch; Act No. 19 (H.2); An act relating to the Governor's Snowmobile Council

Also see: Executive Branch; Act No. 69 (S.18); An act relating to automated license plate recognition systems

Also see: Judiciary; Act No. 18 (S.161); An act relating to mitigation of traffic fines and approval of a DLS Diversion Program contract

Also see: Judiciary; Act No. 67 (H.523); An act relating to court administration and procedure

Municipal Charters

Act No. M-1 (H.529). Municipal charters; Winooski Incorporated School District; amendments

An act relating to approval of an amendment to the charter of the Winooski Incorporated School District related to the term of district treasurer

Aside from amendments that are technical or stylistic in nature, this act amends the charter of the Winooski Incorporated School District by setting the term of office of the District Treasurer at three years.

Effective Date: May 7, 2013

Act No. M-2 (H.527). Municipal charters; Town and Village of Northfield; merger; charter adoption and codification

An act relating to approval of the adoption and the codification of the charter of the Town of Northfield

This act merges the Town and Village of Northfield into the Town of Northfield at midnight on June 30, 2014. At that time and date, the Village of Northfield shall cease to exist and its charter will be repealed. This act also establishes the charter that will apply to the newly merged Town.

The new Town’s charter provides for a Town Manager system of government; establishes a five-member Selectboard and a three-member Electric Utility Board of Commissioners; and provides for the governance of the Electric, Water, and Wastewater Departments.

Moreover, the act provides transitional provisions regarding Village property, liabilities, finances, utility rates, and laws, rules, and policies in anticipation of the merger. These transitional provisions also require a consolidated selectboard — made up of Town Selectboard members and Village Trustees — which shall be in effect until the first annual town meeting after the effective date of the merger.

Multiple effective dates, beginning May 7, 2013

Act No. M-3 (H.517). Municipal charters; Town of St. Albans; adoption and codification

An act relating to approval of the adoption and the codification of the charter of the Town of St. Albans

This act codifies into law a charter for the Town of St. Albans. The charter allows the Town to assess local option taxes and also provides for the appointment of the members of the Town’s Planning Commission and for the recall of elected officers.

Effective Date: May 14, 2013

Act No. M-4 (H.525). Municipal charters; Town of Stowe; amendments

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

This act makes miscellaneous amendments to the charter of the Town of Stowe. Aside from amendments that are technical or stylistic in nature, the act includes the following substantive amendments:

- eliminating language requiring a vote of the town for the purchase or sale of any real property
- allowing proposed ordinances and their amendments — or a concise summary thereof — to be published in a newspaper of general circulation in the Town pursuant to the requirements of general law
- providing that the Town Clerk and Town Treasurer shall be appointed by the Town Manager, rather than elected by the voters, and that the Town Manager shall also have the authority to appoint assistant town clerks and assistant town treasurers
- removing the Town Clerk from the Board of Civil Authority and removing the Town Clerk and Town Treasurer from the Board of Abatement

Effective Date: May 8, 2013

Act No. M-5 (H.512). Municipal charters; City of Barre; amendments

An act relating to approval of amendments to the charter of the City of Barre

This act makes miscellaneous amendments to the charter of the City of Barre. Aside from amendments technical or stylistic in nature, the act includes the following substantive amendments:

- specifying that one person shall serve as the City's clerk and treasurer
- providing that Spaulding Union High School District School Board members shall be elected as provided in the Barre City/Barre Town Union High School Agreement or its successor document
- providing for the procedure to fill a vacancy of a school commissioner
- revising what must be done with unexpended funds of the city and school budgets

Effective Date: May 13, 2013

Act No. M-6 (H.541). Municipal charters; Village of Essex Junction; amendments

An act relating to approval of amendments to the charter of the Village of Essex Junction

Aside from making amendments to the charter of the Village of Essex Junction of a technical or stylistic nature — including amendments made for the purposes of gender neutrality — this act amends the charter to provide that the Village Manager is subject to the direction and supervision of the Village Trustees and that the Manager holds office at the will of the Trustees.

Effective Date: May 20, 2013

Act No. M-7 (H.537). Municipal charters; Town of Brattleboro; amendments

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

This act adds an Office of Assessment by charter to the Town of Brattleboro. The Office is headed by a Town Assessor, who is appointed by the Town Manager. Under the act, the Board of Listers hears appeals by citizens disputing Office of Assessment appraisals. The act also repeals a section of the charter regarding the reconsideration of ordinances adopted by the Selectboard.

Effective Date: May 24, 2013

Act No. M-8 (H.535). Municipal charters; Town of Woodford; adoption and codification

An act relating to the approval of the adoption and to the codification of the charter of the Town of Woodford

This act codifies into law a charter for the Town of Woodford. The charter provides requirements for open meetings and sets parameters for the adoption and repeal of ordinances. It also sets limits on the Town's borrowing capacity.

Moreover, the charter establishes the elected and appointed officers of the Town; establishes conflict of interest provisions; and provides for the recall of elected officials.

Effective Date: May 23, 2013

Act No. M-9 (H.534). Municipal charters; City of Winooski; amendments

An act relating to approval of amendments to the charter of City of Winooski

This act repeals the previous Winooski City charter and replaces it with a new charter that in many instances contains identical provisions to the previous charter or makes changes for the purpose of organization or style.

The new charter substantively differs from the previous charter in certain areas. Substantive changes include the ability of the City to vote to assess local option taxes and changing the term of the Mayor of Winooski to three years instead of two years.

Effective Date: June 4, 2013

Municipal Government

Act No. 36 (H.450). Municipal government; conservation and land development

An act relating to expanding the powers of regional planning commissions

This act allows regional planning commissions to include in their charters and bylaws the powers, among others, to acquire and dispose of real property; to act as an escrow agent for one or more member municipalities; and, subject to safeguards contained in the act, to borrow money and incur indebtedness, establish revolving loan funds, and establish lines of credit. The act also provides that, for the purpose of a regional planning commission's carrying out its duties and functions under State law, the area of the commission is considered a political subdivision of the State.

Effective Date: July 1, 2013

Also see: Conservation and land development; Act No. 16 (H.401); An act relating to municipal and regional planning and flood resilience

Also see: Conservation and land development; Act No. 59 (H.377); An act relating to neighborhood planning and development for municipalities with designated centers

Also see: Elections; Act No. 21 (H.406); An act relating to town listers, assessors, and auditors

Also see: Public safety; Act No. 49 (S.132); An act relating to sheriffs, deputy sheriffs, and the service of process

Also see: Public service; Act No. 89 (H.520); An act relating to reducing energy costs and greenhouse emissions

Also see: Taxation and fees; Act No. 80 (S.37); An act relating to tax increment financing districts

Professions and Occupations

Act No. 27 (H.205). Professions and occupations; Office of Professional Regulation

An act relating to professions and occupations regulated by the Office of Professional Regulation

This act makes miscellaneous amendments to statutes governing professions regulated by the Office of Professional Regulation. Aside from amendments that are merely technical in nature, substantive amendments set forth in the act include the following:

- in Sec. 3, allowing dental hygienists to administer local anesthetics under the direct supervision and by the prescription of a licensed dentist for purposes other than dental hygiene
- in Secs. 4–16, revising the definitions, exemptions, Board membership, and licensure standards within the professional engineering chapter
- in Secs. 17 and 18, revising licensure standards for nurses and nursing assistants
- in Sec. 23, allowing the Board of Pharmacy to adopt rules regarding standards for creating, licensing, and operating remote pharmacies and automatic dispensing units in Vermont; in Sec. 24, eliminating the ability of a pharmacy technician registration applicant to act as a pharmacy technician pending registration approval; and in Sec. 26, eliminating the ability of the Board to grant temporary licenses to wholesale drug distributors
- in Sec. 28, revising which real estate brokerage firms qualify for the \$0.00 sole proprietor brokerage firm registration application and renewal fees
- in Sec. 33, allowing the Board of Psychological Examiners to issue a license to an applicant licensed at the doctoral level in another jurisdiction which does not have licensure requirements substantially equivalent to Vermont’s licensure requirements, so long as certain qualifications are met
- in Sec. 35, revising which investigative or security agencies qualify for the reduced sole proprietor licensure application and renewal fees
- in Secs. 37–44, revising statutes within the chapter on real estate appraisers to conform with federal law requirements
- in Sec. 46, substituting a second registered tattoo operator for a public member as an advisor to the Director of the Office of Professional Regulation in matters relating to tattooing and body piercing
- in Sec. 47a, allowing the Director of the Office of Professional Regulation to grant auctioneer licensure to a person with experience as an auctioneer in another state that does not provide for such licensure

Effective Date: July 1, 2013

Property

Act No. 7 (H.531). Property; Town of Essex; state lands; conveyance

An act relating to Building 617 in Essex

This act authorizes the Commissioner of Buildings and General Services to sell Building 617 in Essex and directs that the net proceeds of the sale shall be reallocated

to fund future capital projects. The Commissioner is authorized to convey Building 617 by warranty deed.

Effective Date: April 23, 2013

Act No. 10 (S.144). Property; City of St. Albans; state lands; conveyance

An act relating to the St. Albans state office building

This act authorizes the Commissioner of Buildings and General Services to sell the State office building at 20 Houghton Street in St. Albans, notwithstanding the requirements of 29 V.S.A. § 166(b). The Commissioner is authorized to convey 20 Houghton Street by warranty deed. In addition, the Commissioner of Buildings and General Services is further authorized to replace the State office building by negotiating and entering into either a lease or a lease-purchase agreement. The General Assembly's intent is that the replacement State office building is located in downtown St. Albans.

Effective Date: April 26, 2013

Act No. 45 (S.11). Property; Austine School; education; capital appropriation

An act relating to the Austine School

This act authorizes the Vermont Center for the Deaf and Hard of Hearing to sell up to 15 acres of undeveloped land associated with the Austine School for the Deaf (the Austine School) with no obligation to repay the State for any appropriations made to or for the benefit of the Austine School; provided, however, that the sale of land does not alter the first priority lien on the property created under 16 V.S.A. § 3823(b) in favor of the State. The act also directs the Secretary of Education, in consultation with the President and Board of Trustees of the Austine School, to develop and present a service plan to meet the needs of Vermont students served by the Austine School to the House Committees on Corrections and Institutions and on Education, and the Senate Committees on Institutions and on Education on or before January 15, 2014.

Effective Date: May 22, 2013

Also see: Elections; Act No. 21 (H.406); An act relating to town listers, assessors, and auditors

Also see: Judiciary; Act No. 8 (H.431); An act relating to mediation in foreclosure actions

Also see: Transportation; Act No. 12 (H.510); An act relating to the State's transportation program and miscellaneous changes to the State's transportation laws

Public Records

Act No. 3 (H.63). Public records

An act relating to repealing an annual survey of municipalities

This act repeals a requirement that the Secretary of State conduct an annual survey of municipalities concerning public records issues.

Effective Date: March 27, 2013

Act No. 23 (H.54). Public records

An act relating to Public Records Act exemptions

This act directs the Office of Legislative Council to prepare a draft bill listing all exemptions to the Public Records Act (PRA) in one statutory provision of the PRA. The draft bill also shall amend existing PRA exemptions scattered throughout the Vermont Statutes Annotated in order to cross-reference back to the draft list of exemptions, and incorporate amendments to existing exemptions that were previously recommended by the Public Records Legislative Study Committee (Committee). The Office of Legislative Council shall submit the draft bill to the Committee on or before November 1, 2013.

Effective Date: July 1, 2013

Act No. 70 (S.148). Public records; crimes and criminal procedures; general provisions

An act relating to criminal investigation records and the Vermont Public Records Act

This act adopts a standard nearly identical to the federal Freedom of Information Act (FOIA) standard for purposes of determining when records dealing with the detection and investigation of crime are exempt from disclosure under the Vermont Public Records Act (PRA). Under prior law, records dealing with the detection and investigation of crime were categorically and permanently exempt from disclosure under the PRA. The act replaces that categorical exemption with a FOIA-derived balancing test that only exempts criminal investigation records from disclosure if production of the records would interfere with enforcement proceedings, deprive a person of a right to a fair trial, constitute an unwarranted invasion of personal privacy, disclose the identity of a confidential source, disclose techniques and procedures for law enforcement investigations or prosecutions, or endanger the life or physical safety of any individual.

Effective Date: July 1, 2013

Also see: Executive Branch; Act No. 69 (S.18); An act relating to automated license plate recognition systems

Public Safety

Act No. 26 (H.182). Public safety; search and rescue

An act relating to search and rescue

This act establishes the procedure by which search and rescue operations shall be conducted in the State. “Search and rescue” is defined by the act as “the deployment, coordination, and utilization of available resources and personnel in locating, relieving the distress, and preserving the lives of and removing persons who are missing or lost in the backcountry, remote areas, or waters of the State.” Under 20 V.S.A. § 1842, the Commissioner of Public Safety has jurisdiction over all search and rescue operations, but is required to cooperate with and coordinate public and nonpublic entities when necessary to search for and rescue a person missing in the backcountry, remote areas, or waters of the State.

Under 20 V.S.A. § 1843, search and rescue operations are to be conducted using the incident command system in order to integrate the entities responding to a search and rescue call for help. That section also requires the Department of Public Safety’s Search and Rescue Team to maintain equipment standards and high-level search and rescue training and training on the incident command system as required by the new Search and Rescue Council, which is also established by this act.

Moreover, a Search and Rescue Coordinator is established under 20 V.S.A. § 1844. The “SAR” Coordinator will be responsible for the general support of search and rescue operations conducted in the State. Under Sec. 3 of the act, the Department of Public Safety is required to use its existing financial resources and existing positions to establish the SAR Coordinator position by July 1, 2013.

The manner in which a report of a person missing in the backcountry, remote areas, or waters of the State is handled is set forth in 20 V.S.A. § 1845. Pursuant to that section, a law enforcement agency taking such a report is required to respond immediately and take immediate action to locate the person reported missing and to notify immediately the Department of Public Safety to advise of the situation. Any other public safety agency or a nonpublic entity that specializes in protecting the safety of the public and which is included in the new search and rescue database established by this act which takes such a report is required to notify immediately the Department to advise of the situation and may respond and take immediate action to locate the person reported missing. Sec. 4 of the act requires the SAR Coordinator to publish a protocol describing the procedure that is required of these entities.

Once the Department is provided with a report from any of those entities, it must ensure notification is made to its Search and Rescue Team and to any police or fire departments of the town in which the person is missing, as well as to any emergency medical service providers in that town which are in the search and rescue database. The Search and Rescue Team is responsible for determining the appropriate level of response that is needed, and the Department is responsible for ensuring that an

immediate response to the report is made, including immediate action to locate the person reported missing.

20 V.S.A. § 1846 establishes the database that will contain search and rescue resources the Search and Rescue Team will call on when it determines additional resources are necessary to rescue a person, and the Search and Rescue Council is established in 20 V.S.A. § 1847. Finally, Sec. 2 of the act amends the Vermont Criminal Justice Training Council chapter in Title 20 to require search and rescue training as part of a law enforcement officer trainee’s basic training.

Multiple effective dates, beginning May 13, 2013

Act No. 30 (H.50). Public safety; welfare of animals; sale of dogs and cats

An act relating to the sale, transfer, or importation of pets

This act revises the existing permit requirement for owners and keepers of domestic pets or wolf-hybrids. Under the act’s new requirement, persons who sell or exchange cats, dogs, or wolf-hybrids must obtain a pet dealer permit from the municipal clerk. The act requires the clerk, upon the issuance of the permit, to provide the permittee with standards for animal welfare and sales tax information. The act substantially revises the existing provision regarding inspections of premises in order to facilitate enforcement of the permitting requirement. The act does so by making inspections of the pet dealer’s premises a condition of a pet dealer permit, defines when inspections may occur, who may conduct such inspections, and how the inspections shall be conducted and recorded.

The act also revises definitions of and modifies requirements for other entities that maintain or keep domesticated pets and that are regulated by the Agency of Agriculture, Food and Markets. Lastly, the act relocates the provisions relating to restitution for the sale of cats and dogs with certain defects (the Lemon Law) and makes these provisions applicable to the sale of cats, dogs, and wolf-hybrids.

Effective Date: July 1, 2013

Act No. 49 (S.132). Public safety; retirement; criminal and civil process

An act relating to sheriffs, deputy sheriffs, and the service of process

This act makes miscellaneous amendments to laws affecting sheriffs, deputy sheriffs, and the service of process.

Regarding sheriffs, the act in Sec. 1 puts sheriffs on par with State’s attorneys in obtaining early retirement. Sec. 6 of the act revises the Department of State’s Attorneys to be the Department of State’s Attorneys and Sheriffs and also provides for the appointment of the Executive Director of that Department and the process for a sheriff aggrieved by a decision of the Executive Director.

Regarding deputy sheriffs, Sec. 4 of the act provides that appointed deputies need not be legal residents of the State. Moreover, that section eliminates the position of

special deputy sheriffs. Sec. 5 repeals a statute that required the Attorney General to approve uniforms worn by deputies and which also prohibited a deputy from wearing a deputy sheriff uniform when he or she was not actually engaged in the duties of a deputy sheriff.

Finally, regarding the service of process, Secs. 2 and 3 provide that law enforcement officers shall not be subject to civil or criminal liability for unlawful trespass when properly serving civil or criminal process. Related to this, Sec. 7 of the act provides that municipal police officers have the same powers, immunities, and matters of defense as sheriffs in serving both criminal and civil process.

Effective Date: July 1, 2013

Also see: Health; Act No. 75 (H.522); An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse

Public Service

Act No. 38 (S.30). Public service; conservation and development

An act relating to siting of electric generation plants

This act provides that, during adjournment between the 2013 and 2014 sessions, the House and Senate Committees on Natural Resources and Energy (the Committees) jointly shall review the report and recommendations of the Governor's Energy Generation Siting Policy Commission created by Executive Order No. 10-12 dated October 2, 2012. The Committees jointly may consider any issue related to electric generation plants and may recommend legislation to the General Assembly concerning electric generation plants. During adjournment, the Committees may meet for the purposes of the act no more than six times.

Effective Date: May 20, 2013

Act No. 88 (H.405). Public service; conservation and land development

An act relating to manure management and anaerobic digesters

This act clarifies the scope of jurisdiction under 30 V.S.A. § 248 (Section 248) for plants using methane derived from an agricultural operation. Section 248 would apply only to the equipment used to generate electricity from biogas, the equipment used to refine biogas into natural gas, the structures housing such equipment used to generate electricity or refine biogas, and the interconnection to electric and natural gas distribution and transmission systems. Section 248 would not apply to the methane digester, the digester influents and non-gas effluents, the buildings and equipment used to handle such influents and non-gas effluents, or the on-farm use of heat and exhaust produced by the generation of electricity.

Effective Date: July 1, 2013

Act No. 89 (H.520). Public service; conservation and land development; human services; housing; municipal government; transportation**An act relating to reducing energy costs and greenhouse emissions**

This act concerns the efficient use of energy to reduce energy costs and greenhouse gas emissions. It primarily focuses on thermal energy efficiency, such as space or water heating, but also includes provisions that relate to air pollution and to renewable energy.

Thermal efficiency delivery under Public Service Board oversight. The act makes revisions to the system of delivering thermal energy efficiency through entities appointed by the Public Service Board, including provisions that direct the Board to have these entities establish a statewide clearinghouse that can serve as a single portal for customer access, and to ensure the monitoring of progress toward statutory building efficiency goals.

Building energy standards. The act clarifies the applicability of Vermont’s residential and commercial building energy standards to mixed-use buildings and includes various amendments to promote compliance with those standards, such as using existing State and local permit processes to encourage compliance. The act also amends the residential buildings energy standards (RBES) statute to authorize the Department of Public Service to adopt a “stretch” code for residential buildings to achieve greater energy savings than the RBES. Once a stretch code is adopted, residential buildings will gain a presumption of compliance with the energy conservation criterion of 10 V.S.A. chapter 151 (Act 250) if they demonstrate compliance with the stretch code. Municipalities would have the option to adopt the stretch code as part of their land use bylaws.

Voluntary building energy disclosure. The act directs the Department of Public Service to convene a working group to develop a consistent format for energy rating tools that a building owner may use to disclose the building’s energy performance to a prospective purchaser or that a purchaser may use to compare the energy performance of multiple buildings. Reports on this effort are due as follows: in 2013, on development of a residential energy rating tool; in 2014, on development of a commercial energy rating tool; and in 2016, on efforts made to disseminate the tools for public use and an assessment of their use by the public.

Home heating and weatherization assistance. The act amends the statutes concerning the Home Heating Fuel Assistance and Home Weatherization Assistance Programs to direct the Weatherization Assistance Program to give priority to Home Heating Fuel Assistance recipients who use the most Btus to heat a square foot of space. The act also directs the Weatherization Assistance Program, after giving priority to those recipients of Home Heating Fuel Assistance, to give the greatest weight in prioritizing weatherization funds to those buildings and units that require the most Btus to heat a square foot of space. The act further increases the allowed amount

of weatherization assistance per unit and raises weatherization assistance eligibility from 60 to 80 percent of median income.

Air pollution. The act amends existing law to make clear that the Agency of Natural Resources (ANR) is enabled to implement a revised carbon emissions cap recently agreed upon by the states that are party to the Regional Greenhouse Gas Initiative. It repeals a statute that prohibited ANR from adopting rules that require the delivery or sales of electric vehicles that derive all of their power from batteries. It also requires ANR to make a written determination on whether Vermont should adopt emission standards for pellet stoves eligible for State rebates and incentives that are more stringent than the standards under the federal Clean Air Act.

Renewable energy. The act clarifies the definition of “plant capacity” in the renewable energy chapter of Title 30 as it pertains to solar plants. It also amends the statutes pertaining to the Clean Energy Development Fund to make supporting the small-scale renewable energy incentive program discretionary rather than mandatory.

Multiple effective dates, beginning June 17, 2013

Also see: Conservation and land development; Act No. 24 (H.131); An act relating to harvesting guidelines and procurement standards

Retirement

Act No. 2 (H.41). Retirement; labor

An act relating to civil forfeiture of retirement payments to public officials convicted of certain crimes

This act establishes a procedure by which the pension benefits of public employees may be forfeited. The act creates a subchapter 7 to 32 V.S.A. chapter 7, entitled “Forfeiture of public employee retirement benefits.” Section 621 sets forth the Legislature’s statement of purpose, and section 622 defines key terms, including the limited number of crimes that forfeiture may be based upon. Section 623 delineates the procedures to be followed, the factors a court may consider in determining whether to order forfeiture, and if so, how much of the pension should be taken. This section also includes protections for innocent spouses and beneficiaries. Section 624 concerns venue and appeals. The following section (625) states that any member whose benefits are forfeited is entitled to the return of his or her contributions, any unpaid restitution relating to the underlying crime may be deducted before contributions are returned, and that forfeiture cannot limit payments pursuant to a qualified domestic relations order. Section 626 clarifies that this act does not apply to retirement benefits accrued prior to the effective date and that subsequent collective bargaining agreements cannot limit the application of this law.

Effective Date: July 1, 2013

Act No. 22 (H.518). Retirement

An act relating to miscellaneous amendments to Vermont retirement laws

This act makes miscellaneous amendments to Vermont retirement laws. Aside from amendments made for technical, stylistic, or clarifying purposes, the act includes the following substantive changes:

- in Secs. 1, 10, and 13, specifying that “creditable service” includes service transferred from another retirement system provided under 3 V.S.A. § 495
- in Sec. 5, eliminating language that provided that retired members only have a one-time option to elect dental benefit plan coverage
- in Sec. 7, providing that membership in the Vermont State Retirement System is compulsory on the date of hire
- in Sec. 15, allowing certain members of the Vermont Municipal Employees’ Retirement System to transfer from the defined contribution plan to the defined benefit plan
- in Sec. 16, providing for new contribution rates for members of the Vermont Municipal Employees’ Retirement System for the period of time between July 1, 2013 and June 30, 2014

Multiple effective dates, beginning May 8, 2013

Also see: Public safety; Act No. 49 (S.132); An act relating to sheriffs, deputy sheriffs, and the service of process

Taxation and Fees

Act No. 52 (H.265). Taxation and fees

An act relating to the education property tax rates and base education amount for fiscal year 2014

Sec. 1 of this act sets the base homestead education property tax rate at \$0.94 and the base nonresidential education property tax rate at \$1.44 for fiscal year 2014.

Sec. 2 of this act sets the base education amount for fiscal year 2014 at \$9,151.00.

Sec. 3 of this act expresses the intent of the General Assembly to continue its examination of issues related to education funding.

Sec. 4 of this act contains the effective date.

Effective Date: May 29, 2013

Act No. 73 (H.295). Taxation and fees**An act relating to technical tax changes**Administrative provisions

- Sec. 1 Changes the effective date on \$150,000.00 allocation to the Emergency Medical Services Fund. Last year, the miscellaneous tax bill allocated the money “on passage” but the allocation should have been made for fiscal year 2013, which requires an effective date of July 1, 2012.
- 2 Waives the notary signature requirement for powers of attorney for people representing taxpayers before the Department of Taxes.
- 3 Correctly identifies the source of the funds for the Fire Safety Fund as the Emergency Medical Services Fund, not the General Fund.
- 4–5 Requires that any new tax expenditures be accompanied by a statutory statement of purpose and requires the Joint Fiscal Committee to provide a statement of purpose for existing tax expenditures.
- 6–6a Requires the Commissioner of Taxes to enter into a memorandum of understanding with the Joint Fiscal Office to share State tax returns and return information. The memorandum of understanding shall be in place on or before August 1, 2013.
- 7 Allows the Commissioner to file tax liens electronically with the towns.
- 8 Requires the Department of Taxes to develop strategies to close the gap between taxes that are owed and collected.

Cigarette and Tobacco Product provisions

- 9 Removes a dated prohibition on the issuing of tobacco tax stamps lasting from June 15 to June 30 of each year. The prohibition used to be needed for inventorying stamps, but the Department no longer needs that much time.
- 10 Allows a taxpayer to agree voluntarily to extend the time for issuing a tax assessment on cigarettes or tobacco products.
- 11 Modifies the process of appeals from cigarette and tobacco product assessments. Brings the appeals more in line with appeals for other taxes. Eliminates the preference for tobacco appeals in Superior Court, and eliminates interest and cost provisions.

Use Value Program provisions

- 12 Changes definition of “owner” in current use program to include holders of a perpetual lease with a term of over 999 years.
- 13 Modifies the process of appeals from current use decisions made by the Director of Property Valuation and Review. Brings the appeals more in line with appeals for other taxes.

- 14 Repeals wastewater amendments from 2011 and 2012.
Estate Tax provisions
- 15 Annual update of the link of Vermont statutes to changes in the Internal Revenue Code related to estate taxes.
- 16 Clarifies that interest paid on estate tax refunds starting 45 days after the latest of (1) when the return is paid, (2) when the return is filed, or (3) when the taxpayer asks for a refund.
Income Tax provisions
- 17 Makes clear that when calculating net operating losses at the State level, a taxpayer must add back only its federal deduction.
- 18 Places Vermont’s current treatment of qualified dividends in statutory law rather than session law.
- 19 Provides that the income tax chapter will apply to same-sex marriage as if federal law recognized same-sex marriage in the same way as Vermont law.
- 20 Annual update of link of Vermont statutes to federal income tax statutes.
- 21 Reference to “applicable percentage” changed to “24 percent.”
- 22 Corrects the calculation of the level at which estimated tax payments are not penalized, by increasing the hold harmless percentage from 80 to 90. Conforms to an earlier change made to section 5851.
- 23 Makes references to “deficiency, refund or assessment” consistent within this section.
- 24–25 Extends wood products manufacturer’s tax credit until December 31, 2013.
Property Tax provisions
- 26 Clarifies that exemption for conserved land is effective on the April 1 following the date all information is received by the Director of Property Valuation and Review.
- 27 Provides that the veteran’s property tax exemption will apply to spouses in same-sex marriages in the same manner as other marriages.
- 28 Exemption for land granting public access. Exempts certain municipally owned land from property taxes if it provides access to public waters.
- 29–30 Requires owners of certain exempt properties to report the insurance values to town listers and allows listers to use the insurance replacement value as the value that should be entered in the grand list.
- 31 Deletes an obsolete reference to a poll tax.
- 32–34 These three sections change the title of State Appraiser to Hearing Officer.

- 35–37 Repeals statutes concerning the reporting of delinquent taxes to the Director which are no longer necessary under law.
- 38 Removes references to a repealed tax on steamboats, cars, and transportation companies.
- 39 Provides that the unified towns and gores of Essex County are to be treated as a uniform assessment district for purposes of calculating the common level of appraisal.
- 40 Clarifies renters must rent for entire year to qualify for renter rebate credit.
- 41 Makes clear that underlying property that is exempt does not become taxable with the addition of a renewable energy solar plant.
- 42 Creates a study committee to examine issues related to the definition, valuation, listing, and tax treatment of properties within the public, pious, and charitable exemption.
- 43 Extends the 50 percent exemption from property taxes for certain skating rinks for fiscal years 2013 and 2014.

Property Transfer Tax provisions

- 44 Eliminates certification requirement of other agencies on property transfer tax returns.

Sales Tax provisions

- 45 Exempts durable medical equipment used in diagnosis as well as treatment of illnesses.
- 46 Clarifies that property must be used out of state to qualify for a use tax exemption.
- 47 Clarifies the calculation of interest for sales tax refunds.

Health Care provisions

- 48–54 Repeals the health care claims assessment and health information technology fee and replaces those with a health care claims tax administered by the Department of Taxes. Reduces the rate by 0.19 percent on July 1, 2017 and removes references to health information technology fee.
- 55 Limits the provider tax for home health agencies to six percent of net patient revenue for any individual home health agency.

Fuel Tax provisions

- 56 Removes the \$10,000.00 floor for sellers who owe the fuel gross receipts tax.

Spirituos Liquor provisions

- 57 Raises brackets for tax on spirituous liquor. Moves to current year revenue for the base.

Department of Financial Regulation provisions

- 58–59 Allows the Commissioner of Financial Regulation to waive certain signature requirements to facilitate participation in national programs.

Effective Dates

- 60 Effective dates

Multiple effective dates, beginning January 1, 2012

Act No. 80 (S.37). Taxation and fees; economic development; municipal government

An act relating to tax increment financing districts

This act makes numerous changes to tax increment financing law. The act:

Resolution of 2011 and 2012 Audit Report Issues

- Resolves amounts identified by the State Auditor as underpayments to the Education Fund in the 2011 and 2012 Audit Reports of the active tax increment financing districts

Definitions

- Revises several definitions, including “improvements,” “related costs,” “original taxable value,” and “financing” in order to clarify for what expenses tax increment revenues may be used to pay and what type of debt a municipality may incur. In addition, the creation date of a district is set as the April 1 of the calendar year that the district was approved by the municipality

Tax Increment Financing District Approval

- Suspends the Vermont Economic Progress Council’s (VEPC) authority to approve any additional tax increment financing districts beyond those districts named in the act. However, VEPC is permitted to approve the City of South Burlington’s application for a tax increment financing district if the application is approved by December 31, 2013
- Revises the criteria for VEPC to approve a tax increment financing district in 32 V.S.A. § 5404a(h) by deleting the language providing that a designated growth center is deemed to meet the “but-for” test requirement

Incurring Debt

- Provides that a tax increment financing district will terminate if no debt is incurred within five years after the creation of the district. However, if any

debt is incurred within the first five years, then the district has a total of ten years from the creation of the district to incur additional debt

- If no debt is incurred within the first five years, a municipality may submit an updated executive summary to the tax increment financing district plan and an updated tax increment financing plan to VEPC to obtain approval for an extension of up to five years if the updated plan is submitted prior to termination of the district. Submission of a plan places a stay on the termination of the district until VEPC makes a determination on whether to grant the extension
- Grants a five-year extension to the Burlington Waterfront TIF to incur debt beginning January 1, 2015

Oversight and Enforcement

- Delegates rulemaking authority to VEPC to adopt a single rule for all districts
 - Authorizes the Secretary of Commerce and Community Development (Secretary), following a recommendation by VEPC, to issue decisions relating to the administration of tax increment financing districts or instances of noncompliance. The Secretary is further authorized to request that the State Treasurer bill a municipality for any underpayment amount. A municipality is provided the opportunity to appeal any final decision issued by the Secretary

Audits

- Directs the State Auditor of Accounts to conduct performance audits of all tax increment financing districts. The timing of these audits is based on when the district was approved and how long the education tax increment has been retained. Any noncompliance issues raised by these audits are subject to the enforcement provisions of this act

Information and Reporting

- Requires a municipality to comply with more stringent reporting requirements. A municipality's annual audit must include information on a tax increment financing district
- Changes the date that VEPC and the Department of Taxes must submit information on tax increment financing districts to the General Assembly from January 30 to April 1 of each year

Multiple effective dates; beginning June 7, 2013

Also see: Agriculture; Act No. 83 (H.515); An act relating to miscellaneous agricultural subjects

Also see: Crimes and criminal procedures; Act No. 13 (H.511); An act relating to automated sales suppression devices, also known as “zappers”

Also see: Education; Act No. 60 (H.538); An act relating to making miscellaneous amendments to education funding laws

Also see: Executive Branch; Act No. 72 (H.240); An act relating to Executive Branch fees

Also see: Motor vehicles; Act No. 57 (S.150); An act relating to miscellaneous amendments to laws related to motor vehicles

Also see: Transportation; Act No. 12 (H.510); An act relating to the State’s transportation program and miscellaneous changes to the State’s transportation laws

Tobacco Products

Act No. 14 (H.71). Tobacco products; health

An act relating to tobacco products

This act makes multiple technical changes to the laws regarding tobacco products. It amends the statutes relating to licensing and sale of tobacco products to clarify that the provisions also apply to the sale of tobacco substitutes and tobacco paraphernalia. It amends the tax statutes related to the sale of tobacco to replace the term “distributor” with “licensed wholesale dealer.” It also clarifies the types of tobacco products subject to the tax statutes. Finally, the act requires certain nonparticipating tobacco manufacturers to post a bond.

Multiple effective dates, beginning May 3, 2013

Also see: Taxation and fees; Act No. 73 (H.295); An act relating to technical tax changes

Transportation

Act No. 12 (H.510). Transportation; taxation and fees; motor vehicles

An act relating to the State’s transportation program and miscellaneous changes to the State’s transportation laws

This act adopts the Governor’s proposed transportation program with various amendments to authorized spending by source, by program, and on specific projects or activities. This act also:

Rail

- cancels seven rail projects that were approved in prior transportation programs
- directs the Agency of Transportation (Agency) to work with Amtrak and other states to implement fares that maximize revenues for Vermont, with the goal of reducing Vermont’s subsidy to Amtrak

Bond Issuance

- authorizes the Treasurer to issue up to \$11.7 million in transportation infrastructure bonds and the expenditure of \$10.4 million in bond proceeds on projects in the fiscal year 2014 Program Development program

Transportation Alternatives

- amends provisions related to the Transportation Enhancement Program, which was eliminated in the federal MAP-21 reauthorization bill and replaced with the Transportation Alternatives Program

Transfer to Central Garage

- transfers \$1.12 million from the Transportation Fund to the Central Garage Fund

Changes to State Highway System

- creates an exception to the general requirement that any addition to or deletion from the State Highway System requires the approval of the General Assembly
- grants approval to the Agency to accept an addition to the State Highway System of a segment of town highway in Clarendon leading to the main entrance of the Rutland–Southern Vermont Regional Airport

Transportation Board’s Small Claims Jurisdiction

- enlarges the Transportation Board’s small claims jurisdiction by increasing the jurisdictional threshold from \$2,000.00 to \$5,000.00

Charging Rent for Lease or License of Right-of-Way

- extends a provision of law that requires the Agency ordinarily to charge a utility fair market value rent for leases or licenses of various types of transportation property to the situation of a utility that reaches an agreement with the Agency to lease or license the right-of-way of a limited access facility

Agency’s Condemnation Authority and Rulemaking Authority

- with regard to the Agency’s authority to take private property through expedited proceedings for emergency repairs to existing bridges or culverts, extends this authority to include emergency repairs to existing highways and state-owned railroads
- deletes a reference to the Secretary of Transportation’s authority to adopt rules regarding junkyard operation

Request for Public Meeting Regarding Planned Closure of a State Highway

- provides a definition of “planned closure of a state highway” and specifies that after the Agency gives affected municipalities notice of the planned closure of

a State highway, the Agency will be required to convene a regional public meeting only if one is requested

Gas and Diesel Tax and Assessment

- increases the tax on diesel by two cents per gallon (cpg) effective on July 1, 2013, and by an additional 1 cpg effective on July 1, 2014
- effective on May 1, 2013, imposes a new two percent motor fuel assessment on the tax-adjusted retail price of gasoline. The new assessment is subject to a 6.7 cpg floor and 9.0 cpg ceiling. Also on May 1, 2013, this act reduces the existing cpg tax by 0.8 cents, from 19.0 cpg to 18.2 cpg. Effective on July 1, 2014, this act increases the motor fuel assessment from a two percent to a four percent assessment on the tax-adjusted retail price of gasoline. The four percent assessment is subject to a 13.4 cpg floor and an 18.0 cpg ceiling. Also starting on July 1, 2014, this act reduces the cpg tax by another 6.1 cents, from 18.2 cpg to 12.1 cpg
- fixes the transfer of gasoline tax proceeds to the DUI Enforcement Special Fund at 0.38 cpg of the revenues raised by the motor fuel tax on gasoline

Transfer of Position

- transfers a position and the funds associated with it from the Department of Taxes to the Department of Motor Vehicles

Appropriations from the Transportation Fund to the Department of Public Safety

- reduces the amount of funds authorized to be appropriated from the Transportation Fund to the Department of Public Safety in fiscal year 2015 by \$2.5 million, from \$25.25 million to \$22.75 million, and in fiscal year 2016 by an additional \$2.5 million, from \$22.75 million to \$20.25 million

Studies Related to Alternative Fuel Vehicles

- requires the Commissioner of Public Service and the Commissioner of Taxes in consultation with others to study the most appropriate mechanisms to charge operators of plug-in hybrid and all-electric vehicles for their use of transportation infrastructure
- requires the Department of Motor Vehicles in consultation with others to study the most appropriate mechanisms to charge operators of propane and natural gas-powered vehicles for their use of transportation infrastructure

Study Committee on Aid to Municipalities for Town Highways Serving State Facilities

- establishes a study committee to review alternative mechanisms to assist municipalities in maintaining class 3 and class 4 town highways that serve as

the primary access roads to State parks and other State facilities used by the public

Biobus Pilot Program

- creates a biobus pilot program that authorizes up to three persons to obtain approval from the Commissioner of Motor Vehicles, subject to certain conditions, to operate lawfully in Vermont a Type II school bus equipped with an auxiliary fuel tank which enables the bus to run on biodiesel, waste vegetable oil, or straight vegetable oil

This act incorporates by reference the Governor’s proposed budget with various amendments, and does not itself include a summary of spending by program. Below is a table summarizing the fiscal year 2014 budget as enacted.

FY 2014 Transportation Program	
Administration-finance-planning	
Central Admin & Finance	12,170,830
Policy & Planning	10,758,838
Transportation Board	200,000
Department of Motor Vehicles	25,120,967
Subtotal	48,250,635
Facilities	
Rest Areas	1,445,753
AOT Buildings	2,873,000
Subtotal	4,318,753
Alternate modes	
Public Transit	28,570,228
Aviation	11,971,791
Pedestrian & Bike Facilities	8,912,855
Park & Ride	4,101,028
Multi-Modal Facilities	1,533,172
Rail infrastructure	27,279,837
Amtrak	7,650,000
Subtotal	90,018,911
State Highway Infrastructure	
Maintenance	88,696,670
Paving	108,246,363
Roadway	53,089,990
State bridges	54,633,655
Interstate bridges	61,521,660
Traffic operations	11,507,177
PD Admin & Tech Services	15,545,713
Subtotal	393,241,228

Town programs	
TH Aid	25,982,744
Town bridges	16,566,597
TH Class 2	7,248,750
TH Structures	6,333,500
TH Class 1 supplemental grants	128,750
Enhancements	4,709,023
TH State aid nonfederal disasters	1,150,000
TH State aid federal disasters	3,600,000
FEMA grant program	29,235,250
TH VT Local Roads	400,000
Municipal mitigation grants	1,551,000
Subtotal	96,905,614
Total All Programs	632,735,141
Central Garage - Internal Service Funds	20,319,956
Total Including Internal Service Funds	653,055,097

Multiple effective dates, beginning April 29, 2013

Also see: Public service; Act No. 89 (H.520); An act relating to reducing energy costs and greenhouse emissions

Part II – Bills Vetoed

Bill Summary

The Governor did not veto any bills in 2013.

Part III – Resolutions

Joint Resolutions

Use of the State House

Joint resolution authorizing the 2013 Green Mountain Boys' State educational program to use the State House. No. R-171 (J.R.H.9)

Sessions and Adjournment

Joint resolution relating to weekend adjournment. No. R-6 (J.R.S.6); No. R-7 (J.R.S.7); No. R-16 (J.R.S.8); No. R-34.(J.R.S.9); No. R-49 (J.R.S.13); No. R-53 (J.R.S.15); No. R-62 (J.R.S.16); No. R-82 (J.R.S.18); No. R-91 (J.R.S.20); No. R-95 (J.R.S.21); No. R-121 (J.R.S.23); No. R-135 (J.R.S.25); No. R-143 (J.R.S.26); No. R-156 (J.R.S.28); No. R-169 (J.R.S.29)

Joint resolution relating to joint rules. No. R-1 (J.R.S.1)

Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers. No. R-2 (J.R.S.2)

Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor. No. R-3 (J.R.S.3)

Joint resolution relating to Town Meeting adjournment. No. R-4 (J.R.S.4)

Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor. No. R-5 (J.R.S.5)

Joint resolution 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-36 (J.R.S.10)

Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2013. No. R-37 (J.R.S.11)

Joint resolution providing for a Joint Assembly to vote on the retention of seven Superior Judges and one Magistrate. No. R-83 (J.R.S.17)

Joint resolution providing for a Joint Assembly to vote on the retention of seven Superior Judges and one Magistrate. No. R-94. (J.R.S.22)

Joint resolution relating to final adjournment of the General Assembly in 2013. No. R-228 (J.R.S.32)

Policy

Joint resolution supporting the return of the Battle of Winchester Memorial to its original battlefield location. No. R-38 (J.R.S.12)

Joint resolution relating to the history and legacy of the Vermont State Hospital and the preservation of its cemetery. No. R-109 (J.R.H.1)

Joint resolution supporting the Coalition for Captive Insurance Clarity. No. R-110 (J.R.H.3)

Joint resolution approving a land exchange or sale in the town of Plymouth and a land transfer in the town of Grand Isle. No. R-229 (J.R.H.11)

Joint resolution expressing concern regarding the public policy implications of the proposed Trans-Pacific Partnership Agreement. No. R-230 (J.R.H.12)

Joint resolution supporting the Agency of Agriculture, Food and Markets' proposal to adopt an administrative rule to implement international maple grading standards in Vermont. No. R-231 (J.R.S.14)

Concurrent Resolutions

Concurrent resolutions, which include memorials, commemorations, sentiments, designations, and recognitions, are not included in this report but are posted on the legislative website (<http://www.leg.state.vt.us/docs/acts.cfm?Session=2014>) or may be obtained from the Office of Legislative Council (802-828-2231).

Senate Resolutions

Senate resolution relating to the rules of the Senate. S.R.1

Senate resolution relating to appointment of a committee to inform the Governor of the organization of the Senate. S.R.2

Senate resolution relating to informing the House of the organization of the Senate. S.R.3

Senate resolution supporting a woman's right to decide her own reproductive choices and commemorating the 40th anniversary of the U.S. Supreme Court decision in *Roe v. Wade*. S.R.4

Senate resolution relating to increasing the membership of the Senate Rules Committee from five members to six, for the 2013 biennium. S.R.5

Senate resolution relating to amending the permanent rules of the Senate. S.R.6

Senate resolution relating to a committee to study the use of state funds by organizations that lobby the General Assembly or Administration. S.R.7

House Resolutions

House Resolution relating to House Rules. H.R.1

House resolution relating to the organization of the House and informing the Senate thereof. H.R.2

House resolution relating to the organization of the House informing the Governor thereof. H.R.3

House resolution supporting a woman's right to decide her own reproductive choices and commemorating the 40th anniversary of the U.S. Supreme Court decision in *Roe v. Wade*. H.R.4

House resolution to amend Rule 25 of the Rules of the House of Representatives pertaining to the jurisdiction of the Committee on Government Operations. H.R.5

House resolution to amend Rule 25 of the Rules of the House of Representatives pertaining to the jurisdiction of the Committee on Agriculture. H.R.8

House resolution urgently requesting Congress and the President to work immediately to devise a more balanced alternative to the implementation of federal sequestration. H.R.9

House resolution reaffirming the friendship between the Republic of China (Taiwan) and the State of Vermont; supporting the strengthening of the bilateral economic relationships between Taiwan and the United States and between Taiwan and the State of Vermont; and supporting the Republic of China's participation in international organizations. H.R.10

House resolution requesting Congress to restore fiscal year 2013 Head Start funding and to not reduce funding further in fiscal year 2014. H.R.12

Part IV – Addendum

Summary of Biennial Session Activities 2013

January 9, 2013 through May 14, 2013

House -70 actual days - 126 calendar days

Senate- 71 actual days -126 calendar days

	2013	2013 Total
HOUSE BILLS INTRODUCED	544	
SENATE BILLS INTRODUCED	<u>169</u>	
		713
HOUSE RESOLUTIONS INTRODUCED	197	
SENATE RESOLUTIONS INTRODUCED	<u>066</u>	
		263
HOUSE RESOLUTIONS ADOPTED	186	
SENATE RESOLUTIONS ADOPTED	<u>061</u>	
		247
HOUSE BILLS PASSED (Signed by Governor)	063	
SENATE BILLS PASSED (Signed by Governor)	<u>035</u>	
		098
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>000</u>	
		000
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>001</u>	
		001
2013 – Drafting Requests – 1,332		

